



# Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study



## Appendix 8 – Public Involvement and Coordination

**February 2023**

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# Section 1

## Introduction

### 1.1 INTRODUCTION

This appendix details stakeholders and the public's involvement with the project in addition to the interagency team. The public, key stakeholders, and the non-federal sponsor have been actively involved in the planning process for the Hatchie/Loosahatchie Ecosystem Restoration Study. The public coordination and involvement strategy has been an iterative process, guided by the requirements of the National Environmental Policy Act (NEPA), as well as the US Army Corp of Engineers (USACE) Risk Informed Planning process and Environmental Operating Principles (EOPs).

Upon signing of the Feasibility Cost Sharing Agreement (FCSA), a project e-mail ([LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)) and project website: (<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>) were created and continue to be used to provide study related information. Shortly thereafter, large interagency planning charrettes were conducted on 1, 21, and 22 September 2021 with over 131 stakeholders invited, encompassing state water quality and wildlife agencies from six states bordering the LMR, Federal environmental agencies, various conservation focused NGOs, city representatives, dozens of Tribal and SHPO representatives, USACE-ERDC, the NFS, and the PDT. There was an average of 65 attendees participating at these planning charrettes per day. The interagency team identified goals, objectives, problems and opportunities, and began compiling pertinent data for use in plan formulation. As part of the charrette process, an online GIS portal was created and used to compile and share various data (e.g., historic maps, elevation data, hydrologic data, soils, and other habitat related data layers). At the conclusion of the planning charrettes, sub-teams were developed with experts from the various stakeholders to further plan formulation in their areas of expertise (i.e., vegetated wetlands, large river aquatics, fisheries biologists and floodplain waterbodies, recreation, etc.). The conceptual information identified at the planning charrettes was presented to the public at a virtual scoping meeting on 18 October 2021. As the sub-teams began moving from conceptual ideas to site-specific measures, it became evident that the large study area needed to be divided into smaller reaches. The team broke the study area up into 11 geographical complexes based on hydrology, geomorphology, and the evolution of the floodplain habitats using historical river maps and various data available on the GIS portal. Sub-teams began developing site-specific measures within each of the 11 geographic complexes. Meetings with NRCS representatives from Arkansas and Tennessee were conducted to determine compatibility of the study goals with existing NRCS easements located within the study area. Additionally, a scoping meeting was conducted on 8 August 2022 with Ducks Unlimited and the Big River Park Conservancy specific to some lands they manage in the study area to look for opportunities and receive feedback. Site-specific measures across all geographic complexes were presented to the public at three in-person

scoping meetings at Fort Pillow State Park, Tennessee on 19 September 2022, Meeman Shelby Forest State Park, Tennessee on 26 September 2022, and at Marion, Arkansas City Hall on 3 October 2022. Internet connectivity was not sufficient to stream the meetings virtually, but the meetings were filmed and placed on the project website for additional public access.

*Table A8- 1. Coordination Table*

<b>Event</b>	<b>Date(s)</b>	<b>Results</b>
Interagency planning charrettes	1 Sept. 2021, 21-22 Sept. 2021	Described purpose and need, planning process overview, schedule, coordination requirements, GIS portal for data sharing, resource significance, conceptual ecological model, identified problems and opportunities, constraints, coordination requirements, schedule, identified need for sub-teams, planned virtual public scoping meeting
Endangered Species Act (ESA) Consultation	15 Sept. 2021, 17 Nov. 2022	Received ESA species lists (updated list received due to expiration after 1-year), pursuant to Section 7 of the Endangered Species Act.
Virtual Scoping Meeting	19 October 2021	Virtual public scoping meeting held to present overview of study, problems and opportunities, goals and objectives, constraints, initial measures, and receive scoping comments from the public
Meetings of Interagency sub-teams for each of 4 objectives	27 October 2021, 17-18 Nov. 2021, 1-2 December 2021, 8-9 December 2021	Sub-team meetings held for each of the 4 objectives where experts in their respective fields identified and compiled data, added data to the GIS Portal, and refined measures accordingly
In-Progress Review (IPR) Meetings	28 October 2021, 28 April 2022, 7 Sept. 2022, 3 Nov. 2022, 30 Nov. 2022	PDT held various IPRs with vertical team on study progress
NRCS meetings	15 Dec. 2021, 5 January 2022	Met with NRCS to discuss proposed measures and compatibility with NRCS activities in the study area
Cultural Resources Consultation Letter	25 January 2022	Letters to tribes and State Historic Preservation Offices soliciting information, initiating cultural resources consultation, and initiating the process to develop a programmatic agreement framework
Mississippi River Commission Site Visit and Briefing	16 February 2022	NFS and PDT briefed the MRC on the study and conducted site visit to secondary channels in the study area near Meeman-Shelby Forest State Park

<b>Event</b>	<b>Date(s)</b>	<b>Results</b>
Meeting with Choctaw Nation on rivercane	8 June 2022	USACE met with the Choctaw Nation to inquire about Traditional Ecological Knowledge of rivercane in the study area
Ducks Unlimited and Big River Park Scoping Meeting	8 August 2022	NFS and USACE met with Ducks Unlimited and Big River Park Conservancy to show proposed measures in the Big River Park Geographic Complex and receive feedback
Plan Formulation meeting	10 August 2022	Meeting held at Ducks Unlimited HQ with NFS and interagency personnel to discuss plan formulation strategies of screening measures and combining measures into Alternatives
Public Scoping Meetings	19 Sept. 2022, 26 Sept. 2022, 3 Oct. 2022	In-person public scoping meetings conducted to present site-specific proposed measures, study progress, and receive comments. Meetings conducted at Fort Pillow State Park, Henning, TN; Meeman-Shelby Forest State Park, Millington, TN; and Marion City Hall, AR. Meetings were filmed and placed on project website
Notice of Intent to Develop Programmatic Agreement	4 Nov. 2022	USACE issued a Notice of Intent to initiate the process of developing a Programmatic Agreement (PA) pursuant to Section 106 of the National Historic Preservation Act (NHPA)
Notice of Intent (NOI) to Develop Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS)	4 Nov. 2022	A NOI to draft an EIS for the study was published in the federal register, pursuant to the National Environmental Policy Act (NEPA)
NEPA scoping public comment period closed	5 Dec. 2022	Written public scoping comment period ended
Cultural Resources Consultation Meeting Invitation	13 December 2022	Letter sent out to consulting parties inviting participation in the kickoff meeting to develop the cultural resources Programmatic Agreement
Withdrawal NOI for the DIFR-EIS in favor of an environmental assessment	25 January 2023	A NOI to withdraw the NOI for the DIFR-EIS in favor of an environmental assessment (DIFR-EA) was published in the federal register, pursuant to the National Environmental Policy Act (NEPA). Based off of lack of adverse comments and reduction in the number of measures being considered, it was determined that an EA was the appropriate level of environmental documentation
Cultural Resources Programmatic Agreement Meeting	18 January 2023	The kickoff meeting to develop the PA for the study was held with the consulting parties, pursuant to the NHPA

Event	Date(s)	Results
Draft U.S. FWS Coordination Act Report (CAR)	12 January 2023	USFWS draft Fish and Wildlife Coordination Act report assesses impacts of the proposed project on fish and wildlife resources and was integrated into the draft report.

## Section 2

# Interagency Meetings

### 2.1 INTERAGENCY PLANNING CHARRETTES

Meetings with the interagency team occurred on September 1, 21, and 22 2021 to discuss purpose and need of the project, planning process, schedule, coordination requirements, constraints, identify problems and opportunities, etc.





Scoping Charrette: Wednesday, September 1, 2021 (9 am – 4 pm CDT)  
**Hatchie-Loosahatchie/ Mississippi River Ecosystem  
Restoration Study Agenda**

**Location:** Virtual

Webex:

Audio: “Call Me” from the webex meeting, Not preferred: If unable to use webex, call in:

Join by phone

+

## **Day 1**

**8:30 – 9:00 Meet and Greet**

**9:00 – 10:00 Session #1: Intro and Study Area (Jason Allmon and Angie Rodgers)**

- Study Authority and History
- Lower Mississippi River Resource Assessment
- Study Area

**Outcome** – Agree to extent of study boundaries (perhaps from Study Authority or LMRRA), including 39 river miles longitudinally and “active floodplain” (levee to levee within the batture) laterally. Common understanding of physical and socioeconomic setting.

**10:00 – 10:45 Session #2: Overview of Planning Process and Charette (Leigh Skaggs)**

**Outcome** – Common understanding of USACE planning process, including goals of charette. Participants understand why they were invited to charette, what is expected of them, and charette objectives.

**10:45 – 11:00 Break**

**11:00 – 12:30 Session #3: Scoping – The “Six Pieces of Paper” (Travis Creel/Sara Thames)**

- Problem & Opportunity Identification
- Describe Future Without Project Condition (narratively)
- Develop Planning Objectives and Constraints (including “Considerations”)
- Identify Decision Criteria



## Charrette #2: Tues & Wed, 21-22 Sept 2021 Hatchie-Loosahatchie/ Mississippi River Ecosystem Restoration Study Agenda

### In Person:

Clifford Davis-Odell Horton Federal Building, 167 N Main St, Memphis, TN 38103  
(with limited in person capacity due to Covid restrictions; use public entrance off Front St, across from the Mud Island parking lot)

### Virtual:

Webex:

### **Tuesday, 21 Sept 21:**

- 8:30 – 9:00 Meet and Greet
- 9:00 – 9:30 Recap of Planning Process and Charette  
Planning Process and Schedule  
Problems and Opportunities  
Objectives and Constraints  
Feedback
- 9:30 – 10:30 Introduction to Management Measures and GIS Portal  
Examples  
Specific Recommendations from the LMRCC/LMRA  
Overview of Management Measures  
GIS Demo and River Engineering Update
- 10:30 – 10:45 Break
- 10:45 – 11:45 Development of Management Measures for Objective 1
- 11:45 – 12:00 Subteams Discussion

### **Wednesday, 22 Sept 21:**

- 8:30 – 9:00 Meet and Greet
- 9:00 – 10:00 Development of Management Measures for Objective 2
- 10:00 – 10:15 Break
- 10:15 – 11:00 Development of Management Measures for Objective 3
- 11:00 – 12:00 Development of Management Measures for Objective 4
- 12:00 – 1:00 Lunch
- 1:00 – 1:30 Development of Management Measures of Objective 5
- 1:30 – 3:00 Next Steps  
Plan Formulation and Screening Strategies  
Introduction to Risk Register  
Alternative Milestone Tasks  
Upcoming Public Meeting (October)
- 3:00 – 3:30 Recap Subteams

- Unique Questions to this study/investigation
- Key Uncertainties

**Outcome - Draft Six Pieces of Paper**

#### 12:30 – 13:30 Lunch Break

#### 13:30 – 14:30 Session #4: Resource Significance and Conceptual Model (Mike Thron)

- Resource Significance/T&E/Key Habitats/Federal Lands in the Study Area
- Conceptual Model – Previous Report

**Outcome** – Identify why it is important to restore the degraded habitat types in the Lower Mississippi River and floodplain. Describe institutional (e.g., laws), public (e.g., public interest, advocacy groups), and technical (e.g., scarcity, connectivity, trends) sources of significance.

#### 14:30 – 14:45 Break

#### 14:45 – 15:45 Session #5: Demonstration of GIS Portal and Map Resources (Mike Thron)

- Present study area maps with key features, resources identified
- Demonstrate online GIS portal for information sharing among PDT members
- **Outcome** – Familiarize charette participants spatially with study area resources, ecosystem restoration opportunities, and constraints. Participants discuss potential sites where specific types of restoration could occur. Identification of tactical sub-teams that will collaborate post-charette on locating where specific categories of restoration (e.g., river cane, spawning habitat, gravel bars) could be implemented.

#### 15:45 – 16:00 Session #6: Wrap up and Next Steps (Leigh Skaggs, All)

- What worked/didn't work with virtual charette? How to improve?
- Group preference on future meetings – virtual or in person?
- Preview of next “installment” of charette
- Specific assignments

#### Key Documents:

- Presentations from each session
- Conceptual Model – Previous LMRRA Report

## 2.2 INTERAGENCY GEOGRAPHIC COMPLEXES MEETINGS

Plan formulation strategies showed a need to shift from objective focus to geographic focus. The study area was delineated into geographic complexes based off of hydrological and geomorphological attributes allowing the interagency team to move from conceptual ideas to site-specific locations of measures. Ten (10) meetings took place between February 2022 to June 2022 to discuss and refine site measures to complete these geographic complexes (Table A8- 2).

*TableA8- 2: Details of Interagency Geographic Complexes Meetings.*

Event	Date(s)	Results
Interagency Geographic Complexes Meeting (1)	10 February 2022	Initial meeting to determine site-specific locations.
Interagency Geographic Complexes Meeting (2)	1 March 2022	Interagency team met to refine and site measures within Island 35 – Dean Island Geographic Complex
Interagency Geographic Complexes Meeting (3)	8 April 2022	Hatchie Towhead-Randolph; Geographic Richardson -Cedar Point; and Meeman-Shelby Forest Geographic Complexes
Interagency Geographic Complexes Meeting (4)	14 April 2022	Interagency team met to refine and site measures within Densford; Richardson-Cedar Point; and Loosahatchie River-Wolf River Geographic Complexes
Interagency Geographic Complexes Meeting (5)	27 April 2022	Interagency team met to refine and site measures within Sunrise Island-Island 34 Geographic Complex
Interagency Geographic Complexes Meeting (6)	10 May 2022	Interagency team met to refine and site measures within Island 40-41 Geographic Complex
Interagency Geographic Complexes Meeting (7)	19 May 2022	Interagency team met to refine and site measures within Brandywine Geographic Complex
Interagency Geographic Complexes Meeting (8)	3 June 2022	Interagency team met to refine and site measures within Meeman Shelby Forest-Eagle Lake Geographic Complex
Interagency Geographic Complexes Meeting (9)	17 June 2022	Interagency team met to refine and site measures within Meeman Shelby Forest-Eagle Lake Geographic Complex
Interagency Geographic Complexes Meeting (10)	21 June 2022	Interagency team met to refine and site measures within Redman Point-Loosahatchie Bar; and Hopefield Point - Big River Park Geographic Complexes

## **Section 3**

# **Endangered Species Act Consultation List**

Threatened and endangered species list was requested from U.S. Fish and Wildlife Services pursuant to Section 7 of the Endangered Species Act.

### **3.1 ENDANGERED SPECIES ACT CONSULTATION LIST SEPTEMBER 15, 2021**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Arkansas Ecological Services Field Office  
110 South Amity Suite 300  
Conway, AR 72032-8975  
Phone: (501) 513-4470 Fax: (501) 513-4480  
<http://www.fws.gov/arkansas-es>

In Reply Refer To:

September 15, 2021

Consultation Code: 04ER1000-2021-SLI-1603

Event Code: 04ER1000-2021-E-04715

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

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 enclosed species list identifies endangered, threatened, proposed, and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). **This letter only provides an official species list and technical assistance; if you determine that listed species and/or designated critical habitat may be affected in any way by the proposed project, even if the effect is wholly beneficial, consultation with the Service will be necessary.**

**If you determine that this project will have no effect on listed species and their habitat in any way, then you have completed Section 7 consultation with the Service and may use this letter in your project file or application.**

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found on our website.

**Please visit our website at <http://www.fws.gov/arkansas-es/IPaC/home.html> for species-specific guidance to avoid and minimize adverse effects to federally endangered, threatened, proposed, and candidate species.** Our web site also contains additional information on species life history and habitat requirements that may be useful in project planning.

**If your project involves in-stream construction activities, oil and natural gas infrastructure, road construction, transmission lines, or communication towers, please review our project specific guidance at <http://www.fws.gov/arkansas-es/IPaC/ProjSpec.html>.**

The karst region of Arkansas is a unique region that covers the **northern third of Arkansas** and we have specific guidance to conserve sensitive cave-obligate and bat species. **Please visit <http://www.fws.gov/arkansas-es/IPaC/Karst.html> to determine if your project occurs in the karst region and to view karst specific-guidance.** Proper implementation and maintenance of best management practices specified in these guidance documents is necessary to avoid adverse effects to federally protected species and often avoids the more lengthy formal consultation process.

**If your species list includes any mussels, Northern Long-eared Bat, Indiana Bat, Yellowcheek Darter, Red-cockaded Woodpecker, or American Burying Beetle, your project may require a presence/absence and/or habitat survey prior to commencing project activities.** Please check the appropriate species-specific guidance on our website to determine if your project requires a survey. We strongly recommend that you contact the appropriate staff species lead biologist (see office directory or species page) prior to conducting presence/absence surveys to ensure the appropriate level of effort and methodology.

**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 critical habitat, you do not need to seek concurrence with the Service. Nevertheless, it is a violation of Federal law to harm or harass any federally-listed threatened or endangered fish or wildlife species without the appropriate permit.

Through the consultation process, we will analyze information contained in a biological assessment that you provide. If your proposed action is associated with Federal funding or permitting, consultation will occur with the Federal agency under section 7(a)(2) of the ESA. Otherwise, an incidental take permit pursuant to section 10(a)(1)(B) of the ESA (also known as a habitat conservation plan) is necessary to harm or harass federally listed threatened or endangered fish or wildlife species. In either case, there is no mechanism for authorizing incidental take "after-the-fact." For more information regarding formal consultation and HCPs, please see the Service's Consultation Handbook and Habitat Conservation Plans at [www.fws.gov/endangered/esa-library/index.html#consultations](http://www.fws.gov/endangered/esa-library/index.html#consultations).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, **the accuracy of this species list should be verified after 90 days.** This verification can be completed formally or informally as desired. The Service recommends that verification be

completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. **Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.**

Attachment(s):

- Official Species List

## 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:

### **Arkansas Ecological Services Field Office**

110 South Amity Suite 300  
Conway, AR 72032-8975  
(501) 513-4470

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

### **Tennessee Ecological Services Field Office**

446 Neal Street  
Cookeville, TN 38501-4027  
(931) 528-6481

## Project Summary

Consultation Code: 04ER1000-2021-SLI-1603

Event Code: Some(04ER1000-2021-E-04715)

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

Project Type: \*\* OTHER \*\*

Project Description: This US Army Corps of Engineers Ecosystem Restoration Study Area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River near approximate River Mile 775 and extending downstream to the mouth of the Wolf River Harbor near approximate River Mile 736. The study proposes to examine restoration of the structure and ecological function within this reach of the Mississippi River including side channels; floodplain habitat quality enhancement; vegetative mosaic including several scarce vegetative habitats - wetlands, canebrakes, riverfront forests and BLH forests.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.3605999,-90.09981843736017,14z>



Counties: Arkansas and Tennessee



## Endangered Species Act Species

There is a total of 9 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 Fisheries<sup>1</sup>, 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
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

## Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered

## Insects

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

## Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## Critical habitats

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



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Tennessee Ecological Services Field Office  
446 Neal Street  
Cookeville, TN 38501-4027  
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:

September 15, 2021

Consultation Code: 04ET1000-2021-SLI-1186

Event Code: 04ET1000-2021-E-02565

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

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 enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2))

(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at:

<http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>;

<http://www.towerkill.com>; and

[www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html).

[http://](http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html)

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

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:

### **Tennessee Ecological Services Field Office**

446 Neal Street  
Cookeville, TN 38501-4027  
(931) 528-6481

This project's location is within the jurisdiction of multiple offices. Expect additional species list documents from the following office, and expect that the species and critical habitats in each document reflect only those that fall in the office's jurisdiction:

### **Arkansas Ecological Services Field Office**

110 South Amity Suite 300  
Conway, AR 72032-8975  
(501) 513-4470



## Project Summary

Consultation Code: 04ET1000-2021-SLI-1186

Event Code: Some(04ET1000-2021-E-02565)

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

Project Type: \*\* OTHER \*\*

Project Description: This US Army Corps of Engineers Ecosystem Restoration Study Area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River near approximate River Mile 775 and extending downstream to the mouth of the Wolf River Harbor near approximate River Mile 736. The study proposes to examine restoration of the structure and ecological function within this reach of the Mississippi River including side channels; floodplain habitat quality enhancement; vegetative mosaic including several scarce vegetative habitats - wetlands, canebrakes, riverfront forests and BLH forests.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.3605999,-90.09981843736017,14z>



Counties: Arkansas and Tennessee

## Endangered Species Act Species

There is a total of 9 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 Fisheries<sup>1</sup>, 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
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

## Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered

## Insects

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

## Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## Critical habitats

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

## 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
LOWER HATCHIE NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/refuges/profiles/index.cfm?id=42527">https://www.fws.gov/refuges/profiles/index.cfm?id=42527</a>	10,097.971

## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

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
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9587">https://ecos.fws.gov/ecp/species/9587</a>	Breeds Apr 1 to Aug 31

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> 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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Sep 1 to Jul 31
<b>Cerulean Warbler <i>Dendroica cerulea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a>	Breeds Apr 25 to Jul 20
<b>Golden Eagle <i>Aquila chrysaetos</i></b> 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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere
<b>Kentucky Warbler <i>Oporornis formosus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Prairie Warbler <i>Dendroica discolor</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Prothonotary Warbler <i>Protonotaria citrea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Ruddy Turnstone <i>Arenaria interpres morinella</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Rusty Blackbird <i>Euphagus carolinus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Willet <i>Tringa semipalmata</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5

NAME	BREEDING SEASON
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

## 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 (|)

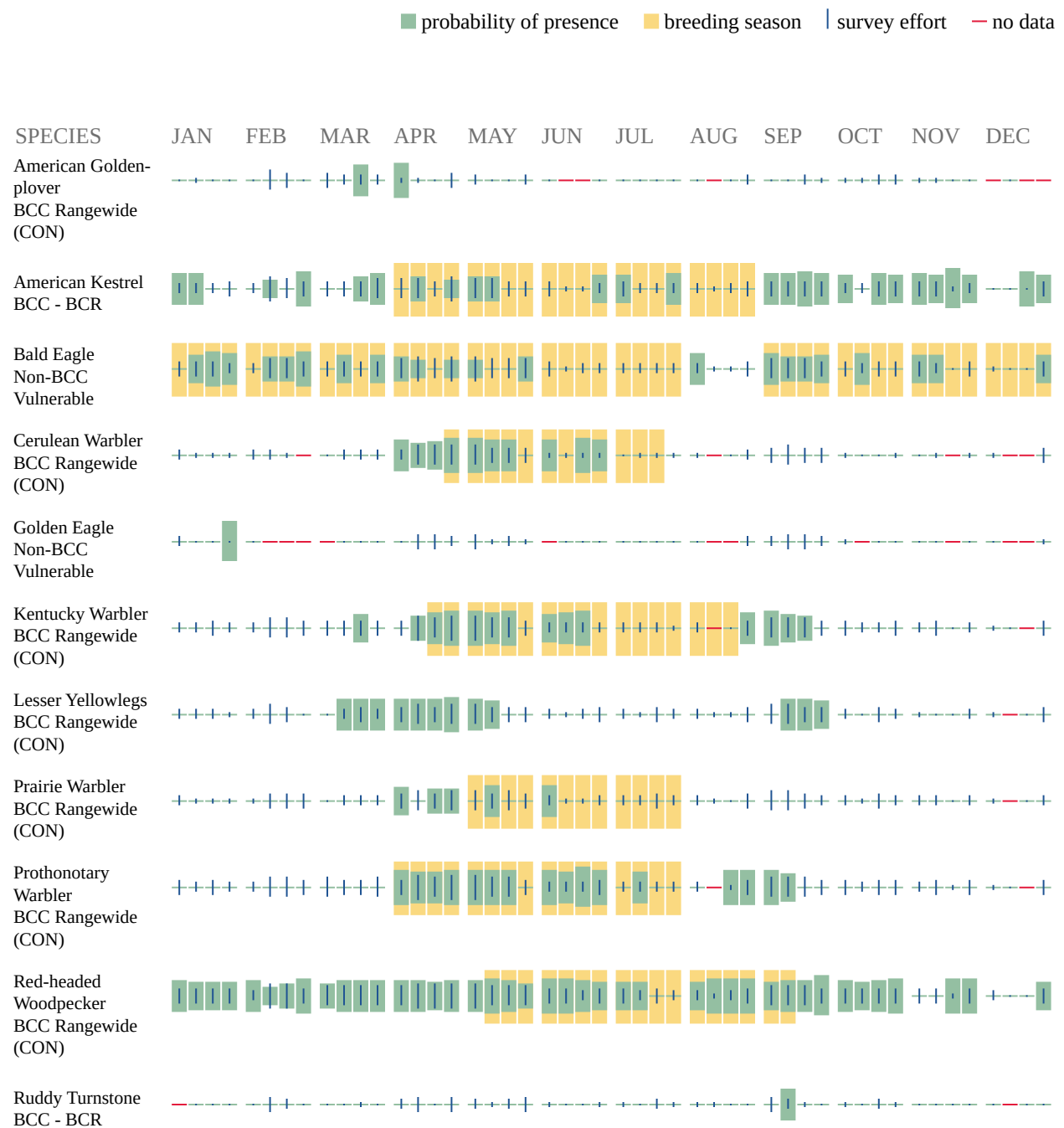
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

**No Data (—)**

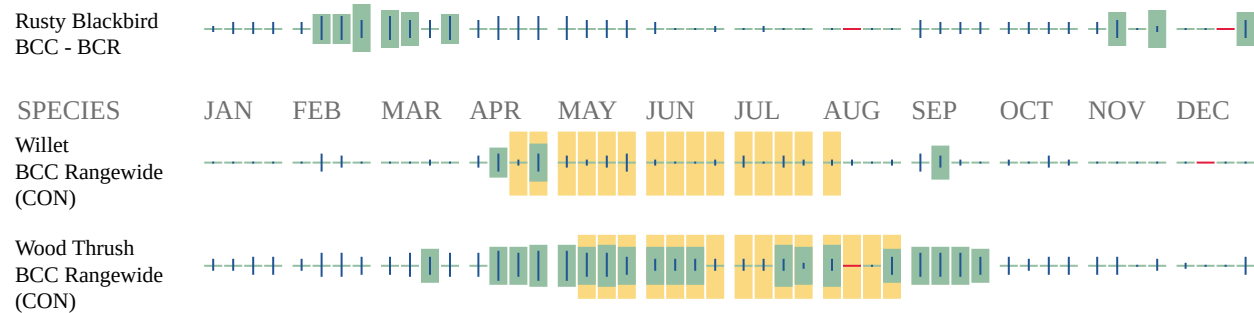
A week is marked as having no data if there were no survey events for that week.

**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.







Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.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 migratory birds potentially occurring 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 [AKN Phenology 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, migrating or present year-round in my project 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 refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). 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.

Due to your project's size, the list below may be incomplete, or the acreages reported may be inaccurate. For a full list, please contact the local U.S. Fish and Wildlife office or visit <https://www.fws.gov/wetlands/data/mapper.HTML>

### LAKE

- [L1UBH](#)
- [L1UBHh](#)
- [L1UBHx](#)
- [L2USC](#)

### FRESHWATER POND

- [PABF](#)
- [PABH](#)
- [PUBF](#)
- [PUBFh](#)
- [PUBG](#)

### FRESHWATER EMERGENT WETLAND

- [PEM1A](#)
- [PEM1Ad](#)
- [PEM1Ah](#)
- [PEM1C](#)
- [PEM1Cd](#)
- [PEM1Ch](#)
- [PEM1Cx](#)
- [PEM1F](#)
- [PEM1Fd](#)
- [PEM1Fh](#)
- [PEM1Fx](#)

## FRESHWATER FORESTED/SHRUB WETLAND

- [PFO1/2F](#)
- [PFO1A](#)
- [PFO1Ad](#)
- [PFO1Ax](#)
- [PFO1C](#)
- [PFO1Cx](#)
- [PFO1F](#)
- [PFO2F](#)
- [PFO6C](#)
- [PFO6F](#)
- [PSS1/EM1A](#)
- [PSS1A](#)
- [PSS1C](#)
- [PSS1F](#)
- [PSS1Fh](#)
- [PSS6C](#)
- [PSS6F](#)

**3.2 ENDANGERED SPECIES ACT CONSULTATION LIST NOVEMBER 17, 2022**



## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Tennessee Ecological Services Field Office  
446 Neal Street  
Cookeville, TN 38501-4027  
Phone: (931) 528-6481 Fax: (931) 528-7075



In Reply Refer To:

November 17, 2022

Project Code: 2023-0017077

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

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:

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New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

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A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

**Migratory Birds:** In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts see <https://www.fws.gov/birds/policies-and-regulations.php>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures see <https://www.fws.gov/birds/bird-enthusiasts/threats-to-birds.php>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/birds/policies-and-regulations/executive-orders/e0-13186.php>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

**Note:** IPaC has provided all available attachments because this project is in multiple field office jurisdictions.



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:

### **Tennessee Ecological Services Field Office**

446 Neal Street  
Cookeville, TN 38501-4027  
(931) 528-6481

This project's location is within the jurisdiction of multiple offices. However, only one species list document will be provided for all offices. The species and critical habitats in this document reflect the aggregation of those that fall in each of the affiliated office's jurisdiction. Other offices affiliated with the project:

### **Arkansas Ecological Services Field Office**

110 South Amity Suite 300  
Conway, AR 72032-8975  
(501) 513-4470

## Project Summary

Project Code: 2023-0017077

Project Name: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

Project Type: Restoration / Enhancement of Waterbody

Project Description: Ecosystem Restoration study for a 39-mile reach of the Mississippi River and floodplain from River Mile 775-736

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@35.3728475,-90.0964289349921,14z>



Counties: Arkansas and Tennessee

## Endangered Species Act Species

There is a total of 10 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 Fisheries<sup>1</sup>, 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
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened
Tricolored Bat <i>Perimyotis subflavus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10515">https://ecos.fws.gov/ecp/species/10515</a>	Proposed Endangered

## Birds

NAME	STATUS
Eastern Black Rail <i>Laterallus jamaicensis ssp. jamaicensis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/10477">https://ecos.fws.gov/ecp/species/10477</a>	Threatened
Piping Plover <i>Charadrius melodus</i> Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a>	Threatened
Red Knot <i>Calidris canutus rufa</i> There is <b>proposed</b> critical habitat for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1864">https://ecos.fws.gov/ecp/species/1864</a>	Threatened

## Fishes

NAME	STATUS
Pallid Sturgeon <i>Scaphirhynchus albus</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a>	Endangered

## Clams

NAME	STATUS
Fat Pocketbook <i>Potamilus capax</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2780">https://ecos.fws.gov/ecp/species/2780</a>	Endangered

## Insects

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

## Flowering Plants

NAME	STATUS
Pondberry <i>Lindera melissifolia</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1279">https://ecos.fws.gov/ecp/species/1279</a>	Endangered

## Critical habitats

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

## 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
LOWER HATCHIE NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/refuges/profiles/index.cfm?id=42527">https://www.fws.gov/refuges/profiles/index.cfm?id=42527</a>	10,097.971

## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

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
American Kestrel <i>Falco sparverius paulus</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9587">https://ecos.fws.gov/ecp/species/9587</a>	Breeds Apr 1 to Aug 31

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> 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 Sep 1 to Jul 31
<b>Cerulean Warbler <i>Dendroica cerulea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/2974">https://ecos.fws.gov/ecp/species/2974</a>	Breeds Apr 25 to Jul 20
<b>Chimney Swift <i>Chaetura pelagica</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Mar 15 to Aug 25
<b>Golden Eagle <i>Aquila chrysaetos</i></b> 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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds elsewhere
<b>Henslow's Sparrow <i>Ammodramus henslowii</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/3941">https://ecos.fws.gov/ecp/species/3941</a>	Breeds elsewhere
<b>Kentucky Warbler <i>Oporornis formosus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 20
<b>Lesser Yellowlegs <i>Tringa flavipes</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a>	Breeds elsewhere
<b>Little Blue Heron <i>Egretta caerulea</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Mar 10 to Oct 15
<b>Painted Bunting <i>Passerina ciris</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 25 to Aug 15
<b>Prairie Warbler <i>Dendroica discolor</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
<b>Prothonotary Warbler <i>Protonotaria citrea</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 1 to Jul 31



NAME	BREEDING SEASON
<b>Red-headed Woodpecker <i>Melanerpes erythrocephalus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10
<b>Ruddy Turnstone <i>Arenaria interpres morinella</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Rusty Blackbird <i>Euphagus carolinus</i></b> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds elsewhere
<b>Short-billed Dowitcher <i>Limnodromus griseus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9480">https://ecos.fws.gov/ecp/species/9480</a>	Breeds elsewhere
<b>Swallow-tailed Kite <i>Elanoides forficatus</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8938">https://ecos.fws.gov/ecp/species/8938</a>	Breeds Mar 10 to Jun 30
<b>Willet <i>Tringa semipalmata</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Apr 20 to Aug 5
<b>Wood Thrush <i>Hylocichla mustelina</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31

## 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 (|)

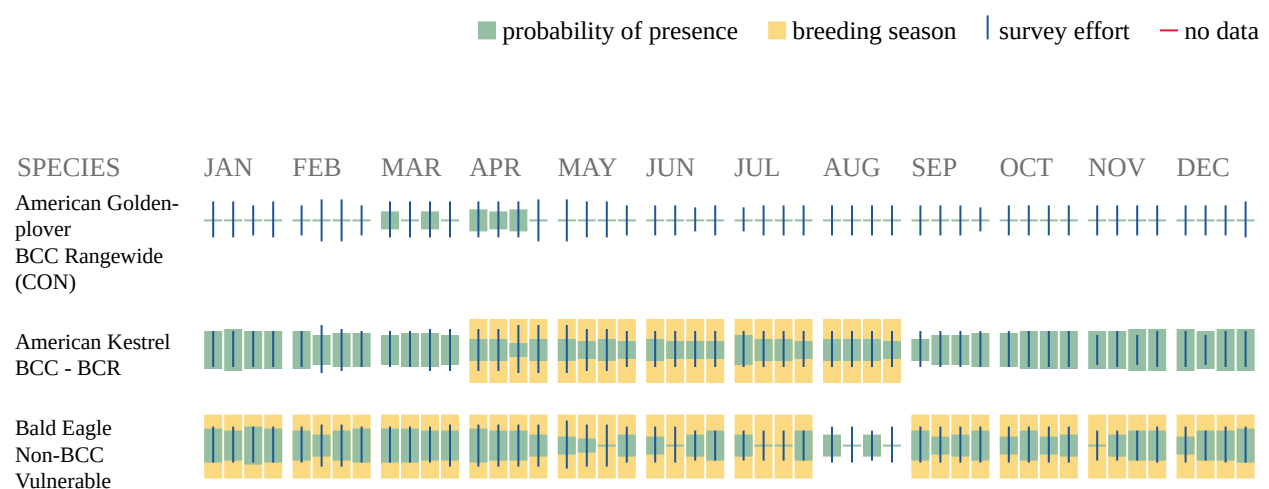
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

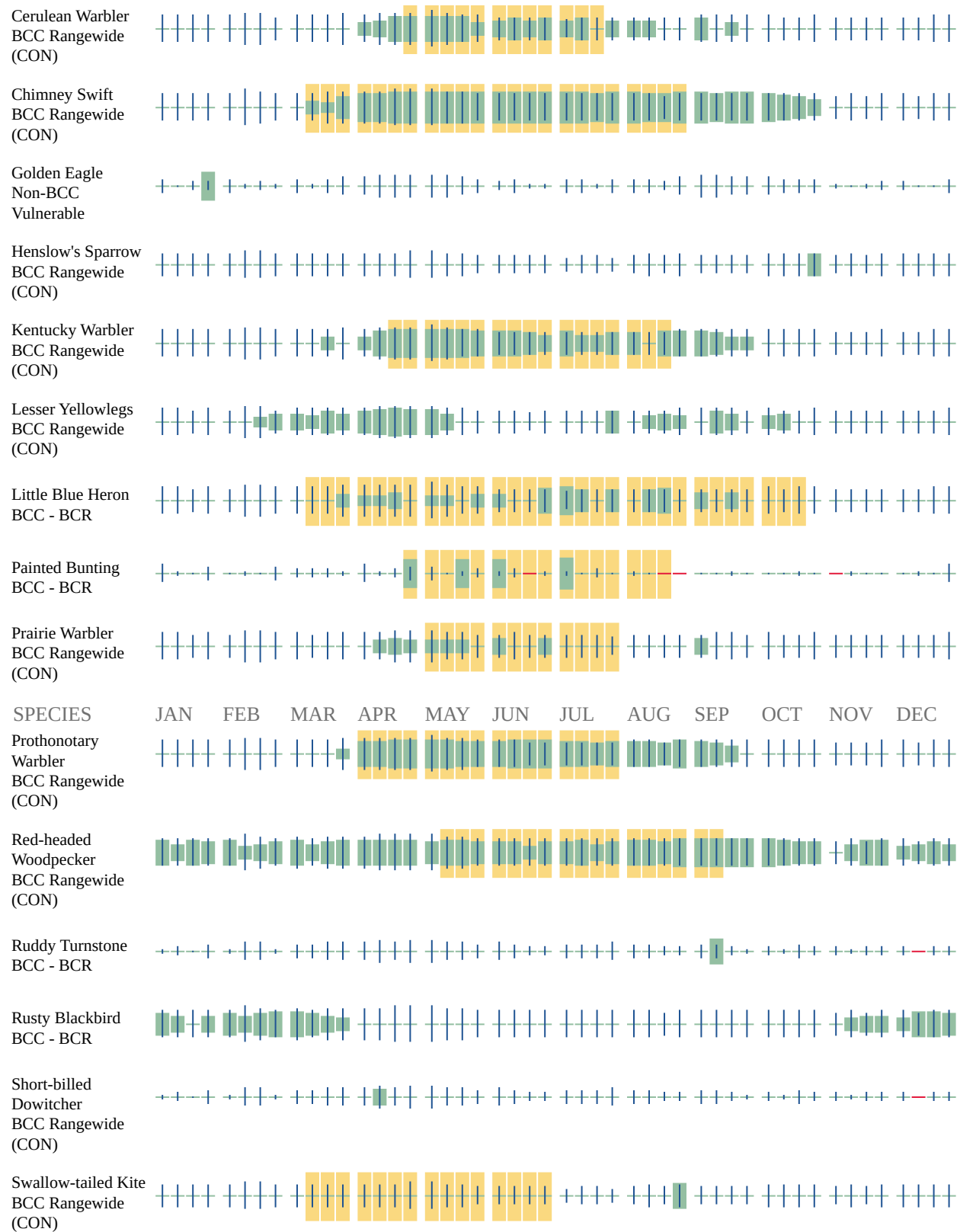
### No Data (—)

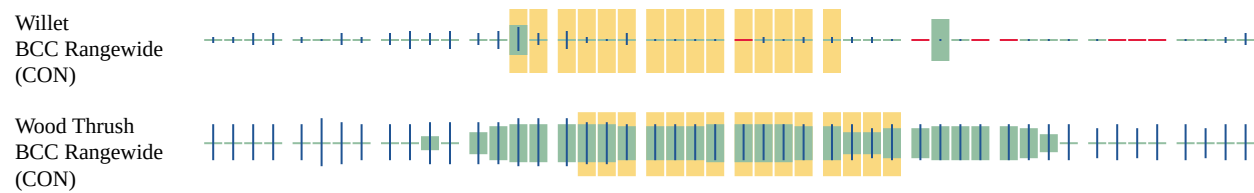
A week is marked as having no data if there were no survey events for that week.

### 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.







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 to 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.

WETLAND INFORMATION WAS NOT AVAILABLE WHEN THIS SPECIES LIST WAS GENERATED.  
PLEASE VISIT [HTTPS://WWW.FWS.GOV/WETLANDS/DATA/MAPPER.HTML](https://www.fws.gov/wetlands/data/mapper.html) OR CONTACT THE FIELD OFFICE FOR FURTHER INFORMATION.

**IPaC User Contact Information**

Agency: Army Corps of Engineers

Name: John Thron

Address: 167 North Main Street, RM B-202

City: Memphis

State: TN

Zip: 38103-1894

Email: john.m.thron@usace.army.mil

Phone: 9015440708



## **Section 4**

# **Public Scoping**

### **4.1 OCTOBER 19, 2022 VIRTUAL SCOPING MEETING**

#### **4.1.1 October 19, 2022 Virtual Scoping Meeting Press Release**

**From:** [Williams, Kenneth CIV USARMY CEMVM \(USA\)](#)  
**Subject:** MEDIA ALERT: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study virtual public meeting  
**Date:** Monday, October 18, 2021 11:09:29 AM

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## **MEDIA ALERT**

U.S. Army Corps of Engineers

### **Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study virtual public meeting**

MEMPHIS, Tenn. – The U.S. Army Corps of Engineers (USACE) scheduled virtual public scoping meeting for its Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study is Tuesday, Oct. 19, 2021, from 6 p.m. to 7 p.m. via Webex at:

Webex: <https://usace1.webex.com/meet/john.m.thron>

Audio: “Call Me” from the Webex meeting, or join by phone:

+1-844-800-2712 US Toll Free

+1-669-234-1177 US Toll

Access code: 199 565 9064

Meeting #: 199 565 9064

The general scoping meeting is being conducted to inform the public of the study process and solicit input on the scope, significant issues, and development of alternatives to be analyzed in depth in the study. The study will examine restoring ecological structure and function along the Mississippi River between River Miles 775 and 736 including side channels, floodplain waterbodies, and other aquatic habitat; floodplain forests; and several scarce vegetative communities—wetlands, canebrakes, riverfront forests and BLH forests. Information about the study is available online at the project website: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

During the virtual meeting, USACE representatives will accept questions and comments through Webex. Members of the media are welcome to ask questions.

Written comments may also be sent by e-mail to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) or by mail to the following address:

CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 N Main St  
Memphis, Tennessee 38103-1894

The study is being conducted in cooperation with our Non-Federal Partner, the Lower Mississippi

River Conservation Committee, a coalition of state natural resource conservation and environmental quality agencies.

###

Release no. 21-101801

Media Relations Contact:

Kenneth Williams  
901-544-3360  
kenneth.williams@usace.army.mil

#### **4.1.2 October 19, 2022 Virtual Scoping Meeting Agenda**



**General Scoping Meeting: Tuesday, October 19, 2021 (6 pm – 7 pm CDT)**  
**Hatchie-Loosahatchie/ Mississippi River Ecosystem**  
**Restoration Study, River Miles 775-736, TN and AR**  
**Agenda**

**Location: Virtual**

Webex: <https://usace1.webex.com/meet/john.m.thron>

Audio: “Call Me” from the webex meeting. If unable to use webex, call in:

Join by phone

+1-844-800-2712 US Toll Free

+1-669-234-1177 US Toll

Access code: 199 565 9064

Meeting #: 199 565 9064

Attendee ID: Just Press #

Security code, if needed: 1234

**Welcome and Introductions**

**Purpose of the General Scoping Meeting**

**Overview**

- Non-Federal Sponsor
- History and Authority
- Schedule
- Planning Process
- Study Area
- Existing Conditions
- Conceptual Ecological Model

**Problems and Opportunities**

**Goals and Objectives**

**Constraints**

**Initial Measures**

**Comments/Questions**

**Project Webpage:**

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>

#### **4.1.3 October 19, 2022 Virtual Scoping Meeting Presentation**

# HATCHIE-LOOSA HATCHIE MISSISSIPPI RIVER ECOSYSTEM RESTORATION STUDY, MILE 775-736, TN AND AR

General Scoping Meeting

Memphis District

19 October 2021



US Army Corps  
of Engineers®



**BUILDING STRONG®**

and Taking Care of People!

*"The views, opinions and findings contained in this presentation should not be construed as an official Department of the Army position, policy or decision, unless so designated by other official documentation."*



# AGENDA

**Welcome & Introductions**

**Purpose of the General Scoping Meeting**

**Overview**

**Non-Federal Sponsor  
History and Authority  
Schedule**

**Study Area  
Existing Conditions  
Conceptual Ecological Model**

**Planning Process**

**Problems and Opportunities  
Goals and Objectives**

**Constraints  
Initial Measures**

**Comments/Questions**





# PURPOSE OF THE MEETING

## **Inform the Public**

- **Provide overview and background on study**

## **Solicit input**

- **Issues and Concerns**
- **Development of alternatives**

**The USACE encourages full public participation to promote open communication on the issues surrounding the study.**



# NON-FEDERAL SPONSOR

## Lower Mississippi River Conservation Committee (LMRCC):

- A coalition of 12 state natural resource, conservation, and environmental quality agencies in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.
- Since 1994, LMRCC has provided a regional forum dedicated to conserving the natural resources of the Mississippi's floodplain, focusing on habitat restoration, long-term conservation planning and nature-based economic development.
- LMRCC works in cooperation with numerous federal, state and non-governmental organizations for continual improvements to the Lower Mississippi River, recognizing its value as a multi-purpose river.
- <https://www.lmrcc.org/>





# NON-FEDERAL SPONSOR

## The LMRCC Member Agencies include:

- AR Department of Environmental Quality
- AR Game and Fish Commission
- KY Department for Environmental Protection
- KY Department of Fish and Wildlife Resources
- LA Department of Environmental Quality
- LA Department of Wildlife and Fisheries
- MS Department of Environmental Quality
- MS Department of Wildlife, Fisheries, and Parks
- MO Department of Conservation
- MO Department of Natural Resources
- TN Department of Environment and Conservation
- TN Wildlife Resources Agency

## Additional Stakeholders:

- Gulf Hypoxia Task Force, LMR Sub-basin Committee
- City of Memphis
- Meeman Shelby Forest State Park, TN
- Eagle Lake State WMA, TN
- National Audubon Society-Audubon Delta
- The Nature Conservancy
- 25 Federally recognized Tribes
- 2 State Historic Preservation Officers (TN and AR)
- USFWS
- USGS, MS Cooperative Fish and Wildlife Research Unit, MSU
- EPA
- ERDC



# PROJECT HISTORY

- 2000:** LMRCC publishes Aquatic Resources Management Plan (USACE was one of the many partners)
- 2000:** Congress authorizes Lower Mississippi River Resource Assessment (LMRRA) WRDA 2000 SEC. 402.
- 2001 to 2004:** LMRCC holds public meetings to identify specific projects.  
Developed 239 projects - Restoring America's Greatest River (RAGR) Plan - finalized in 2015
- 2007:** USACE received funding for LMRRA Reconnaissance Study.
- 2010:** LMRRA Recon study approved 5 March 2010.
- 2012:** Signed Cost Share agreement with The Nature Conservancy 11 Jan 2012 (75% federal / 25% non-federal) to conduct the LMRRA Study.
- 2016:** Delivered Final LMRRA Report to Congress July 2016.  
Recommended a variety of actions to improve habitat, recreation and information management on the Lower Mississippi River.  
Recommendations: Restore aquatic (e.g., side channels, oxbow, main channel, islands, sandbars) and terrestrial (e.g., wetlands, BLH, floodplain) habitats for native species through dike notching, etc.



# LMRRA RECOMMENDATIONS

Data Science and Communications Program				
Recommendation		Lead Organization	Cost	Value
DISC 1	Science Technology Information Center	USGS	\$2 million/year	Promote interagency cooperation, encourage research, foster public interest, and support other recommendations.
DISC 2	Sediment Study	USACE	\$4 million/year	Support management plans, better manage dredging and coastal restoration.
DISC 3	Water Quality Monitoring Program	USGS & EPA	\$2 million/ year	Provide clean water for people, industry, and habitat.
DISC 4	Tributary Watershed Studies	USACE	9 @ \$1-\$5 million each	Develop plans to manage tributaries for habitat, water quality, sediment, water supply, navigation and recreation.
DISC 5	Ecological Inventory	USACE & USFWS	\$1.7 million	Provide information to support restoration.
Habitat Restoration and Management Program				
Recommendation		Lead Organization	Cost	Value
HRMP 1	Conservation Reach Studies	USACE	8 @ \$3 million each	Restore aquatic (side channel, oxbow, main channel, islands, and sandbars) and terrestrial (wetlands, bottomland hardwoods, and floodplain) habitats for native species and especially federally listed species.
HRMP 2	Aquatic Habitat Restoration Studies	USACE & USFWS	125 @ \$200,000 to \$ 15 million (maximum)	Restore individual sites for native species.
HRMP 3	Terrestrial Habitat Program	USDA & LMRJV	\$18,000,000	Restore floodplain habitat.
HRMP 4	Invasive Species Program	MICRA & ANSTF	Part of larger effort	Promote and protect native species.
Recreation Program				
Recommendation		Lead Organization	Cost	Value
RP 1	Boat Ramps	LMRCC and others	\$50,000 - \$750,000 each	Increase safety and meet recreation demand.
RP 2	Bicycle Trails	NGOs	variable	Increase safety and meet recreation demand.
RP 3	Riverfront Parks	Local Communities	variable	Promote community cohesiveness and meet demand.
RP 4	Riverboat Landings	Local Communities	variable	Provide safe, accessible opportunities and support local economic development.
RP 5	Marketing	NPS, MRPC, NGOs	\$2 million	Promote river use and encourage economic development.
RP 6	Lodging and Dining	Private Enterprise	variable	Meet demand and support economic development.
RP 7	Outfitters and Guides	Private Enterprise	variable	Increase safety, meet demand and support economic development.





# PROJECT HISTORY (cont.)

## Conservation Reach Studies

**Recommendation HRMP 1.** Conduct eight conservation reach habitat restoration studies on the LMR. The Mississippi River ecosystem is a dynamic system with interactions among the terrestrial and aquatic systems, main channel and side channel areas, mudflats, backwaters, tributaries, and islands. These feasibility studies would examine the Mississippi River and batture to determine if there is Federal interest sufficient to justify construction of ecosystem restoration features.

Eight reaches were identified as priorities:

Wolf Island to Island 8 Reach RM 946 – 910 (36 mi.)

**Hatchie/Loosahatchie Reach RM 775 – 736 (39 mi) (TN/AR)**

Islands 62/63 Reach RM 650 - 618 (32 mi.)

Arkansas River Reach RM 599 – 556 (43 mi.)

Possum (Worthington-Pittman) Reach RM 524 – 490 (34 mi.)

Palmyra River Reach RM 431 – 398 (33 mi.)

Lake Mary Reach RM 360 -322 (38 mi.)

Raccourci Cutoff Reach RM 300 -265 (35 mi.)

These reaches were chosen because they may provide valuable habitat for rare species; they each contain a channel crossing; the batture is wide in the reach; and there is a concentration of previously identified potential projects. Several of the reaches coincide with those the USACE Interior Least Tern Working Group identified as priorities. ERDC and USFWS personnel participated in the selection of the reaches.

Lead Organization and Partners: USACE needs specific authorization for this priority reach habitat program. Each reach study is planned to be conducted separately and would require non-Federal sponsors and cooperation with other Federal agencies like the USFWS and USDA. The studies should also consider restoration of upland habitats within the batture that are outside of the USACE ecosystem restoration mission. LMRCC's Restoring America's Greatest River (RAGR) initiative has already identified 104 potential projects that fall within these reaches.

Needs Addressed: This recommendation directly addresses needs for restoration of Side Channels, Backwaters and Oxbows, Sandbars and Gravel Bars, Main Channel Habitat, Vegetative Mosaic, Floodplain and Island habitats. It will also be useful in addressing needs for Water Quality, Sediment, Data Storage and Availability, Invasive Species, Boat Ramps and Safety.

Value: Each reach has opportunities to enhance a broad spectrum of features, i.e., restorable side channels, backwaters, and oxbows, a wide floodplain, large islands, populations of threatened and endangered species, and sandbars. These eight reaches total 290 miles or nearly 30% of the LMR. These studies would consider recreation features along with ecosystem restoration.



# PROJECT HISTORY (cont.) AND AUTHORIZATION

- 2017:** LMRCC et al. submitted proposal through WRDA 7001 process to get a study authority for the Conservation Reach studies recommended in LMRRA.
- 2018:** WRDA 2018 SEC. 1202. *ADDITIONAL STUDIES. (a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.— (1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled “Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000” and dated July 2015. (2) CONSULTATION.—The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).*
- 2019:** LMRCC submits Letter of Intent to Sponsor the Hatchie/Loosahatchie Feasibility Study beginning in the FY 2021 Budget.
- 2021:** Received Funding to begin the HATCHIE/LOOSAHATCHIE, MISSISSIPPI RIVER MILE 775–736 HABITAT RESTORATION, TN & AR Feasibility Study.



# SCHEDULE

Milestone	Baseline	Status
Execute FCSA	30 July 2021	Complete
Alternatives Milestone	4 <sup>th</sup> Q 2021	-
TSP Milestone	3 <sup>rd</sup> Q 2022	-
Release of Draft Feasibility Report for Public Review	3 <sup>rd</sup> Q 2022	-
Agency Decision Milestone	1 <sup>st</sup> Q 2023	-
District Submit Final Feasibility Report to MVD	1 <sup>st</sup> Q 2024	
Division Engineer's Transmittal Letter	2 <sup>nd</sup> Q 2024	-
Chief's Report Milestone	3 <sup>rd</sup> Q 2024	-

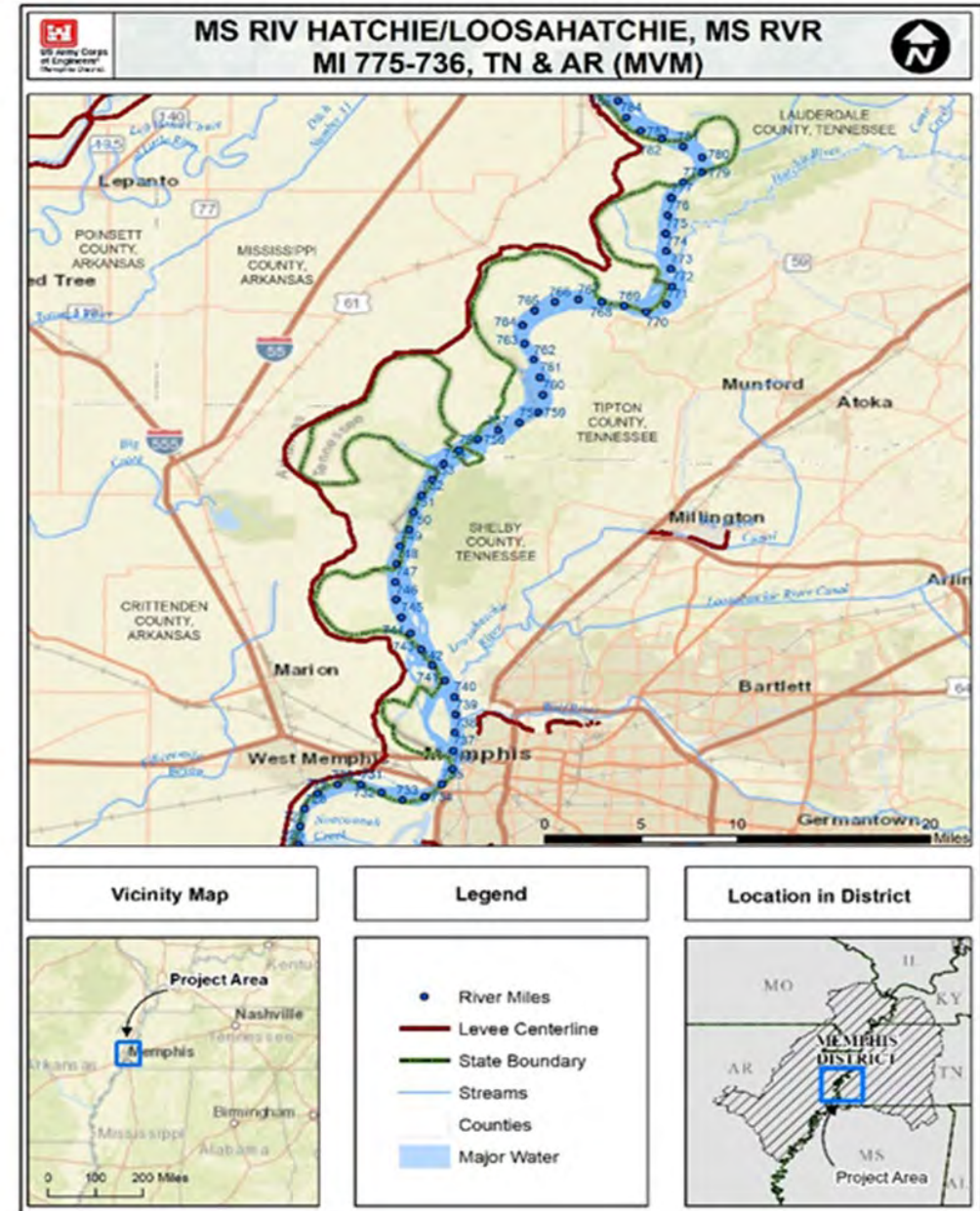






# STUDY AREA

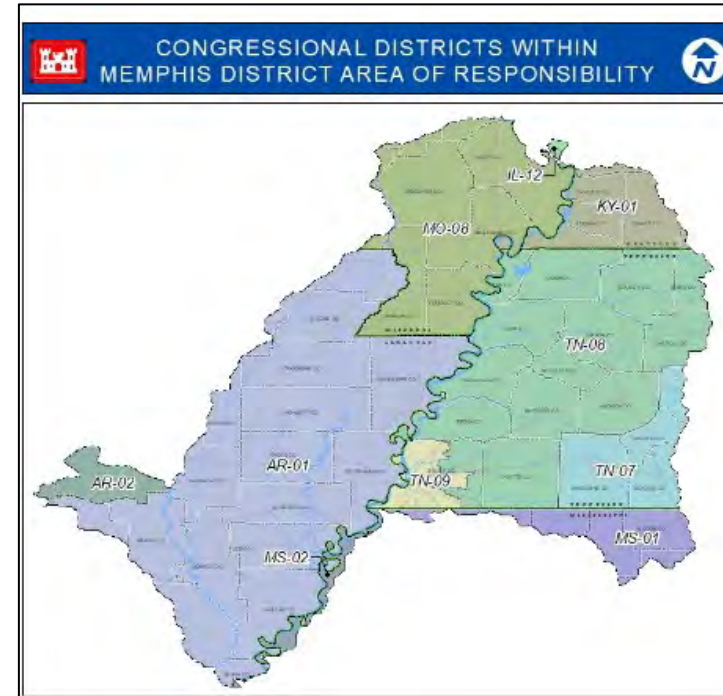
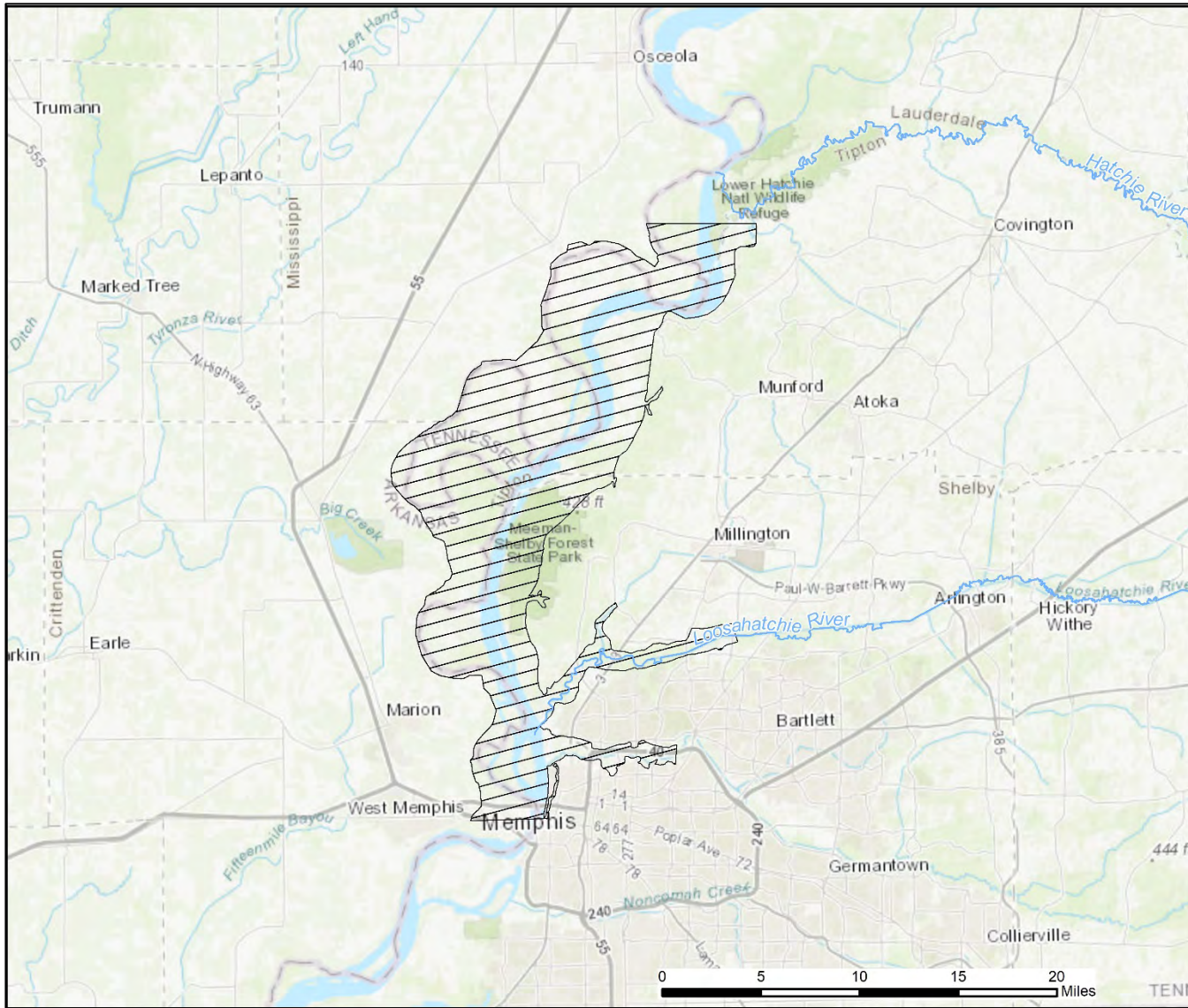
- 39-mile reach (RM 775-736)
- Beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor.
- Reach includes
  - crossings,
  - pools,
  - side channels,
  - bendways, and
  - overbank areas between west levee and east bluff (2-9 miles).
- Three tributary mouths in the reach (Hatchie, Loosahatchie, and Wolf Rivers).
- Meeman Shelby Forest State Park, Eagle State State WMA, and Lower Hatchie NWR within this reach.







# STUDY AREA



## Tennessee

GOV. Bill Lee (R)  
SEN Marsha Blackburn (R)  
SEN Bill Hagerty (R)  
REP David Kustoff (R TN-8)  
REP Steve Cohen (D TN-9)

## Arkansas

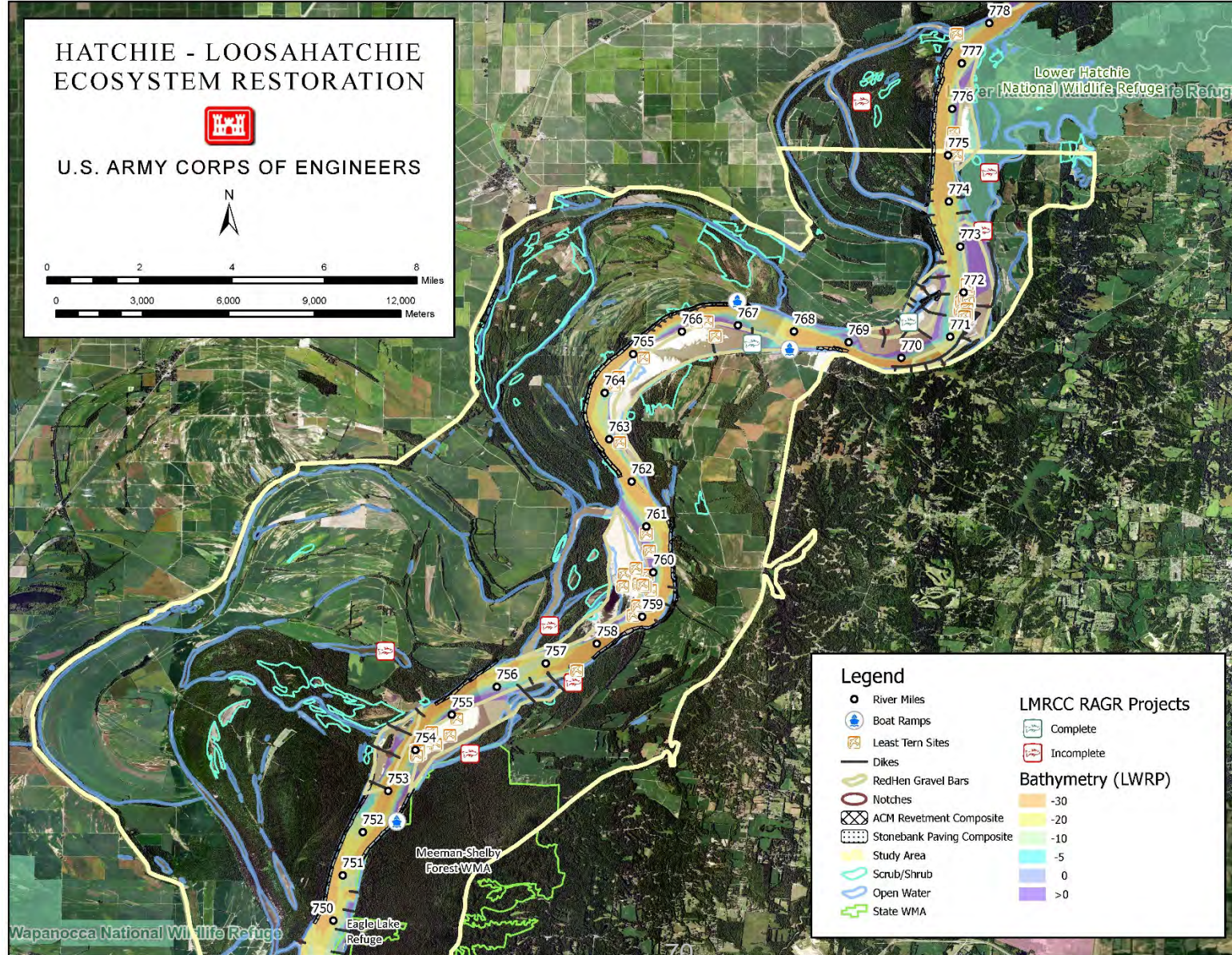
GOV Asa Hutchinson (R)  
SEN Tom Cotton (R)  
SEN John Boozman (R)  
REP Eric "Rick" Crawford (R AR-1)







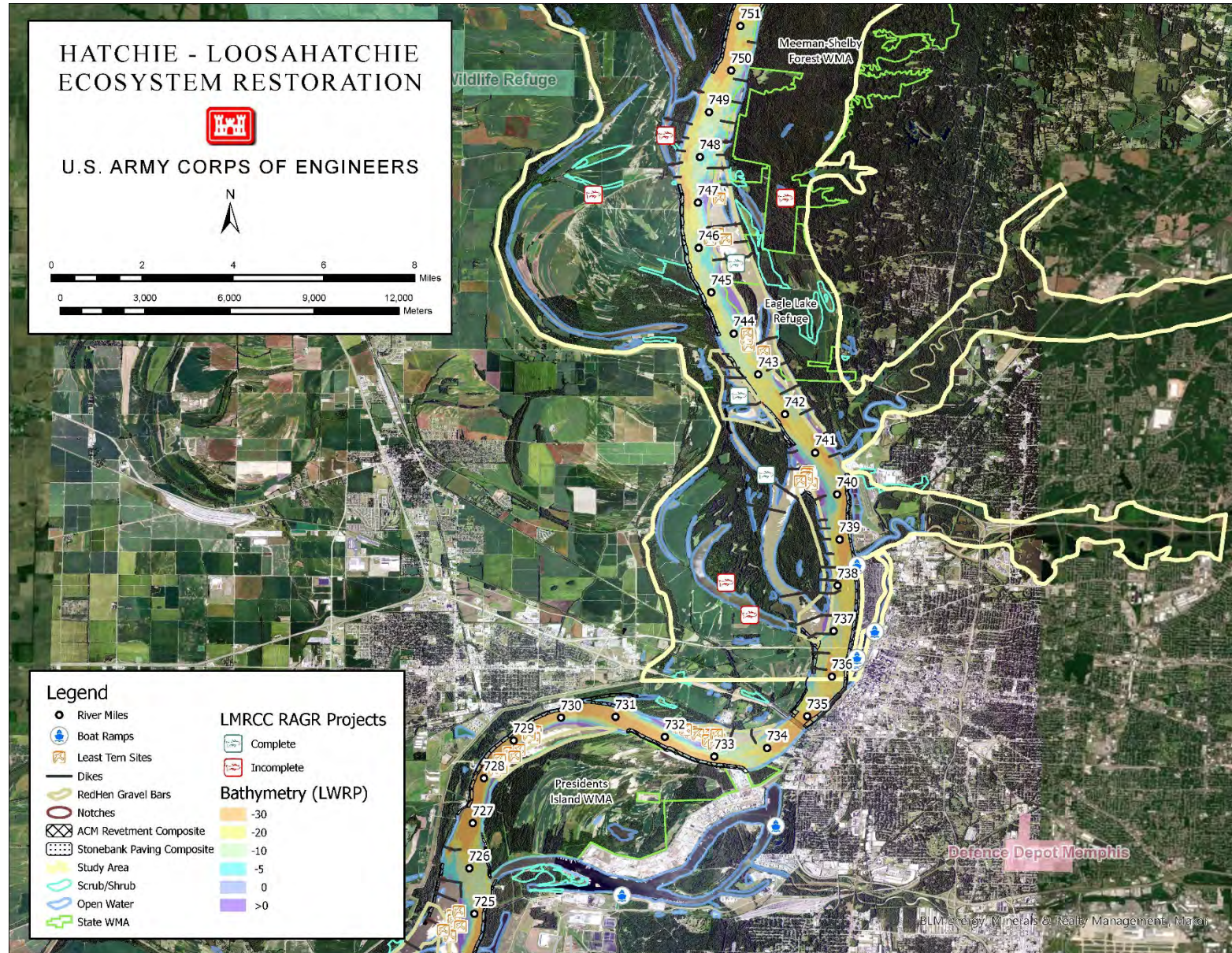
# STUDY AREA (cont.)







# STUDY AREA (cont.)







# EXISTING CONDITIONS

2019 Land Cover - NLCD	Area (acres)	Percent Composition
Agricultural land (Cultivated crops, Hay/Pasture)	53,693	38.8%
BLH (woody wetlands, Mixed Forest, Deciduous Forest)	53,250	38.4%
Open Water	26,557	19.2%
Developed (Open Space, low intensity, Med. Intensity, High Intensity)	2,829	2.0%
Early Successional (Emergent Herbaceous Wetlands, Herbaceous, Scrub/Shrub)	1,879	1.4%
Other (Barren Land, Evergreen Forest)	337	0.2%
<b>Total</b>	<b>138,545</b>	<b>100%</b>

Dominant land-use is agriculture and BLH followed by open water.

Approximately 3,150ac are enrolled in NRCS Easements.

Public lands (25,243ac) include:

- Meeman Shelby Forest State Park (12,539ac)
- Lower Hatchie NWR (9,451ac)
- Eagle Lake Refuge (3,253ac)

Vast amount of study area is privately owned lands.

Recreation is highly valued in the area for hunting, fishing, and canoeing/kayaking.

MS River floodplain is 80% smaller than it was historically due to the MS River Levee system.

Flood risk management and navigation projects have removed approximately 152 miles of bends and diverted flow from secondary channels.

Forest conversion due to lack of historic hydrology in floodplains.

Lack of aquatic and terrestrial diversity.

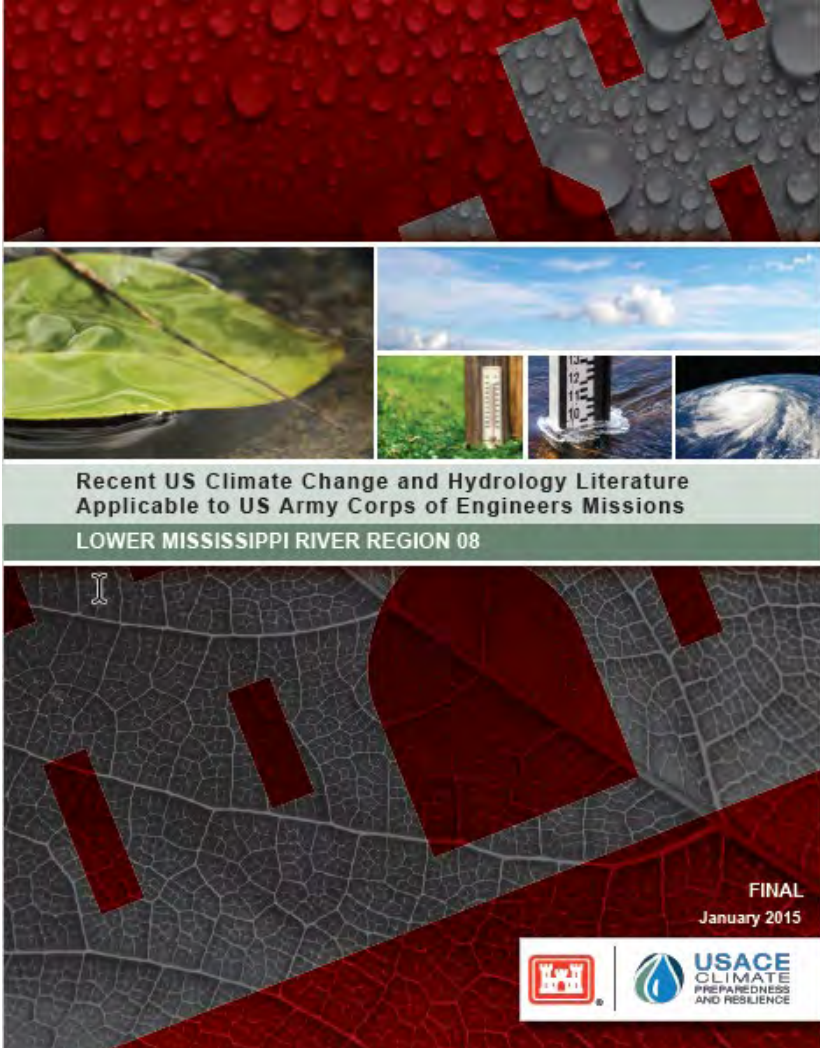


# FUTURE WITHOUT PROJECT

- No significant changes in the dominant land uses have occurred during the past 20 years and none are anticipated.
- Recreation is expected to remain highly valued in the area.
- No anticipated changes to flood risk management features or navigation operation are expected. Mainline levee is established.
- River maintenance and channel improvement will continue.
- Existing trends in floodplain habitats will continue.
- Aquatic and terrestrial diversity is expected to continue to decline.



# FUTURE WITHOUT PROJECT



“...Increased air temperatures and increased frequencies of drought, particularly in the fall and summer months, will result in increased water temperatures...water quality concerns...dissolved oxygen levels...

Increased annual rainfall variability... lead to variation in flows... particularly true during dry years, when water demands...outweigh water supply... During wet years, flooding may raise particular ecological concerns and may threaten ecosystems.”

PRIMARY VARIABLE	OBSERVED		PROJECTED	
	Trend	Literature Consensus (n)	Trend	Literature Consensus (n)
Temperature	—	(4)		(8)
Temperature MINIMUMS	↓	(1)		(4)
Temperature MAXIMUMS	—	(1)		(5)
Precipitation	↑	(6)	↑	(5)
Precipitation EXTREMES	↑	(5)	↑	(4)
Hydrology/ Streamflow	↑	(5)	↓	(5)

## TREND SCALE

↑↑ = Large Increase    ↑ = Small Increase    — = No Change  
↓↓ = Large Decrease    ↓ = Small Decrease    ∅ = No Literature

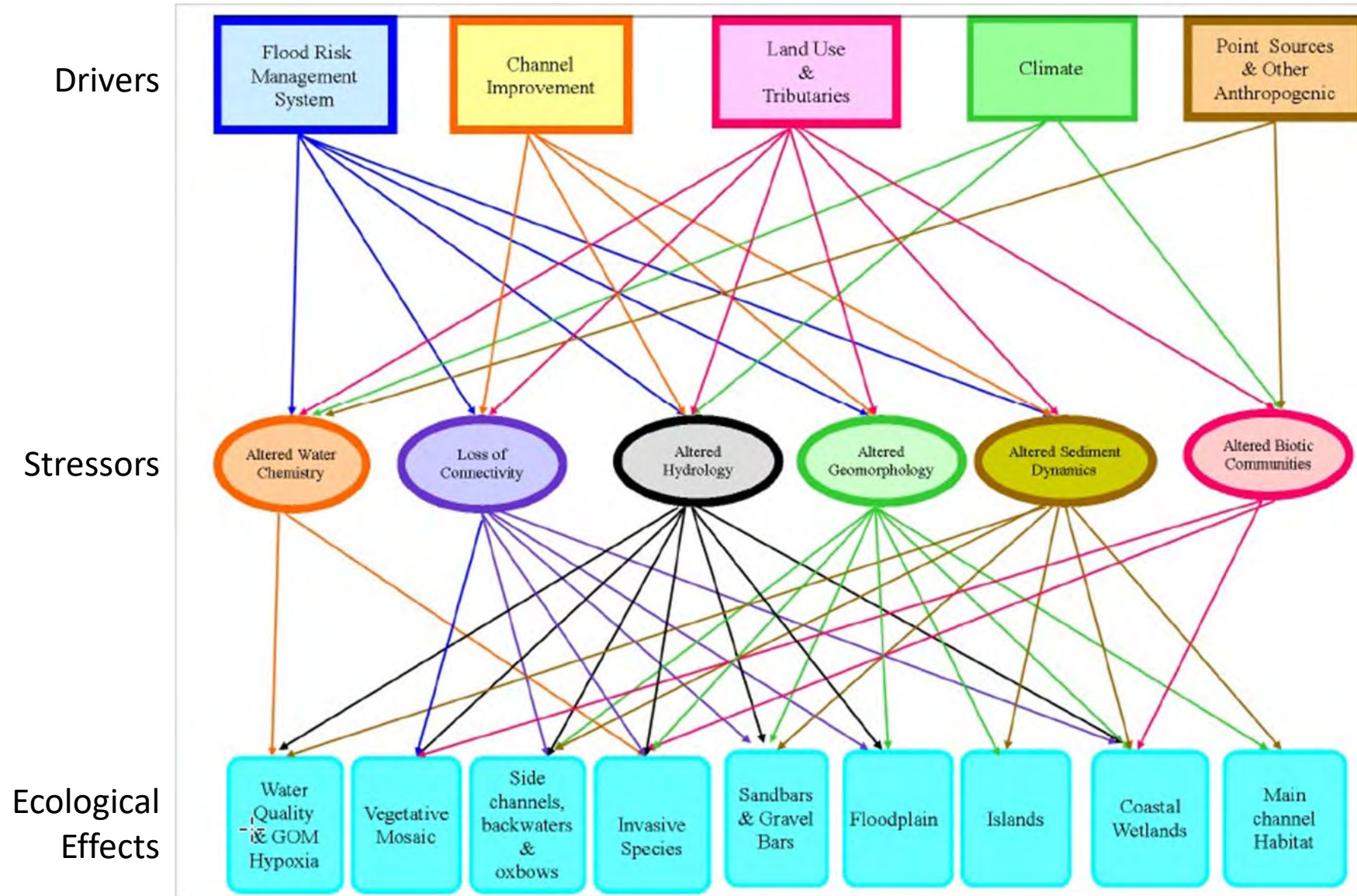
## LITERATURE CONSENSUS SCALE

= All literature report similar trend    = Low consensus  
 = Majority report similar trends    ∅ = No peer-reviewed literature available for review  
(n) = number of relevant literature studies reviewed





# CONCEPTUAL MODEL

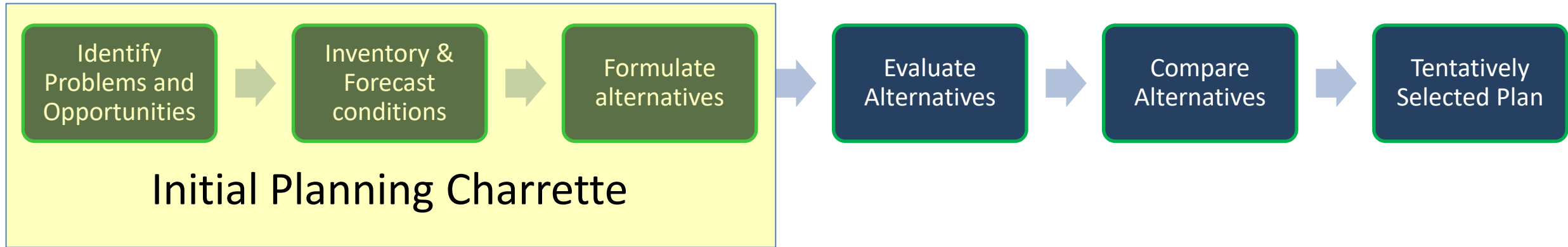


(Source: LMRRA - Assessment of Natural Resources Needs (2015))





# PLANNING PROCESS – INITIAL ITERATION



- Define the problem to be addressed,
- Conceptual definition of the scale of the project,
- Preliminary inventory and forecast of future conditions with available data and information,
- Identification of key areas of uncertainty that will impact the study and the project formulation,
- Initial identification of the decision criteria that will be used to formulate, compare and select alternatives.
- Initial formulation of alternative plans based on critical thinking and professional expertise.
- A draft decision management plan that identifies the level of detail and methods the team will apply to move to the next decision point.



# PROBLEMS AND OPPORTUNITIES



PROBLEMS	OPPORTUNITIES
Reduced vegetative diversity and forested habitats.	<ol style="list-style-type: none"><li>1. Increase BLH habitat.</li><li>2. Increase wetland habitat.</li><li>3. Propagate rivercane in higher elevations.</li><li>4. Increase riverfront forest habitat and main channel border habitat diversity.</li></ol>
Invasive species threaten native species and native habitats.	<ol style="list-style-type: none"><li>1. Promote native species restoration in areas where invasive species have become common. (e.g., Short Nose Gar/ Alligator Gar).</li><li>2. Reduce invasive and/or exotic species (e.g., carp, zebra mussel, marsh day flower).</li><li>3. Provide more spawning areas for native species (e.g., connecting side channels and backwater habitat in tributaries to connect habitat).</li><li>4. Increase habitat for native species, including federally listed species such as pallid sturgeon, fat pocketbook mussel.</li></ol>
Degraded gravel bars and sandbars.	Restore or protect established gravel bars and sandbars for native and threatened and endangered species (e.g., improve spawning habitat for pallid sturgeon and other fish species, fat pocketbook mussel, and interior least tern).



# PROBLEMS AND OPPORTUNITIES



PROBLEMS	OPPORTUNITIES
Reduced floodplain and aquatic habitat quality.	Restore the quality of floodplain and aquatic habitat within the batture to increase functionality of MS River Flyway, connect WRP lands with other features, reduce flood risk to surrounding areas, etc.
Degraded MS River island habitats.	Restore or protect established islands and point bars within the MS River to provide habitat (e.g., edge habitat) for sensitive species and their life cycle events (e.g., nesting).
Lack of connection of MS river to backwater, side channel, and floodplain waterbody areas.	<ol style="list-style-type: none"><li>1. Reconnect backwaters, side channels, and floodplain waterbodies with the main channel at normal water levels (e.g., fix or improve notches and dikes).</li><li>2. Improve water quality for threatened and endangered and native species.</li><li>3. Decrease nutrient load which contributes to Gulf of Mexico hypoxia.</li><li>4. Reduce water in some areas to return to more natural conditions and species composition.</li><li>5. Restore natural flooding regimes.</li><li>6. Increase connectivity to promote fish passage connections.</li></ol>
Lack of stop over and nesting habitat for migratory birds.	Improve MS Flyway by increasing habitat diversity to support avian species (e.g., increase stop over and nesting habitat for migratory birds).



# PROBLEMS AND OPPORTUNITIES



PROBLEMS	OPPORTUNITIES
Lack of recreational opportunities and access to public spaces in study area.	Increase outdoor recreational opportunities such as boating, fishing, hunting, bird watching, hiking, photography, etc. in the study area.
Head cutting in tributaries (e.g., in lower sections of study area).	Increase fish and other aquatic species habitat.
Loss of habitat connectivity.	Increase travel corridors for wildlife.
Increased sedimentation.	Reduce sedimentation/remove sediment plugs to return flooding to more natural conditions and therefore reduce forest transition that is currently occurring.
Lack of woody debris.	Add wood traps in secondary channels.



# GOALS AND OBJECTIVES

**GOAL:** To restore ecological structure and function along the Mississippi River including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities such as wetlands, canebrakes, riverfront forests, and BLH forests.

**OBJECTIVE 1:** Increase quantity and/or quality of vegetated habitats and maintain a diverse **vegetative mosaic** in the floodplain to benefit native fish and wildlife resources (e.g., migratory birds and species of conservation concern) focusing on habitat such as: emergent, floating, and submersed aquatic vegetation; rivercane; BLH.

**OBJECTIVE 2:** Improve quantity and/or quality of diverse **large river habitats** (sandbars, gravel bars, side channels, etc.) to support critical life history requirements of priority species.

**OBJECTIVE 3:** Increase aquatic connectivity with the Mississippi River to improve quality of chutes, sloughs, backwater, oxbows, borrow pits, tributary mouths, and other **floodplain waterbodies** to support critical life history requirements of priority aquatic species.

**OBJECTIVE 4:** Improve **recreational** opportunities and access to public spaces in study area.



# CONSTRAINTS

## CONSTRAINTS

Avoid impacts to established flood risk reduction and navigation features, such as the MR&T features.

Avoid/minimize impacts to navigation operations on the Mississippi River.

Avoid impacts to existing gravel bars.

Avoid activities that lead to increased invasive species.

Avoid impacts to existing infrastructure.

Avoid/minimize/compensate impacts to threatened and endangered species.

Avoid/minimize/compensate impacts to cultural resources.

Minimize adverse impacts to environmental resources.



# MEASURES

**OBJECTIVE 1: Increase quality and/or quantity of vegetated habitats and maintain a diverse **vegetative mosaic** in the floodplain to benefit native fish and wildlife resources (e.g., migratory birds and species of conservation concern) focusing on habitat such as: emergent, floating, and submersed aquatic vegetation; rivercane; BLH.**

Decrease inundation in existing BLH where community compositions are shifting from oak species to more water tolerant species optimizing hydrology to promote historic native species

Conversion of agricultural land to natural habitats through purchasing and/or easements (high priority areas include: protect/convert higher elevation areas to BLH to act as wildlife corridors and refuges during high water events (e.g., access to Wappanocca NWR, Brandywine Island, etc.)).

Create canopy gaps in dense canopy forests.

Establish tree screens/riparian buffers in areas where there is less than 300-ft width along the main channel.

Protect existing rivercane stands at those higher elevation stands (such as, natural levees and high elevation banks surrounding waterbodies near Brandywine Island).

Propagate/Establish rivercane at higher elevation locations within the floodplain (potential locations include: high elevations surrounding floodplain waterbodies and vegetating potential spoil piles from plug removals).

Priority species: Indiana Bat, NLEB, Little Brown Bat, Prothonotary Warbler, Rusty Blackbird, - (BLH); King rail - (herbaceous wetlands), Swainson's Warbler - (rivercane), waterfowl, etc.



# MEASURES

**OBJECTIVE 2: Improve quantity and/or quality of diverse large river habitats (sandbars, gravel bars, secondary channels, islands with side channels, etc.) to support critical life history requirements of priority species.**

Install structures to increase velocity and uncover gravel bars buried in sand to benefit macroinvertebrates and potential pallid sturgeon spawning areas.

Install dike notches to protect and/or improve sandbars for nesting interior least terns.

Install woody debris traps to promote aquatic macroinvertebrate colonization and forage locations for riverine fish.

Install hardpoints as bank stabilization measure in ecologically sensitive areas (e.g., potentially couple with LWD traps in side-channels, protect island tips like at RM 754L where various sturgeon species have been documented).

Rehabilitate notched dikes or remove sediment plugs by dredging or excavation to connect secondary channels for sufficient time to allow various aquatic macroinvertebrate communities to complete their life cycles.

Priority species: Pallid Sturgeon, blue sucker, Lake Sturgeon, Sicklefin Chub, Stonecat, American eel (secondary channels, gravel bars, point bars); interior least tern (sandbars)





# MEASURES

**OBJECTIVE 3: Increase aquatic connectivity** with the Mississippi River to improve quality of chutes, sloughs, backwater, oxbows, borrow pits, tributary mouths, and other **floodplain waterbodies** to support critical life history requirements of priority aquatic species.

Examine tie-channels of oxbow lakes and other floodplain waterbodies to minimize head-cutting (e.g., grade control structures) and maintain periodic connectivity with river (e.g., dredging or removal of sediment).

Remove downstream barriers (e.g., increase connectivity of tie-in channels) and install weirs or control structures on upstream ends of waterbodies allowing Alligator gar access to warm water in spring for spawning.

Optimize floodplain connections at Eagle Lake Refuge to increase habitat quality.

Examine tributary mouths for head-cutting and install grade control structures.

Priority species: Alligator gar, paddlefish, Alligator snapping turtles (floodplain waterbodies, floodplain spawning habitat, etc.)



# MEASURES

## OBJECTIVE 4: Improve recreational opportunities and access to public spaces in study area.

Provide opportunities for canoe/kayak access (e.g., primitive boat launch and create/support blue-way trails).

Install smaller dike notches on either side of a large notch to allow fisherman areas to anchor and access fishing opportunities.

Provide education and access to the LMR Ecosystem through signage, interpretive guidance and other approved cost shared facilities listed in EP 1165-2-502 (e.g., support the proposed City of Memphis Freshwater Institute).

Install more paved ramps along the Mississippi River to increase access



# FORMULATION STRATEGIES

## Alternatives:

- No Action
- Alternatives aligned with geographic complexes
  - Brandywine complex
  - Eagle Lake complex
  - Loosahatchie Bar complex
  - combination
- Alternatives that are species specific
  - aquatic species (obligate riverine species, floodplain spawning species)
  - terrestrial species (migratory birds, species of conservation concern, rivercane)
  - combinations





# RECAP – INPUT WE NEED FROM YOU

- Do the problems identified capture the degraded ecological functions?
- Are there additional problems or opportunities that are not captured?
- Are there additional constraints the planning team should consider?
- Are there additional measures that would address the problems?
- Are there specific locations or unique opportunities for consideration?
- Are there specific data, modeling, or reports that should be considered?



# QUESTIONS

Website: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>

Written comments:

[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)


or

ATTN: CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 North Main St., RM B-202  
Memphis, TN 38103-1894

## **4.2 AUGUST 8, 2022 DUCKS UNLIMITED AND BIG RIVER PARK SCOPING MEETING**

### **4.2.1 August 8, 2022 Ducks Unlimited and Big River Park Scoping Meeting Presentation**



A historical map of the Mississippi River meander belt, showing the river's path in red and yellow, with surrounding land in green and brown. The map is titled "MISSISSIPPI RIVER MEANDER BELT" and includes a legend and scale.

# **Lower Mississippi River Conservation Committee HATCHIE/LOOAHATCHIE ECOSYSTEM RESTORATION STUDY**

*Big River Park/Ducks Unlimited*

*08 August 2022*

*Memphis, TN*

**Angeline Rodgers**  
Coordinator, Lower Mississippi River  
Conservation Committee

**Project Leader**, USFWS Lower Mississippi  
River Fish & Wildlife Conservation Office





# MEMBER STATES



## Example COOPERATING PARTNERS



- Established in 1994
- 6 States, 12 Agencies
- Incorporated as 501c3
- Information Exchange
- Conservation Planning
- Habitat Restoration





# Lower Mississippi River Resource Assessment -Authorization-

## Section 402 of WRDA 2000:

The Secretary, in cooperation with the Secretary of the Interior and the States of Arkansas, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, shall undertake for the Lower Mississippi River system:

- (1) an assessment of information needed for river-related management;
- (2) an assessment of natural resource habitat needs;
- (3) an assessment of the need for river-related recreation and access.

### Cost:

\$1.67 Million

- \$1.25M Federal
- \$416,000 non-Federal



## RESTORING AMERICA'S GREATEST RIVER

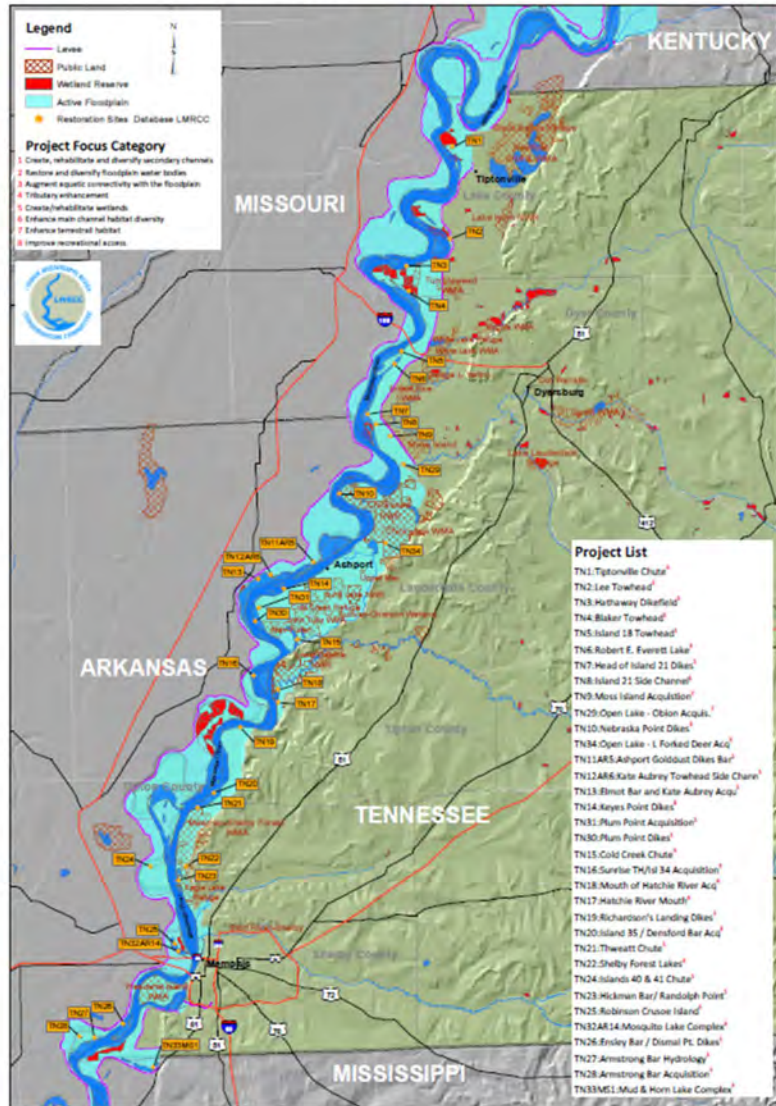
A HABITAT RESTORATION PLAN FOR THE LOWER MISSISSIPPI RIVER



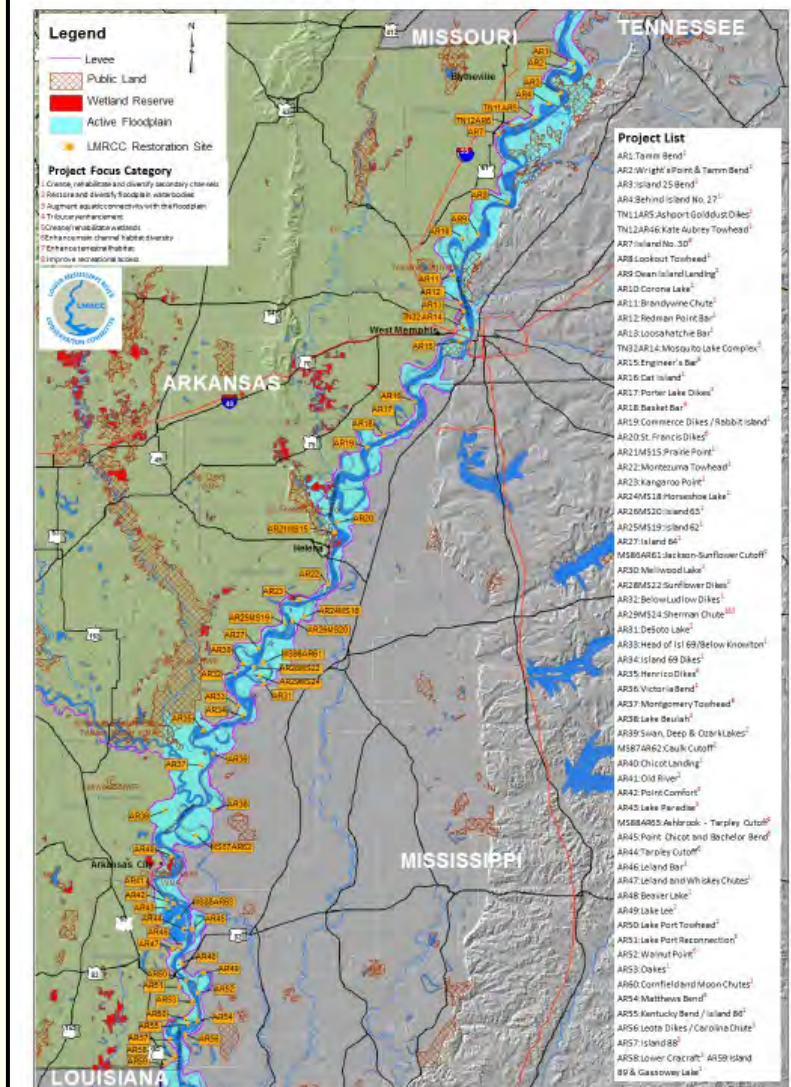
## 2004 Restoring America's Greatest River Plan (revised in 2015)

Available online at  
[www.lmrcc.org](http://www.lmrcc.org)

### Tennessee Habitat Projects in Active Floodplain of the Lower Mississippi River



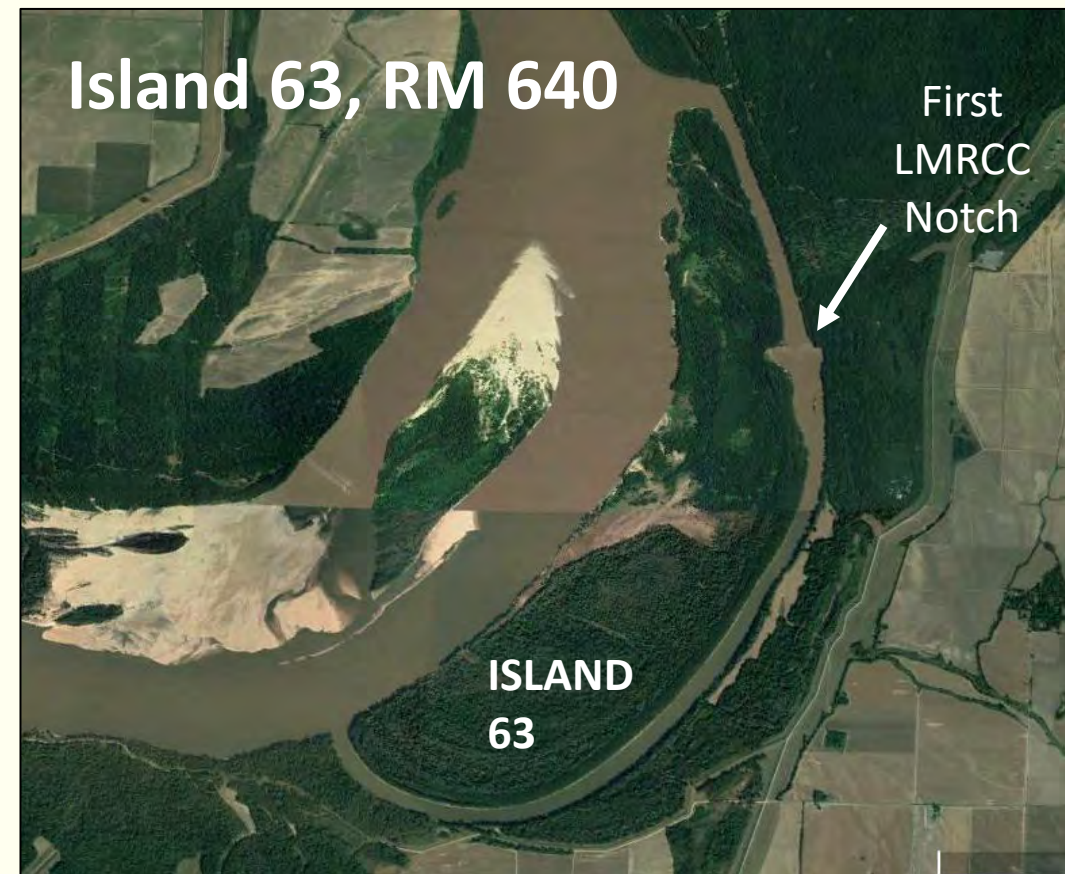
### Arkansas Habitat Projects in Active Floodplain of the Lower Mississippi River



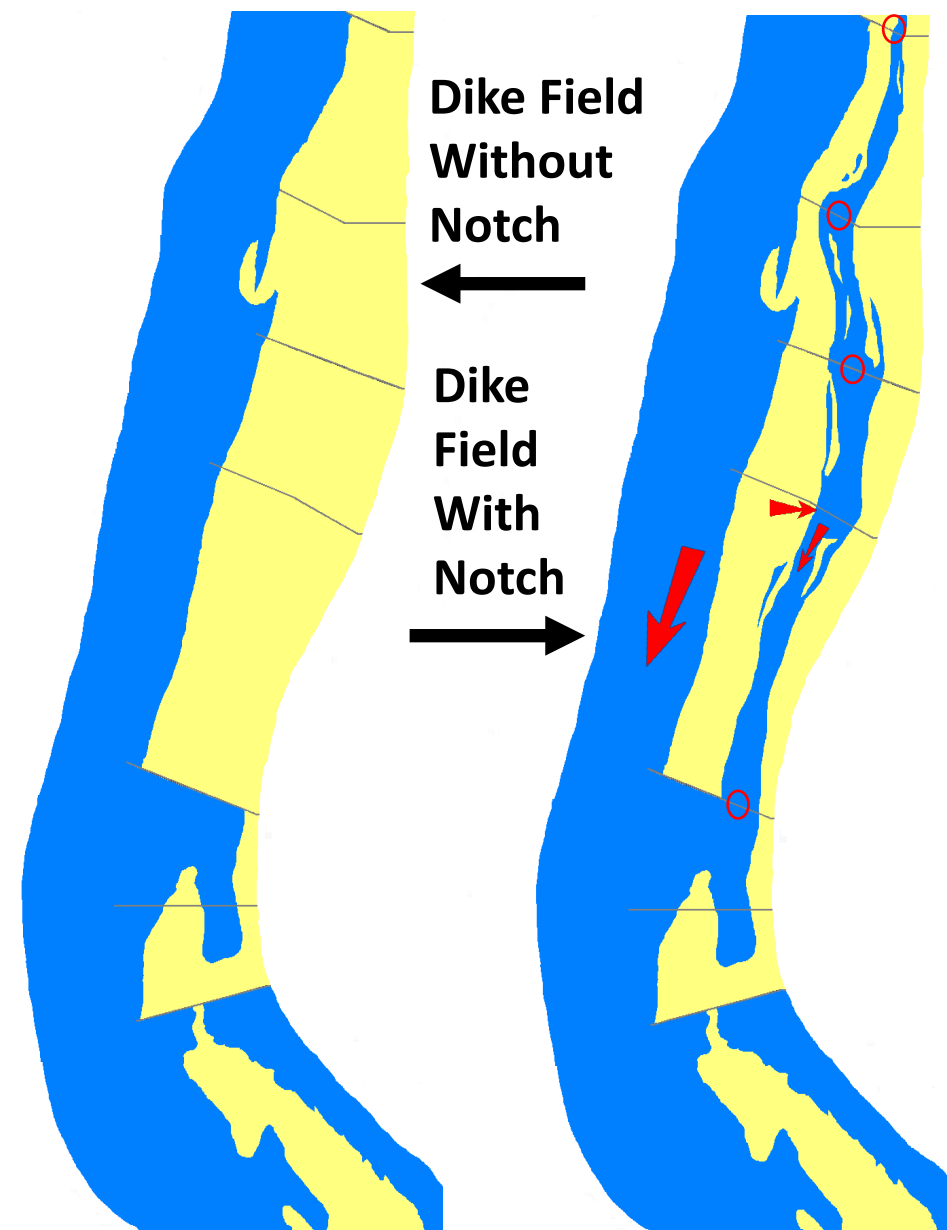
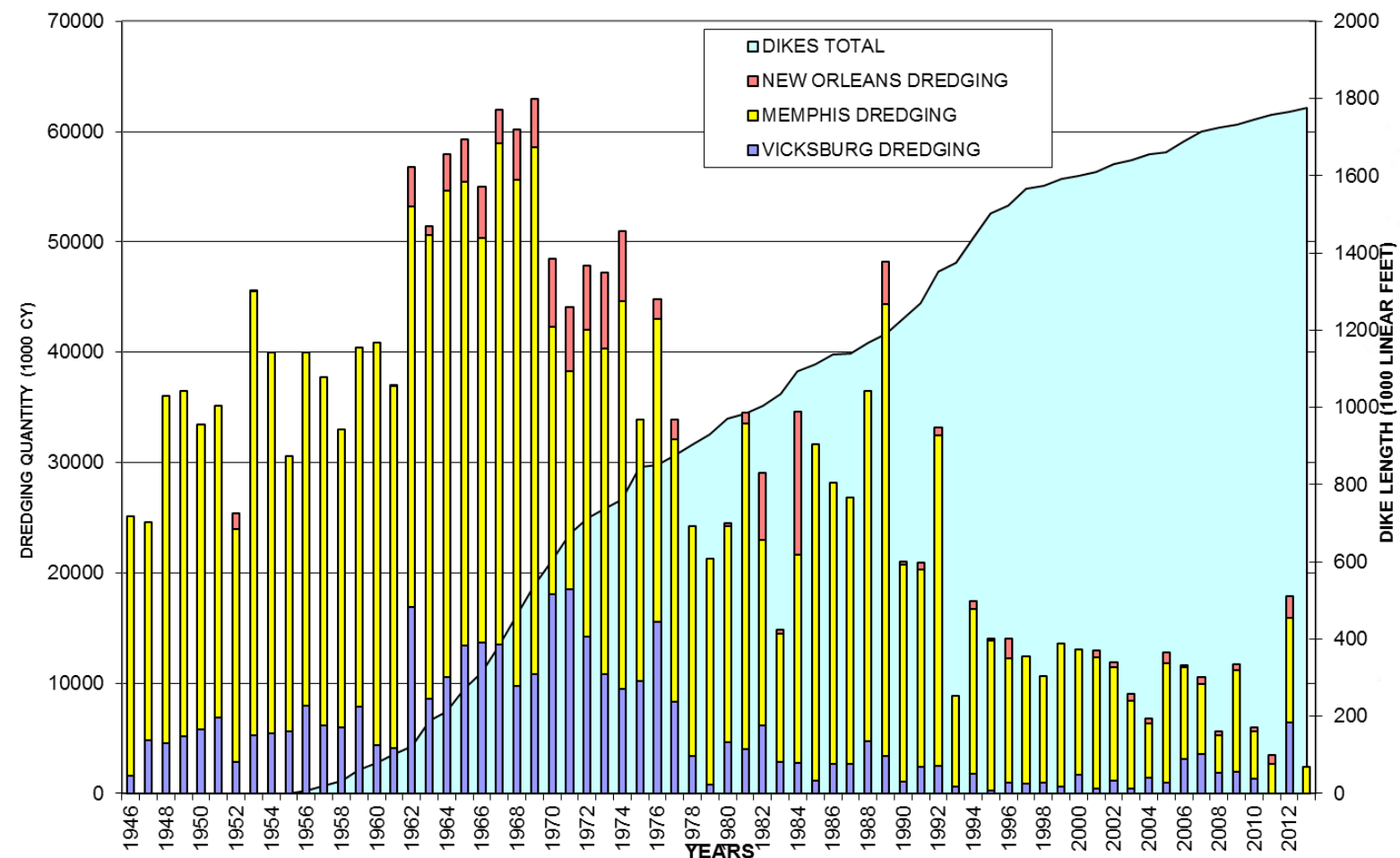




Project Category	# of Projects per Category	
Restore Secondary Channels	73	
Restore Lakes/Backwaters	69	
Notch Dikes – Main Channel	39	
Improve Boat Ramp Access	21	
Conserve/Restore Gravel Bars	10	
Procure Batture Land	10	
Restore Borrow Pits	5	
Construct Chevrons	5	
Construct Hardpoints	4	
Restore Tributary Mouth	2	
Construct/Restore Islands	1	
<b>TOTAL PROJECTS</b>	<b>239</b>	94



**CUMULATIVE DIKE LENGTHS & DREDGING MISSISSIPPI RIVER**





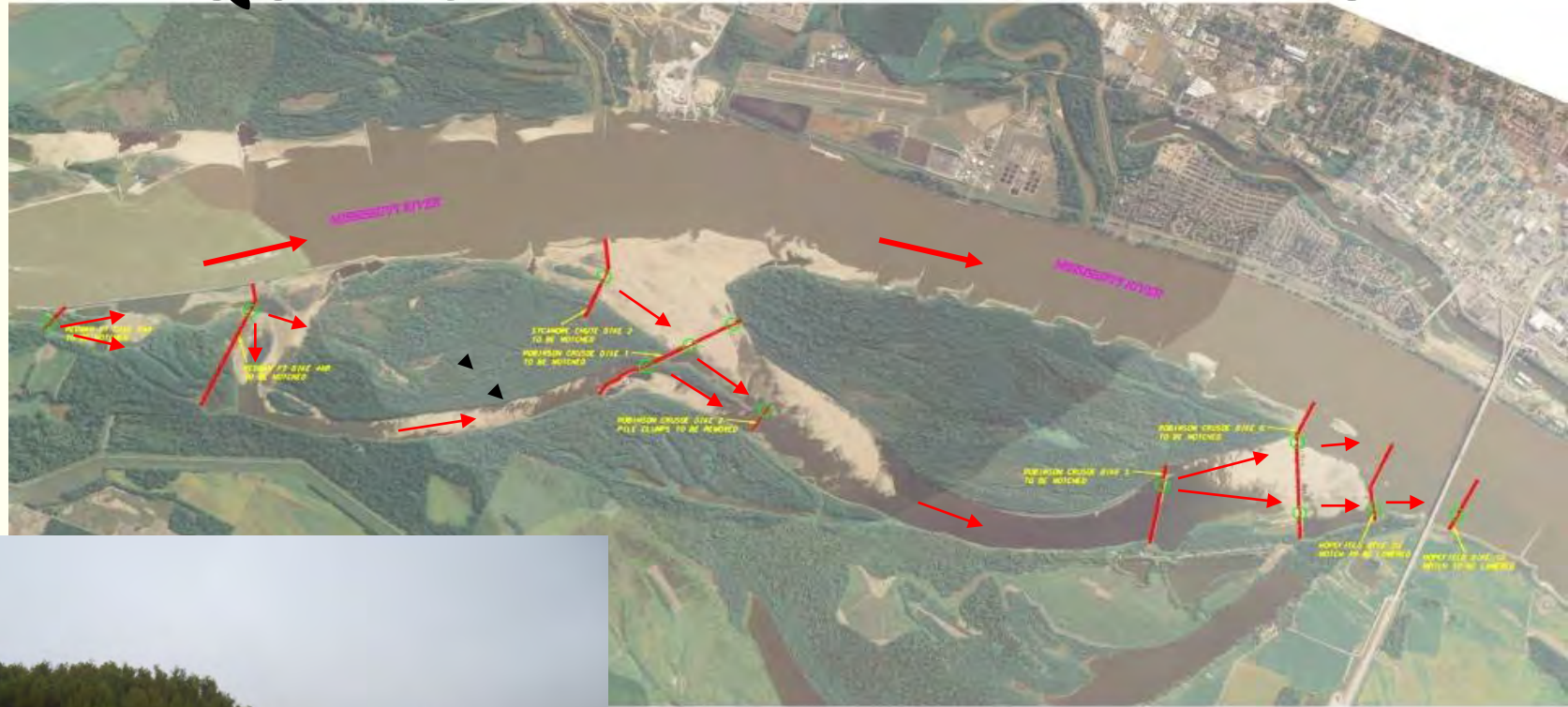
# Loosahatchie Bar





# LOOSAHATCHIE BAR

## AQUATIC HABITAT REHABILITATION



2008

- 22 Days
- 8 Dikes (11 Notches)
- 11.25 Miles








<https://www.youtube.com/user/LMRCCvideos>



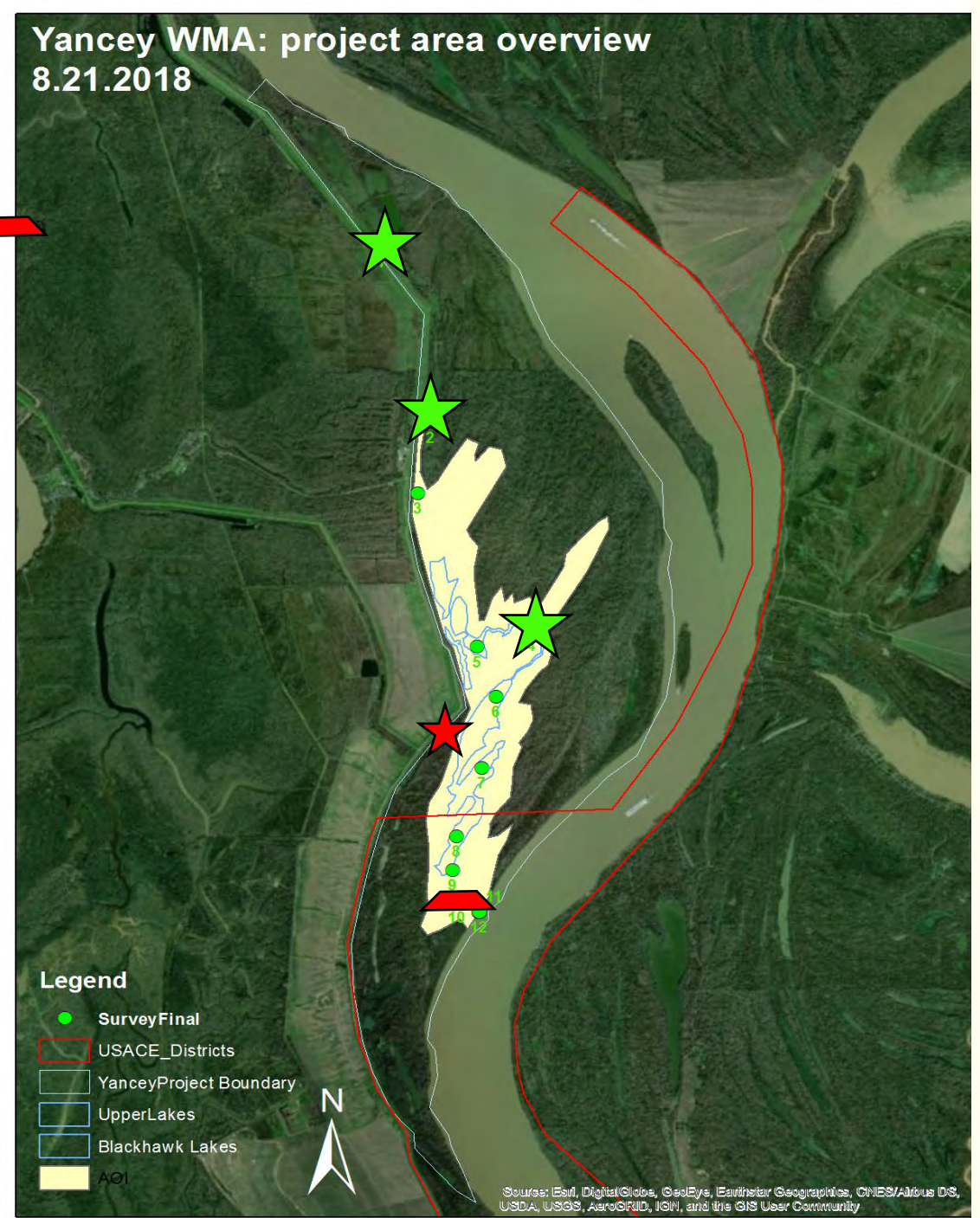


# R.K. Yancey Blackhawk Scar Lakes Ecosystem Restoration and Monitoring

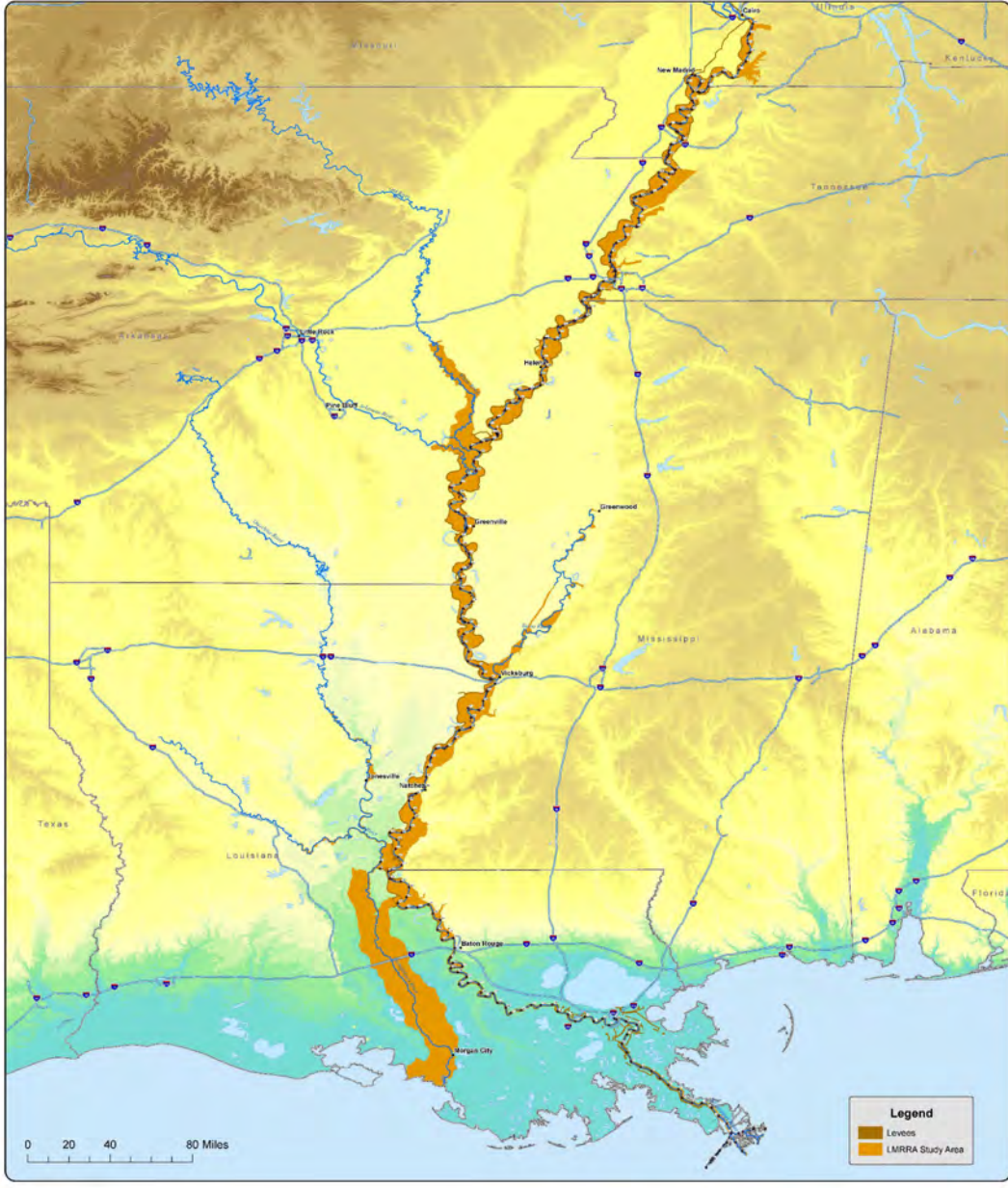
- 700 acres – restored floodplain hydrology – weir replacement 
- 5 miles – stream reconnection – 3 culvert replacements 
- Improve boat launch access 
- Habitat use, abundance, life history of Alligator gar and changes in trophic ecology associated with gar floodplain use in restored areas
- Provide management recommendations to the general public based on lessons learned



Yancey WMA: project area overview  
8.21.2018







# Lower Mississippi River Resource Assessment

2012 - 2016

Assessments of:

- (1) **Information** needed for river-related management;
- (2) Natural resource **habitat** needs;
- (3) Need for river-related **recreation** and **access**.



## LMRRA Recommendations

Data Science and  
Communications Program

Habitat Restoration and  
Management Program

Recreation Program



Data Science and Communications Program				
Recommendation		Lead Organization	Cost	Value
DISC 1	Science Technology Information Center	USGS	\$2 million/year	Promote interagency cooperation, encourage research, foster public interest, and support other recommendations.
DISC 2	Sediment Study	USACE	\$4 million/year	Support management plans, better manage dredging and coastal restoration.
DISC 3	Water Quality Monitoring Program	USGS & EPA	\$2 million/ year	Provide clean water for people, industry, and habitat.
DISC 4	Tributary Watershed Studies	USACE	9 @ \$1-\$5 million each	Develop plans to manage tributaries for habitat, water quality, sediment, water supply, navigation and recreation.
DISC 5	Ecological Inventory	USACE & USFWS	\$1.7 million	Provide information to support restoration.
Habitat Restoration and Management Program				
Recommendation		Lead Organization	Cost	Value
HRMP 1	Conservation Reach Studies	USACE	8 @ \$3 million each	Restore aquatic (side channel, oxbow, main channel, islands, and sandbars) and terrestrial (wetlands, bottomland hardwoods, and floodplain) habitats for native species and especially federally listed species.
HRMP 2	Aquatic Habitat Restoration Studies	USACE & USFWS	125 @ \$200,000 to \$ 15 million (maximum)	Restore individual sites for native species.
HRMP 3	Terrestrial Habitat Program	USDA & LMVJV	\$18,000,000	Restore floodplain habitat.
HRMP 4	Invasive Species Program	MICRA & ANSTF	Part of larger effort	Promote and protect native species.
Recreation Program				
Recommendation		Lead Organization	Cost	Value
RP 1	Boat Ramps	LMRCC and others	\$50,000 - \$750,000 each	Increase safety and meet recreation demand.
RP 2	Bicycle Trails	NGOs	variable	Increase safety and meet recreation demand.
RP 3	Riverfront Parks	Local Communities	variable	Promote community cohesiveness and meet demand.
RP 4	Riverboat Landings	Local Communities	variable	Provide safe, accessible opportunities and support local economic development.
RP 5	Marketing	NPS, MRPC, NGOs	\$2 million	Promote river use and encourage economic development.
RP 6	Lodging and Dining	Private Enterprise	variable	Meet demand and support economic development.
RP 7	Outfitters and Guides	Private Enterprise	variable	Increase safety, meet demand and support economic development.

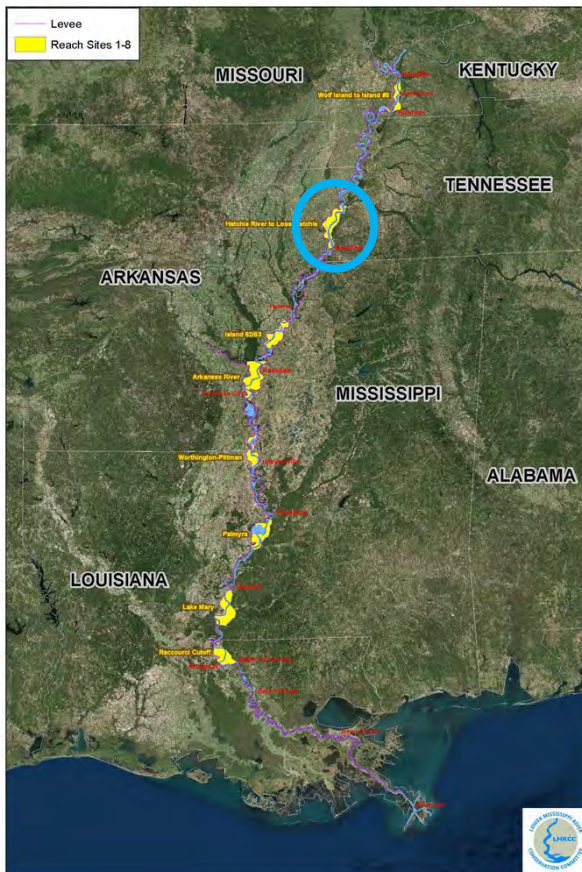


# Water Resources Development Act of 2018

## Sect. 202 ADDITIONAL STUDIES

- Lower Mississippi River; Missouri, Kentucky, Tennessee, Arkansas, Mississippi, and Louisiana
- Secretary is authorized...determine the **feasibility of habitat restoration for each of the eight reaches** identified as priorities in the report prepared by the Secretary pursuant to Section 402 of the WRDA of 2000, "Lower Mississippi River Resource Assessment; Final Assessment..."

LMRRA Conservation Reach Study  
Restoration Site Reaches 1-8

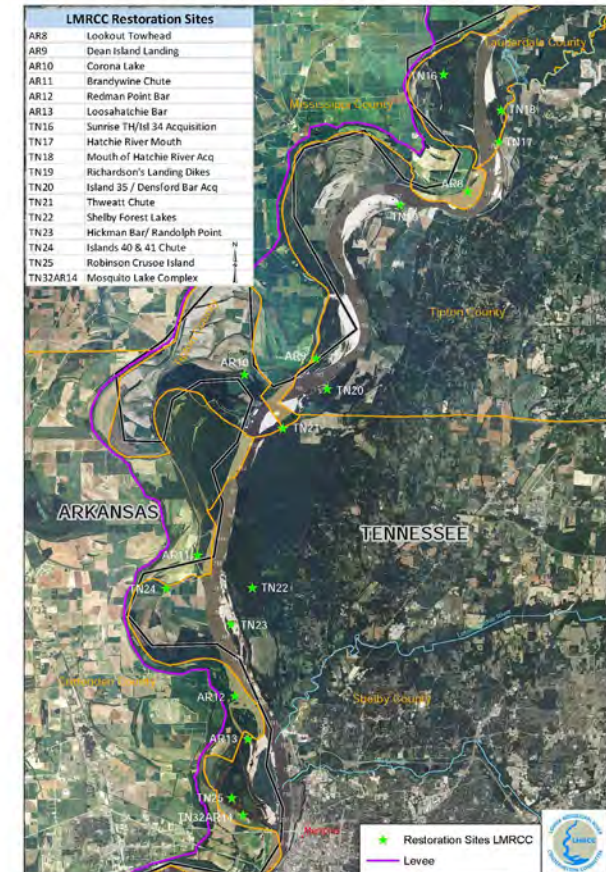


## 2021 Feasibility Study New Start

- Memphis District - 3x3x3 plan
- LMRCC Cost-Share Partner (50/50)
- AR / TN



LMRRA Conservation Reach Study  
Hatchie River to Loosahatchie - River Mile 775 to 736





# QUESTIONS?

**Angeline Rodgers**  
**angeline\_rodgers@fws.gov**  
**(601) 618-6034**

<http://www.lmrcc.org>

<https://www.youtube.com/user/LMRCCvideos>

<https://www.fws.gov/office/lower-mississippi-river-fish-and-wildlife-conservation>



### **4.3 SEPTEMBER 19 AND 26, OCTOBER 3, 2022 PUBLIC SCOPING MEETINGS**

#### **4.3.1 September 19 and 26, October 3, 2022 Public Scoping Meetings Information Sheet**



US Army Corps  
of Engineers®

## PUBLIC SCOPING MEETINGS



### Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

**Time and Locations of Public Scoping Meetings:** Several public scoping meetings are being conducted by the U.S. Army Corps of Engineers (USACE) and Non-Federal Sponsor, the Lower Mississippi River Conservation Committee (LMRCC), within the study area to present information and receive comments on the Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS). Notifications for the scoping meetings continue to be released through the project website, press releases, special public notices, USACE-Memphis District social media platforms, and posted at locations throughout the study area. Public Scoping Meeting details are included below:

- Sept. 19, 2022: Fort Pillow State Park Visitor Center/Museum, 3122 Park Road, Henning, TN 38041, from 6:00 p.m. – 7:30 p.m.
- Sept. 26, 2022: Meeman-Shelby Forest State Park Visitor Center, Park Office, 910 Riddick Road Millington, TN 38053, from 6:00 p.m. – 7:30 p.m.
- Oct. 3, 2022: Marion City Hall, 14 E. Military Rd, Marion, AR 72364, from 6:00 p.m. – 7:30 p.m.

**Preparation of the Draft Integrated Feasibility Report and Environmental Impact Statement:** The USACE and LMRCC intend to prepare a DIFR-EIS for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study seeks to examine restoring ecological structure and function to the mosaic of habitats along the lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736 including secondary channels and other floodplain aquatic habitats; floodplain forests; and several scarce vegetative communities such as, wetlands, rivercane, riverfront forests, and bottomland hardwood forests.

A Notice of Intent to prepare the DIFR-EIS will be published in the Federal Register in September of 2022. Additional information related to this Ecosystem Restoration Study can be accessed at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

**Purpose of Public Scoping Process:** Subsequent to the enactment of the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) was created and tasked with multiple responsibilities which include, but are not limited to, the formulation and recommendation of national policies to promote the improvement of the quality of the environment. CEQ “Regulations for Implementing the Procedural Provisions of NEPA” requires that public scoping be initiated before an environmental impact statement is prepared to identify significant issues related to the proposed action. Through the scoping process, affected federal, state, and local agencies; federally recognized Tribes; and other interested organizations

and individuals, are invited to participate in the proposed action evaluation process and assist in determining the scope and depth of significant issues to be analyzed in the environmental impact statement.

USACE requests full public participation and open communication in the public scoping phase of the study and invites all interested parties to attend the scoping meetings and comment on issues, concerns, and alternatives for consideration in the preparation of the DIFR-EIS.

Written comments submitted for consideration are due 30 days from the publication of the Notice of Intent (NOI) in the Federal Register. The anticipated NOI publication date is in Sept. 2022 and notifications will be publicly announced in advance by USACE on the project website at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>, and through press releases, special public notices, and USACE-Memphis District social media platforms, at a minimum. Written comments may be submitted: (1) to USACE at public scoping meetings; (2) by regular U.S. Mail mailed to: U.S. Army Corps of Engineers, ATTN: CEMVN-PDC-UDC, 167 North Main Street, Room B-202, Memphis, Tennessee 38103-1894; and (3) by email to: [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil). Please include your name and return address on the first page of your written comments. Please be advised that personally identifiable information that is contained on written comments submitted to USACE, may become a public record and publicly accessible. Therefore, do not submit confidential business information or otherwise sensitive or protected information.

**Public Scoping Meeting Agenda:** Welcoming Remarks  
LMRCC Introduction  
Study Overview  
NEPA and Scoping Process  
Open House/Public Comments





US Army Corps  
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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

### Contact Information:

#### USACE

##### **Biologist and NEPA Coordinator**

Mike Thron

[John.M.Thron@usace.army.mil](mailto:John.M.Thron@usace.army.mil)

Phone: 901-544-0708

##### **Project Manager**

Jason Allmon, P.E.

[Jason.E.Allmon@usace.army.mil](mailto:Jason.E.Allmon@usace.army.mil)

Phone: 901-544-3832

##### **Engineering Tech Lead**

Chief, River Engineering Section

Preston Snyder

[Preston.A.Snyder@usace.army.mil](mailto:Preston.A.Snyder@usace.army.mil)

Phone: 901-544-3832

#### LMRCC

##### **U.S. Fish and Wildlife Service (USFWS) – LMRCC Coordinator**

Angie Rodgers

[Angeline\\_rodgers@fws.gov](mailto:Angeline_rodgers@fws.gov)

Phone: 662-346-4403

##### **Tennessee Wildlife Resources Agency (TWRA) – LMRCC Chair**

Jason Henegar

[Jason.Henegar@tn.gov](mailto:Jason.Henegar@tn.gov)

Phone: 615-781-6573

Project Website: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>

Written comments:

[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)

or

ATTN: CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 North Main St., RM B-202  
Memphis, TN 38103-1894



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## **PUBLIC COMMENT FORM**

Name: \_\_\_\_\_

Telephone number (optional): \_\_\_\_\_

Organization (if any): \_\_\_\_\_

Address (optional): \_\_\_\_\_

\_\_\_\_\_

E-mail: \_\_\_\_\_

Questions/Comments:

- Are there additional problems or opportunities that would improve ecological functions for the benefit of fish and wildlife?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Are there any other concerns or issues?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Are there additional measures that would address the problems?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- 
- Are there specific data, modeling, or reports that should be considered?
- 
- 
- 
- 

- 
- Are there specific locations or unique opportunities for consideration?
- 
- 
- 
- 

- 
- Would you be interested in selling a Real Property Interest in support of Ecosystem Restoration? If so, circle all that apply: (a) Fee-simple, (b) Easements.
- 
- 

- 
- Additional Comments:
- 
- 
- 
- 
- 
- 
- 
- 
- 
-

#### **4.3.2 September 19, 2022 Public Scoping Meeting Flyer**

# PUBLIC MEETING

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

### WHY

To explain the study and solicit input on the scope, significant issues and alternatives to be analyzed.

### WHEN

Monday, Sept. 19,  
2022

6 p.m. to 7:30 p.m.

### WHERE

Fort Pillow State  
Park Visitor Center/  
Museum, 3122 Park  
Road, Henning, TN

The meeting's purpose is to inform the public of the study process and to solicit input on the scope, significant issues and development of alternatives to be analyzed. The study, being conducted by the U.S. Army Corps of Engineers and the Lower Mississippi River Conservation Committee, will examine restoration of ecological structure and function along the Mississippi River between River Miles 775-736, including side channels, floodplain waterbodies and other aquatic habitats. It will also examine floodplain forests and scarce vegetative communities such as wetlands, canebrakes, riverfront forests and bottomland hardwood forests. Study sponsors will accept questions and comments during the meeting. Written comments can be emailed to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) or mailed to:

CEMVN-PDC-UDC, U.S. Army Corps of Engineers Memphis District, 167 N Main St., Memphis, TN 38103-1894



Densford Dike Field side channel rehabilitation project near Millington, Tennessee.

#### **4.3.3 September 26, 2022 Public Scoping Meeting Flyer**

# PUBLIC MEETING

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

### WHY

To explain the study and solicit input on the scope, significant issues and alternatives to be analyzed.

### WHEN

Monday, Sept. 26, 2022

6 p.m. to 7:30 p.m.

### WHERE

Meeman-Shelby Forest  
State Park Visitor Center  
910 Riddick Road  
Millington, TN

The meeting's purpose is to inform the public of the study process and to solicit input on the scope, significant issues and development of alternatives to be analyzed. The study, being conducted by the U.S. Army Corps of Engineers and the Lower Mississippi River Conservation Committee, will examine restoration of ecological structure and function along the Mississippi River between River Miles 775-736, including side channels, floodplain waterbodies and other aquatic habitats. It will also examine floodplain forests and scarce vegetative communities such as wetlands, canebrakes, riverfront forests and bottomland hardwood forests. Study sponsors will accept questions and comments during the meeting. Written comments can be emailed to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) or mailed to:

CEMVN-PDC-UDC, U.S. Army Corps of Engineers Memphis District, 167 N Main St., Memphis, TN 38103-1894



Densford Dike Field side channel rehabilitation project near Millington, Tennessee.



#### **4.3.4 October 3, 2022 Public Scoping Meeting Flyer**

# PUBLIC MEETING

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study

### WHY

To explain the study and solicit input on the scope, significant issues and alternatives to be analyzed.

### WHEN

Monday, Oct. 3, 2022

6 p.m. to 7:30 p.m.

### WHERE

Marion City Hall  
14 E. Military Rd  
Marion, AR

The meeting's purpose is to inform the public of the study process and to solicit input on the scope, significant issues and development of alternatives to be analyzed. The study, being conducted by the U.S. Army Corps of Engineers and the Lower Mississippi River Conservation Committee, will examine restoration of ecological structure and function along the Mississippi River between River Miles 775-736, including side channels, floodplain waterbodies and other aquatic habitats. It will also examine floodplain forests and scarce vegetative communities such as wetlands, canebrakes, riverfront forests and bottomland hardwood forests. Study sponsors will accept questions and comments during the meeting. Written comments can be emailed to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) or mailed to:

CEMVN-PDC-UDC, U.S. Army Corps of Engineers Memphis District, 167 N Main St., Memphis, TN 38103-1894



Densford Dike Field side channel rehabilitation project near Millington, Tennessee.

#### **4.3.5 September 19 and 26, October 3, 2022 Public Scoping Meetings News Release**

**From:** [Williams, Kenneth CIV USARMY CEMVM \(USA\)](#)  
**Subject:** NEWS RELEASE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study public meeting scheduled  
**Date:** Tuesday, September 13, 2022 7:35:36 AM

---

NEWS RELEASE

U.S. Army Corps of Engineers  
FOR IMMEDIATE RELEASE

## **Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study public meeting scheduled**

MEMPHIS, Tenn. – The U.S. Army Corps of Engineers (USACE) and Non-Federal Sponsor, the Lower Mississippi River Conservation Committee (LMRCC), has scheduled a public scoping meeting for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study is being conducted in cooperation with LMRCC, which is a coalition of state natural resource conservation and environmental quality agencies.

The meeting is scheduled for Monday, Sept. 19, 2022, from 6:00 p.m. to 7:30 p.m., at Fort Pillow State Park Visitor Center/Museum, 3122 Park Road, Henning, TN 38041.

The scoping meeting's purpose is to inform the public of the study process and to solicit input on the scope, significant issues, and development of alternatives to be analyzed. The study will examine restoration of ecological structure and function along the Mississippi River between River Miles 775 and 736, including side channels, floodplain waterbodies, and other aquatic habitat. It will also examine floodplain forests, and several scarce vegetative communities such as wetlands, canebrakes, riverfront forests and BLH forests. Information about the study is available online at the project webpage:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

During the meeting, USACE and LMRCC will present study-related information and accept questions and comments. Written comments may also be sent by e-mail to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) and by mail to the following address:

CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 N Main St  
Memphis, Tennessee 38103-1894

###

Release no. 22-0913-01

Memphis District Contact:

Kenneth Williams

901-544-3360

kenneth.williams@usace.army.mil

Jessica Haas

(901) 544-3348

jessica.m.haas@usace.army.mil



**From:** [Williams, Kenneth CIV USARMY CEMVM \(USA\)](#)  
**Subject:** NEWS RELEASE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study public meetings scheduled  
**Date:** Wednesday, September 21, 2022 9:05:32 AM

---

## NEWS RELEASE

U.S. Army Corps of Engineers  
FOR IMMEDIATE RELEASE

# Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study public meetings scheduled

MEMPHIS, Tenn. – The U.S. Army Corps of Engineers (USACE) and Non-Federal Sponsor, the Lower Mississippi River Conservation Committee (LMRCC), has scheduled public scoping meetings for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The meetings are scheduled for:

- Sept. 26, 2022: Meeman-Shelby Forest State Park Visitor Center, Park Office, 910 Riddick Road Millington, TN 38053, from 6:00 p.m. – 7:30 p.m.
- Oct. 3, 2022: Marion City Hall, 14 E. Military Rd, Marion, AR 72364, from 6:00 p.m. – 7:30 p.m.

The scoping meetings' purpose is to inform the public of the study process and to solicit input on the scope, significant issues, and development of alternatives to be analyzed. The study will examine restoration of ecological structure and function along the Mississippi River between River Miles 775 and 736, including side channels, floodplain waterbodies, and other aquatic habitat. It will also examine floodplain forests, and several scarce vegetative communities such as wetlands, canebrakes, riverfront forests and BLH forests. Information about the study is available online at the project webpage:

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During the meetings, USACE and LMRCC will present study-related information and accept questions and comments. Written comments may also be sent by e-mail to [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) and by mail to the following address:

CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 N Main St  
Memphis, Tennessee 38103-1894

###

Release no. 22-0921-01

Memphis District Contact:

Kenneth Williams

901-544-3360

[kenneth.williams@usace.army.mil](mailto:kenneth.williams@usace.army.mil)

Jessica Haas

(901) 544-3348

[jessica.m.haas@usace.army.mil](mailto:jessica.m.haas@usace.army.mil)

#### **4.3.6 September 19 and 26, October 3, 2022 Public Scoping Meetings Presentation**

# HATCHIE/LOOAHATCHIE MISSISSIPPI RIVER MILE 775-736, TN AND AR ECOSYSTEM RESTORATION STUDY

Public Scoping Meeting

Mike Thron

*USACE Biologist and NEPA Coordinator*

3 October 2022



US Army Corps  
of Engineers®



**BUILDING STRONG®**

*and Taking Care of People!*



# PURPOSE OF SCOPING MEETING

- National Environmental Policy Act (NEPA)
- Inform the Public
  - Provide Overview and background on study
- Solicit Input
  - Determine scope of significant issues and concerns
  - Eliminate issues that are not significant
  - Development of alternatives

The USACE encourages full participation to promote open communication on the issues surrounding the study.





# AGENDA

- Background/Authority
- Study Area
- Proposed Measures
- We Want to Hear From You



# BACKGROUND - LMRRA

Data Science and Communications Program				
Recommendation		Lead Organization	Cost	Value
DISC 1	Science Technology Information Center	USGS	\$2 million/year	Promote interagency cooperation, encourage research, foster public interest, and support other recommendations.
DISC 2	Sediment Study	USACE	\$4 million/year	Support management plans, better manage dredging and coastal restoration.
DISC 3	Water Quality Monitoring Program	USGS & EPA	\$2 million/ year	Provide clean water for people, industry, and habitat.
DISC 4	Tributary Watershed Studies	USACE	9 @ \$1-\$5 million each	Develop plans to manage tributaries for habitat, water quality, sediment, water supply, navigation and recreation.
DISC 5	Ecological Inventory	USACE & USFWS	\$1.7 million	Provide information to support restoration.
Habitat Restoration and Management Program				
Recommendation		Lead Organization	Cost	Value
HRMP 1	Conservation Reach Studies	USACE	8 @ \$3 million each	Restore aquatic (side channel, oxbow, main channel, islands, and sandbars) and terrestrial (wetlands, bottomland hardwoods, and floodplain) habitats for native species and especially federally listed species.
HRMP 2	Aquatic Habitat Restoration Studies	USACE & USFWS	125 @ \$200,000 to \$ 15 million (maximum)	Restore individual sites for native species.
HRMP 3	Terrestrial Habitat Program	USDA & LMVJV	\$18,000,000	Restore floodplain habitat.
HRMP 4	Invasive Species Program	MICRA & ANSTF	Part of larger effort	Promote and protect native species.
Recreation Program				
Recommendation		Lead Organization	Cost	Value
RP 1	Boat Ramps	LMRCC and others	\$50,000 - \$750,000 each	Increase safety and meet recreation demand.
RP 2	Bicycle Trails	NGOs	variable	Increase safety and meet recreation demand.
RP 3	Riverfront Parks	Local Communities	variable	Promote community cohesiveness and meet demand.
RP 4	Riverboat Landings	Local Communities	variable	Provide safe, accessible opportunities and support local economic development.
RP 5	Marketing	NPS, MRPC, NGOs	\$2 million	Promote river use and encourage economic development.
RP 6	Lodging and Dining	Private Enterprise	variable	Meet demand and support economic development.
RP 7	Outfitters and Guides	Private Enterprise	variable	Increase safety, meet demand and support economic development.

## Eight reaches were identified as priorities:

Wolf Island to Island 8 Reach  
RM 946 – 910 (36 mi.)

**Hatchie/Loosahatchie Reach**  
**RM 775 – 736 (39 mi) (TN/AR)**

Islands 62/63 Reach  
RM 650 - 618 (32 mi.)

Arkansas River Reach  
RM 599 – 556 (43 mi.)

Possum (Worthington-Pittman) Reach  
RM 524 – 490 (34 mi.)

Palmyra River Reach  
RM 431 – 398 (33 mi.)

Lake Mary Reach  
RM 360 -322 (38 mi.)

Raccourci Cutoff Reach  
RM 300 -265 (35 mi.)



# AUTHORIZATION

- 2017:** LMRCC et al. submitted proposal through WRDA 7001 process to get a study authority for the Conservation Reach studies recommended in LMRRA.
- 2018:** WRDA 2018 SEC. 1202. *ADDITIONAL STUDIES. (a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.— (1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled “Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000” and dated July 2015. (2) CONSULTATION.—The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).*
- 2019:** LMRCC submits Letter of Intent to Sponsor the Hatchie/Loosahatchie Feasibility Study beginning in the FY 2021 Budget.
- 2021:** Received Funding to begin the HATCHIE/LOOSAHATCHIE, MISSISSIPPI RIVER MILE 775-736 HABITAT RESTORATION, TN & AR Feasibility Study.





# STUDY AREA



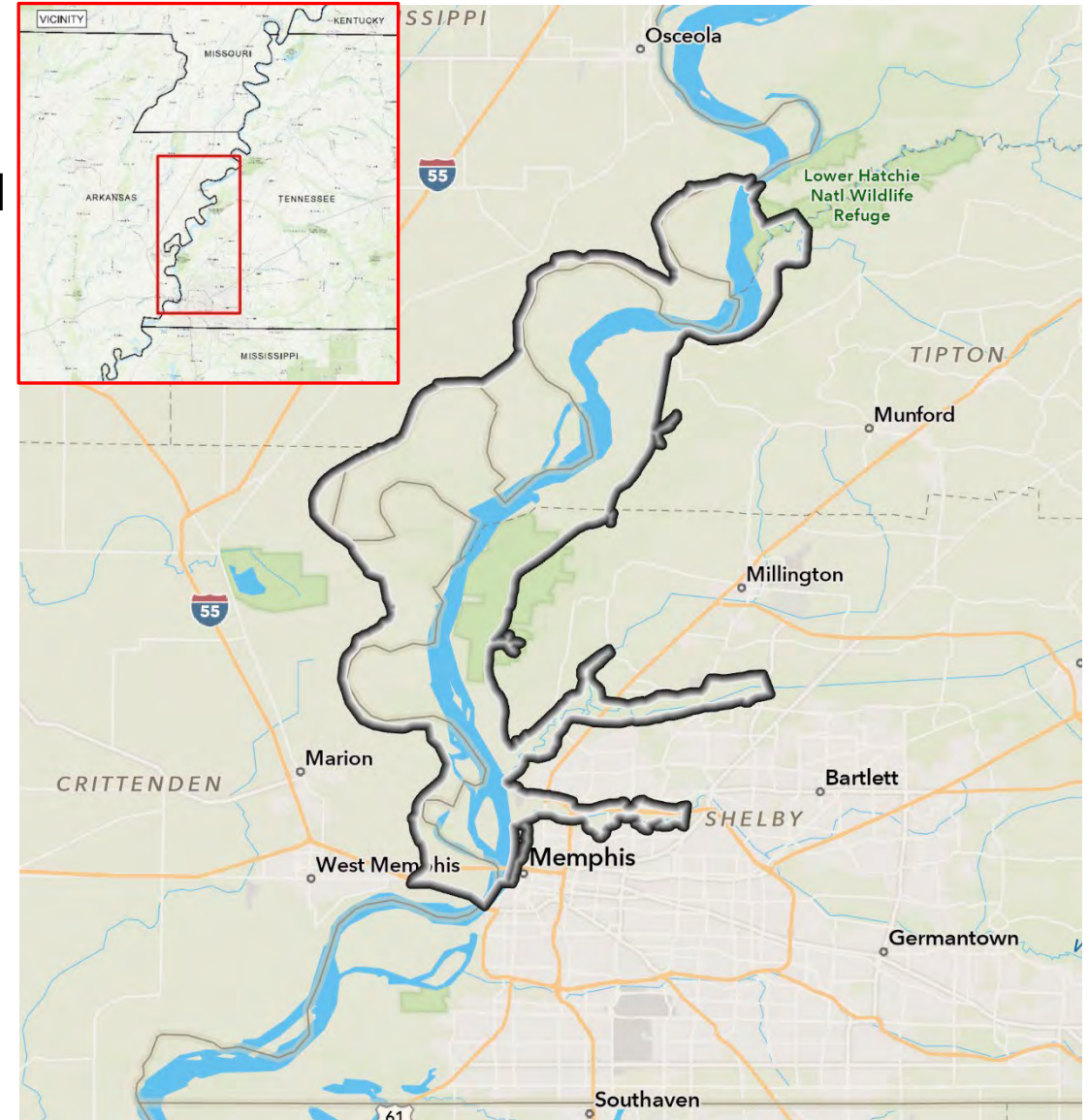
- 39-mile reach (RM 775-736)
- Beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor.
- Three tributary mouths in the reach (Hatchie, Loosahatchie, and Wolf Rivers).
- Meeman Shelby Forest State Park, Eagle Lake Refuge WMA, and Lower Hatchie NWR within this reach.

## Tennessee

GOV. Bill Lee (R)  
SEN Marsha Blackburn (R)  
SEN Bill Hagerty (R)  
REP David Kustoff (R TN-8)  
REP Steve Cohen (D TN-9)

## Arkansas

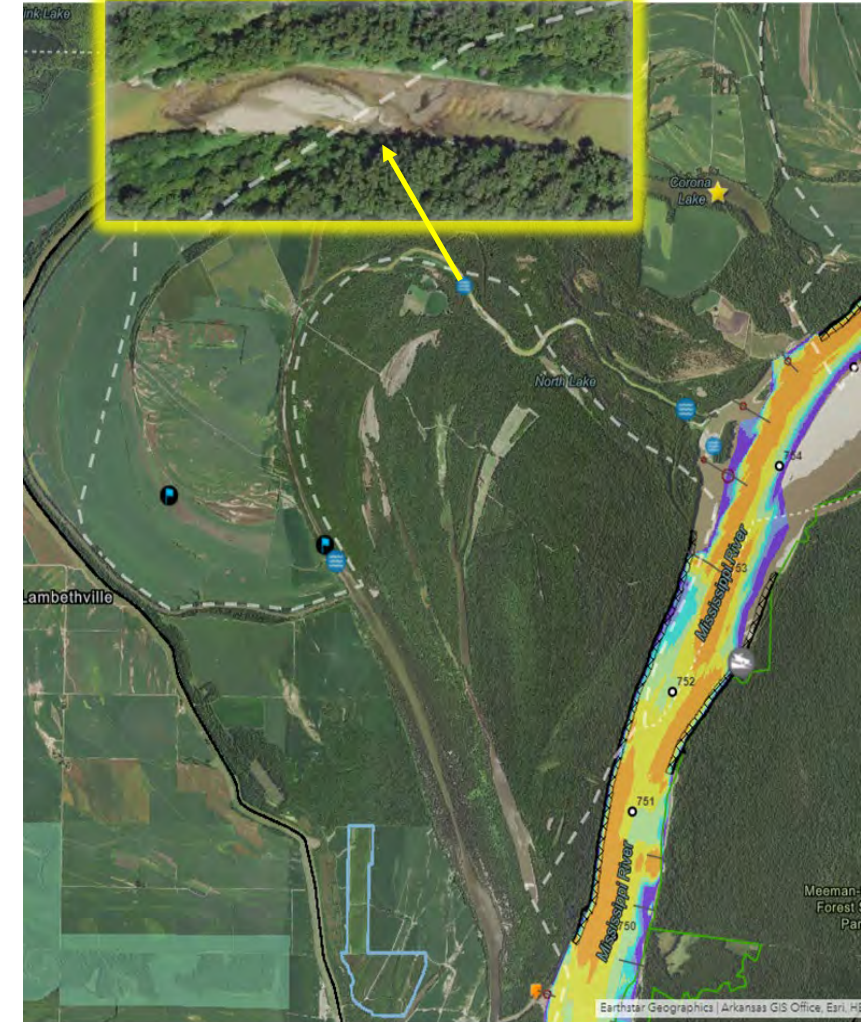
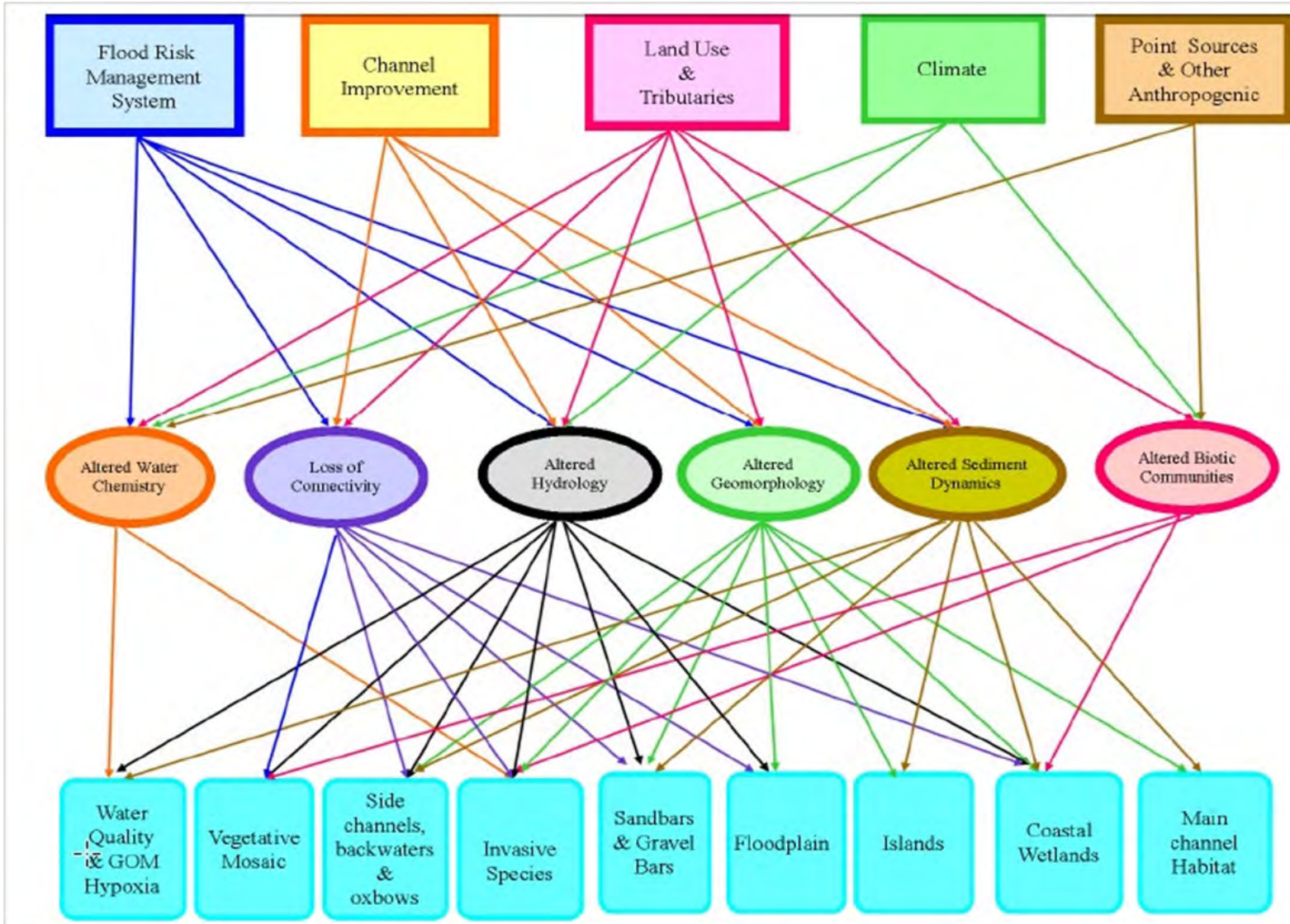
GOV Asa Hutchinson (R)  
SEN Tom Cotton (R)  
SEN John Boozman (R)  
REP Eric “Rick” Crawford (R AR-1)







# PROBLEMS AND OPPORTUNITIES

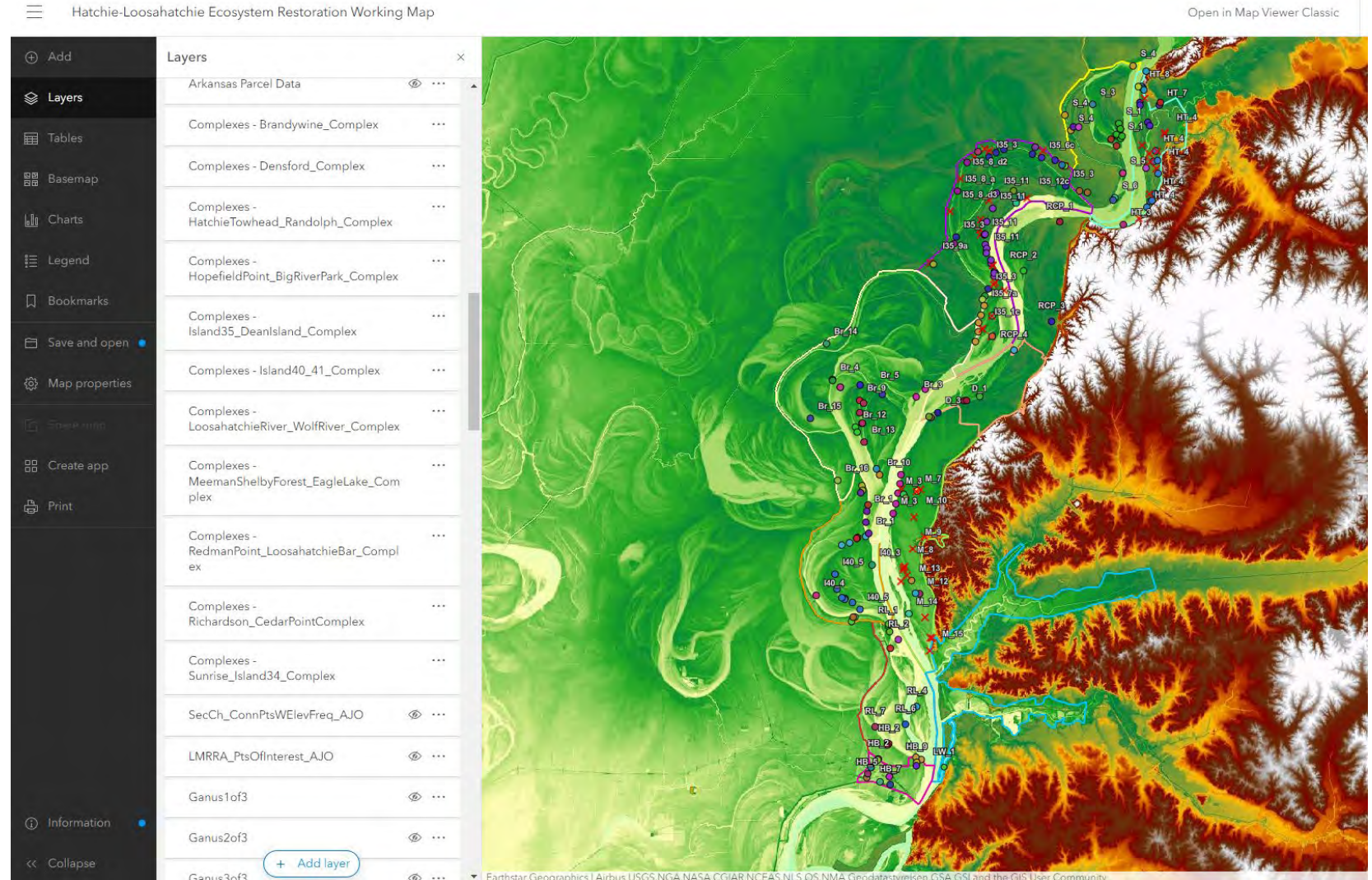






# ArcGIS Online (AGOL) for Alternative Development

- Study Area
- River Miles
- Boat Ramps
- LMRCC RAGR Projects
- Bathymetry
- Dikes
- Notches
- Revetment
- Dredging Locations
- Gravel Bars
- Least Tern Nesting Sites
- Landcover
- Public Lands
- 2yr-5yr Flood Frequency
- USFWS Alligator Gar HSI
- LMVJV Bird Priority Areas
- NRCS Easements
- Hydric Soils
- Low Water Imagery
- Historic River Maps
- Elevation Data
- Floodplain Waterbodies
- Habitat Complexes





# GOAL and OBJECTIVES

**GOAL:** To restore ecological structure and function to the **mosaic of habitats** along the Mississippi River including secondary channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities such as wetlands, rivercane, riverfront forests, and BLH forests.

**OBJECTIVE 1:** Increase quantity and/or quality of vegetated habitats and maintain a diverse **vegetative mosaic** in the floodplain to benefit native fish and wildlife resources (e.g., migratory birds and species of conservation concern) focusing on habitat such as: emergent, floating, and submersed aquatic vegetation; rivercane; BLH.

*Priority species: Indiana Bat, NLEB, Little Brown Bat, Prothonotary Warbler, Rusty Blackbird, - (BLH); King rail - (herbaceous wetlands), Swainson's Warbler - (rivercane), waterfowl, etc.*

**OBJECTIVE 2:** Improve quantity and/or quality of diverse **large river habitats** (sandbars, gravel bars, secondary channels, etc.) to support critical life history requirements of priority species.

*Priority species: Pallid Sturgeon, Blue Sucker, Lake Sturgeon, Sicklefin Chub, Stonecat, American Eel (secondary channels, gravel bars, point bars); Interior Least Tern (sandbars).*

**OBJECTIVE 3:** Increase quality of the diverse mosaic of **floodplain waterbodies** (including but not limited to meander scarps, sloughs, crevasses, and borrow areas) and optimize their **aquatic connectivity** with the Mississippi River to support critical life history requirements of priority species.

*Priority species: Alligator Gar, Paddlefish, Alligator Snapping Turtles (floodplain waterbodies, floodplain spawning habitat, etc.).*

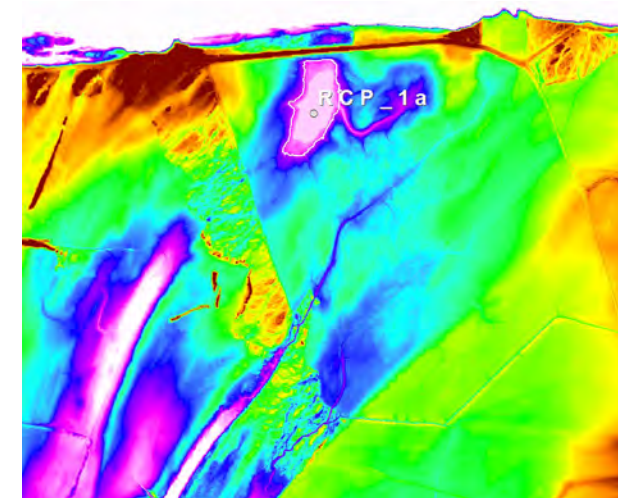
**OBJECTIVE 4:** Improve **recreational** opportunities and access to public spaces in study area.



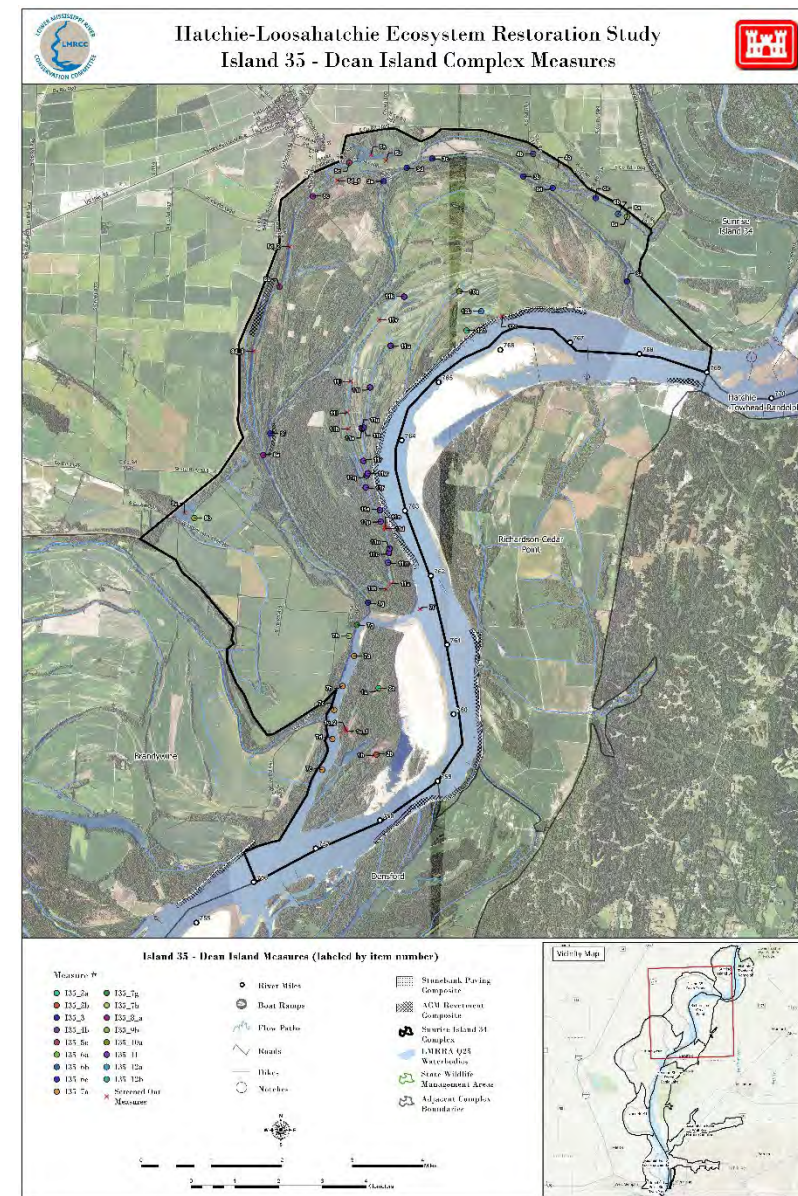


# Example Vegetative Measures

- Cypress-Tupelo establishment
- BLH – promotion of Oak/Hard Mast species
- Seasonal herbaceous wetlands
- Riparian buffers
- Rivercane





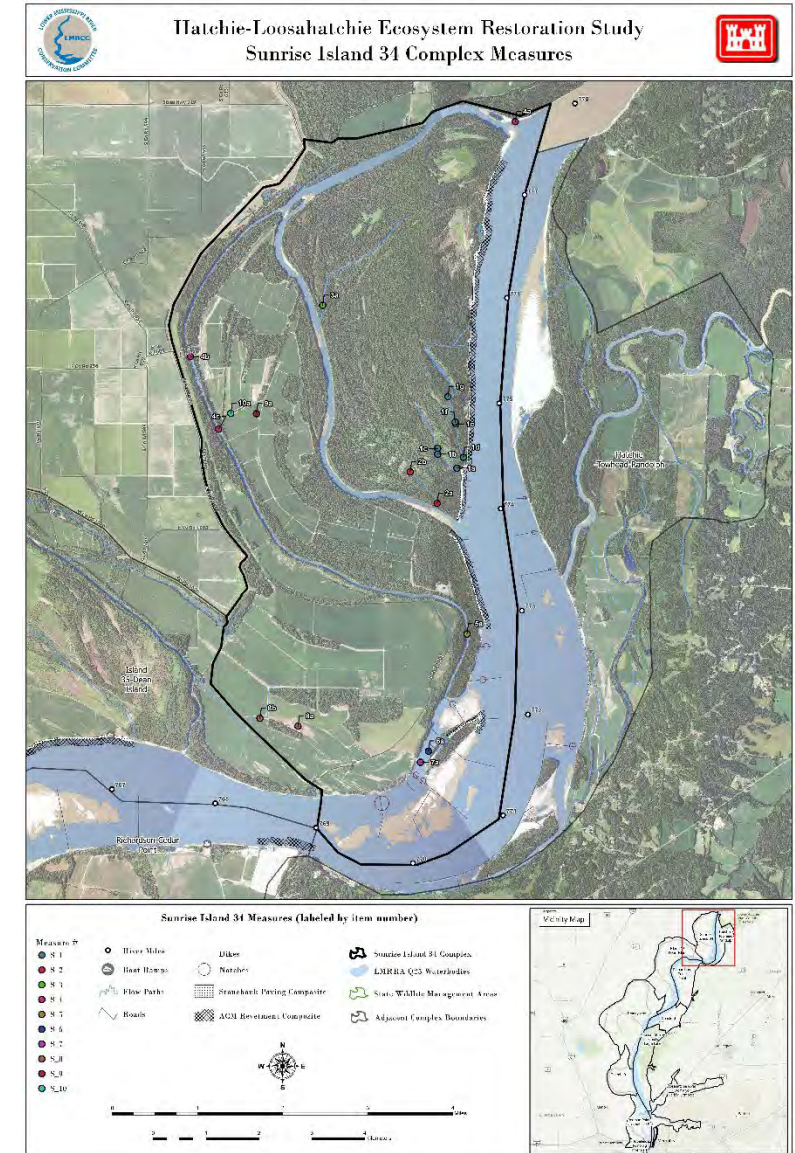
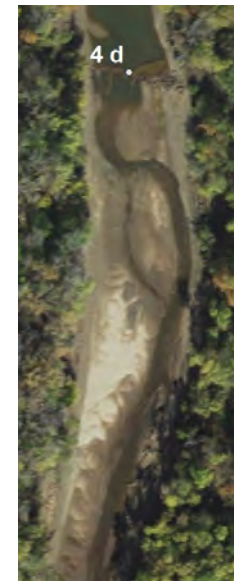
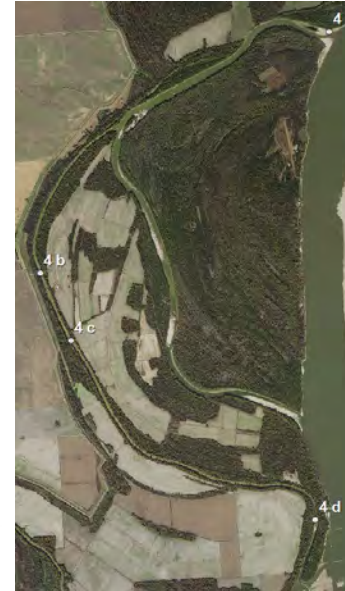






# Example Measure: Increase Connectivity to Meander Scarp

- Install River Training Structure to divert water
- Remove accumulated sediment
- Notch old pile dike
- Interested in feedback

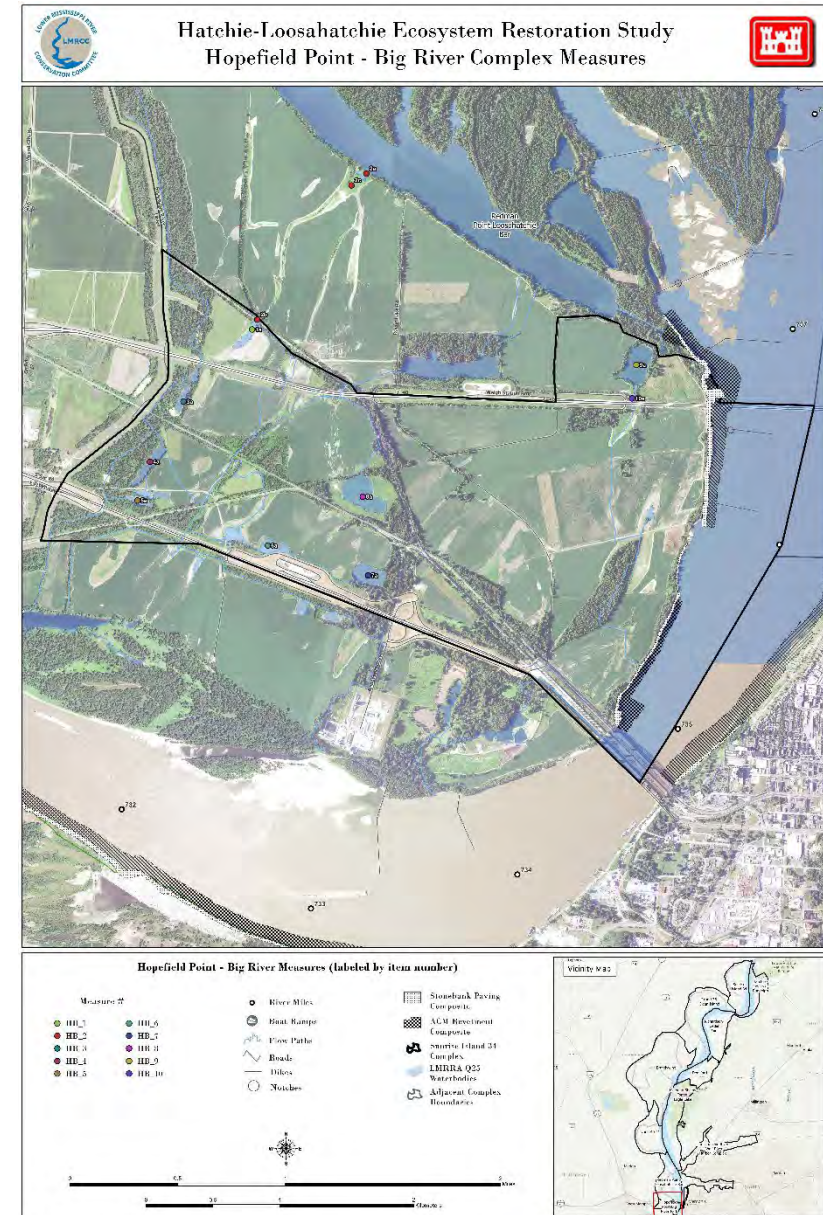






# Example Measure: Borrow Area/Floodplain Lake Restoration

- Restoring Habitat Complexity in Borrow Areas (floodplain lakes)







# Example Measure: Borrow Area/Floodplain Lake Restoration

- Restoring Habitat Complexity in Borrow Areas (floodplain lakes)



## ENVIRONMENTAL DESIGN OF BORROW AREAS

**1** Borrow areas can be constructed on the river side or land side of the levee. They can cover up to 20 acres or more.

**2** Riparian buffers of native trees should border 50-75% of the periphery.



**3** Should be mostly bowl-shaped. Deep water up to 10 feet with a 1:3 slope should cover up to 75%; shallow water < 5 feet with a 1:10 slope should cover 25%.

**4** Islands and sinuous shorelines create varying depths and promote higher fish diversity.

## FISH AND WILDLIFE INHABITING BORROW AREAS



Up to 75 species of fish occur in borrow areas. Riverside borrow areas typically harbor more species.



Wading birds such as Roseate Spoonbills, Wood Storks and Great Egrets regularly feed in borrow areas.



Waterfowl such as Black-bellied Whistling Ducks, Wood Ducks and Mallards feed and rest in borrow areas.

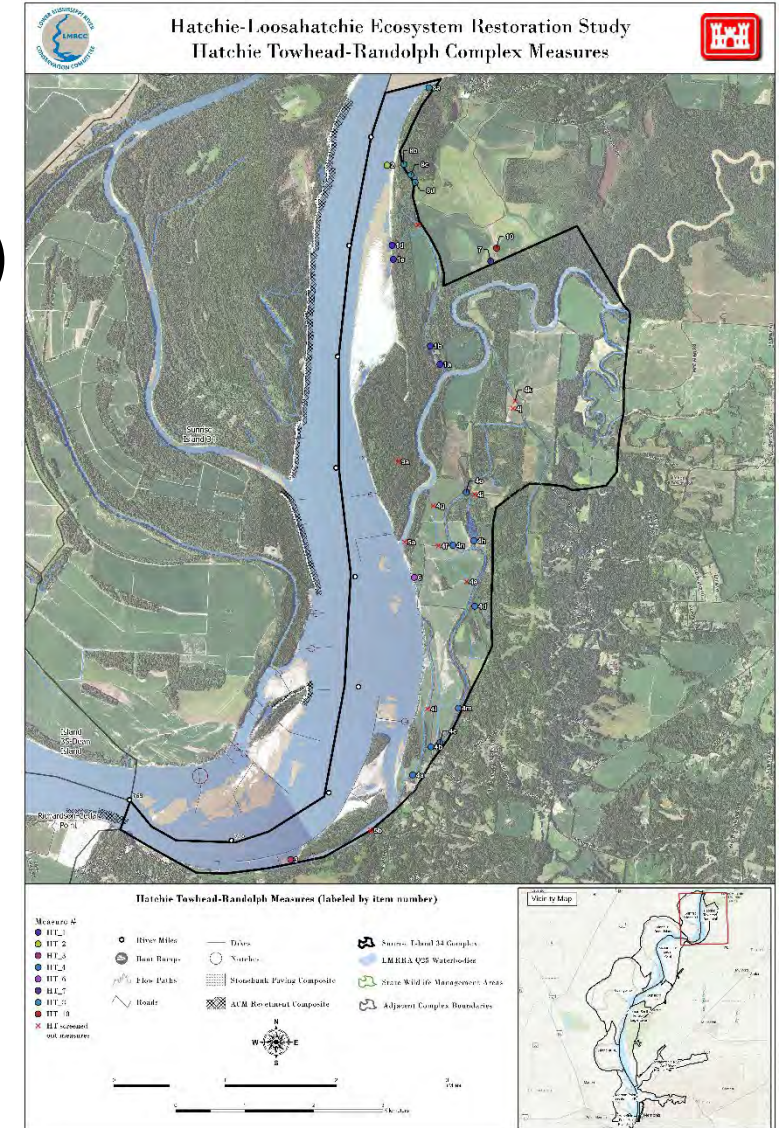
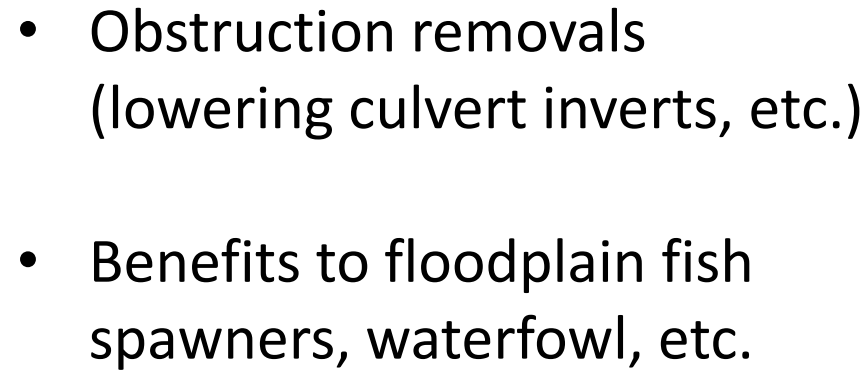


Forest and wetland birds such as Prothonotary Warblers frequent borrow areas with wooded shorelines.



Reptiles and amphibians, such as the Red-eared Slider, prefer still waters and woody debris for sunning.

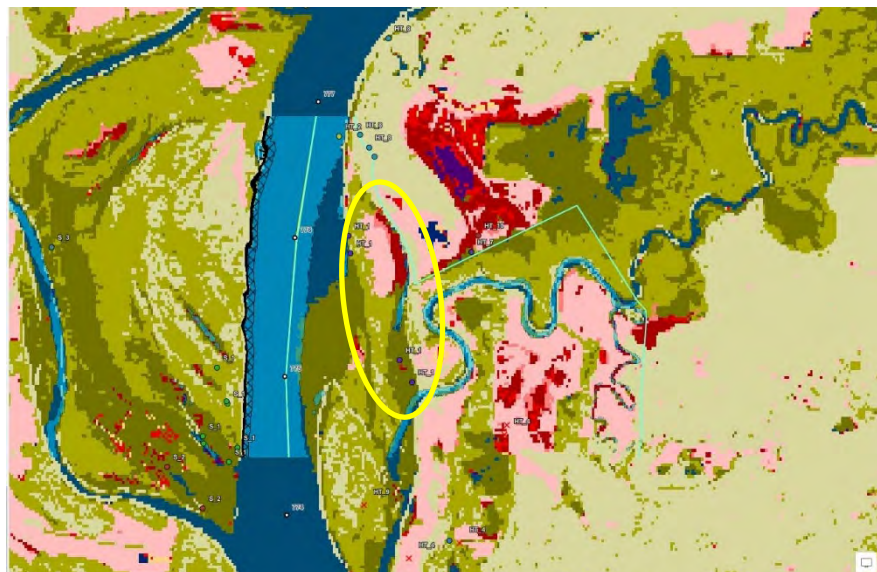








# Example Measure: Increase Connectivity of Floodplain Waterbodies (cont.)



USFWS

Lower Mississippi River Basin

Asian Carp Control Strategy Framework

*North American Journal of Fisheries Management* 40:580-596, 2020  
Published 2020. This article is a U.S. Government work and is in the public domain in the USA. *North American Journal of Fisheries Management*  
published by Wiley Periodicals, Inc. on behalf of American Fisheries Society.  
ISSN: 0275-5947 print / 1548-8675 online  
DOI: 10.1002/najfm.1963

SPECIAL SECTION: ALLIGATOR GAR

## Using Remote Sensing to Assess Alligator Gar Spawning Habitat Suitability in the Lower Mississippi River

Yvonne Allen,\* Kayla Kimmel, and Glenn Constant

U.S. Fish and Wildlife Service, Baton Rouge Fish and Wildlife Conservation Office, 243 Parker Collegeau,  
Louisiana State University, Baton Rouge, Louisiana 70803, USA

### Abstract

Floodplains are an important part of large-river ecosystems; the frequency, timing, duration, and spatial extent of inundation drive habitat quality and determine the suitability of these habitats for both aquatic and terrestrial organisms. Managers have traditionally had very limited information with which to evaluate and quantify the dynamics of large-river floodplains. Alligator Gar *Atractosteus spatula* use floodplains in the lower Mississippi River for spawning and have experienced declines in historic range that have been partly attributed to declines in spawning habitat availability. The Alligator Gar has therefore been identified by the American Fisheries Society, the U.S. Fish and Wildlife Service, and many state agencies as a species of concern in the lower Mississippi Alluvial Valley. The goal of this study was to develop landscape-level spatial data to determine the extent and quality of floodplain habitat that may be available for Alligator Gar spawning. Multi-temporal analysis of remote sensing imagery was used to develop spatial data products that defined floodplain inundation extent, inundation frequency, and temperature. These products were combined with existing layers of physical habitat structure to define and quantify spawning habitat suitability throughout the entire area subject to direct inundation by the lower Mississippi River. Habitat suitability categories were defined based on meeting unique combinations of inundation, temperature, and physical structure so that the most suitable conservation measures can be applied to improve local conditions.

Floodplains are an integral part of large-river ecosystems, where high flows that provide connectivity between the floodplain and the main-stem river (Welcomme 1979) drive ecosystem productivity (Junk et al. 1989). Many aquatic species take advantage of inundated floodplains for spawning and nursery habitat (Welcomme 1979; Bayley 1988; Kwak 1988; Agostinho et al. 2004; Balcombe et al. 2005; Farly et al. 2019), where there may be elevated primary productivity, more moderate environmental conditions, and physical structure of vegetation offering refuge from predation (Schramm and Eggleston 2006; Gonski et al. 2010). River regulation and other hydrologic alterations, including levee construction, dam building, channel training, and natural patterns of deposition and accretion, have altered flow magnitude, frequency,

duration, timing, and rate of change as well as the connectivity of many rivers with their adjacent floodplains. These engineered changes impact the function of the floodplain and in turn impact main-stem river function (Poff et al. 1997). On the lower Mississippi River, extensive levee construction during the last 150 years has separated over 90% of the historical floodplain from the main river channel (Baker et al. 1991). This reduction in habitat is particularly detrimental for species that have evolved to depend on a much larger Mississippi River floodplain. The floodplain on the St. Catherine Creek National Wildlife Refuge (SCCNWR; Figure 1) is one of the few areas of broad, low-relief floodplain that are still directly connected to the lower Mississippi River. The refuge lies on a narrow corridor between the Mississippi River to the west and high

\*Corresponding author: yvonne\_allen@fws.gov  
Received May 3, 2019; accepted March 6, 2020

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Lower Mississippi River Sub-basin  
Arkansas, White, and Red Rivers Sub-basin





# WE WANT TO HEAR FROM YOU

- Are there additional problems or opportunities that would improve ecological functions for the benefit of fish and wildlife?
- Are there any other concerns or issues?
- Are there additional measures that would address the problems?
- Are there specific data, modeling, or reports that should be considered?
- Are there specific locations or unique opportunities for consideration?
- Would you be interested in selling a Real Property Interest in support of Ecosystem Restoration? If so, circle all that apply: (a) Fee-simple, (b) Easements.
- Additional Comments:



# SUMMARY

Project Website: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>

Written comments may be given to us tonight or sent to:

[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)

or

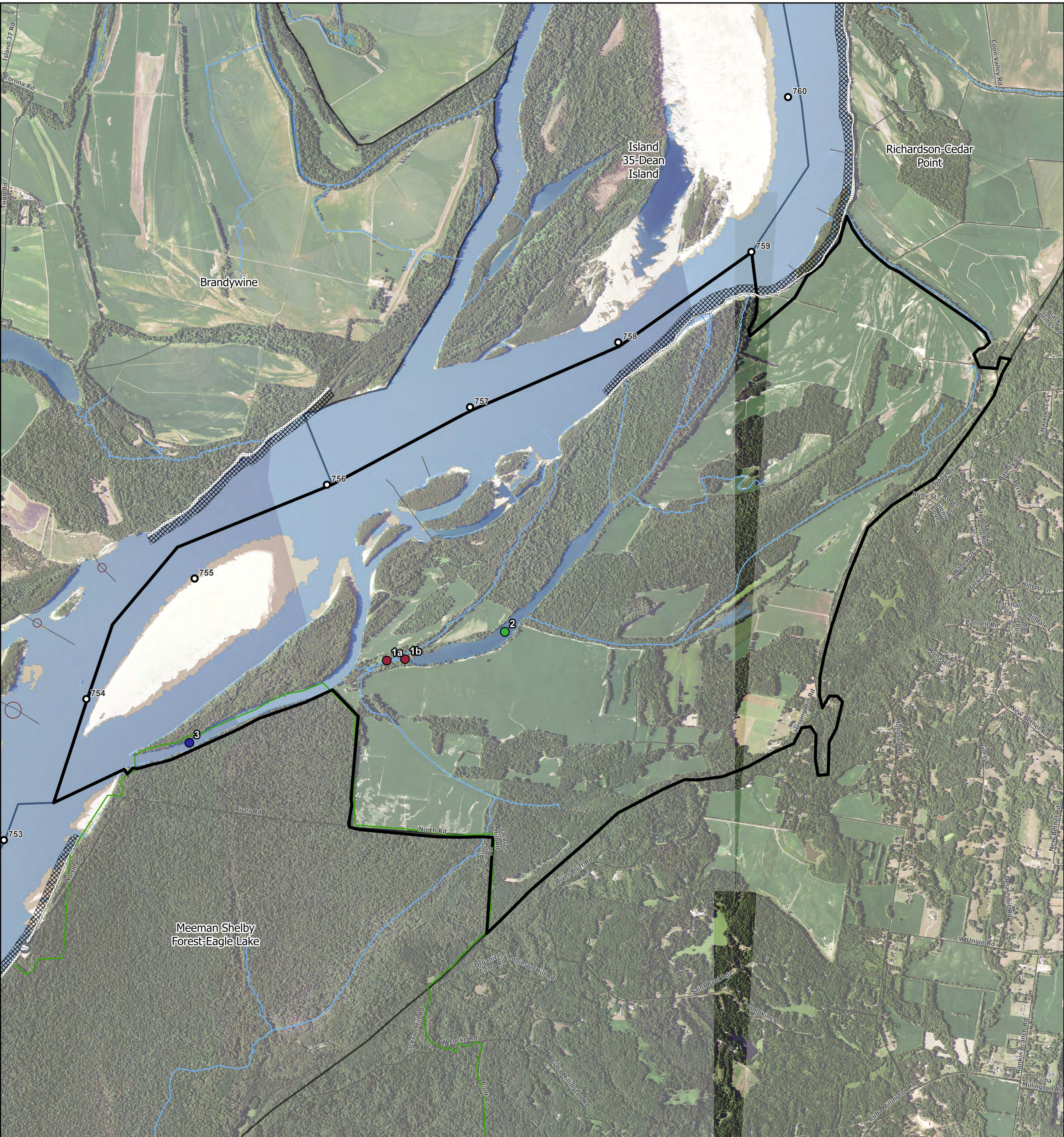
ATTN: CEMVN-PDC-UDC  
U.S. Army Corps of Engineers  
Memphis District  
167 North Main St., RM B-202  
Memphis, TN 38103-1894

#### **4.3.7 September 19 and 26, October 3, 2022 Public Scoping Meetings Measure Maps**



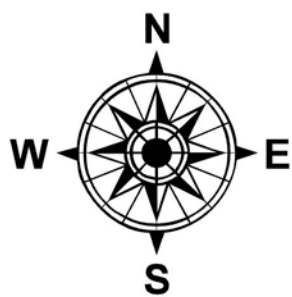
# Hatchie-Loosahatchie Ecosystem Restoration Study

## Densford Complex Measures



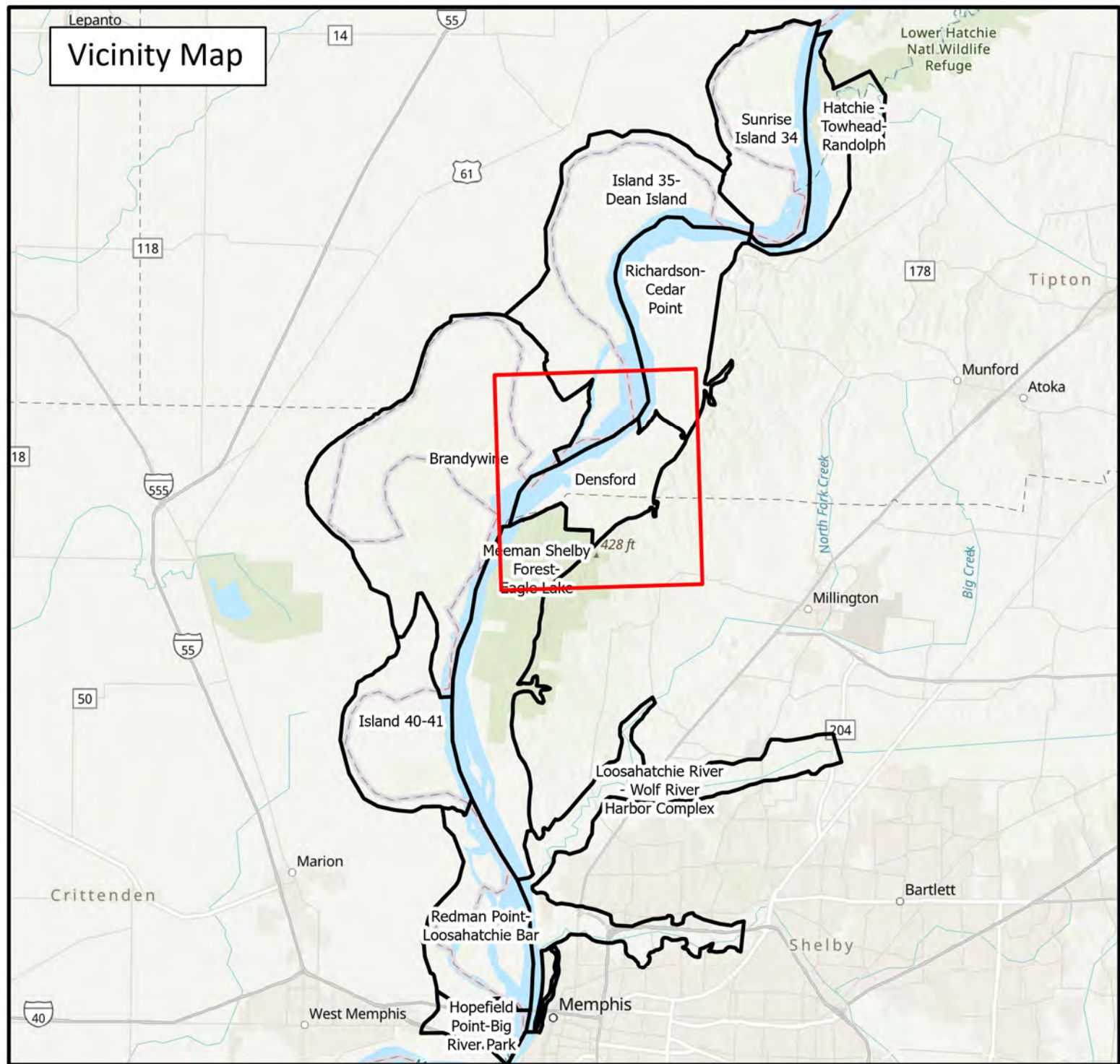
Densford Measures (labeled by item number)

- |           |             |                            |                                 |
|-----------|-------------|----------------------------|---------------------------------|
| Measure # | River Miles | Dikes                      | Sunrise Island 34 Complex       |
| D_1       | Boat Ramps  | Notches                    | LMRRA Q25 Waterbodies           |
| D_2       | Flow Paths  | Stonebank Paving Composite | State Wildlife Management Areas |
| D_3       | Roads       | ACM Revetment Composite    | Adjacent Complex Boundaries     |



0 1 2 3 Miles

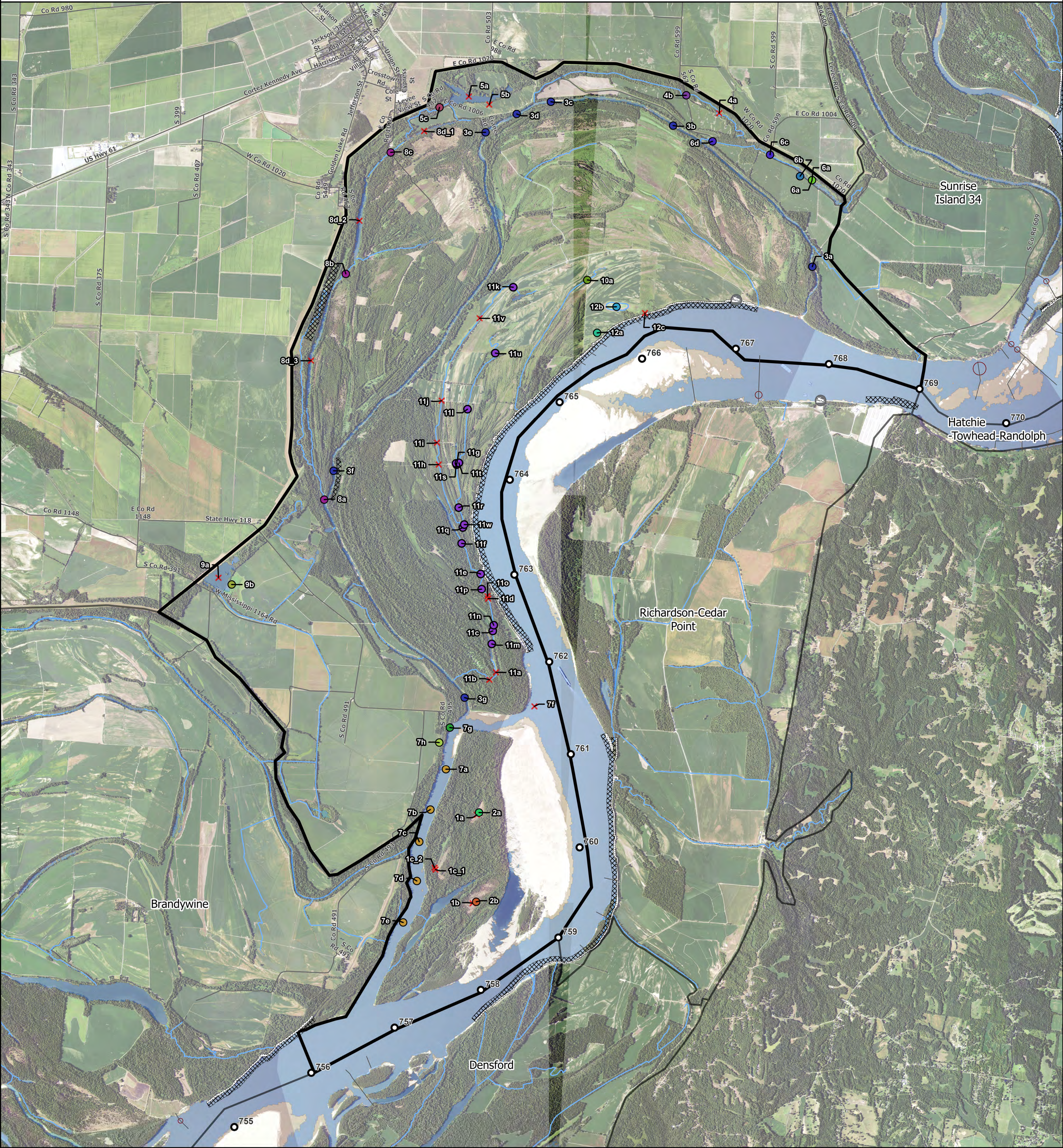
0 1 2 3 Kilometers





# Hatchie-Loosahatchie Ecosystem Restoration Study

## Island 35 - Dean Island Complex Measures



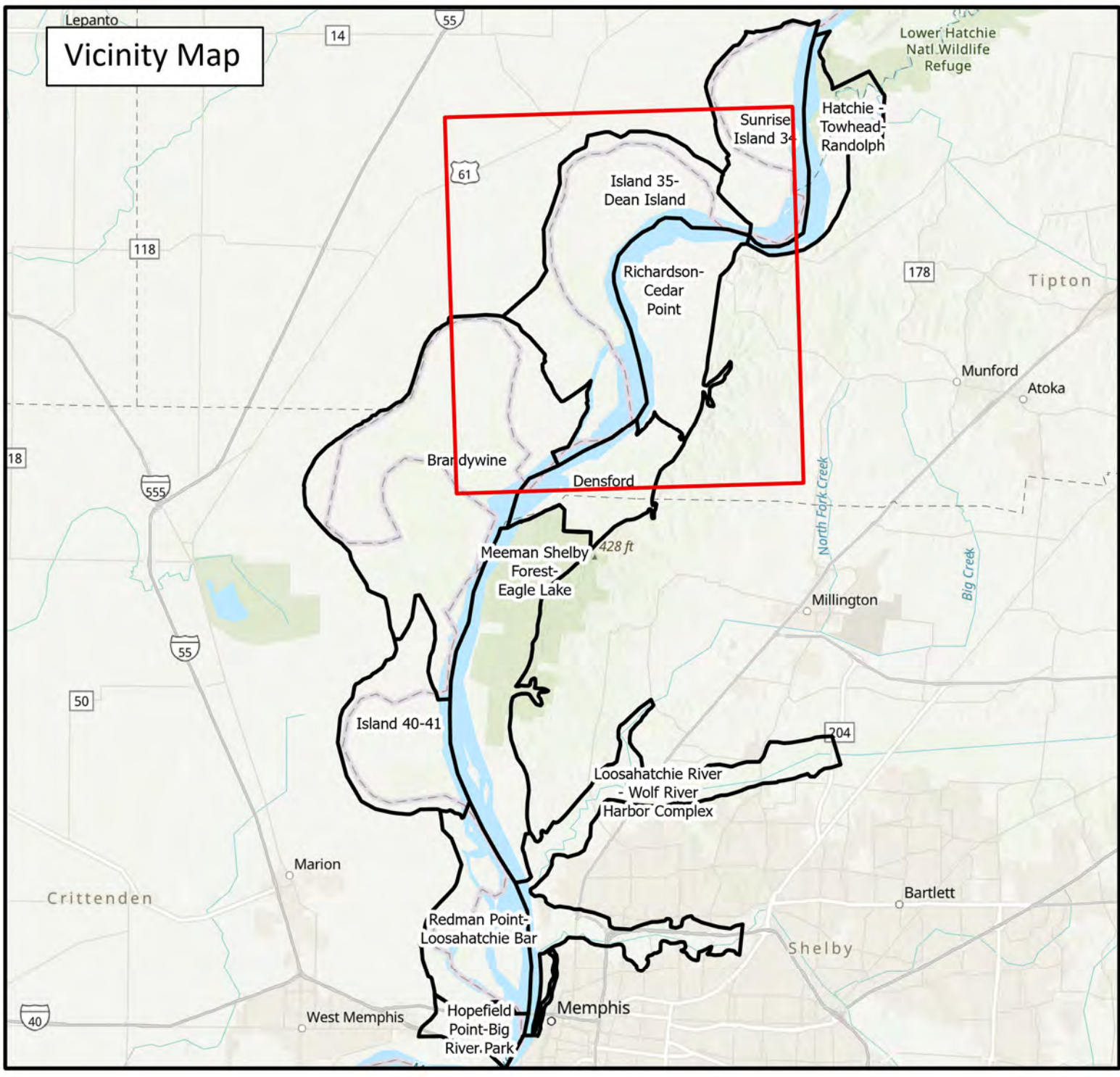
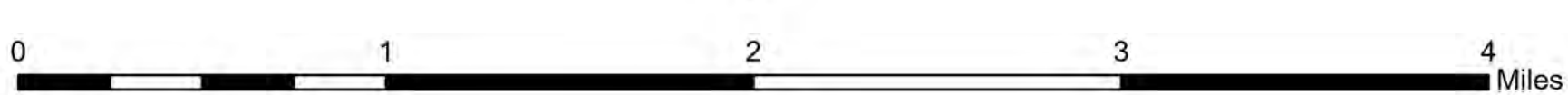
Island 35 - Dean Island Measures (labeled by item number)

Measure #

- I35\_2a
- I35\_2b
- I35\_3
- I35\_4b
- I35\_5c
- I35\_6a
- I35\_6b
- I35\_6c
- I35\_7a
- I35\_7g
- I35\_7h
- I35\_8\_a
- I35\_9b
- I35\_10a
- I35\_11
- I35\_12a
- I35\_12b
- Screened Out Measures

- River Miles
- Boat Ramps
- Flow Paths
- Roads
- Dikes
- Notches

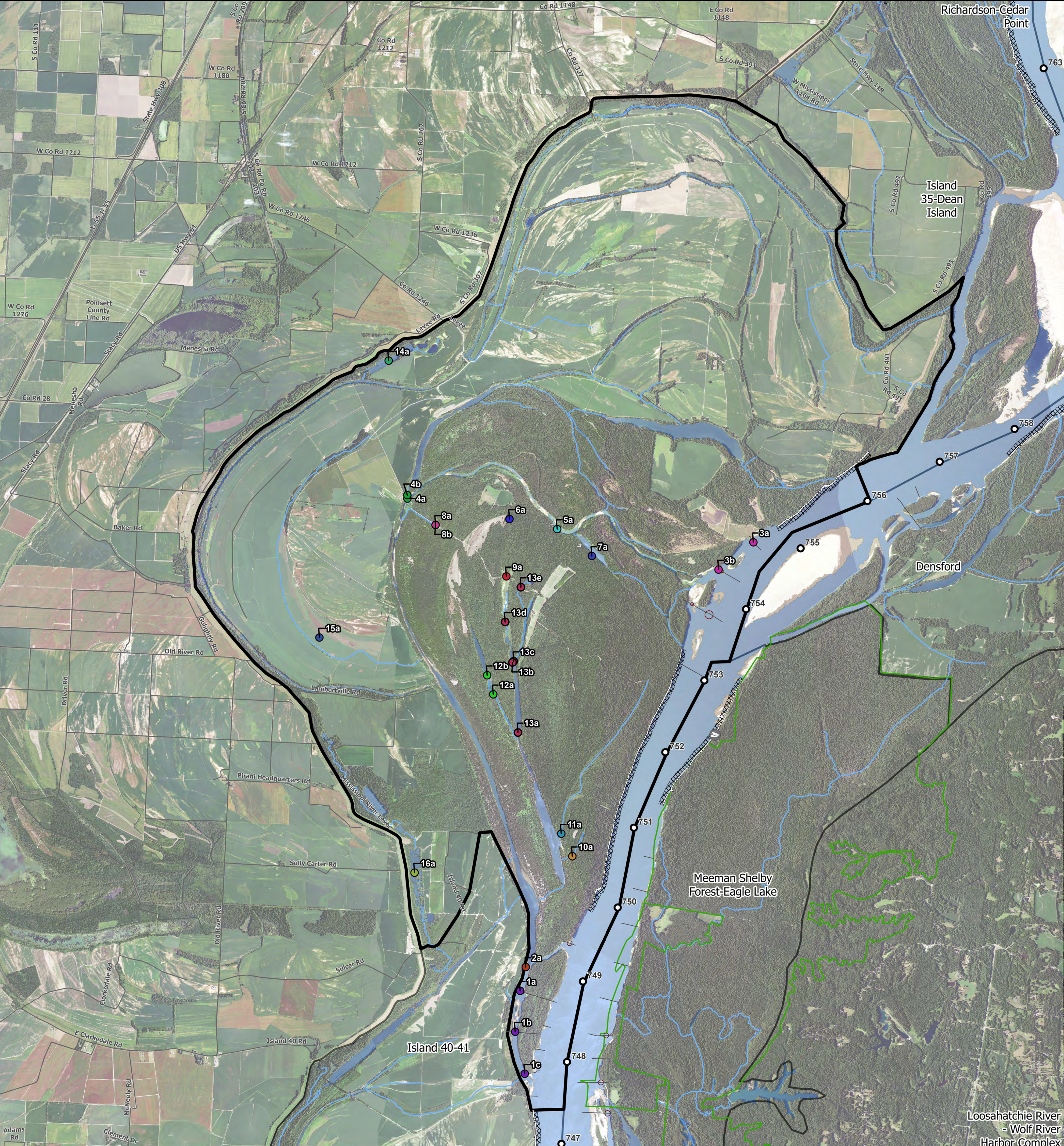
- Stonebank Paving Composite
- ACM Revetment Composite
- Sunrise Island 34 Complex
- LMRRA Q25 Waterbodies
- State Wildlife Management Areas
- Adjacent Complex Boundaries





# Hatchie-Loosahatchie Ecosystem Restoration Study

## Brandywine Complex Measures



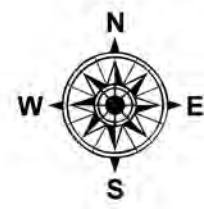
Brandywine Measures (labeled by item number)

Measure #

- Br\_1
- Br\_2
- Br\_3
- Br\_4
- Br\_5
- Br\_6
- Br\_7
- Br\_8
- Br\_9
- Br\_10
- Br\_11
- Br\_12
- Br\_13
- Br\_14
- Br\_15
- Br\_16

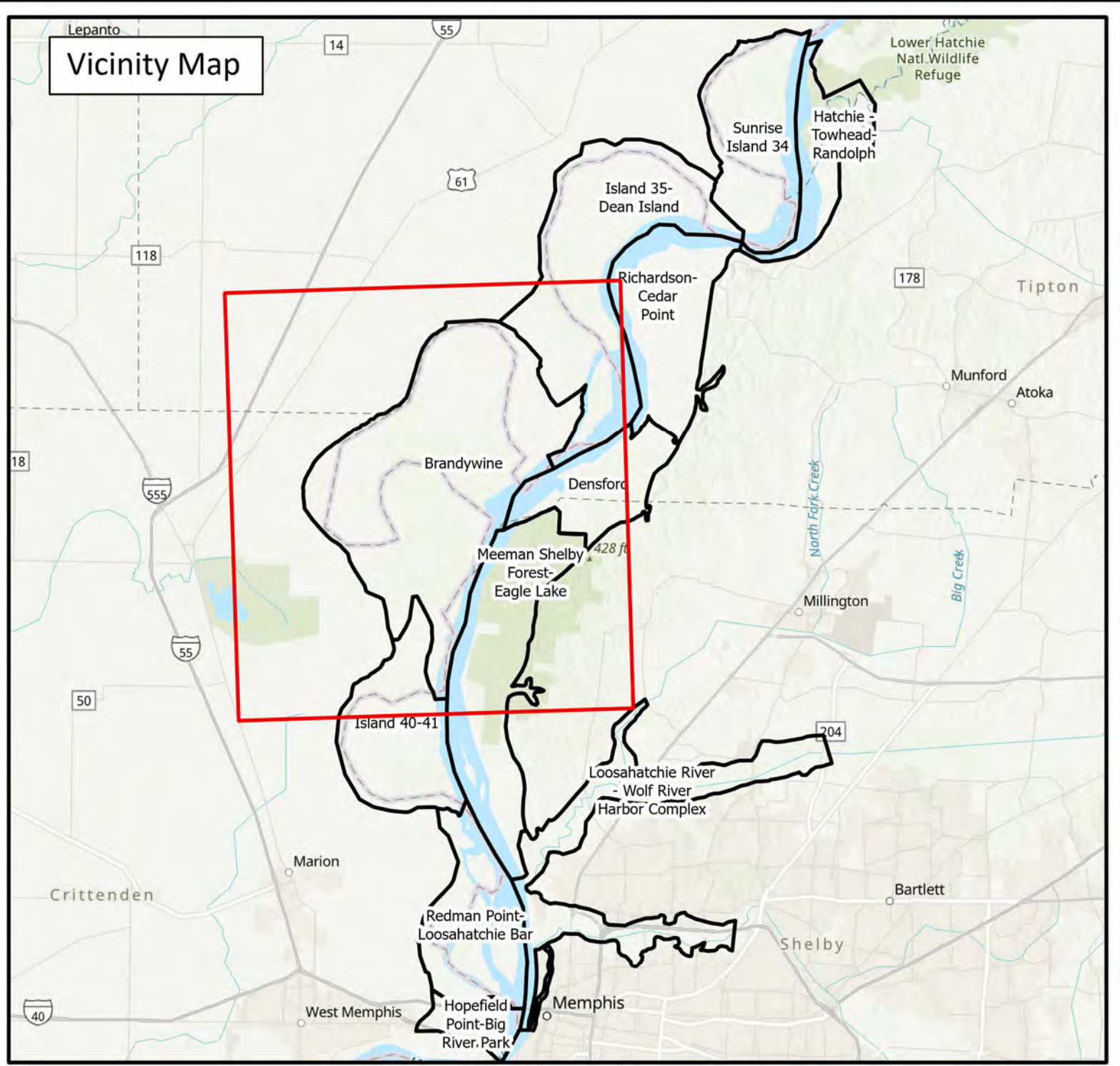
- River Miles
- Boat Ramps
- Flow Paths
- Roads
- Dikes
- Notches

- Stonebank Paving Composite
- ACM Revetment Composite
- Sunrise Island 34 Complex
- LMRRA Q25 Waterbodies
- State Wildlife Management Areas
- Adjacent Complex Boundaries



0 2 4 6 Miles

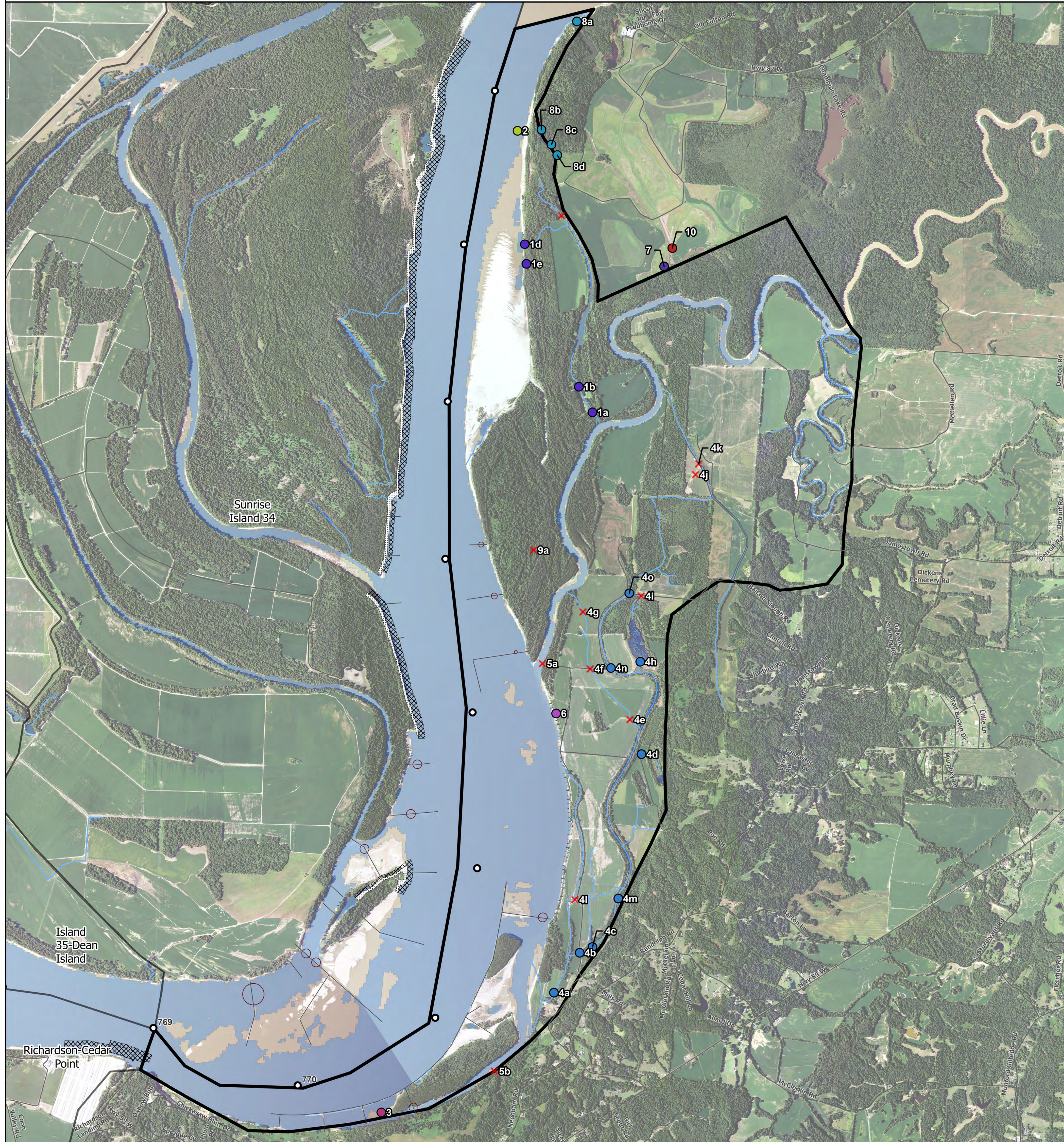
0 2 4 6 Kilometers



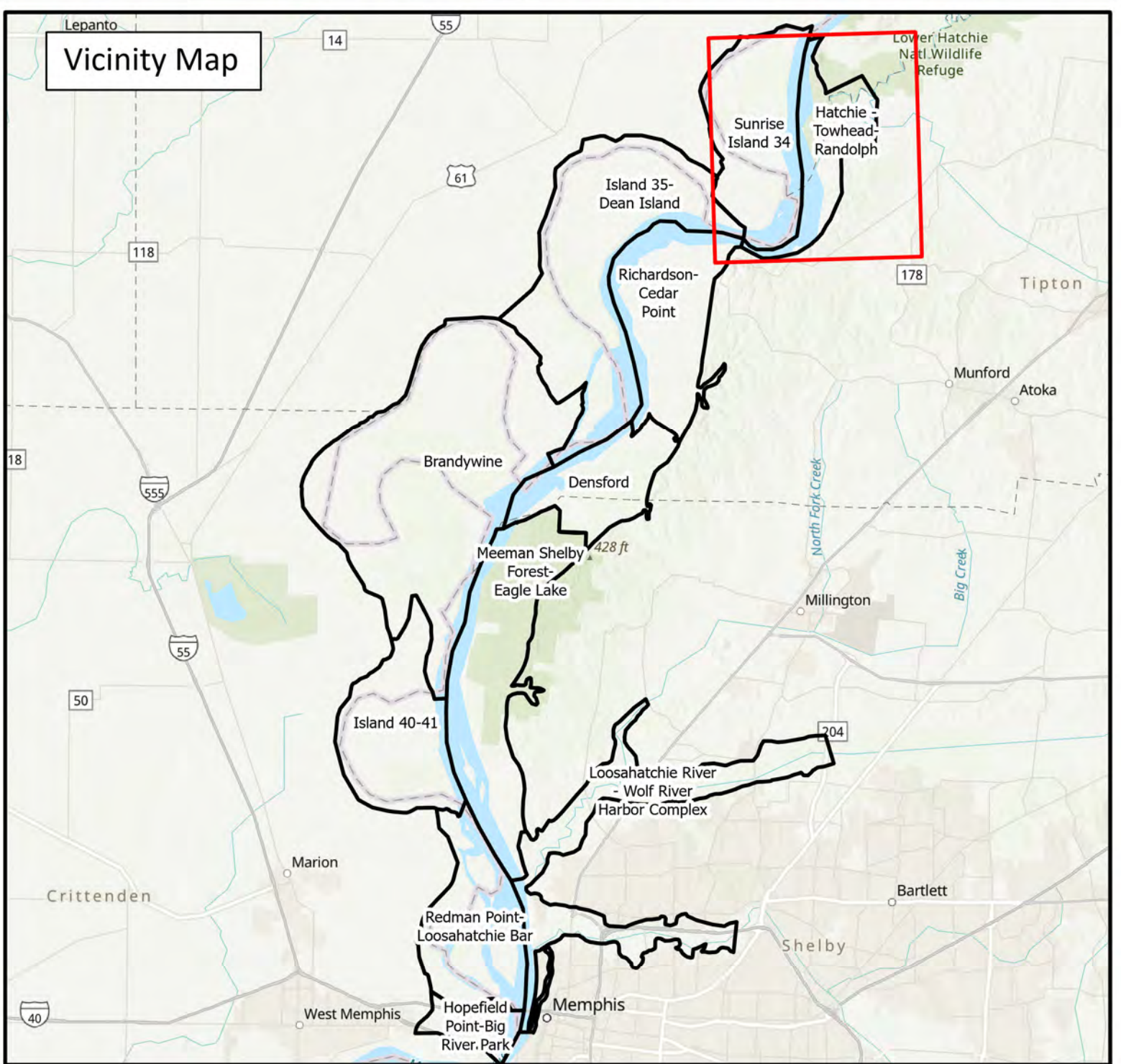
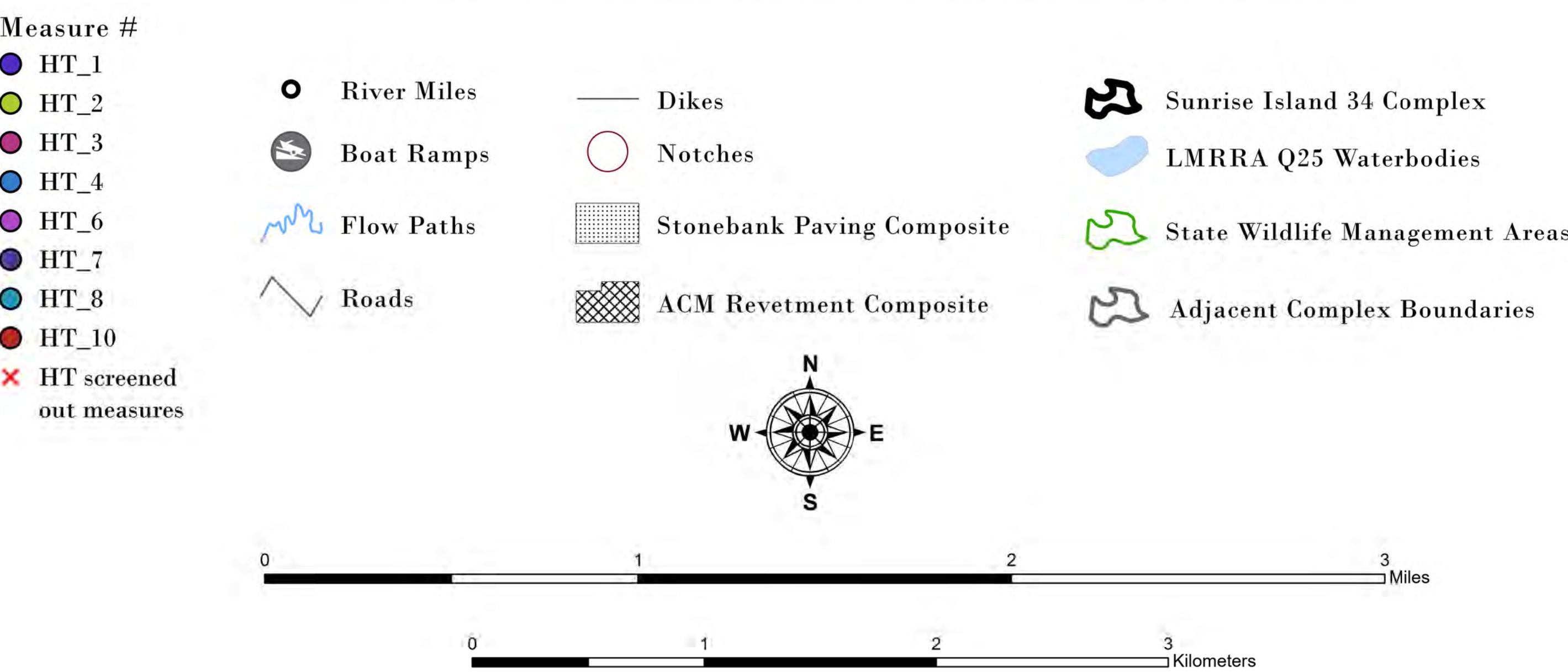


# Hatchie-Loosahatchie Ecosystem Restoration Study

## Hatchie Towhead-Randolph Complex Measures



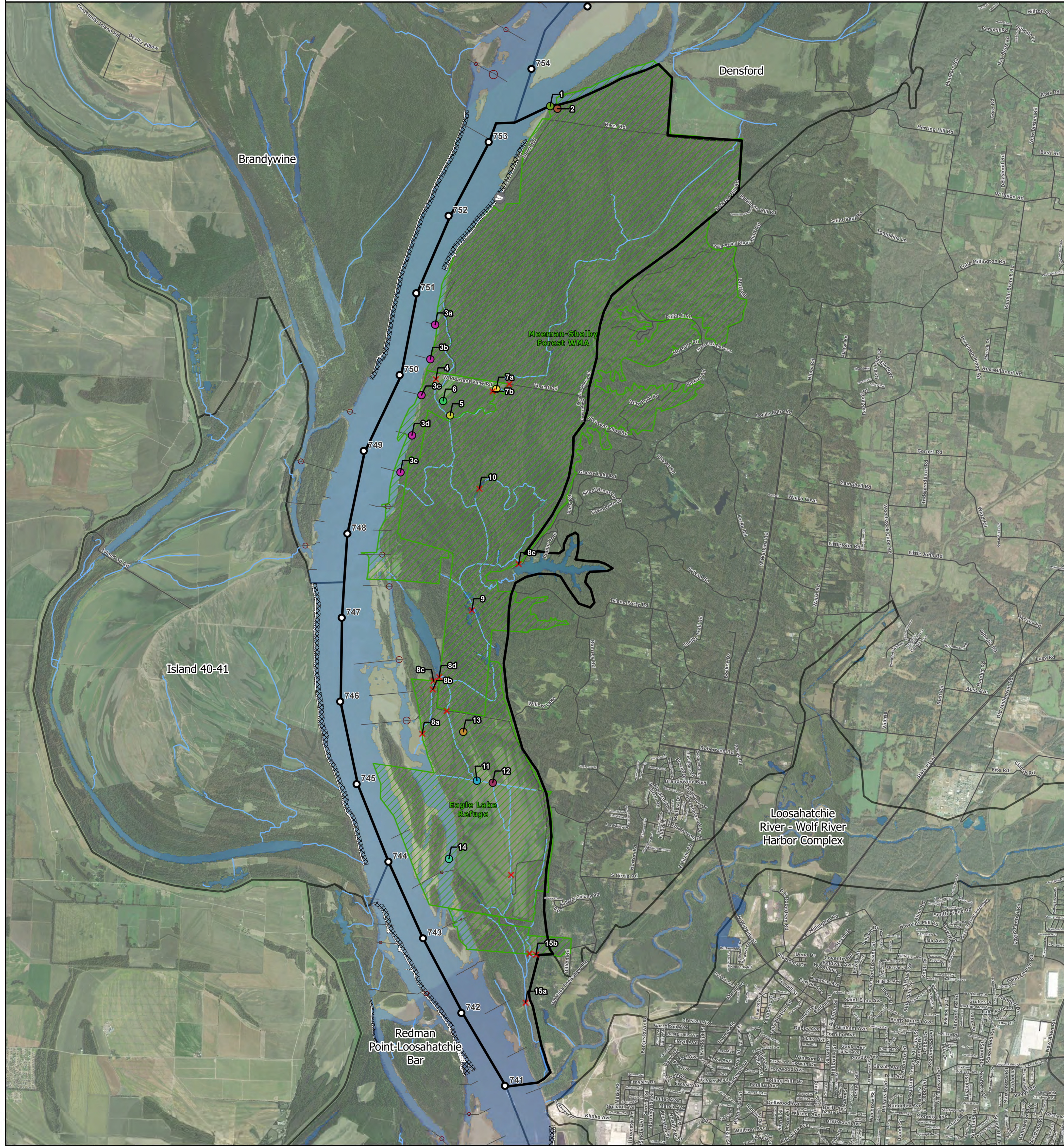
Hatchie Towhead-Randolph Measures (labeled by item number)



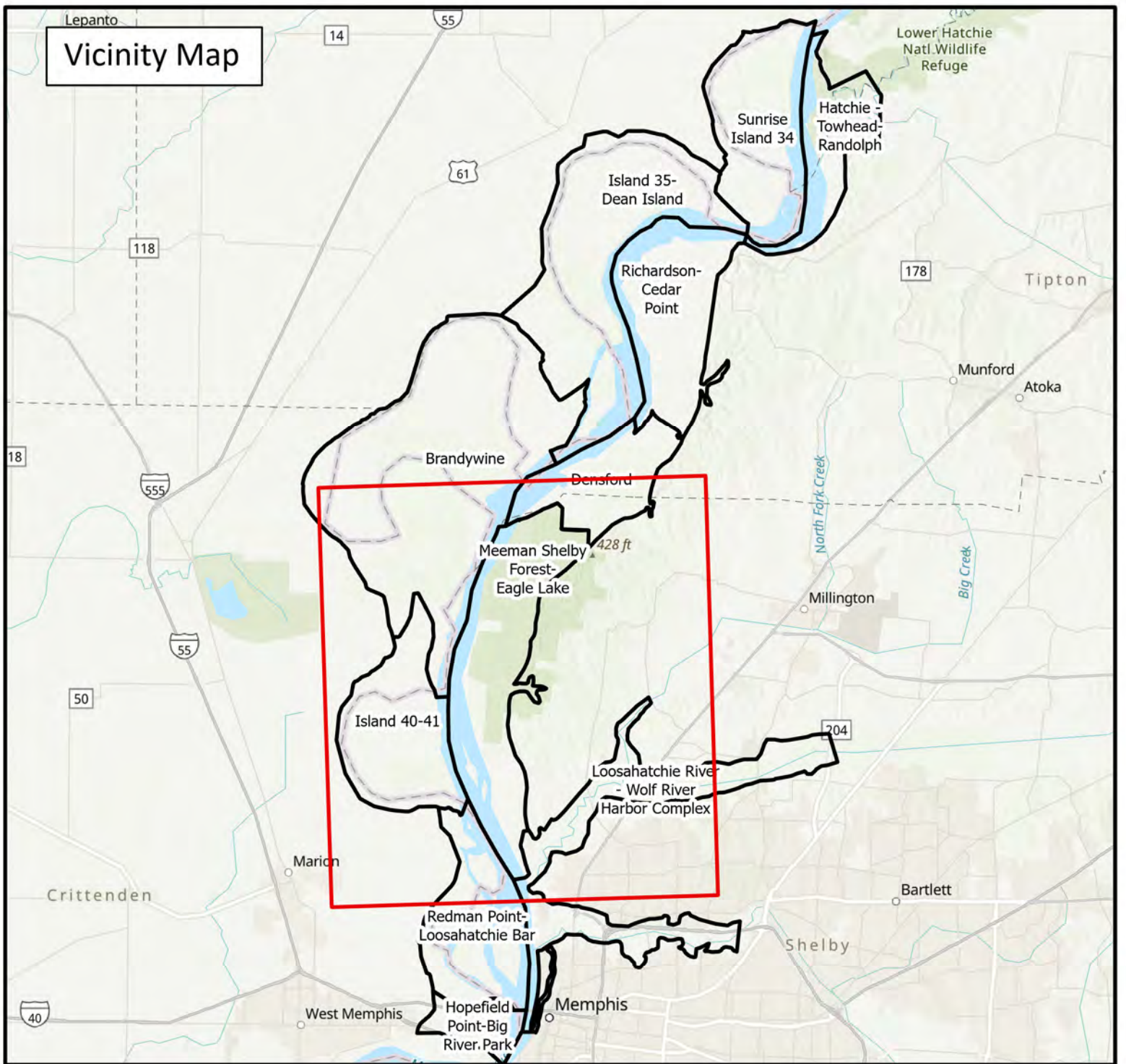
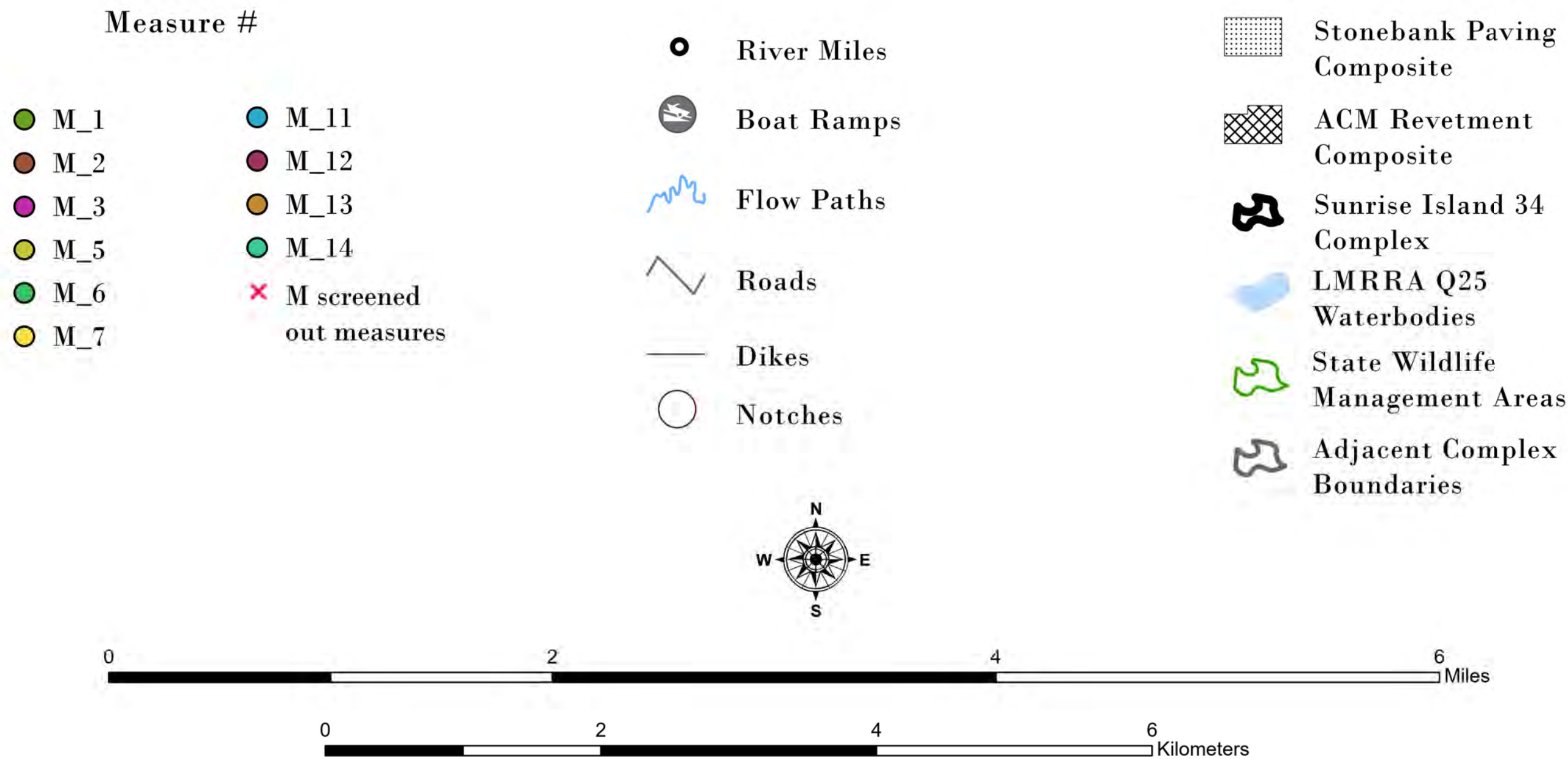


# Hatchie-Loosahatchie Ecosystem Restoration Study

## Meeman Shelby Forest - Eagle Lake Complex Measures



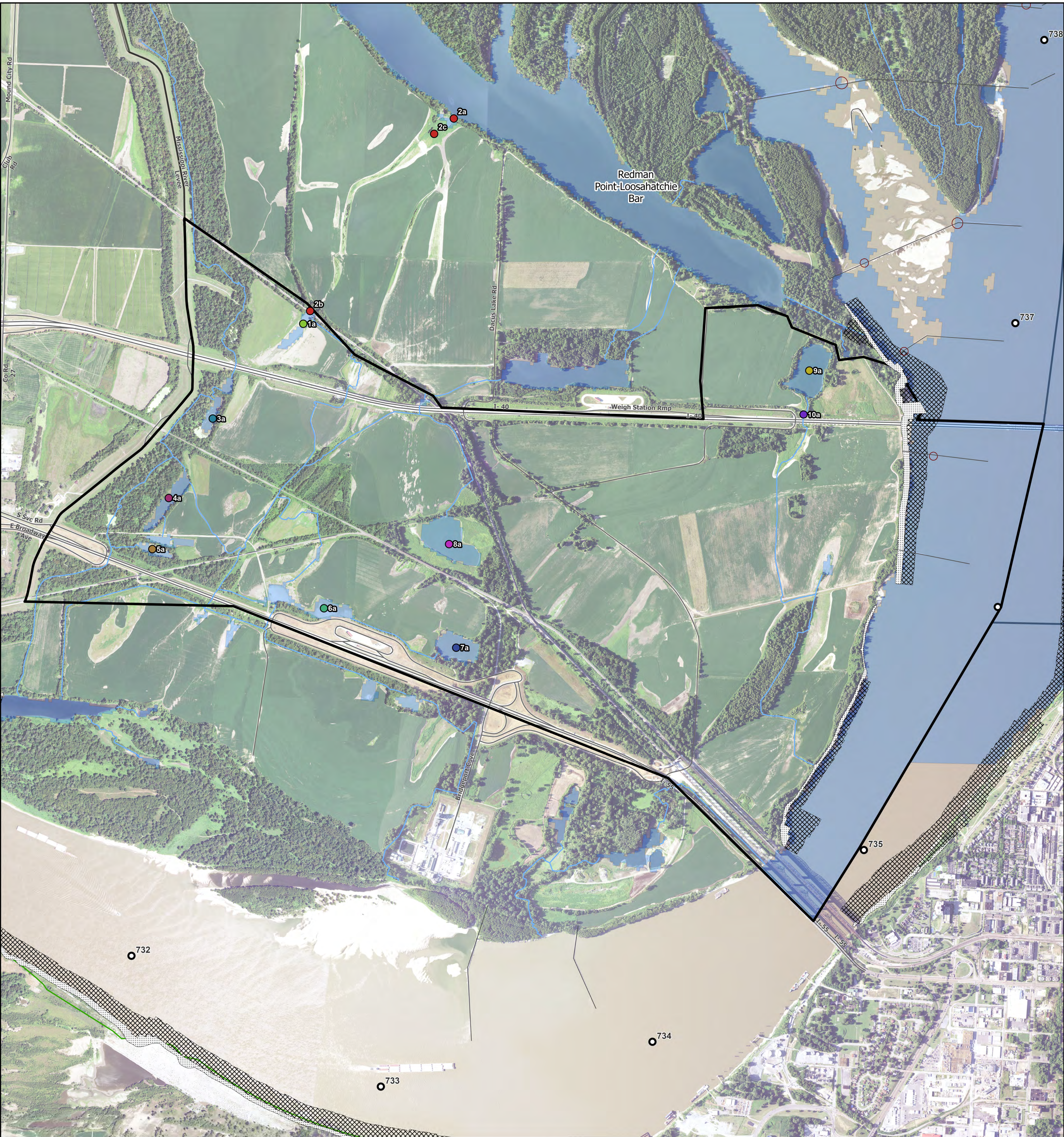
Meeman Shelby Forest - Eagle Lake Measures (labeled by item number)



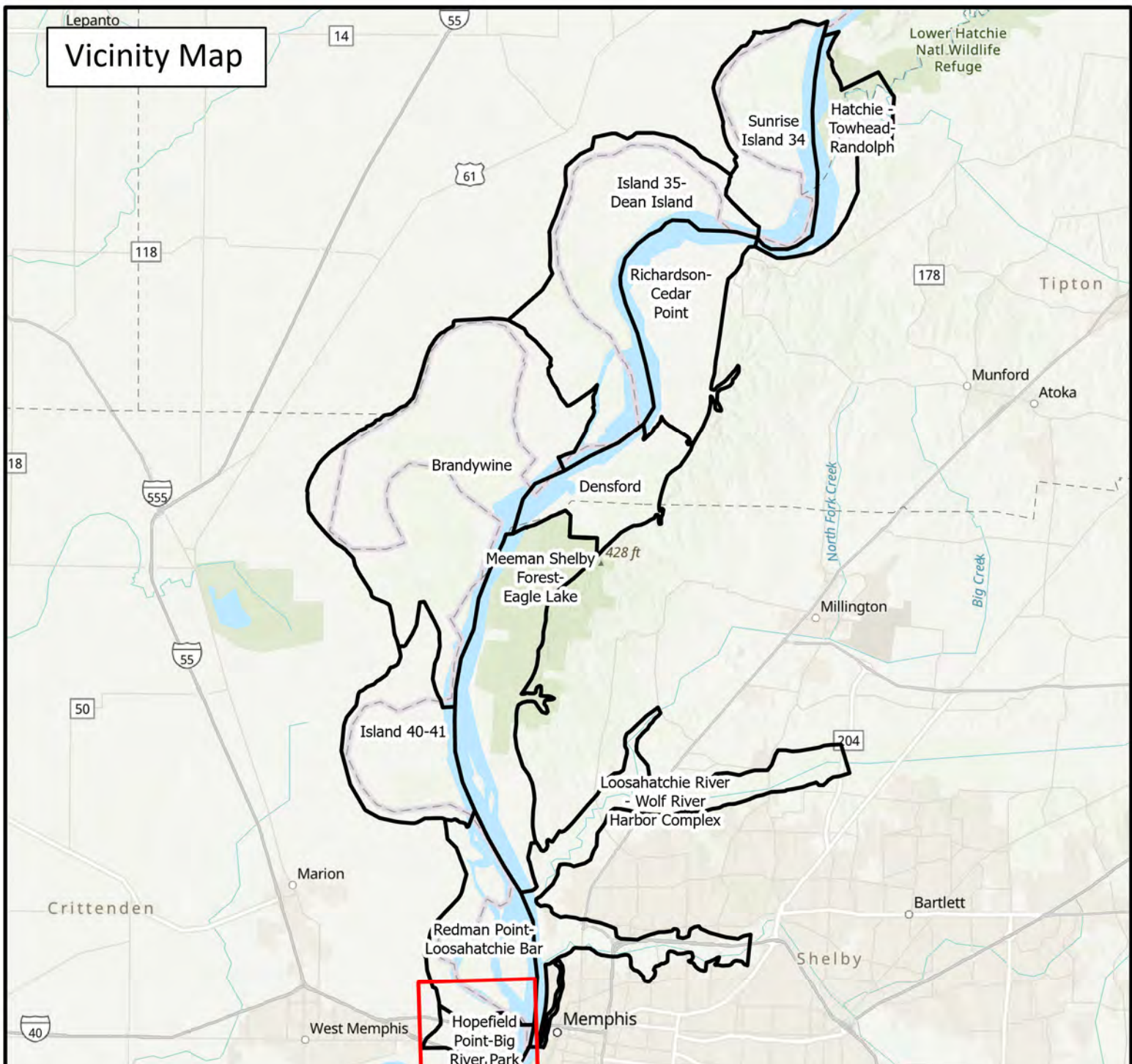
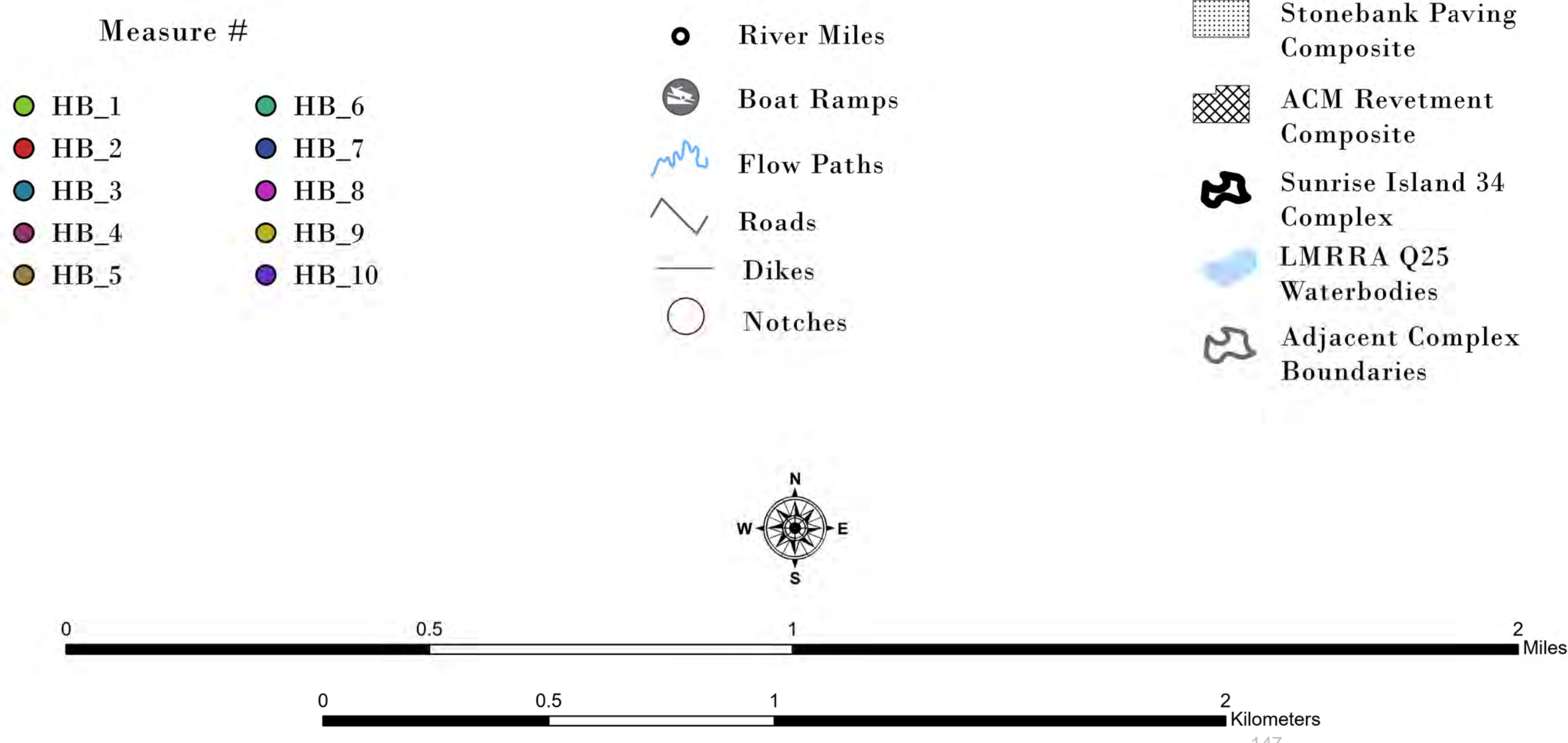


# Hatchie-Loosahatchie Ecosystem Restoration Study

## Hopefield Point - Big River Complex Measures



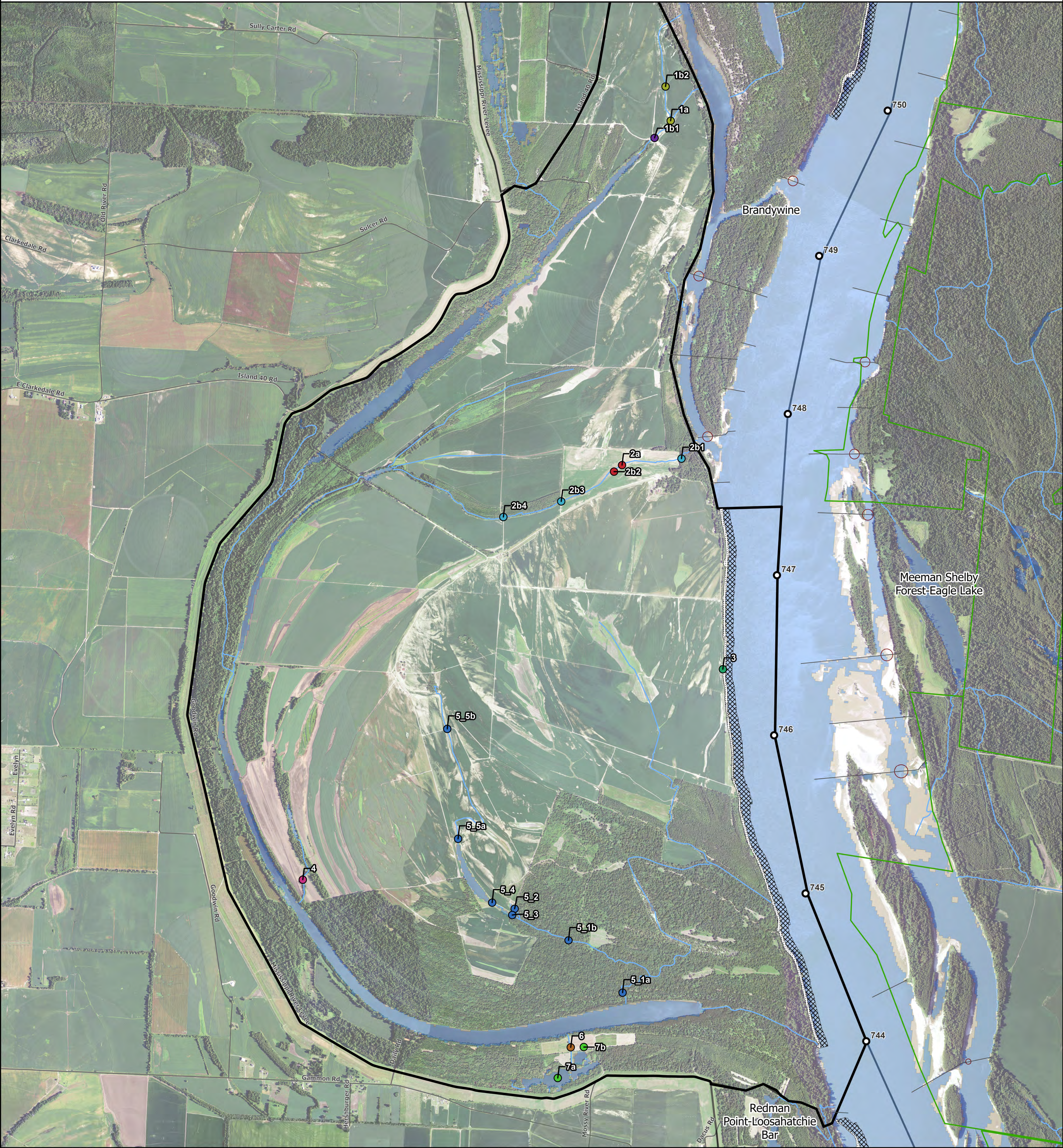
Hopefield Point - Big River Measures (labeled by item number)



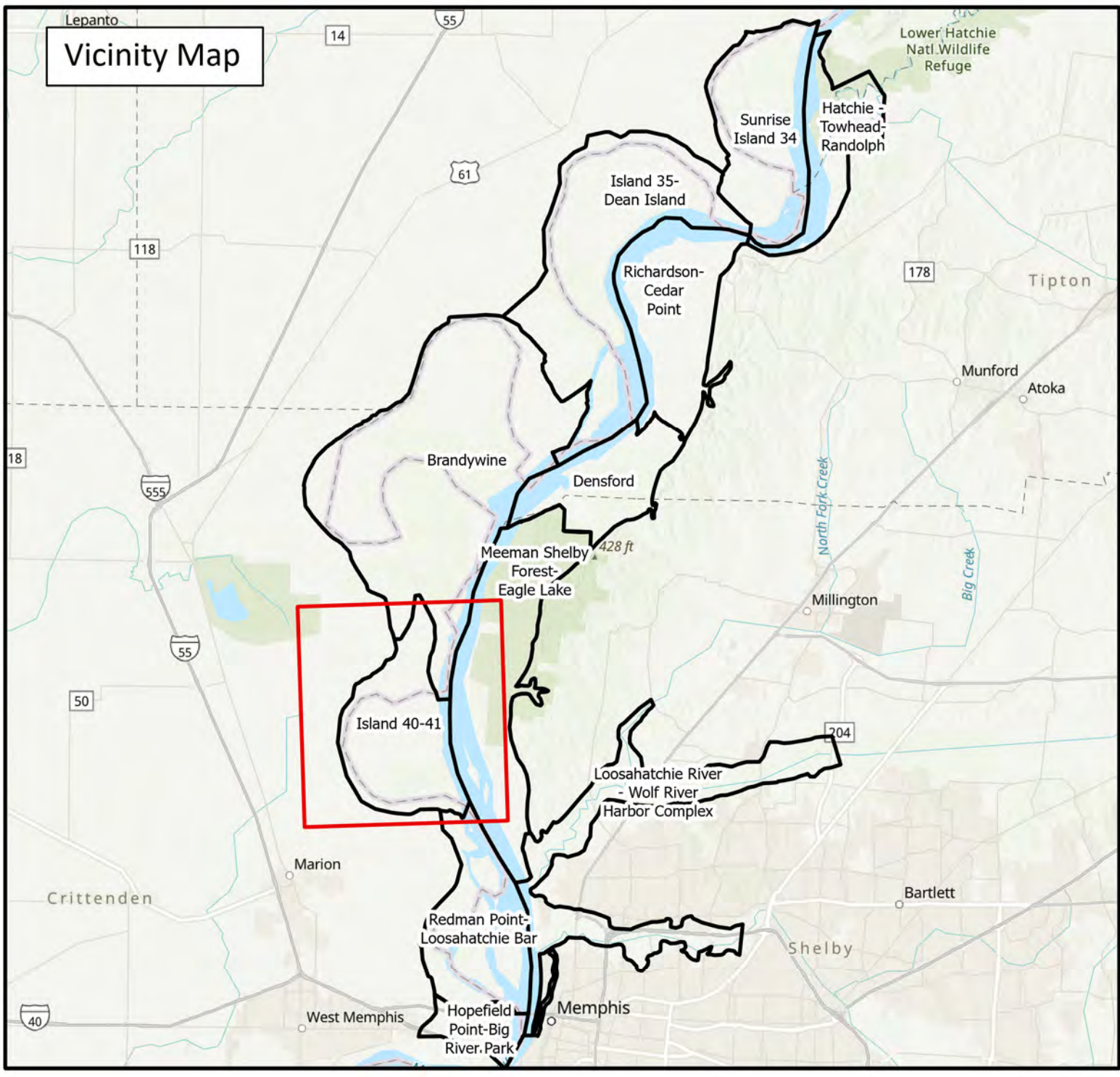
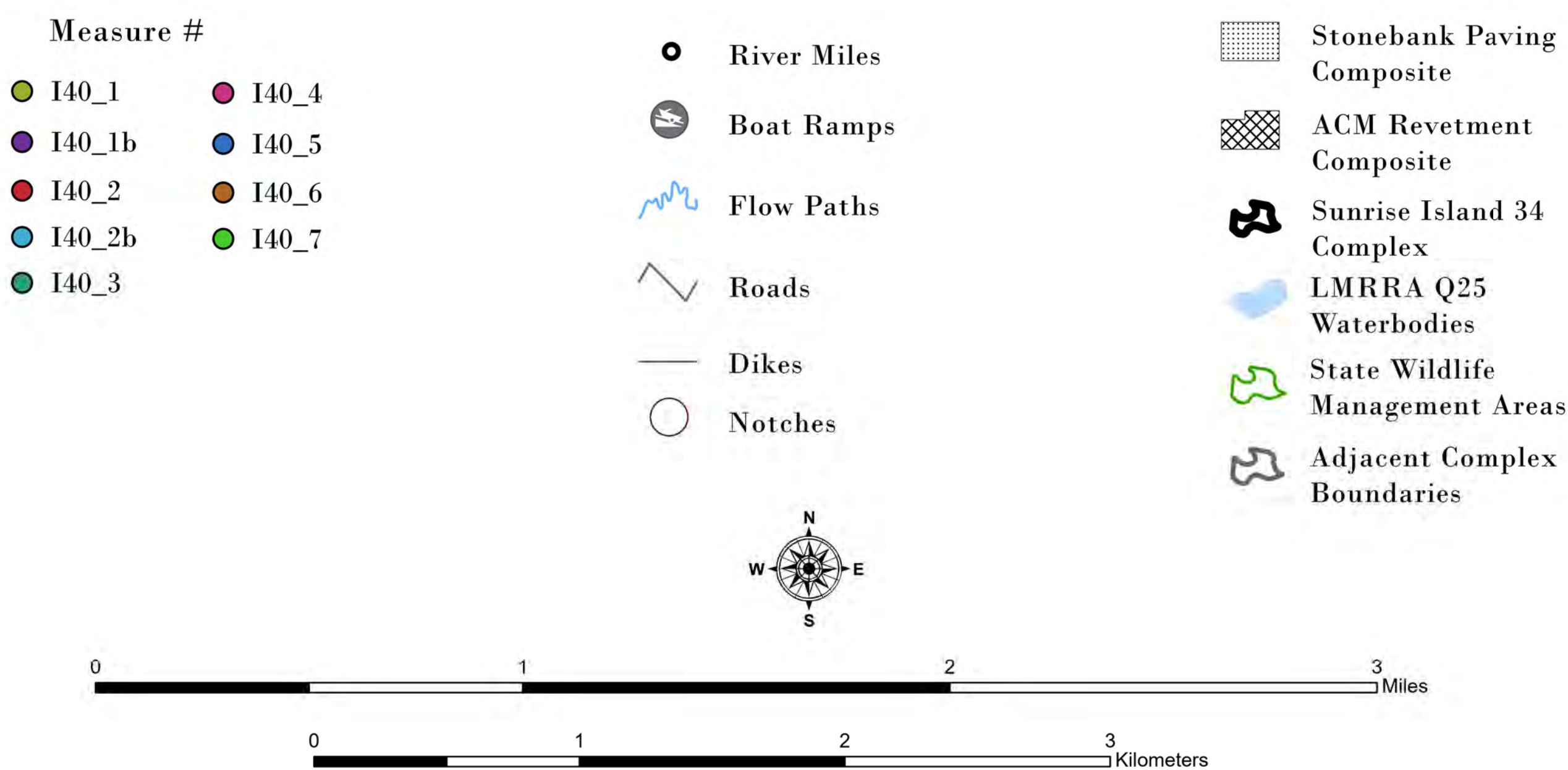


# Hatchie-Loosahatchie Ecosystem Restoration Study

## Island 40-41 Complex Measures



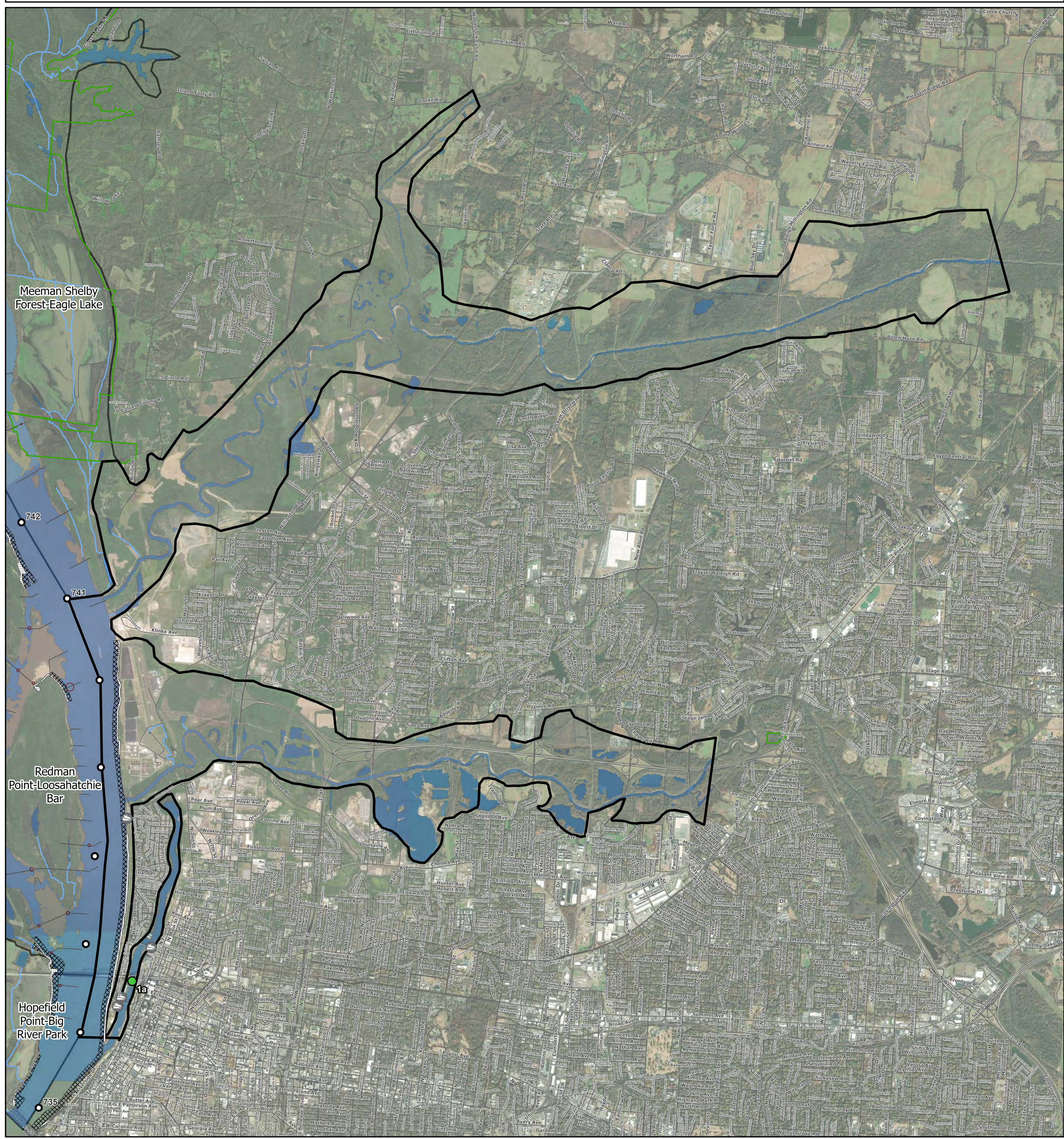
Island 40-41 Measures (labeled by item number)





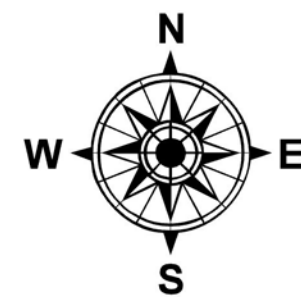
# Hatchie-Loosahatchie Ecosystem Restoration Study

## Loosahatchie River - Wolf River Harbor Complex Measures



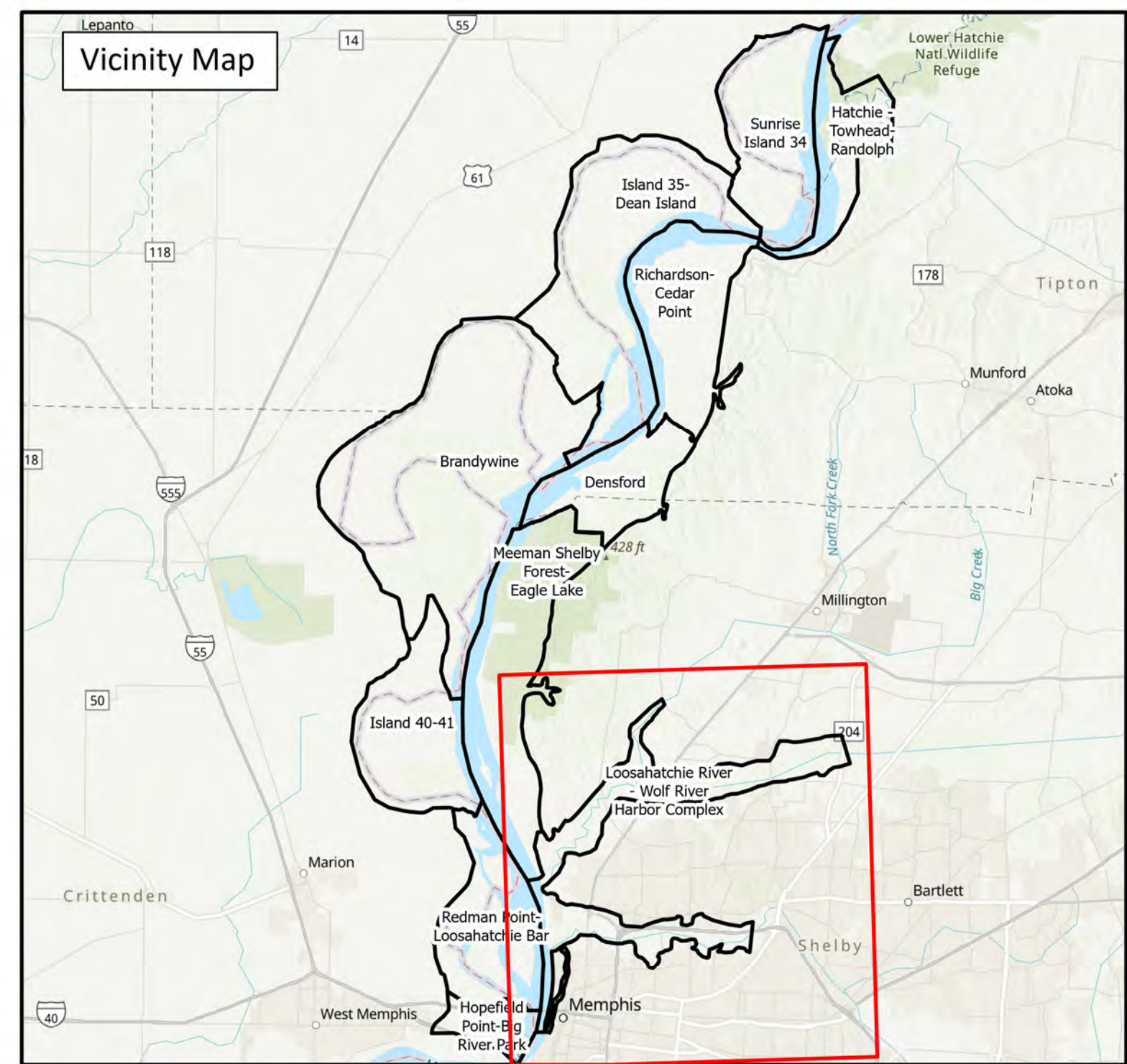
Loosahatchie River Wolf River Harbor Measures (labeled by item number)

- |              |                              |                                   |                             |
|--------------|------------------------------|-----------------------------------|-----------------------------|
| Measure #    | ● River Miles                | — Dikes                           | ☞ Sunrise Island 34 Complex |
| ● LW_1       | ⚓ Boat Ramps                 | ○ Notches                         | ☞ LMRRA Q25 Waterbodies     |
| ☞ Flow Paths | ☞ Stonebank Paving Composite | ☞ State Wildlife Management Areas |                             |
| ☞ Roads      | ☞ ACM Revetment Composite    | ☞ Adjacent Complex Boundaries     |                             |



0 2 4 6 Miles

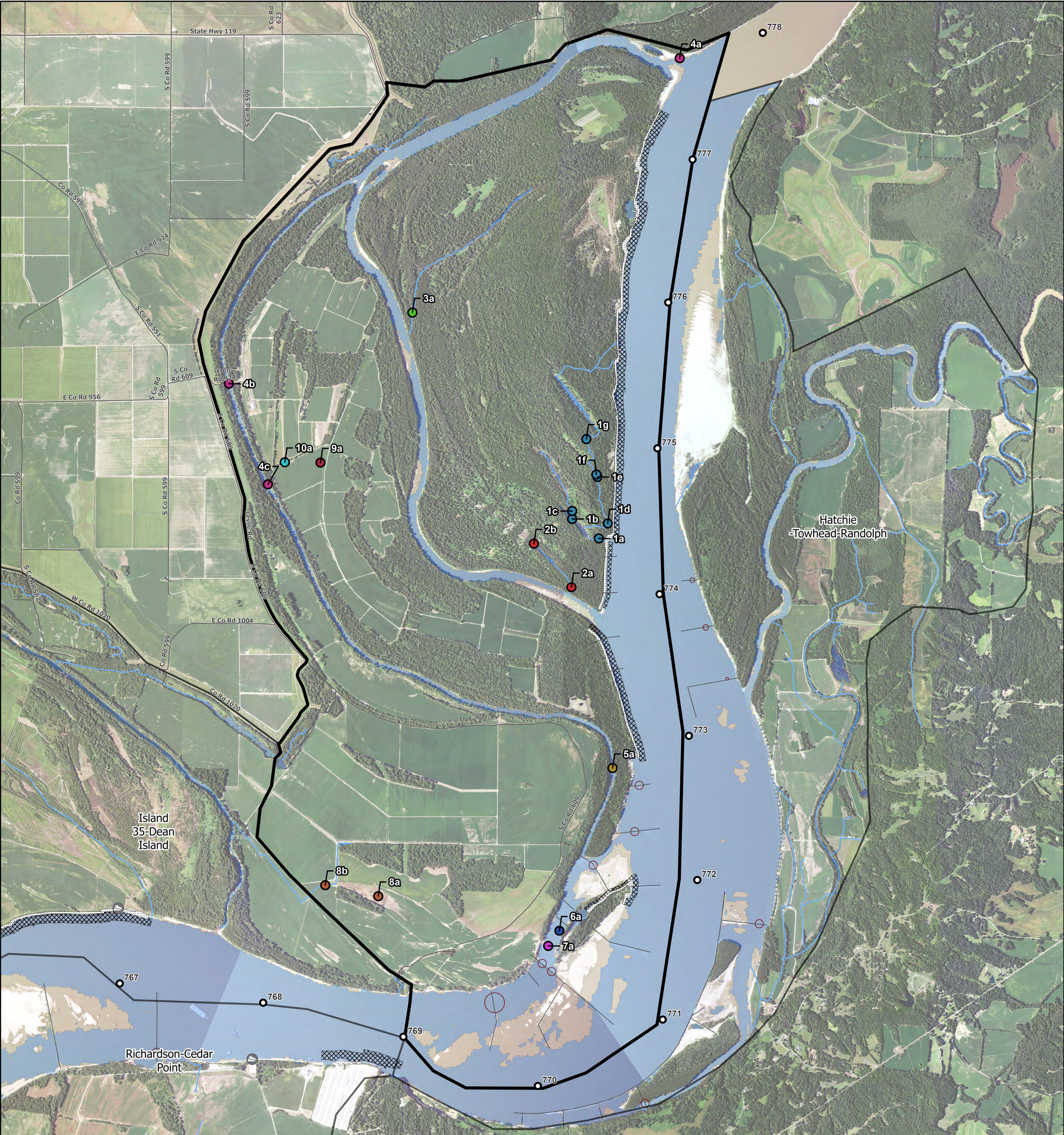
0 2 4 6 Kilometers



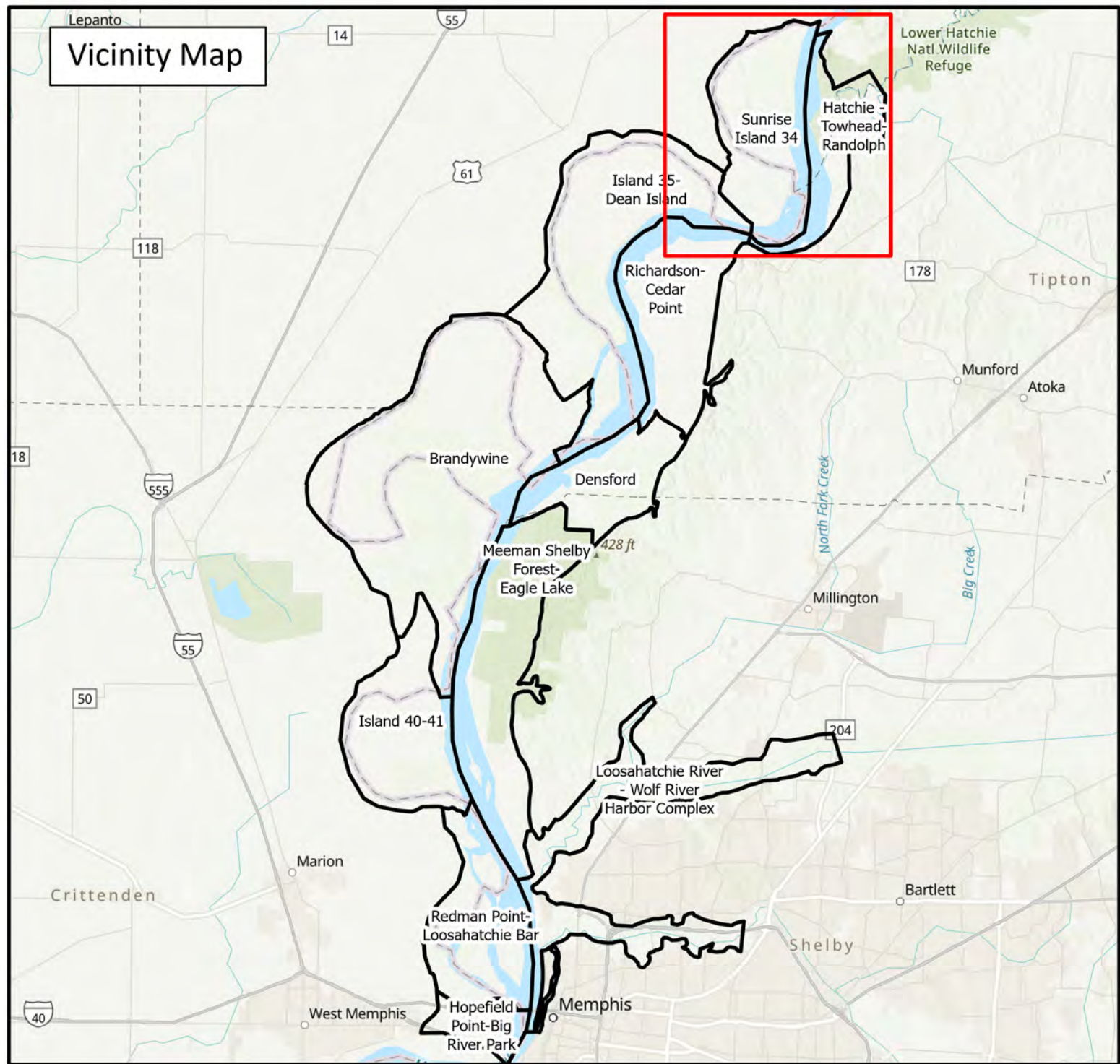
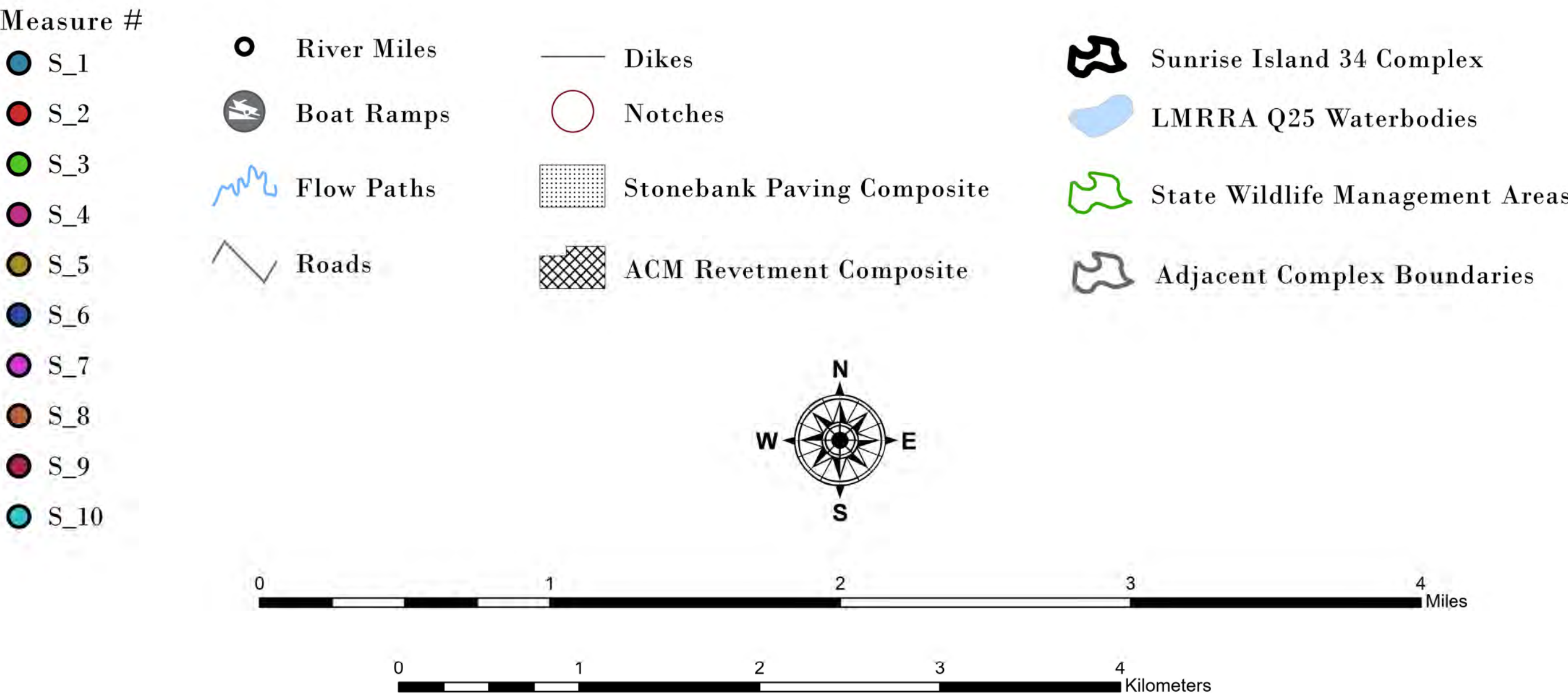


# Hatchie-Loosahatchie Ecosystem Restoration Study

## Sunrise Island 34 Complex Measures



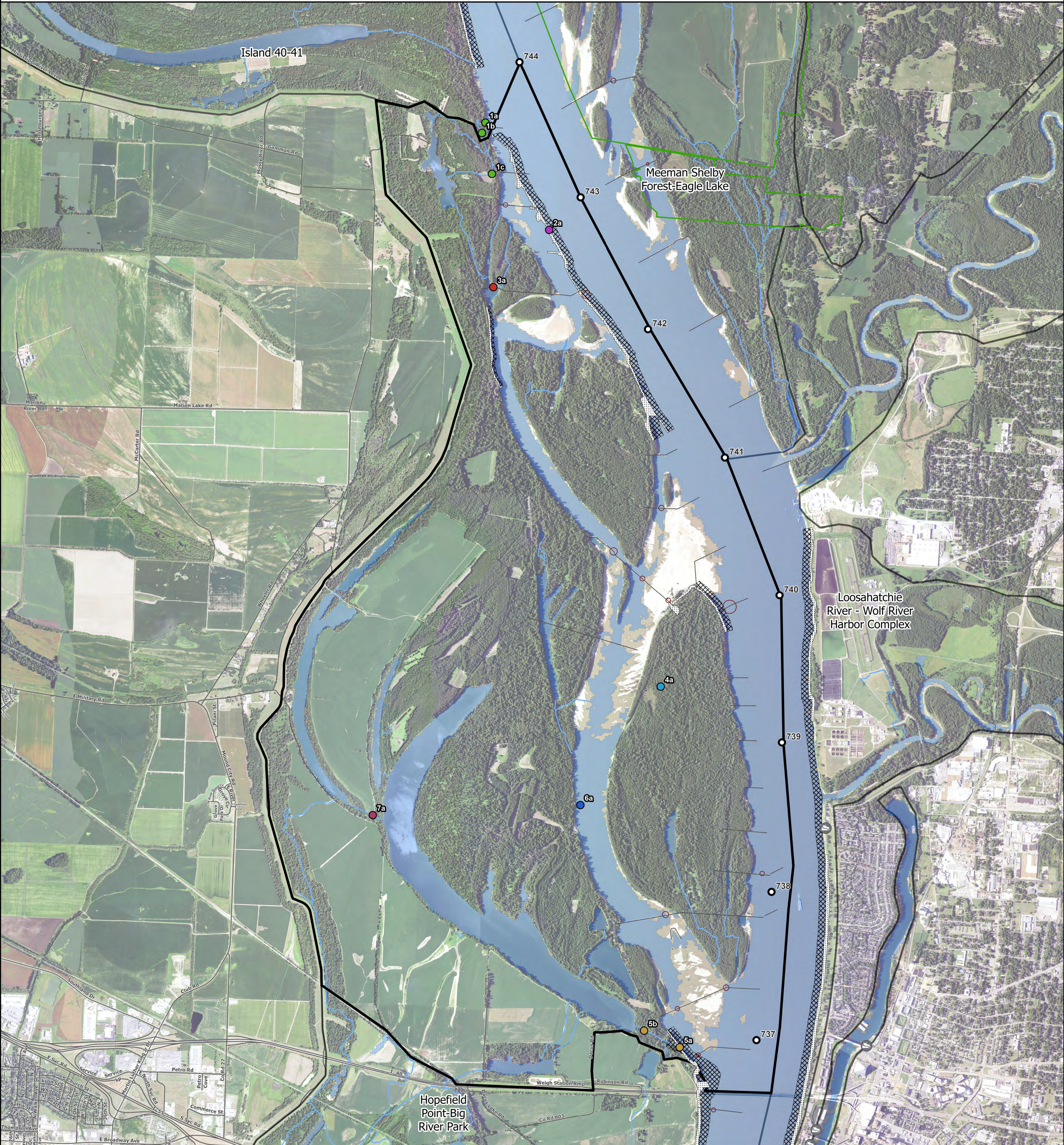
Sunrise Island 34 Measures (labeled by item number)



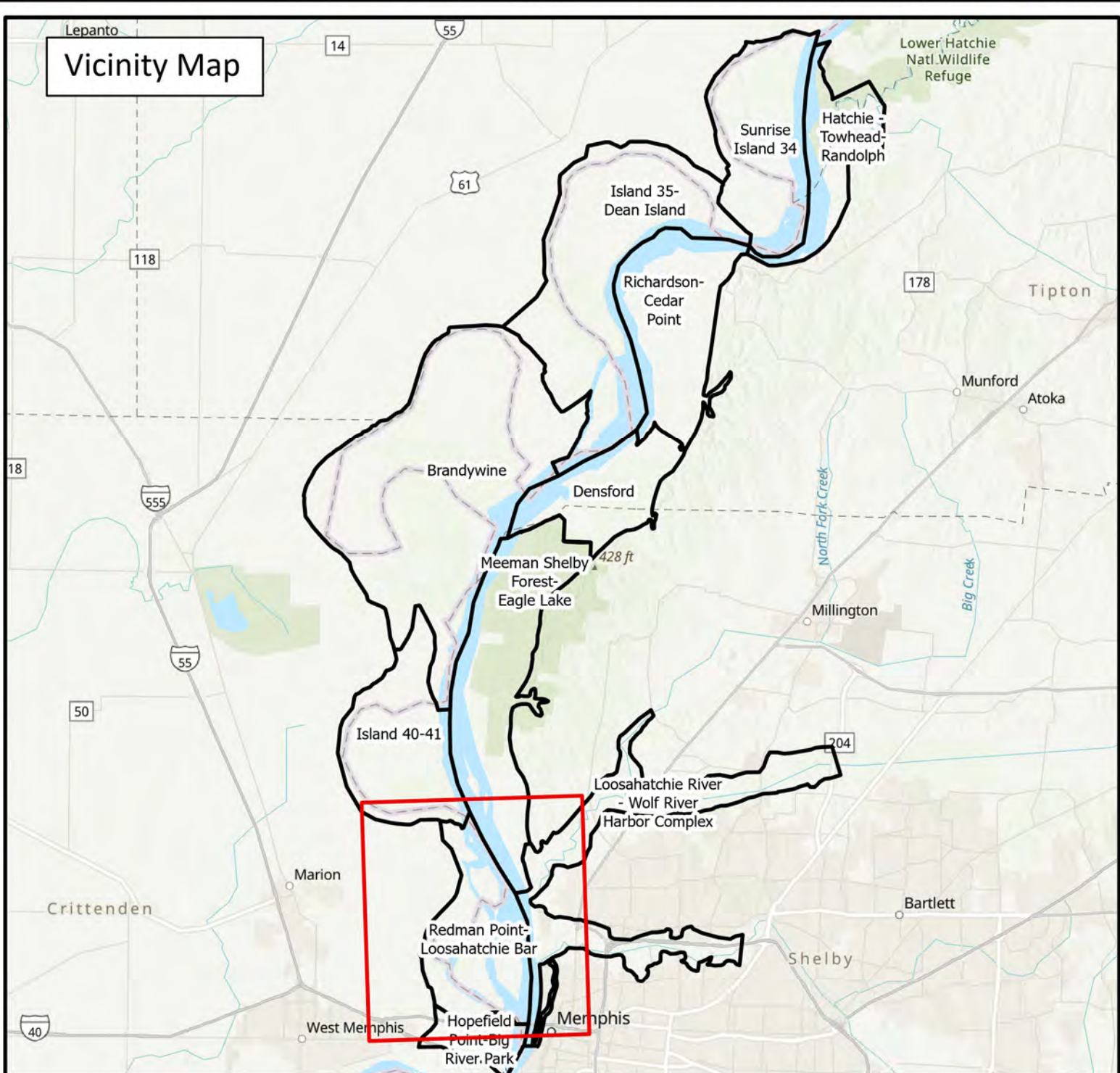
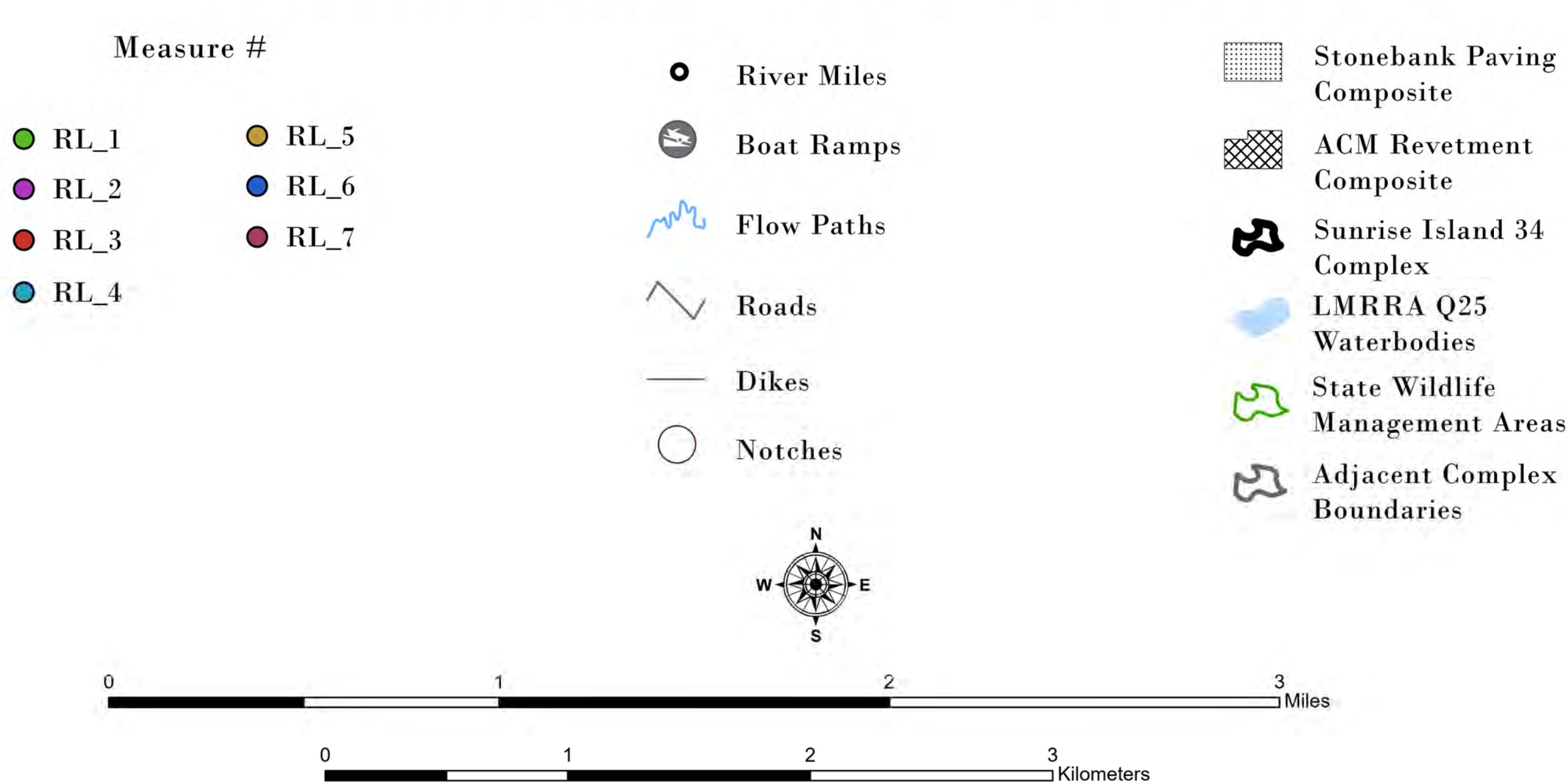


# Hatchie-Loosahatchie Ecosystem Restoration Study

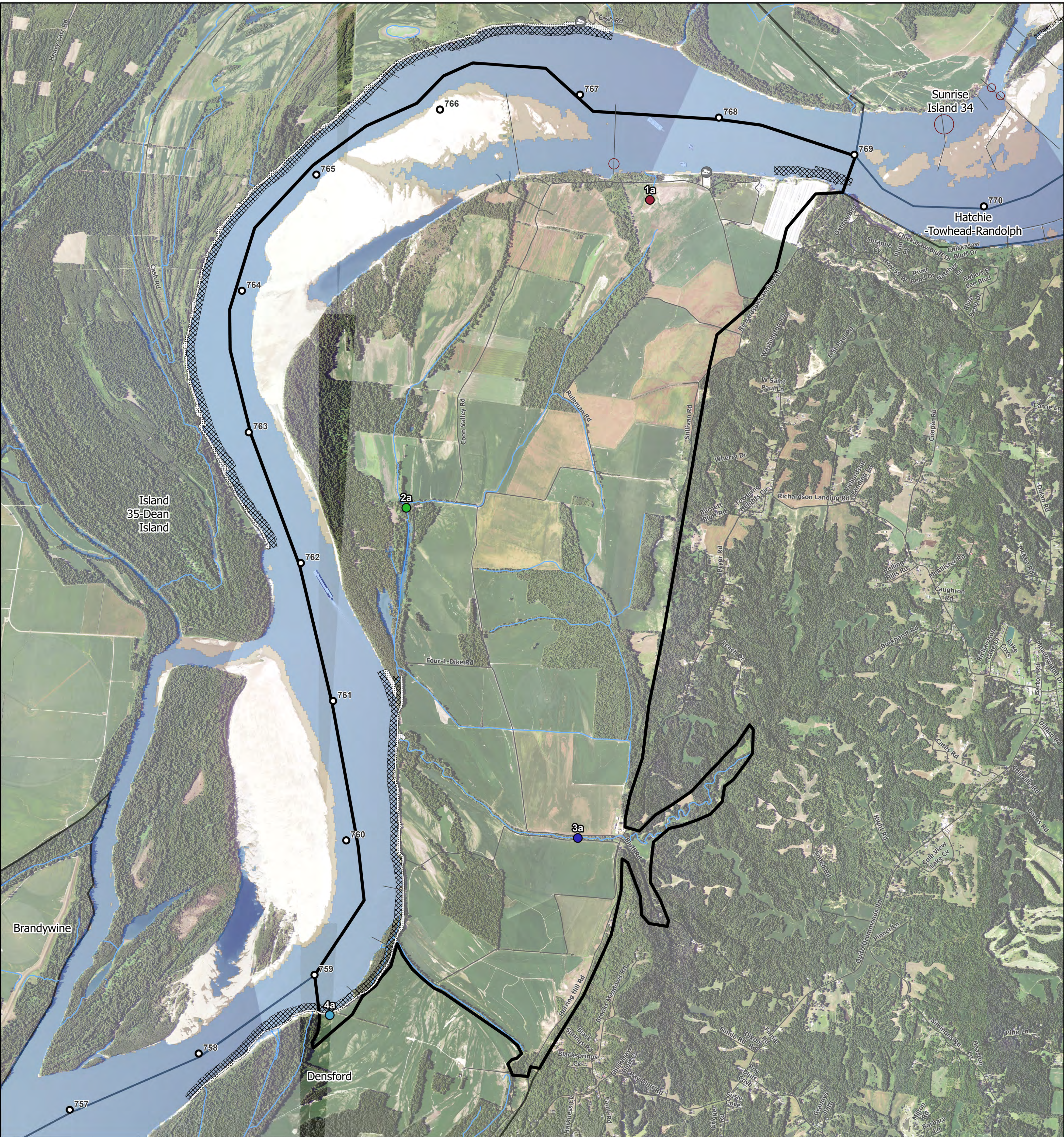
## Redman Point - Loosahatchie Bar Complex Measures



Redman Point - Loosahatchie Bar Measures (labeled by item number)







Richardson Cedar Point Measures (labeled by item number)

Measure #

- RCP\_1
- RCP\_2
- RCP\_3
- RCP\_4

River Miles

- Boat Ramps
- Flow Paths
- Roads

Dikes

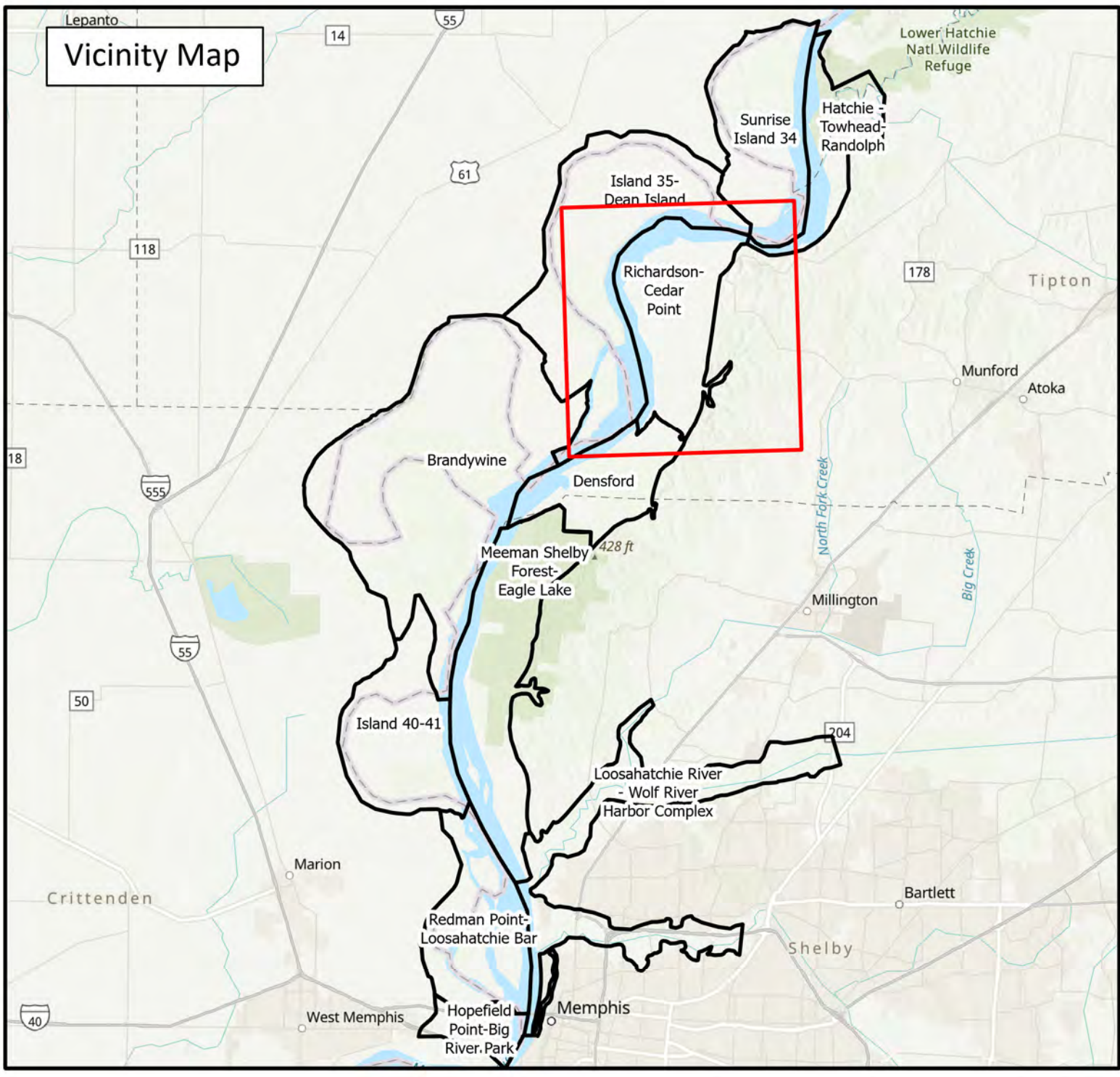
- Notches
- Stonebank Paving Composite
- ACM Revetment Composite

Sunrise Island 34 Complex

- LMRRA Q25 Waterbodies
- State Wildlife Management Areas
- Adjacent Complex Boundaries

0123 Miles

0123 Kilometers





#### **4.4 PUBLIC SCOPING MEETING ATTENDEES**



US Army Corps  
of Engineers ®

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: DEREK KISSEU

Organization (if any): LAUDERDALE COUNTY HIGHWAY DEPT.

Address: [REDACTED]

[REDACTED]

Telephone (optional): [REDACTED]

E-mail: [REDACTED]

---

The e-mail address provided on this form will be used to notify you of future actions.





US Army Corps  
of Engineers ®

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Danny Hatcher

Organization (if any): LC

Address: [REDACTED]

Telephone (optional): \_\_\_\_\_

E-mail: \_\_\_\_\_

---

The e-mail address provided on this form will be used to notify you of future actions.



US Army Corps  
of Engineers®

## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Rudy COLLINS

Organization (if any): TDEC

Address: [REDACTED]

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Telephone (optional): [REDACTED]

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---

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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Billy J. Kirtley Sr.

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---

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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Chelsea Gilliland

Organization (if any): AGFC

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---

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# Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Howard Norvell

Organization (if any): Brandy Co (Brandywine Island)

Address: \_\_\_\_\_

\_\_\_\_\_

Telephone (optional): \_\_\_\_\_

E-mail: \_\_\_\_\_

---

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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name:

Kent Wagner

Organization (if any):

Brandywine Island

Address:

[Redacted]

Telephone (optional):

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E-mail:

[Redacted]

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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: Jeremy Brown

Organization (if any): AGFL

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[REDACTED]

Telephone (optional): [REDACTED]

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US Army Corps  
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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study Public Scoping Meeting



Name: FRANK FOGLEMAN

Organization (if any): CITY OF MARION

Address: [REDACTED]

[REDACTED]

Telephone (optional): \_\_\_\_\_

E-mail: [REDACTED]

---

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## **4.5 PUBLIC SCOPING COMMENTS**



**From:** [Long, Larry](#)  
**To:** [Thron, John M. \(Mike\) CIV USARMY CEMVN \(USA\)](#); [LMRRA-Hatchie-Loosahatchie](#)  
**Cc:** [Dean, Kenneth](#)  
**Subject:** [Non-DoD Source] Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study NOI comments  
**Date:** Tuesday, December 6, 2022 2:52:10 PM

---

Mike Thron  
Upper Delta Environmental Compliance Section - RPEDS  
U.S. Army Corps of Engineers  
167 N. Main St., Rm B-202  
Memphis, TN 38103-1894  
[john.m.thron@usace.army.mil](mailto:john.m.thron@usace.army.mil)  
[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)

RE: Notice of Intent to Prepare a Draft Integrated Feasibility Report and  
Environmental Impact Statement for the Hatchie-Loosahatchie Mississippi River  
Ecosystem Restoration Study

Dear Mr, Thron:

The U.S. Environmental Protection Agency has reviewed the Notice of Intent (NOI) to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS) for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study, in accordance with our responsibilities under Section 309 of the Clean Air Act and the National Environmental Policy Act (NEPA). The NOI was published in the Federal Register on November 4, 2022. The U.S. Army Corps of Engineers (USACE), as the lead agency, in partnership with the Lower Mississippi River Conservation Committee, as the non-federal sponsor, are undertaking this study.

The study seeks to examine restoring ecological structure and function to the mosaic of habitats along the Lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736 including secondary channels and other floodplain aquatic habitats; floodplain forests; and several scarce vegetative communities such as, wetlands, rivercane, riverfront forests, and bottomland hardwood forests. According to the NOI, *“The purpose and need for the proposed action is to restore habitat and ecosystem function along an approximate 39-mile reach of the LMR and its floodplain in harmony with the existing USACE mission areas of ensuring navigation and flood risk reduction.”*

As a cooperating agency, the EPA appreciates the collaborative approach the USACE implemented during pre-scoping and project development. The EPA provided previous comments and recommendations during USACE collaborative conference calls on October 19, 2021, and October 3, 2022, regarding the restoration plan. The EPA’s previous recommendations should be addressed during the development of the DIFR-EIS. We have no additional comments on the NOI. We look forward to continued collaboration during the development of the DIFR-EIS.

Thank you for the opportunity to comment on the NOI. If you have any questions regarding our previous comments, please contact me by phone at (404) 562-9460, or by e-mail at [long.larry@epa.gov](mailto:long.larry@epa.gov).

**Larry Long**  
**Regional Mining Expert**  
Physical Scientist/Sr. Principle Reviewer  
NEPA Section/Strategic Programs Office  
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Intelligence does not always define wisdom, but adaptability to change does

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**National Wildlife Federation**

National Advocacy Center

1200 G Street NW, Suite 900 • Washington, DC 20005 • 202-797-6800

Alisha Renfro, Ph.D.  
Senior Manager for Science Policy  
Gulf Program  
National Wildlife Federation  
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Melissa Samet  
Legal Director, Water Resources and Coasts  
National Wildlife Federation  
83 Valley Road  
San Anselmo, CA 94960  
[sametm@nwf.org](mailto:sametm@nwf.org)

December 5, 2022

Submitted via email: [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)

Col. Brian D. Sawser  
Commander, Memphis District  
U.S. Army Corps of Engineers,  
CEMVN-PDC-UDC  
167 North Main St., Room B-202  
Memphis, Tennessee 38103

Re: Notice of Intent To Prepare a Draft Environmental Impact Statement for the Mississippi River Hatchie/Loosahatchie, MS River Mile 775-736, Tennessee and Arkansas, Ecosystem Restoration Feasibility Study

Dear Col. Sawser:

The National Wildlife Federation appreciates the opportunity to provide comment on the Notice of Intent to prepare a Draft Environmental Impact Statement (DEIS) for the Mississippi River Hatchie/Loosahatchie, MS River Mile 775-736 of the Ecosystem Restoration Feasibility Study.

The National Wildlife Federation is the nation's largest conservation advocacy organization, with more than 6.8 million members and supporters and conservation affiliate organizations in 52 states and territories. The National Wildlife Federation has a long history of advocating for the protection, restoration, and ecologically sound management of the Mississippi River, and is deeply committed to advancing solutions to support healthy waters and sustainable ecosystems for people and wildlife throughout the Mississippi River basin.



The Mississippi River is a vital ecological, economic, and cultural resource that continuously serves the people of the United States and other nations. The Mississippi River supports more than 780 species of fish and wildlife, and provides a vital migration corridor for 60 percent of all North American birds and 40 percent of the nation's migratory waterfowl. The River drives a vibrant natural resource and recreation-based economy that generates nearly \$500 billion in annual revenue, directly employs more than 1.5 million people, and supports a \$673 million shipping industry. The River provides more than 643 million gallons of water each day for domestic and industrial uses along its 133-county corridor, and supplies drinking water to more than 20 million people in 50 cities.

Yet, despite its critical importance, the River is in a severe state of decline due in large part to a nearly 100 year history of being managed almost exclusively for navigation and relying on levees and other large-scale structural measures to reduce flood risks. These activities have significantly reduced critically important, complex in-river habitats and severed the vital connection between the river and its floodplain. Many of the challenges facing the lower Mississippi River have been outlined in the Lower Mississippi River Resource Assessment (2015), including the severed connection between side channels, backwaters, and oxbows from the main channel, reduction in the size and connectivity of the river to critical river floodplain habitats, and decreasing habitat diversity.

The National Wildlife Federation strongly agrees that there “is a critical need to restore habitat and ecosystem function in the LMR” and that restoration should “include restoring vegetative diversity and forest habitats in the active floodplain; improving floodplain connectivity with the river; reconnection of side channels, backwaters, and floodplain lakes; restoration of sandbars and gravel bars; development and enhancement of islands; and increasing habitat diversity in the main channel and along the shoreline.”<sup>1</sup> Fortunately, there are many actions that could be taken to help achieve these outcomes in this reach of the river. Critically, many of these actions would improve the ecological health and sustainability of the Mississippi River while simultaneously reducing flood risks, improving water quality, creating and restoring essential fish and wildlife habitat, and expanding recreational opportunities.

### **Study Recommendations**

On behalf of our more than 6.8 million members and supporters, the National Wildlife Federation urges the Army Corps of Engineers (Corps) to develop a forward thinking study that robustly analyzes actions designed to restore as much of the river's natural form, functions, and processes as possible in this reach of the river. Such an approach will help ensure that critically needed restoration actions will be self-sustaining and will increase the long-term resilience of the river system. As outlined in more detail below, restoration actions that should be considered include increasing connectivity between the river and its floodplain, removing in-stream river training structures that disrupt habitat and increase river flood heights where possible, and restoring floodplain lands and native forests. The study should look both upstream and downstream of the study reach to explore solutions; include an assessment of changes to the operation and maintenance of the navigation system that would help restore habitat while allowing navigation to continue; and expand upon, and leverage, accomplishments outlined in the Restore America's Greatest River Plan (2015).

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<sup>1</sup> 87 Fed. Reg. 66681 (November 4, 2022) at 66682.

The National Wildlife Federation urges that the rigorous and objective evaluation of alternatives required by the National Environmental Policy Act, include a robust evaluation of the following:

1. **Removing and modifying in-river structures to improve secondary channel flow and river habitat:** Dikes and other instream structures have been used extensively in this stretch of the river in an effort to decrease the costs of navigation dredging. However, these dikes have caused significant adverse impacts to river habitats, including by adversely impacting flow through secondary channels in the river and decreasing vital habitat for a variety of species including the endangered pallid sturgeon. Dikes and other in-river training structures also have increased flood heights in the river, posing dangerous risks to river communities.<sup>2,3</sup> Notably, navigation can be maintained without new river training structures and without many of the structures currently in the river system. This study should rigorously explore removing dikes and other in-river structures wherever possible to improve river channel habitat, increase channel diversity, provide more room for the river to spread out during flood events, and decrease river flood heights. The use of new in-stream structures should be avoided.<sup>4</sup> This study should also continue to identify opportunities to notch dikes blocking secondary channels to increase flow.

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<sup>2</sup> As the Corps is aware, extensive peer-reviewed science demonstrates that river training structures in the Middle Mississippi River have increased flood levels by up to 15 feet in some locations and 6 to 10 feet in broad stretches where these structures are prevalent. The impacts of river training structures are cumulative; the more structures placed in the river, the higher the flood stages. See, e.g., Pinter, N., A.A. Jemberie, J.W.F. Remo, R.A. Heine, and B.A. Ickes, 2010. Empirical modeling of hydrologic response to river engineering, Mississippi and Lower Missouri Rivers. *River Research and Applications*, 26: 546-571; Remo, J.W.F., N. Pinter, and R.A. Heine, 2009. The use of retro- and scenario- modeling to assess effects of 100+ years river engineering and land cover change on Middle and Lower Mississippi River flood stages. *Journal of Hydrology*, 376: 403-416. The Middle Mississippi River has been so constricted by river training structures and levees that it is now exhibiting “the flashy response” to flooding “typical of a much smaller river,” with extremely troubling implications for public safety. Robert E. Criss, Mingming Luo, *River Management and Flooding: The Lesson of December 2015–January 2016, Central USA*, *Journal of Earth Science*, Vol. 27, No. 1, p. 117–122, February 2016 ISSN 1674-487X (DOI: 10.1007/s12583-016-0639-y).

<sup>3</sup> In 2017, the Corps’ St. Paul District released an Environmental Assessment (EA) that rejected a proposed river training structure alternative because modeling of that alternative “showed a significant flood-stage increase for the 1-percent flood elevation.” U.S. Army Corps of Engineers St. Paul District, DRAFT Letter Report and Integrated Environmental Assessment, Lower Pool 2 Channel Management Study: Boulanger Bend to Lock and Dam No. 2 (DRAFT June 2017) at 42 (emphasis added) (available at <http://www.mvp.usace.army.mil/Home/PN/Article/1219079/draft-lower-pool-2-channel-management-study/>, visited June 22, 2017). That EA concluded that this “alternative is not considered implementable due to the unacceptable flood stage increases produced by the structures necessary to make this alternative effective.” *Id.* at 43. The EA also acknowledged that the chevrons in the alternative it did recommend would also increase flood levels to some degree. *Id.* at Appendix D p. 20.

<sup>4</sup> Construction of river training structures in other reaches of the river have not improved ecological conditions. For example, in the highly degraded Middle Mississippi River, the Corps has constructed more than 1,375 wing dikes, bendway weirs, chevrons, and similar structures in the 195 miles that constitute the Middle Mississippi River. Government Accountability Office, GAO-12-41, Mississippi River, Actions Are Needed to Help Resolve Environmental and Flooding Concerns about the Use of River Training Structures (December 2011) at 9-10. Independent scientists who have studied the effects of river training structures report that as of 2001, the Corps had constructed 1.5 miles of river training structures for each mile of the Middle Mississippi River (river miles 180 to 37). The National Wildlife Federation understands that between 1980 and 2009, the Corps built at least 380 new river training structures in the Middle Mississippi, including 40,000 feet of wing dikes and bendway weirs between 1990 and 1993. The Corps built at least 23 chevrons between 2003 and 2010.

2. **Increasing connectivity between the river and the existing floodplain:** Under natural fluvial dynamics riverine floodplains are a species-rich environment with a complex mosaic of habitats. Hydrologic connectivity between the river and its floodplain is essential for maintaining these vital habitats and for healthy floodplain fisheries that rely on the ability of fish species to move between the river and its floodplain. This study should rigorously explore opportunities for removing obstructions and lowering culvert intakes to allow for increased connectivity between the river and its floodplain and backwater areas. Careful consideration should also be given to targeted levee setbacks. Increasing connectivity would provide significant benefits to fish and wildlife, including migrating waterfowl and fish species like the alligator gar that rely on different areas of the floodplain in their reproductive cycle.
3. **Restoring floodplain habitat:** Much of what was once riverine floodplain habitat has been converted to agriculture, but not all of this land is consistently productive. This study should rigorously explore opportunities to reestablish native habitat on low or non-productive agriculture land and frequently flooded agricultural land. The study should also explore opportunities for expanding existing protected lands owned by the state or federal government. In addition to increasing the amount of important floodplain habitat, these approaches could help reduce nutrient inputs into the river, and reduce flood risks by giving more room for the river to spread out during flood events.
4. **Improving existing forested habitat in the floodplain:** Only a fraction of the diverse forested habitats once found in the Mississippi River's floodplain remain, and those that are left have been impacted by forestry operations that have reduced the diversity of forest community composition. This study should rigorously explore replanting and other efforts (including restoring more natural hydrology) to restore diverse community composition.
5. **Modifying operations and maintenance activities that affect this reach of river:** Activities carried out to operate and maintain the navigation channel are well-recognized as a major contributor to the loss of the critically-important mosaic of complex river habitats and river-floodplain connectivity, and to the overall ecological decline of the river. This study should rigorously explore potential modifications to some of these activities that would allow the Corps to maintain navigation while also improving the long-term ecological health of this reach and maintaining the benefits provided by individual restoration activities.

In evaluating these, and other alternatives, the study should rigorously evaluate, among many other things:

- The key factors that have affected the ecological health of this river reach. This should include a full assessment of the activities carried out by the Corps of Engineers and others, including navigation operation and maintenance and flood risk reduction activities within, above, and below this reach of the river. Understanding these factors will be essential for developing self-sustaining, ecologically significant restoration measures.
- The implications of climate change. Climate change impacts threaten to shift the frequency and magnitude of floods and droughts on the Mississippi River. The paradigm of river management, including flood and navigation management measures, will need to change to effectively account for these shifts. Such changes should include more significant use and incorporation of nature-based solutions. Many of the actions that are



being considered in the current study may help improve ecosystem function and their impact (both positive and negative) should be assessed under both present-day and potential future river flood conditions.

- The ability of specific restoration activities to produce self-sustaining—and thus, long-term—benefits for fish and wildlife, including migratory birds and waterfowl, and at-risk species including amphibians and reptiles that are often overlooked in environmental analyses. Self-sustaining restoration can be best achieved through restoration actions that work to reestablish natural form, functions, and processes and these types of activities should be prioritized whenever possible.

Thank you for your careful consideration of these comments. This study is an important opportunity to identify opportunities to restore habitat and ecosystem function in this reach of the river, and we look forward to engaging further in the study process as it proceeds.

Sincerely,



Alisha Renfro  
Senior Manager for Science Policy  
Gulf Program  
[Renfroa@nwf.org](mailto:Renfroa@nwf.org)



Melissa Samet  
Legal Director  
Water Resources and Coasts  
[sametm@nwf.org](mailto:sametm@nwf.org)



November 29, 2022

U.S. Army Corps of Engineers, Memphis District  
Attn: CEMVN-PDC-UDC  
167 North Main St., Room B-202  
Memphis, Tennessee 38103

Re: Notice of Intent To Prepare a Draft Environmental Impact Statement for the  
Mississippi River Hatchie/ Loosahatchie, MS River Mile 775-736, Tennessee and Arkansas,  
Ecosystem Restoration Feasibility Study

*Sent via email to LMRRA-Hatchie-Loosahatchie@usace.army.mil.*

To Whom It May Concern:

The Tennessee Wildlife Federation applauds the USACE and Lower Mississippi River Conservation Committee's (LMRCC's) development of a draft Mississippi River Hatchie/ Loosahatchie, MS River Mile 775-736, Tennessee and Arkansas, Ecosystem Restoration Feasibility Study.

The historic practice of channelizing streams as a means of flood control has left West Tennessee with a legacy of environmental and ecological challenges. The Federation supports the feasibility study to investigate restoration of aquatic and floodplain habitat compatible with flood control and navigation priorities is of paramount importance. As the process moves forward, restoration of floodplains in the three main Mississippi tributaries, the Hatchie, Loosahatchie, and Wolf Rivers is especially critical and should be to the benefit of environmental purposes, including flood and erosion control, fish and wildlife resources, and recreational purposes, including recreational paddling, angling, and waterfowl hunting.

We appreciate an opportunity to provide this initial feedback and look forward to submitting additional comments on the draft DIFR-EIS when it is issued in early 2023.

Sincerely,

Mike Butler, CEO  
Tennessee Wildlife Federation



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



December 1, 2022

U.S. Army Corps of Engineers  
Memphis District  
Attn: CEMVN-PDC-UDC  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894

Dear Sir or Madam:

We received your November 4, 2022, request for scoping comments on your Notice of Intent (NOI) to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS) for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study (Study). Our comments are submitted in accordance with the Fish and Wildlife Coordination Act (FWCA) (16 U.S.C. 661-667e), Bald and Golden Eagle Protection Act (16 U.S.C. 668-668d), and Endangered Species Act (ESA) (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) and represent the report of the U.S. Fish and Wildlife (Service), Department of the Interior.

The Study will examine restoration of the ecological structure and function of habitats along the lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736. This reach is the first of eight priority reaches within the Habitat Restoration and Management Program (HRMP) recommended as a strategy within the Lower Mississippi River Resource Assessment (LMRRA) 2016 report to Congress. Habitats with potential for restoration include secondary channels and other floodplain aquatic habitats, floodplain forests, and vegetative communities such as rivercane, riverfront forests, bottomland hardwoods, and other wetlands. This effort is in partnership with the Lower Mississippi River Conservation Committee (LMRCC), which serves as the non-federal sponsor. The LMRCC is a non-profit coalition of six states along the LMR- Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee. The Corps will work with the LMRCC and its partner states, along with the Service, to finalize specific restoration alternatives within the Hatchie-Loosahatchie Reach.

The Arkansas Field Office (AFO) of the Service is partnering with the Tennessee Field Office (TFO) to provide technical assistance and consultation under the authority of the FWCA and ESA. The AFO is the lead office and will be the primary point of contact regarding the development of the DIFR-EIS. We are supportive of the proposed restoration and look forward to working with the Corps and LMRCC to finalize specific measures. You should contact Jason Phillips at [jason\\_phillips@fws.gov](mailto:jason_phillips@fws.gov) or 870-503-1101 with any questions.

Sincerely,

For Melvin Tobin  
Field Supervisor



cc: Cindy Osborne, Data Manager, Arkansas Natural Heritage Commission  
Jennifer Sheehan, Chief- Federal Regulatory Program, Arkansas Game and Fish  
Commission  
Justin Stroman, Federal Regulatory Program Biologist, Arkansas Game and Fish  
Commission  
Jim Wise, Ecologist, Arkansas Department of Environmental Quality  
Mike Thron, U.S. Army Corps of Engineers, Memphis District  
Angie Rodgers, USFWS, LMRCC Coordinator  
Project File  
Read File  
Filename: D:\JasonsFolder\Current Corps and NRCS Projects\Mississippi  
River\ Hatchie\_Loosahatchie Ecosystem Restoration\NEPA\20221201\_Hatchie\_  
Loosahatchie\_NEPA\_Scoping\_USFWS\_comments\_final.pdf

## **Section 5**

# **Meetings with NRCS**

On December 15, 2021 and January 5, 2022 team members met with Natural Resources Conservation Service (NRCS) to discuss proposed measures and compatibility with NRCS activities in the study area.

## **Section 6**

# **Cultural Resources Consultation**

Letters to tribes and State Historic Preservation Offices soliciting information, initiating cultural resources consultation, and initiating the process to develop a programmatic agreement framework were mailed on January 25, 2022.

### **6.1 CULTURAL RESOURCES CONSULTATION LETTERS**



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Devon Frazier  
Tribal Historic Preservation Officer  
Absentee Shawnee Tribe of Indians  
2025 S. Gordon Cooper  
Shawnee, OK 74801

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Frazier:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Absentee Shawnee Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment



required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Absentee Shawnee Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

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the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

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Sincerely,



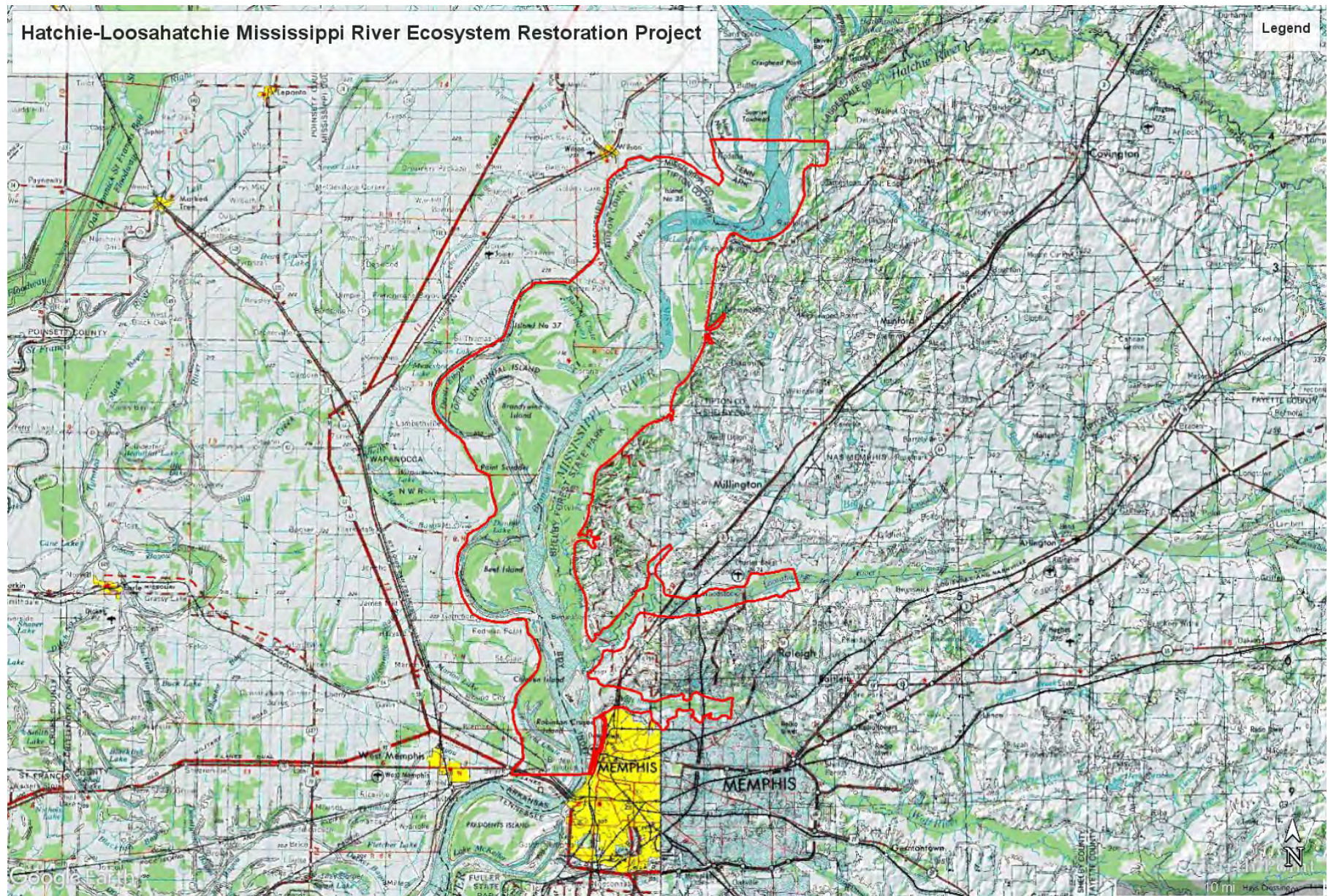
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
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Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Samantha Robinson  
Cultural Preservation Director  
Alabama-Quassarte Tribal Town  
P. O. Box 187  
Wetumka, OK 74883

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Robinson:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Alabama-Quassarte Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Alabama-Quassarte Tribal Town to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

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Sincerely,



Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps





**Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Project**

Legend

10 mi



## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Seth Morgan  
EPA Director  
Apache Tribe of Oklahoma  
P. O. Box 1330  
Anadarko, OK 73005

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Morgan:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Apache Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Apache Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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Sincerely,



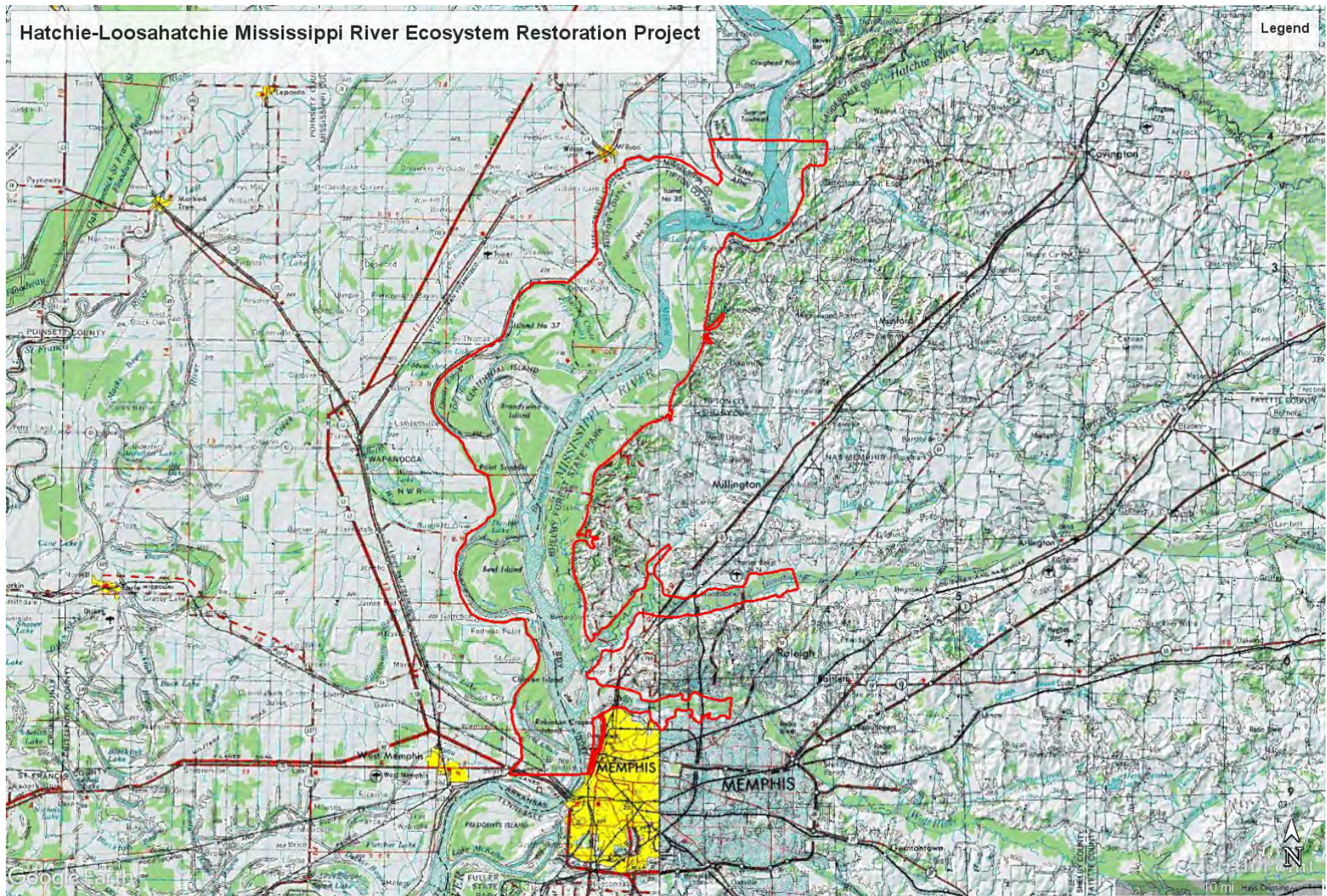
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Jessica Cogburn  
Section 106 Program Manager  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, AR 72201

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Cogburn:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

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In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

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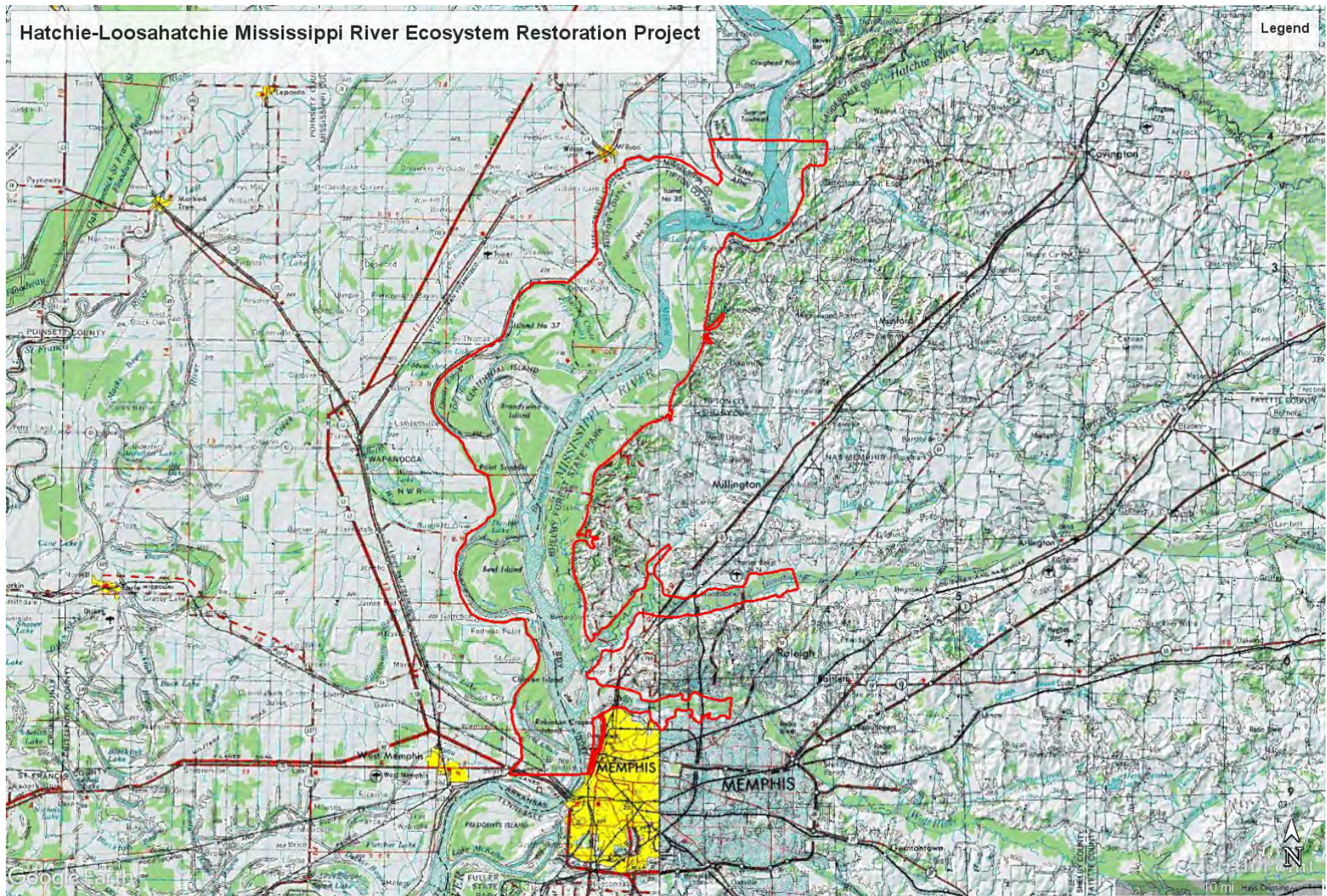
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
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Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Elizabeth Toombs  
Tribal Historic Preservation Officer  
Cherokee Nation  
P. O. Box 948  
Tahlequah, OK 74465-0948

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Toombs:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Cherokee Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National



Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Cherokee Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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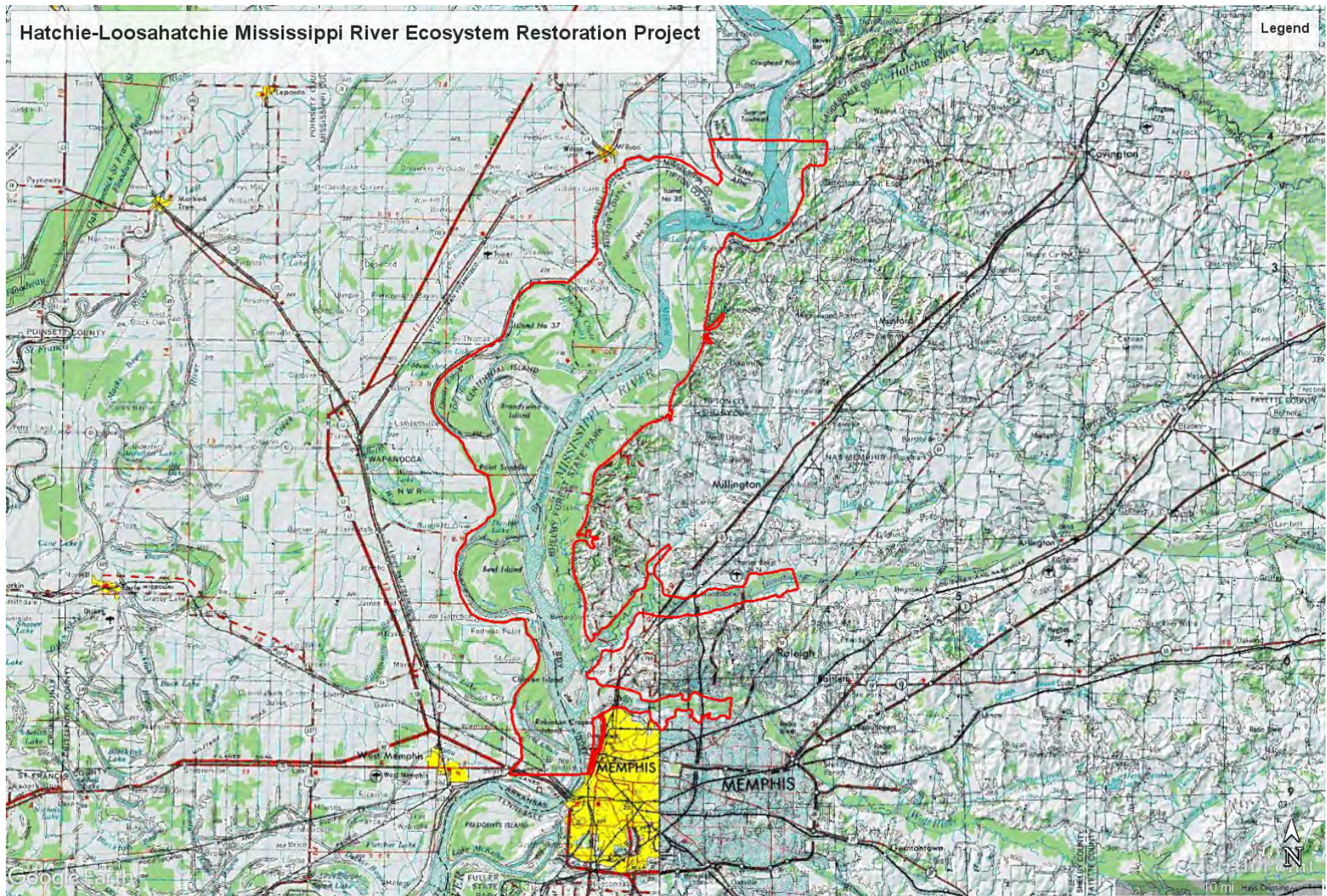
Edward P. Lambert  
Chief, Environmental Compliance Branch  
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## Attachment A: Study Area Maps









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167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Karen Brunso  
Tribal Historic Preservation Officer  
The Chickasaw Nation  
P. O. Box 1548  
Ada, OK 74820

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Brunso:

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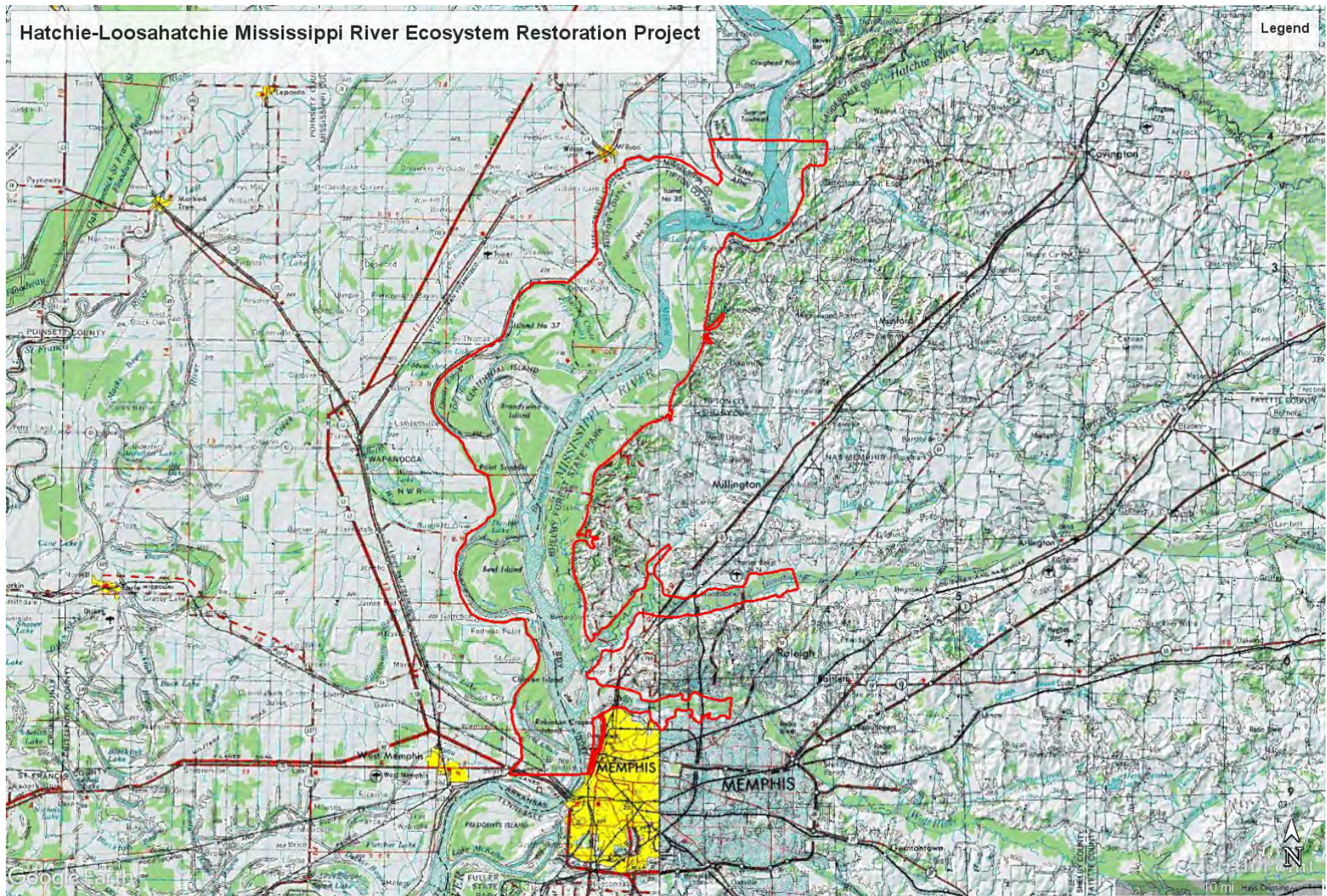
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Tribal Historic Preservation Officer  
Choctaw Nation of Oklahoma  
P. O. Box 1210  
Durant, OK 74702

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Thompson:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Choctaw Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Choctaw Nation of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

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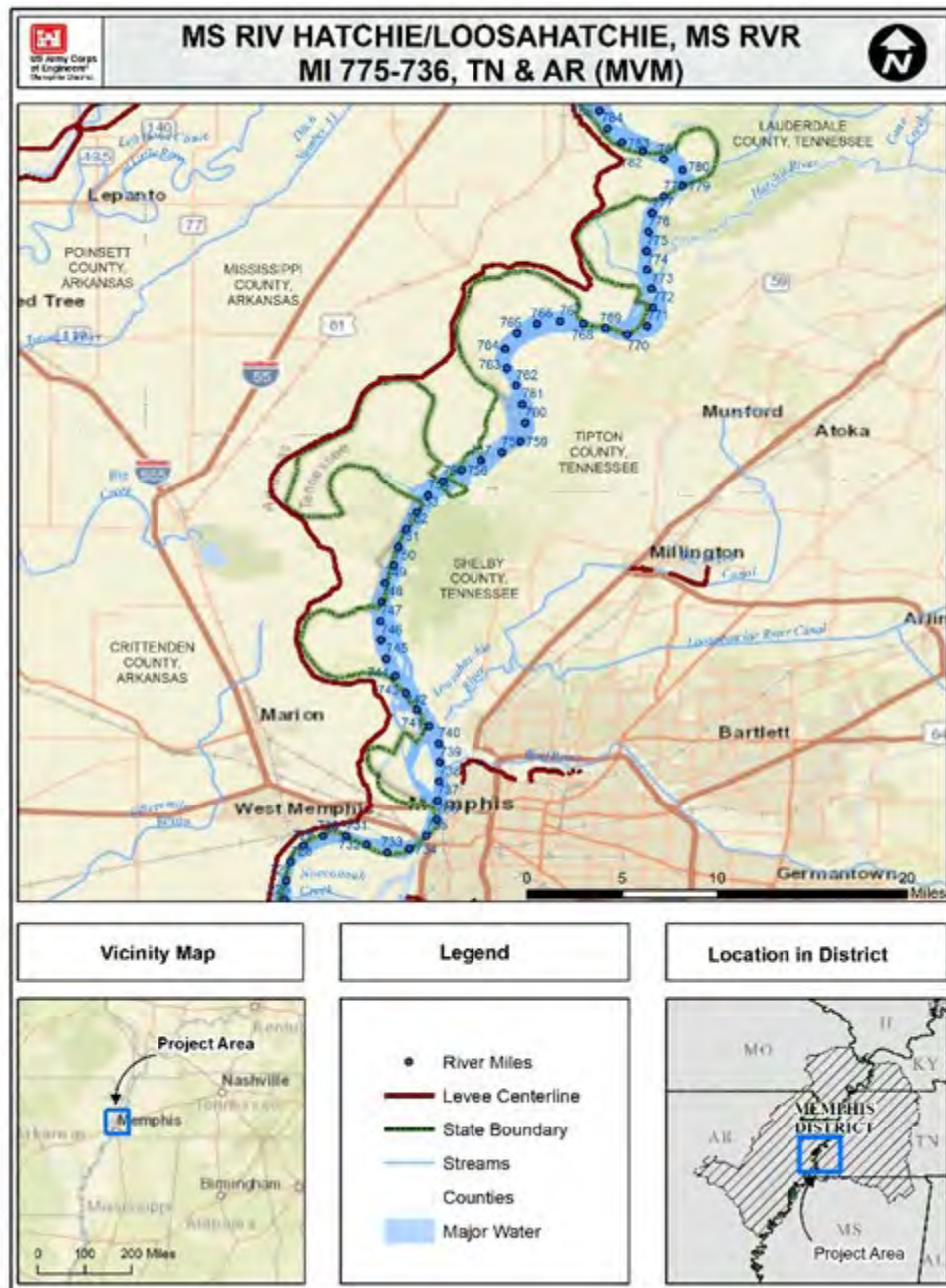
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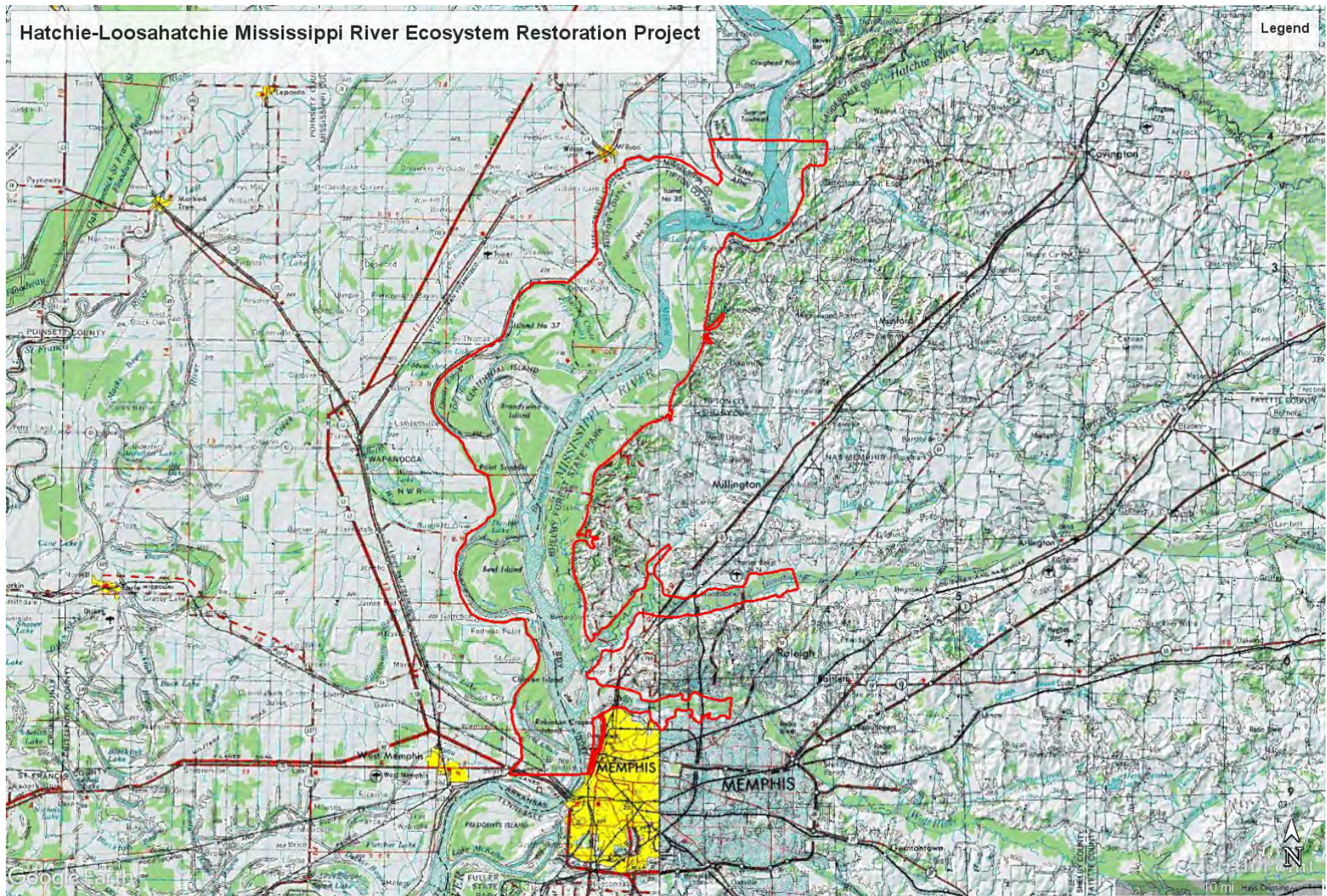
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
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Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Linda Langley  
Cultural Preservation Officer  
Coushatta Tribe of Louisiana  
P. O. Box 10  
Elton, LA 70532

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Langley:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Coushatta Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



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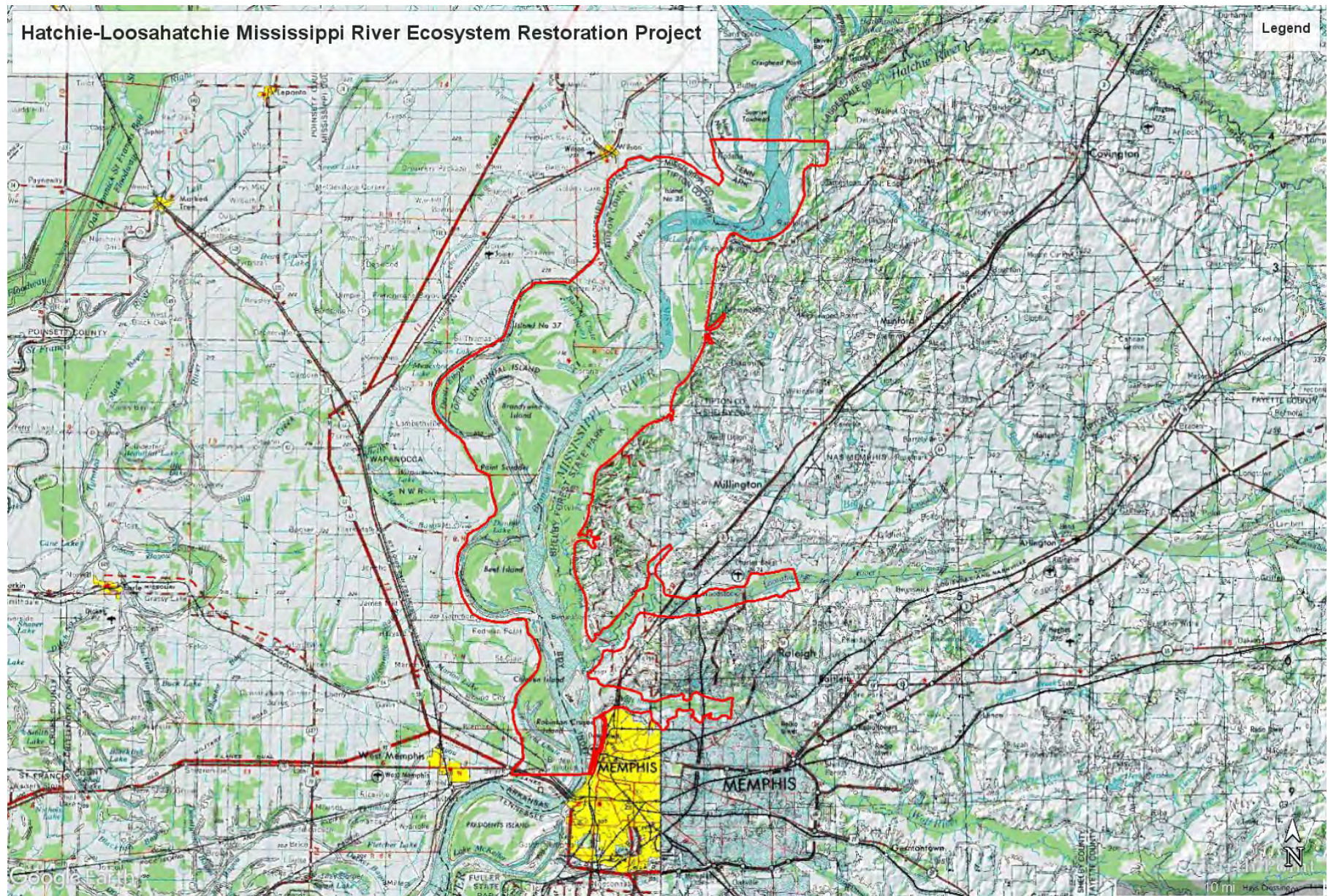
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Erin Thompson-Paden  
Historic Preservation Director  
Delaware Nation  
P. O. Box 825  
Anadarko, OK 73005

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Thompson-Paden:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Delaware Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National



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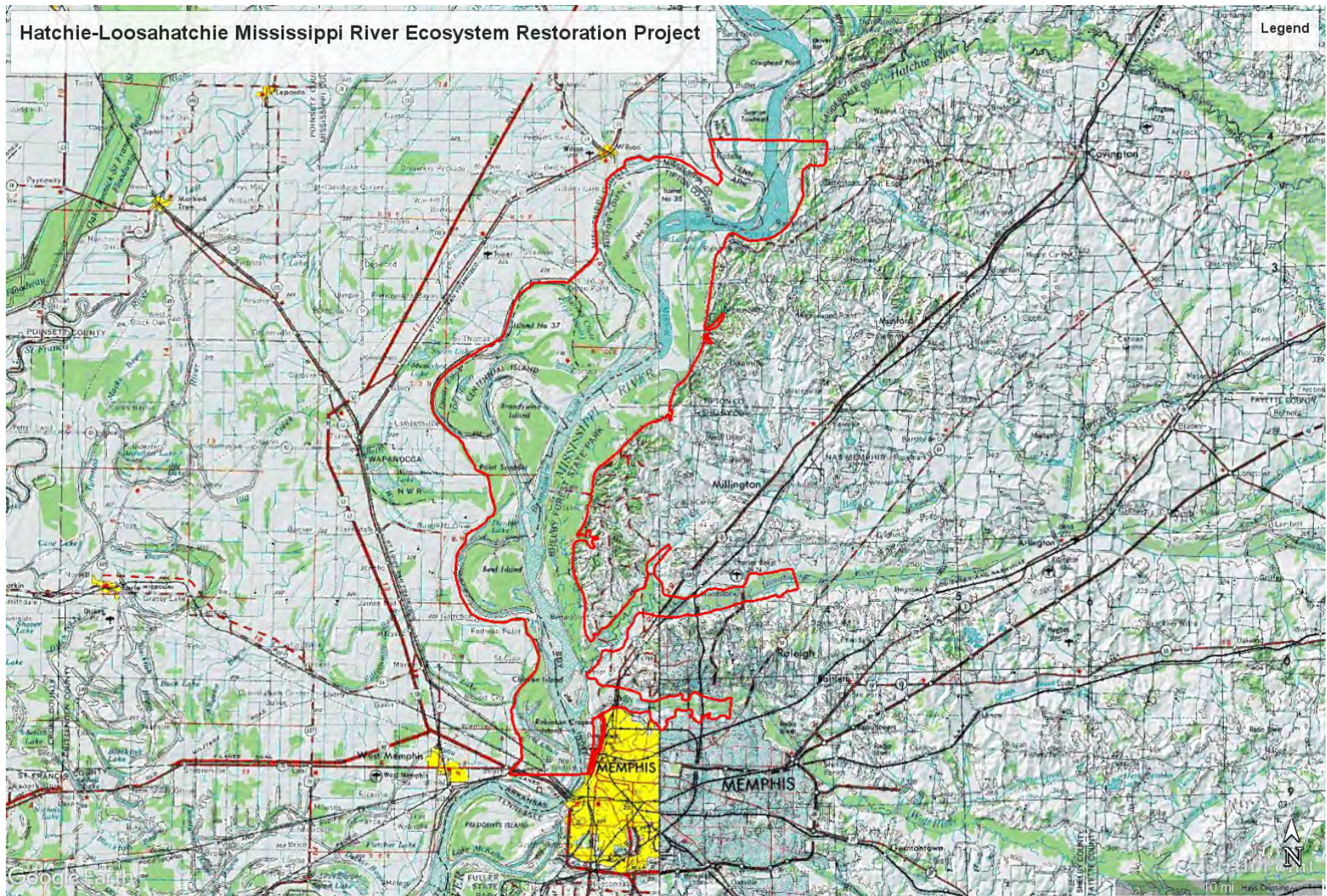
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Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Mr. Seth Morgan, EPA Director, Apache Tribe of Oklahoma  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
Ms. Erin Thompson-Paden, Historic Preservation Director, Delaware Nation  
Dr. Russell Townsend, THPO, Eastern Band of Cherokee Indians  
Mr. Paul Barton, THPO, Eastern Shawnee Tribe of Oklahoma  
Ms. Johnna Flynn, THPO, Jena Band of Choctaw Indians  
Mr. David Cook, Tribal Administrator, Kialegee Tribal Town  
Ms. Kristen Wilson, Executive Director, Kickapoo Tribe of Oklahoma  
Mr. Ken Carleton, THPO, Mississippi Band of Choctaw Indians  
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Dr. Andrea A. Hunter, THPO, Osage Nation  
Mr. Larry Haikey, THPO, Poarch Band of Creek Indians  
Ms. Staci Hesler, THPO, Ponca Tribe of Oklahoma  
Mr. Everett Bandy, THPO, Quapaw Nation  
Mr. Chris Boyd, Historic Preservation Officer, Sac and Fox Nation of Oklahoma  
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Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. David Frank, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Russell Townsend  
Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
P. O. Box 455  
Cherokee, NC 28719

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Townsend:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Eastern Band of Cherokee Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Eastern Band of Cherokee Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

### **Conclusion**

Again, a kickoff meeting will be announced in the near future via email. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the PA. USACE will provide an agenda, meeting materials, and webinar access to



the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,



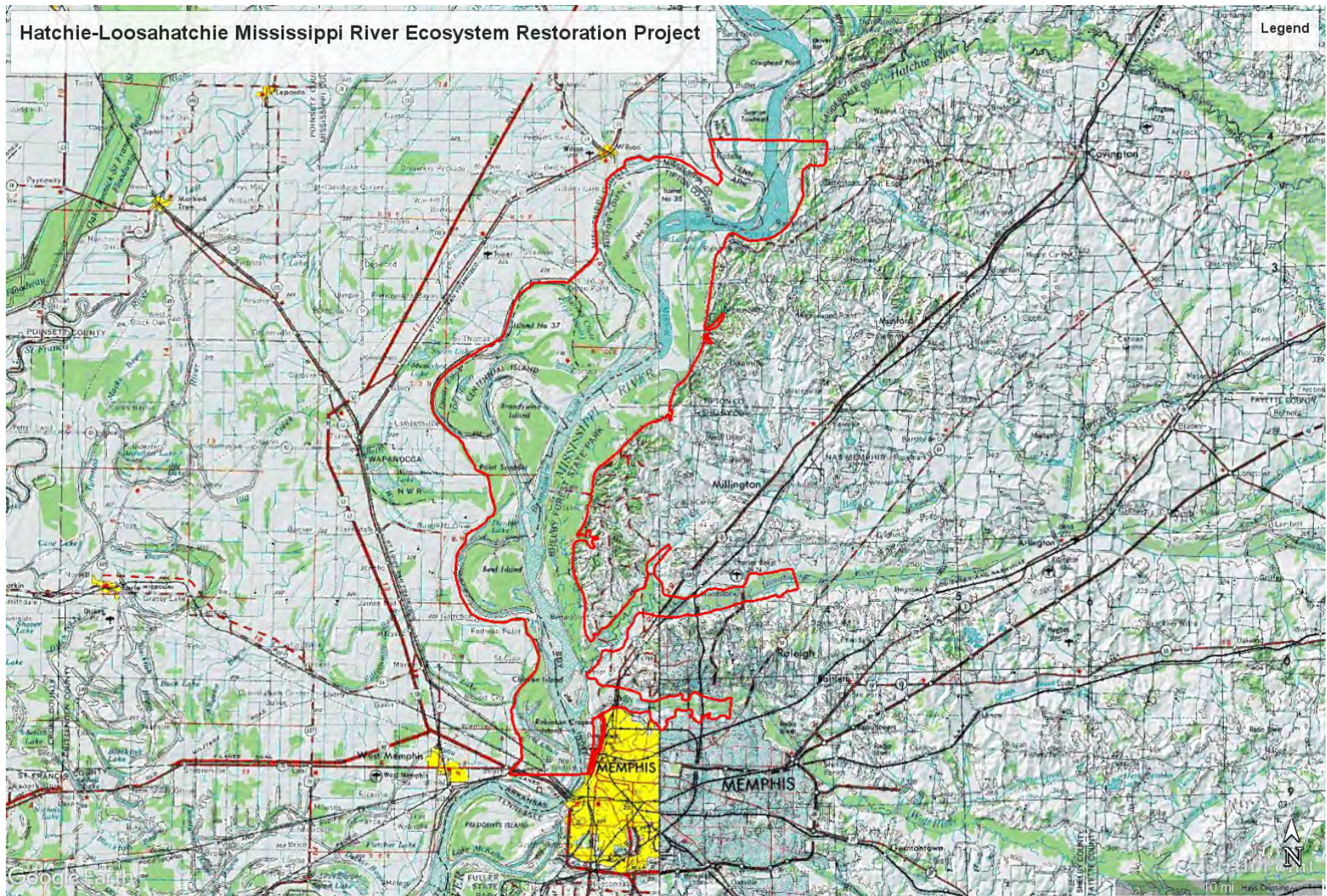
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS**  
**MEMPHIS DISTRICT**  
**167 NORTH MAIN STREET B-202**  
**MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Paul Barton  
Tribal Historic Preservation Officer  
Eastern Shawnee Tribe of Oklahoma  
12755 South 705 Road  
Wyandotte, OK 74370

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Barton:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Eastern Shawnee Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment



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Sincerely,



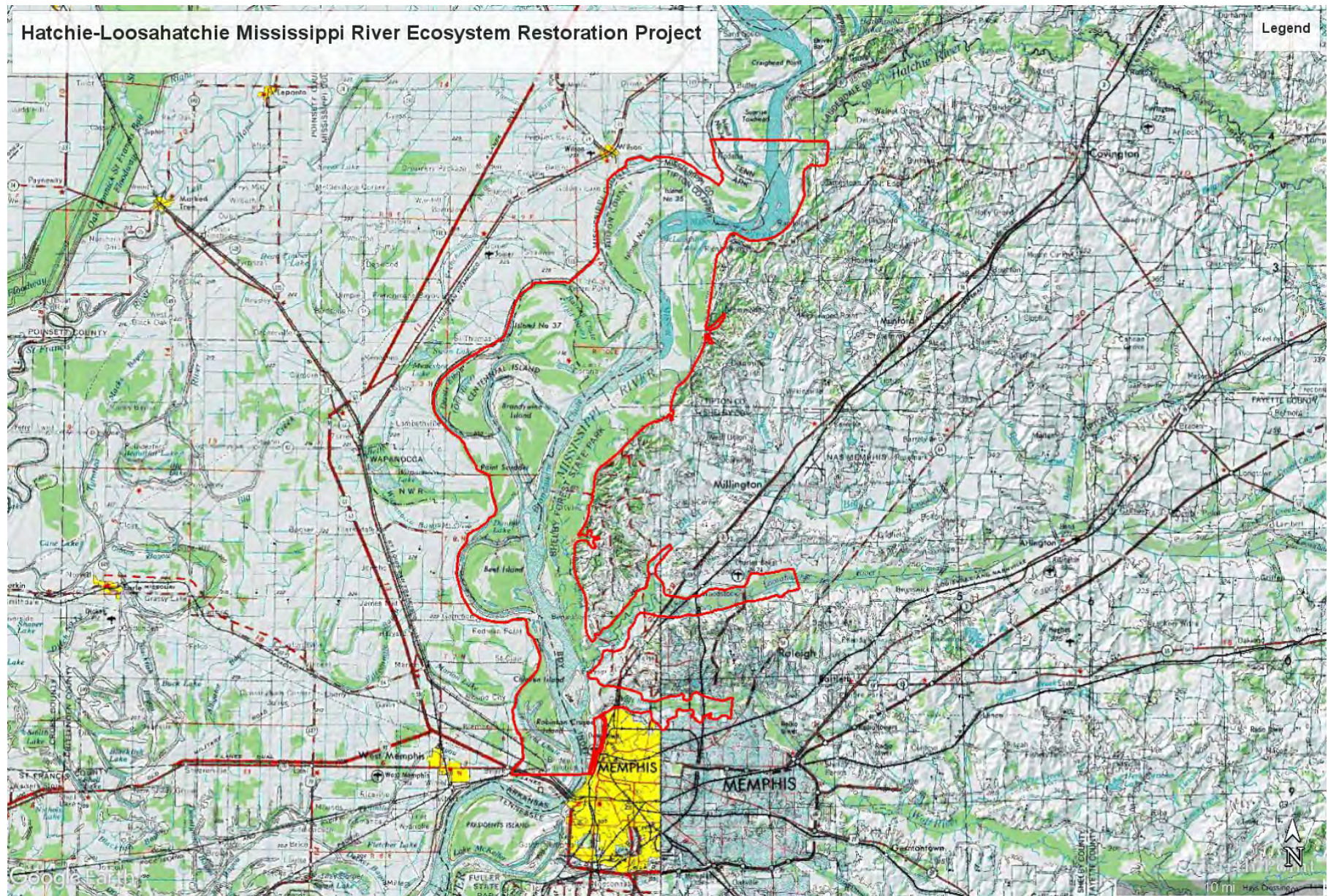
Edward P. Lambert  
Chief, Environmental Compliance Branch  
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## Attachment A: Study Area Maps









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January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Johnna Flynn  
Tribal Historic Preservation Officer  
Jena Band of Choctaw Indians  
P. O. Box 14  
Jena, LA 71342

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Flynn:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Jena Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

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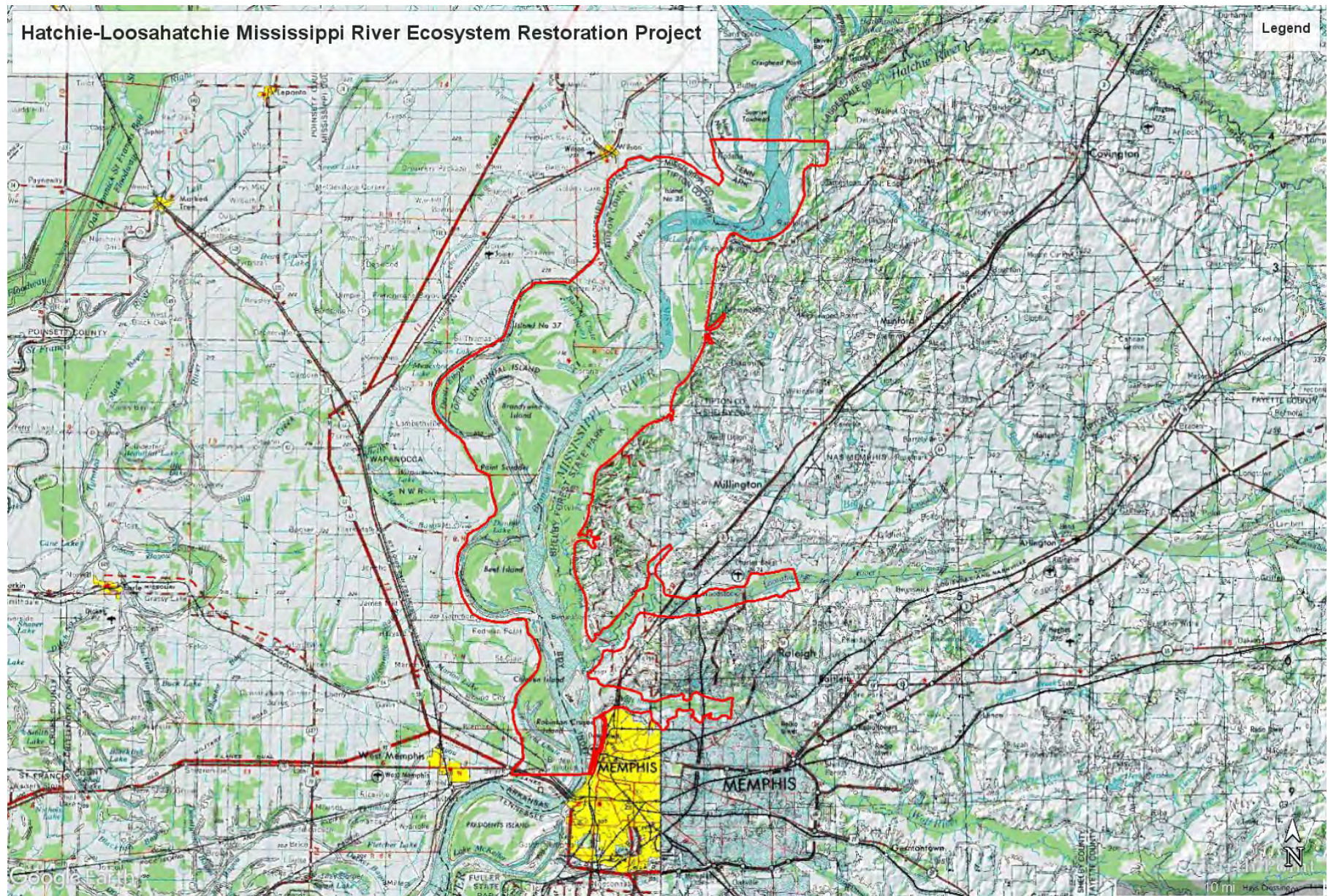
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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Ms. Karen Brunso, THPO, The Chickasaw Nation  
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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. David Cook  
Tribal Administrator  
Kialegee Tribal Town  
P. O. Box 332  
Wetumka, Ok 74883

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Cook:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Kialegee Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Kialegee Tribal Town to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

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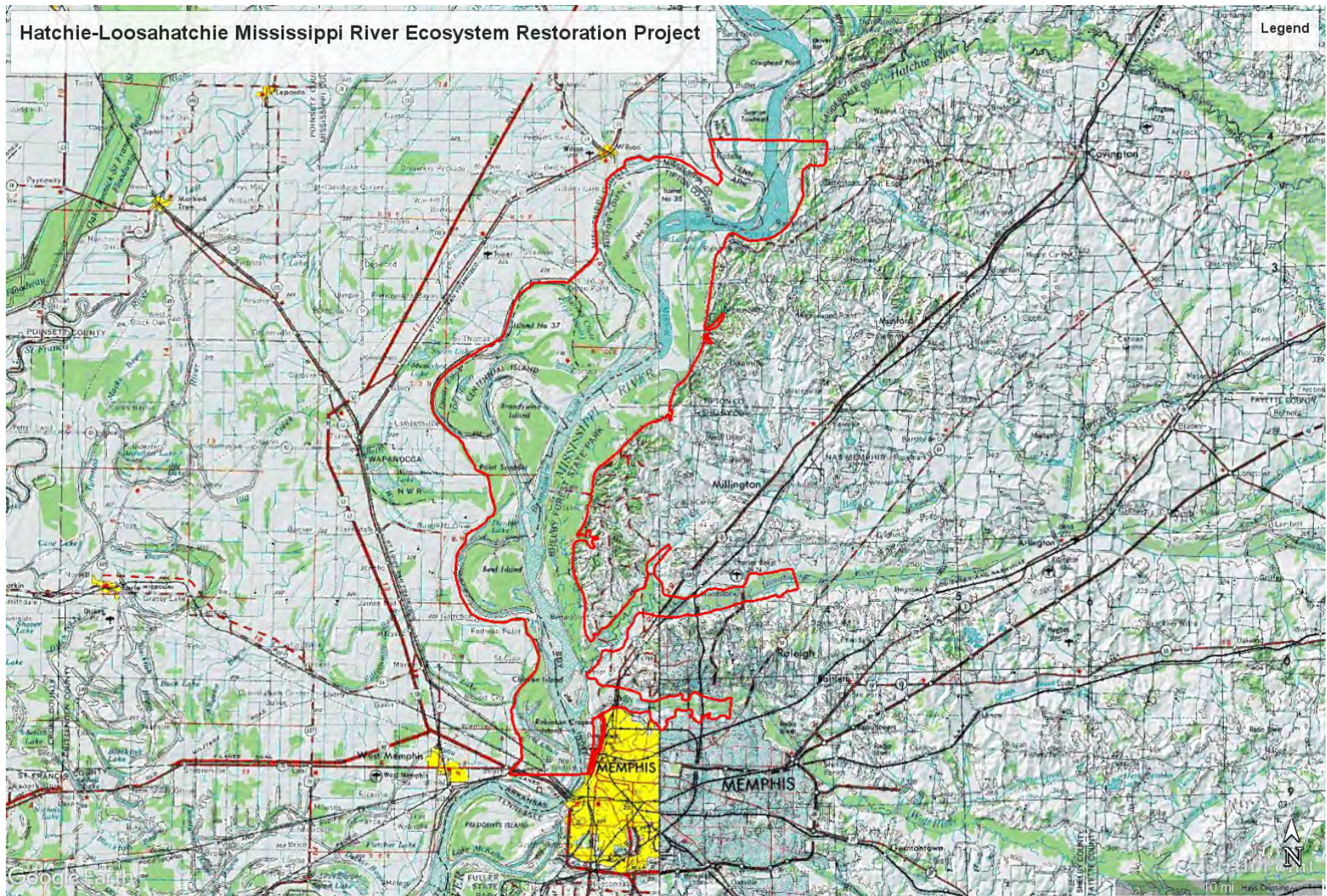
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









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**DEPARTMENT OF THE ARMY  
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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Kristen Wilson  
Executive Director  
Kickapoo Tribe of Oklahoma  
P. O. Box 70  
McLoud, Ok 74851

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Wilson:

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This letter is intended to notify the Kickapoo Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



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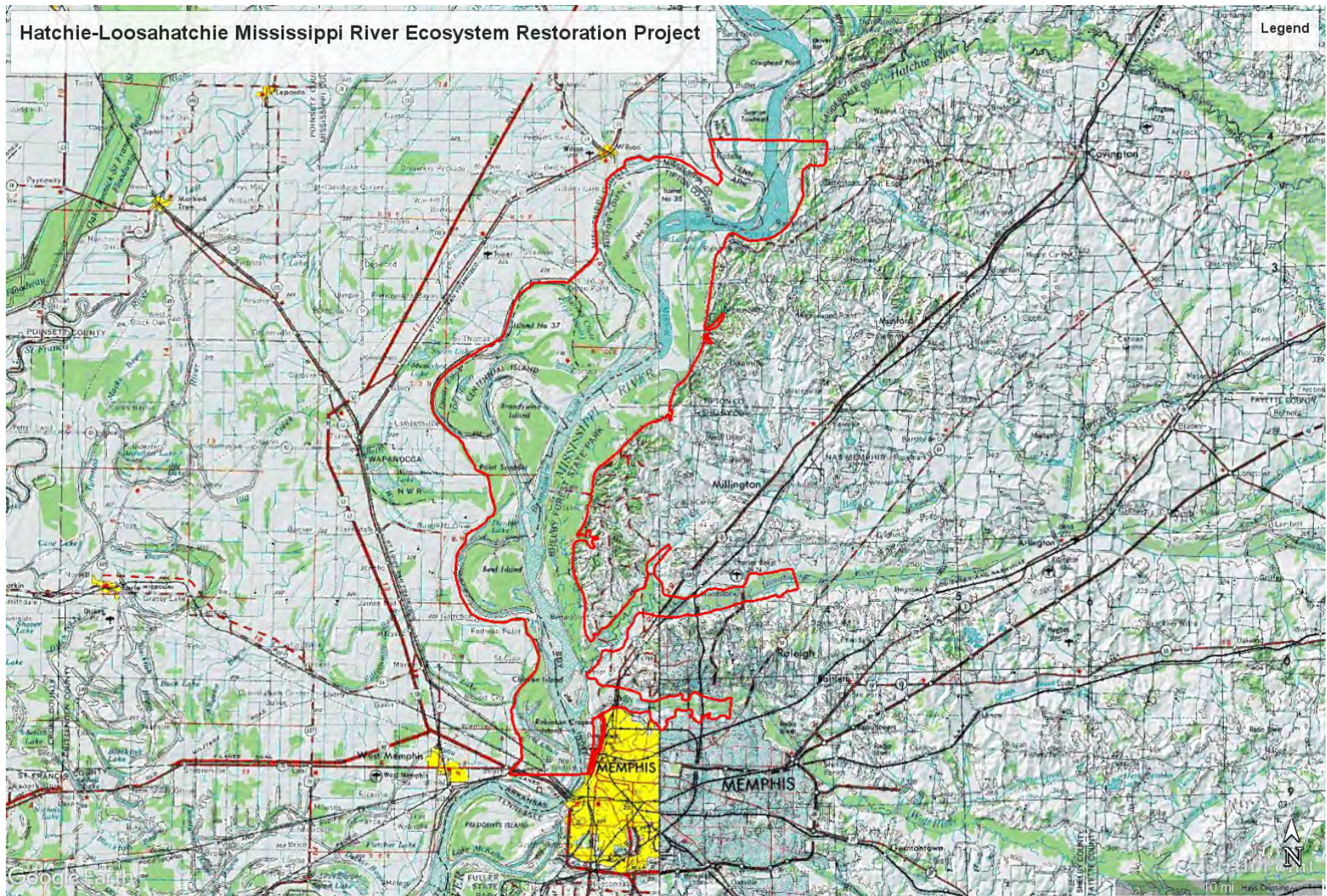
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Chief, Environmental Compliance Branch  
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**DEPARTMENT OF THE ARMY**  
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**MEMPHIS DISTRICT**  
**167 NORTH MAIN STREET B-202**  
**MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Kenneth H. Carleton  
Tribal Historic Preservation Officer  
Mississippi Band of Choctaw Indians  
P. O. Box 6010  
Choctaw, Ok 39350

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Carleton:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Mississippi Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment



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As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

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Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

### **Conclusion**

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Sincerely,



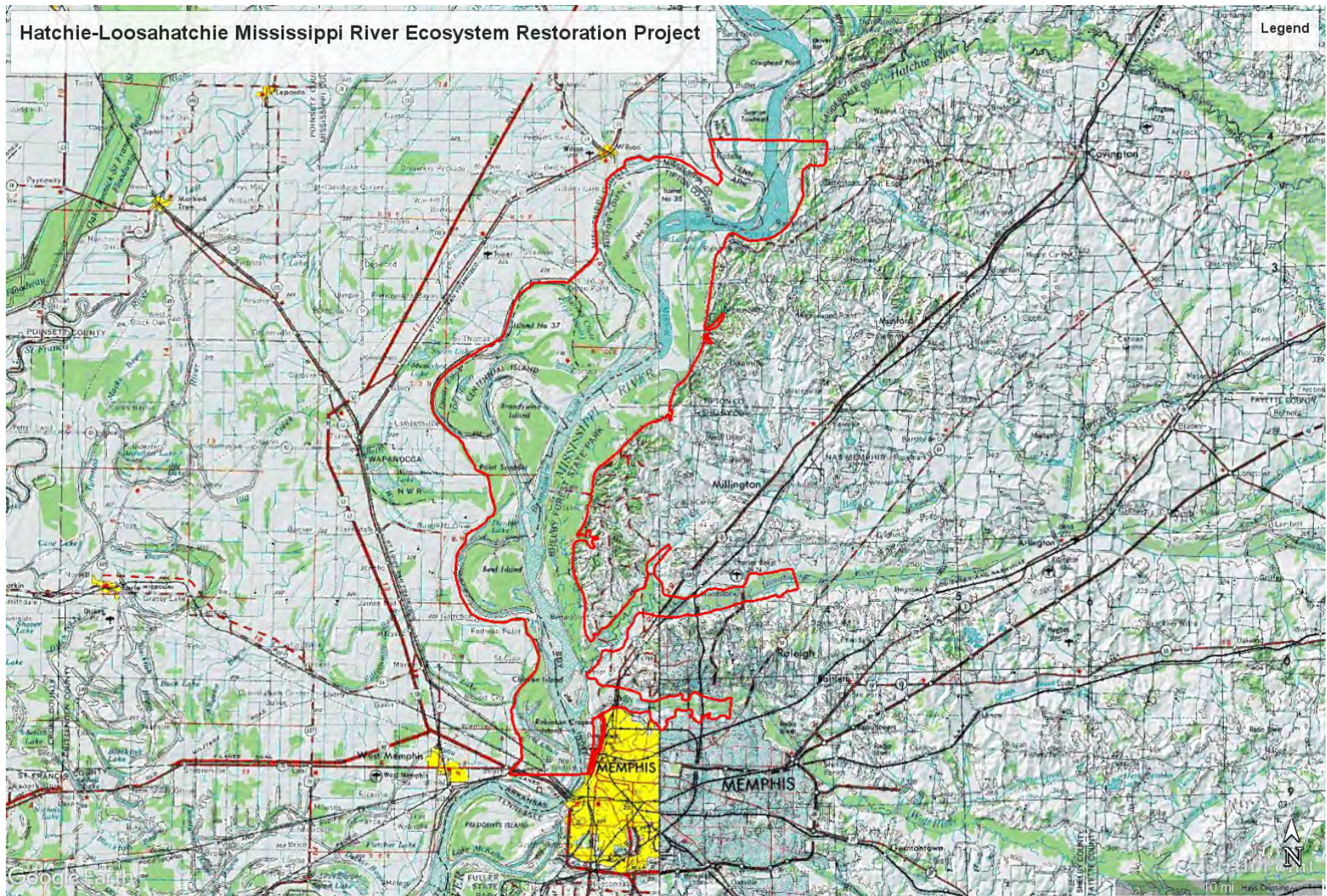
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
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Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Corain Lowe-Zepeda  
Tribal Historic Preservation Officer  
Muscogee (Creek) Nation  
P. O. Box 580  
Okmulgee, OK 74447

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Lowe-Zepeda:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Muscogee (Creek) Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Muscogee (Creek) Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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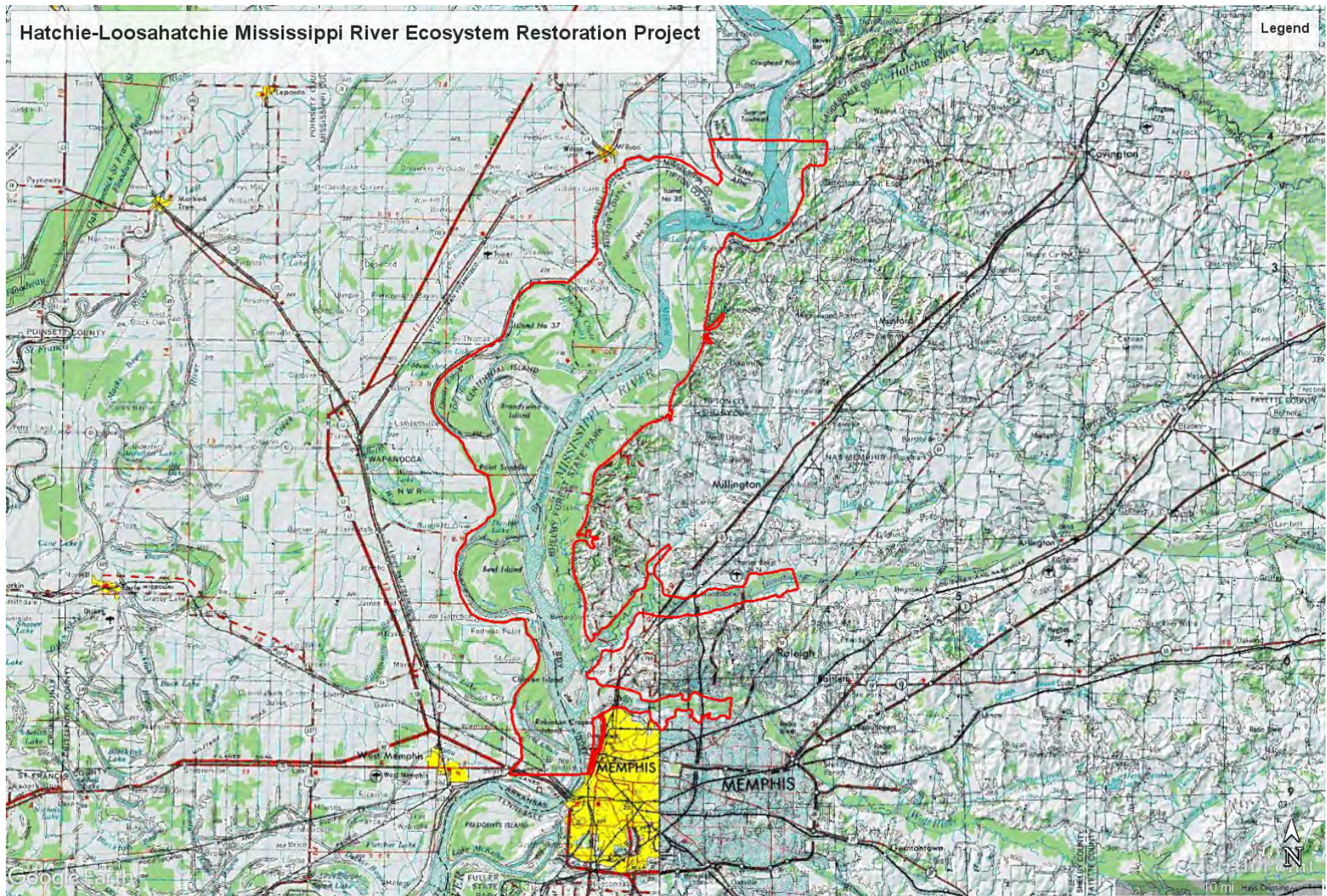
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Andrea Hunter  
Tribal Historic Preservation Officer  
Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Hunter:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Osage Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National



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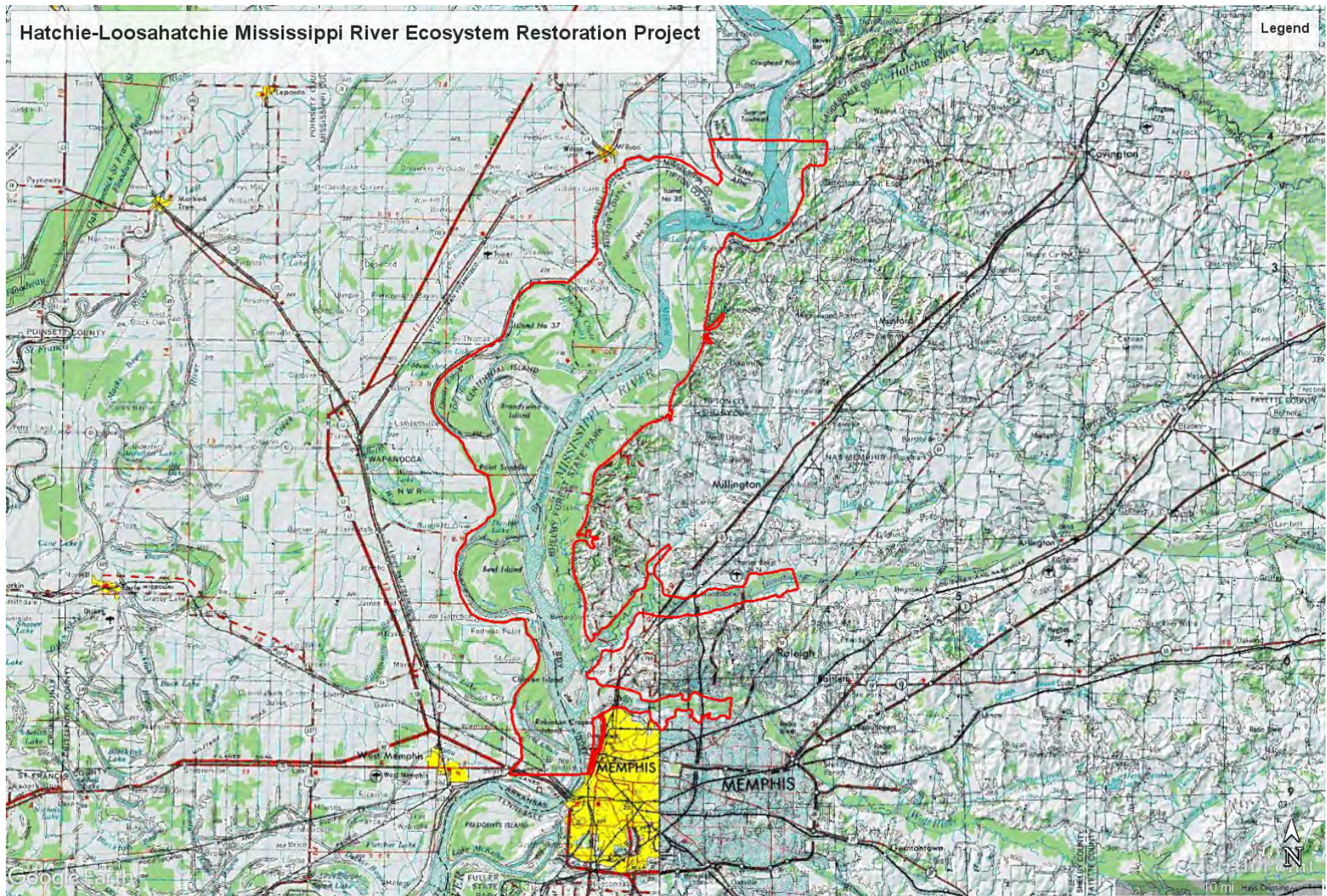
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Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Larry Haikey  
Tribal Historic Preservation Officer  
Poarch Band of Creek Indians  
5811 Jack Springs Road  
Atmore, AL 36502

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Haikey:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Poarch Band of Creek Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Poarch Band of Creek Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

### **Conclusion**

Again, a kickoff meeting will be announced in the near future via email. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the PA. USACE will provide an agenda, meeting materials, and webinar access to



the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,



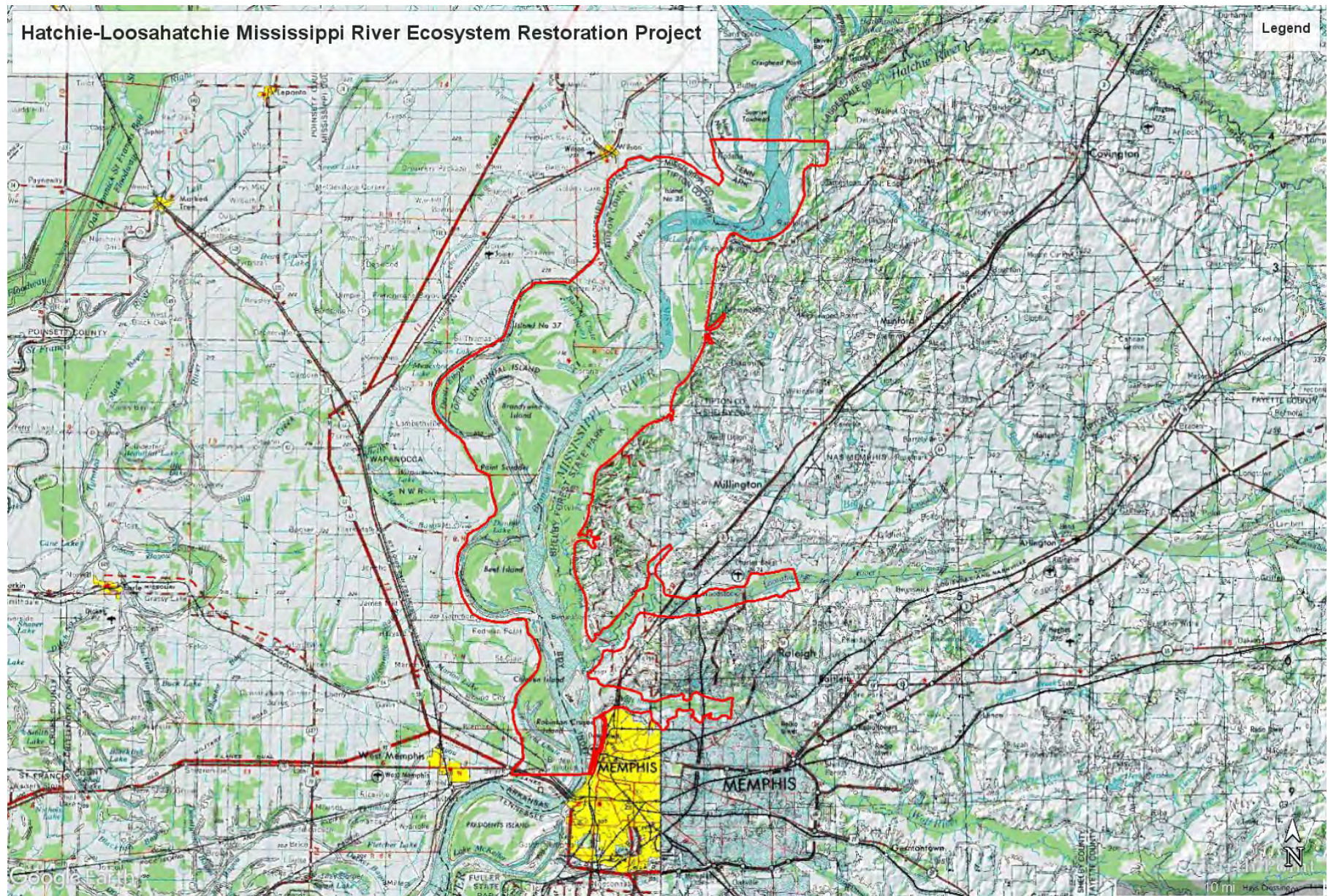
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
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Mr. Everett Bandy, THPO, Quapaw Nation  
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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
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January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Staci Hesler  
Tribal Historic Preservation Officer  
Ponca Tribe of Oklahoma  
121 White Eagle Drive  
Ponca City, OK 74601

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Hesler:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Ponca Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



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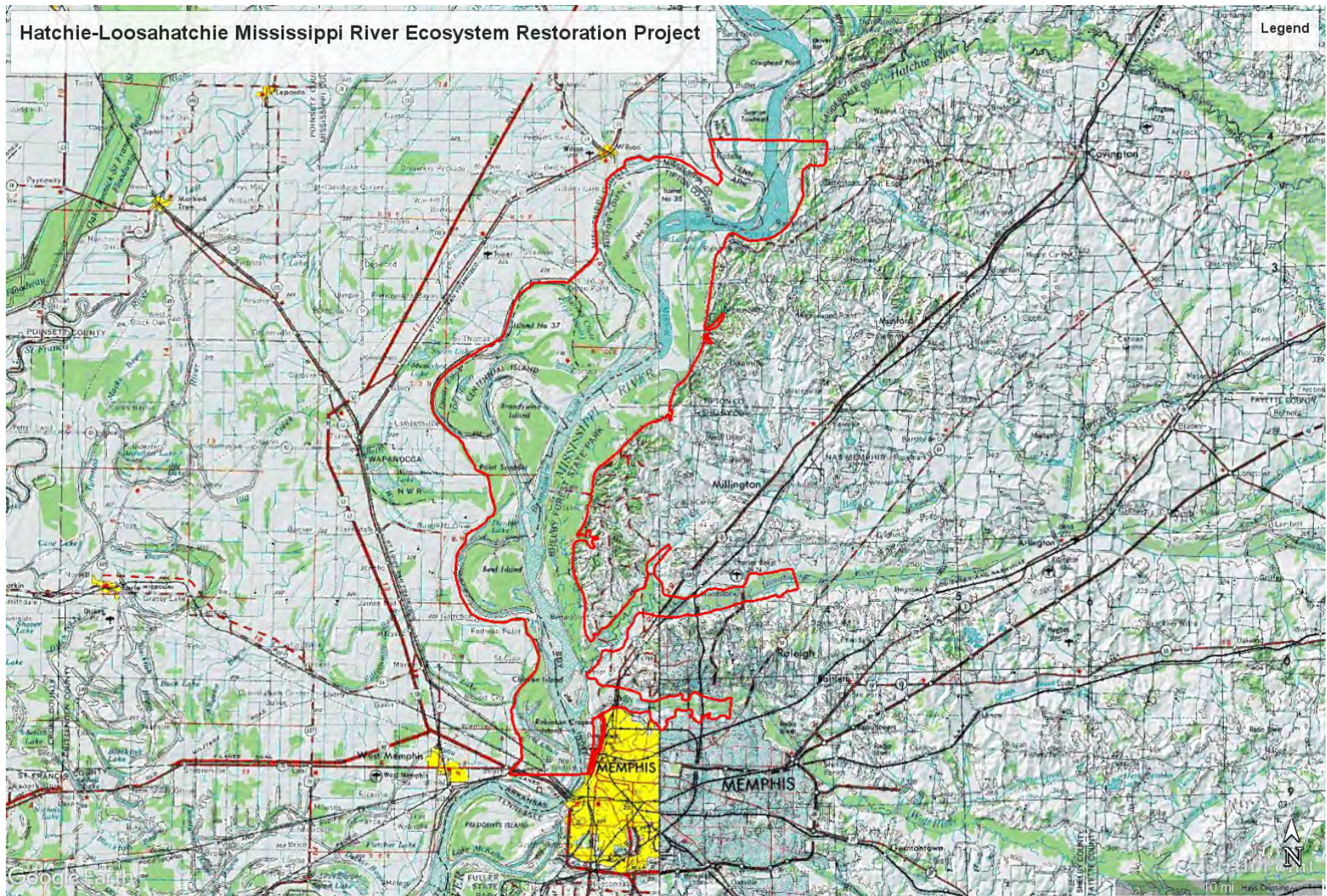
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Chief, Environmental Compliance Branch  
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## Attachment A: Study Area Maps









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Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Everett Bandy  
Tribal Historic Preservation Officer  
Quapaw Tribe of Oklahoma  
P. O. Box 765  
Quapaw, OK 74363

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Bandy:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Quapaw Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



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Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps





**Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Project**

**Legend**

10 mi

Google Earth



## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
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Mr. Everett Bandy, THPO, Quapaw Nation  
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Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Galen Cloud, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Chris Boyd  
Historic Preservation Officer  
Sac and Fox Nation of Oklahoma  
920883 S. Hwy 99, Building A  
Stroud, OK 74079

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Boyd:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Sac and Fox Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Sac and Fox Nation of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.



Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

### **Conclusion**

Again, a kickoff meeting will be announced in the near future via email. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the PA. USACE will provide an agenda, meeting materials, and webinar access to



the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,



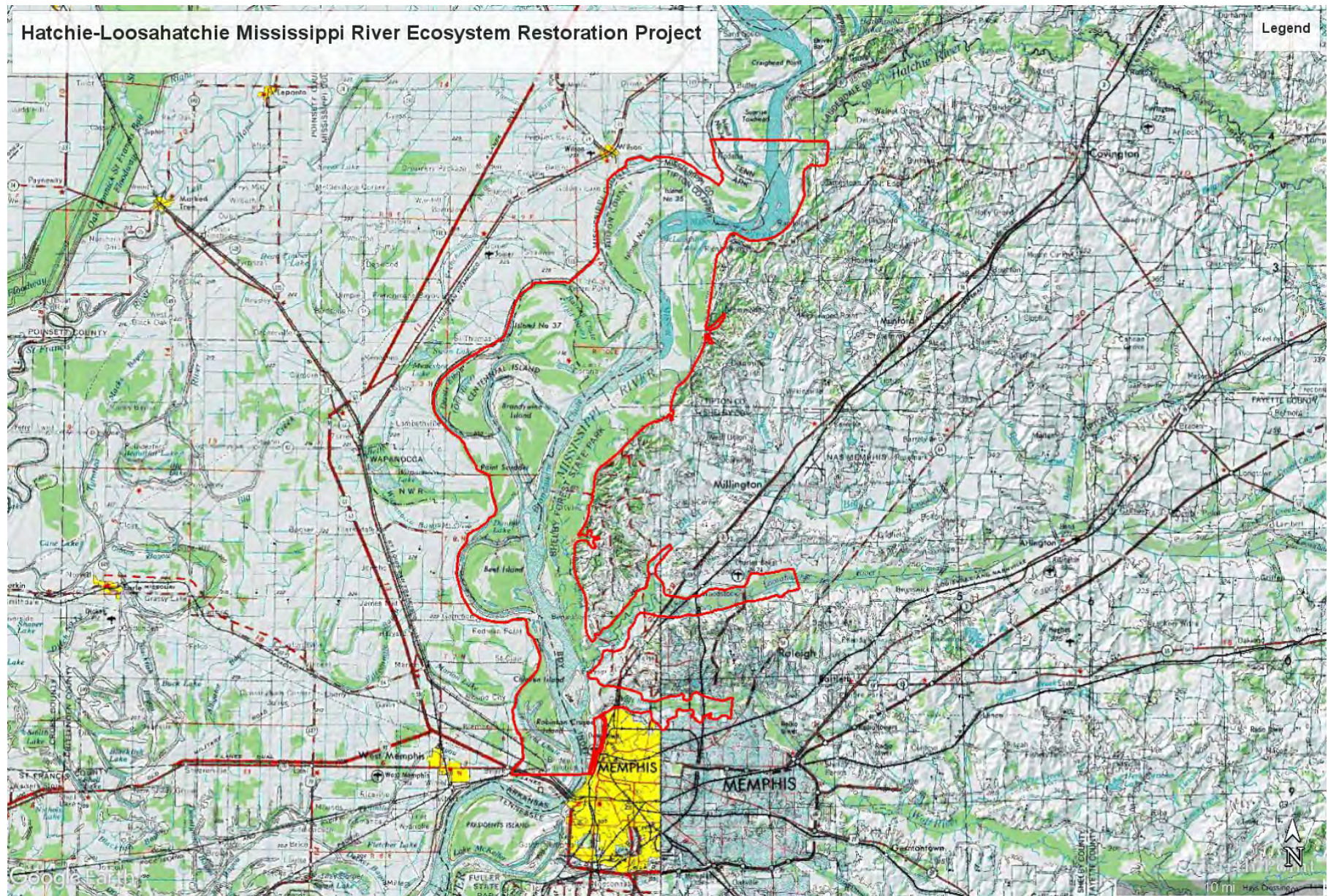
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Ben Yahola  
Tribal Historic Preservation Officer  
Seminole Nation of Oklahoma  
P. O. Box 1498  
Wewoka, OK 74848

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Yahola:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Seminole Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Seminole Nation of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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Sincerely,



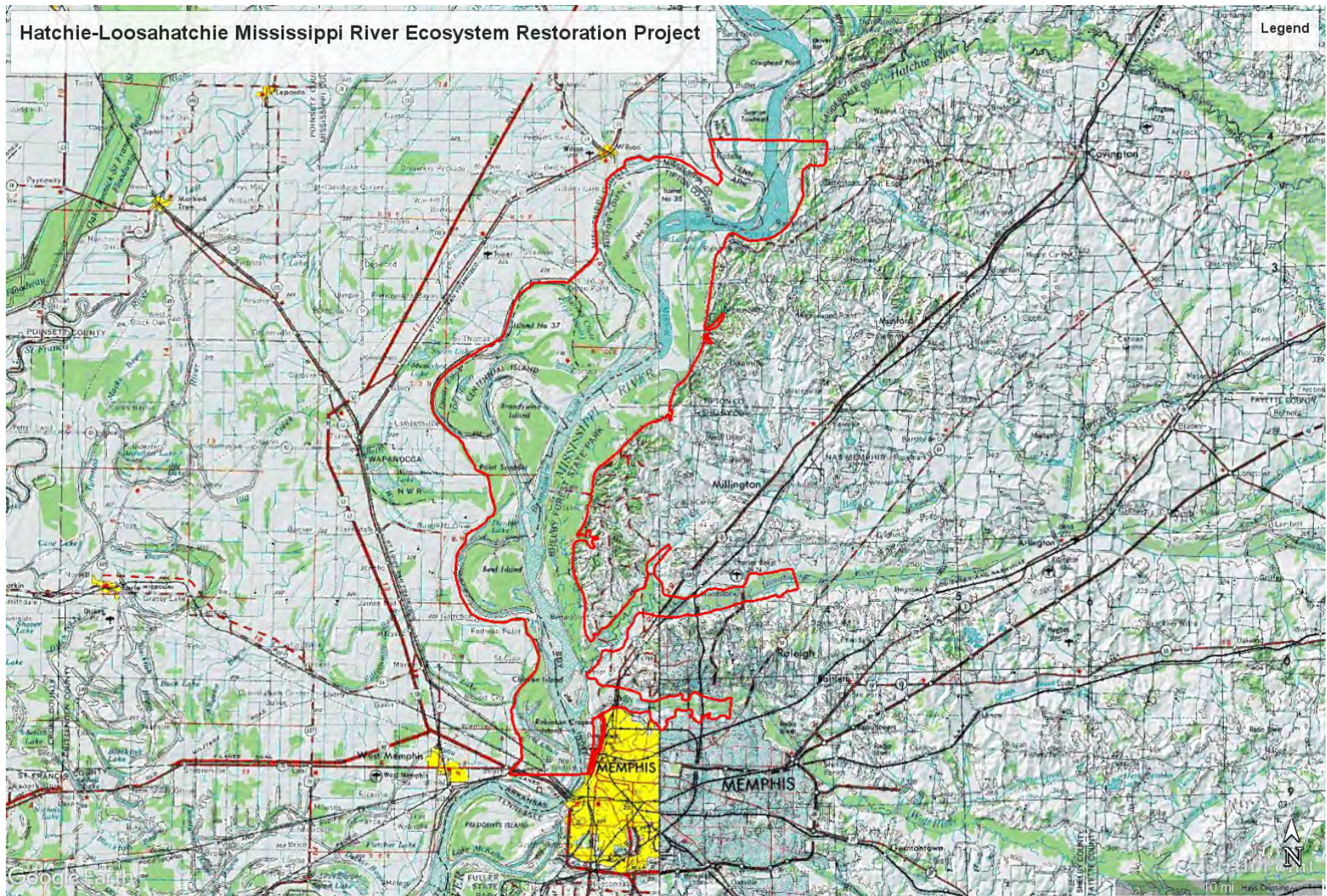
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



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January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Tonya Tipton  
Tribal Historic Preservation Officer  
Shawnee Tribe  
P. O. Box 189  
Miami, OK 74355

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Tipton:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Shawnee Tribe pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National



Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Shawnee Tribe to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

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the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

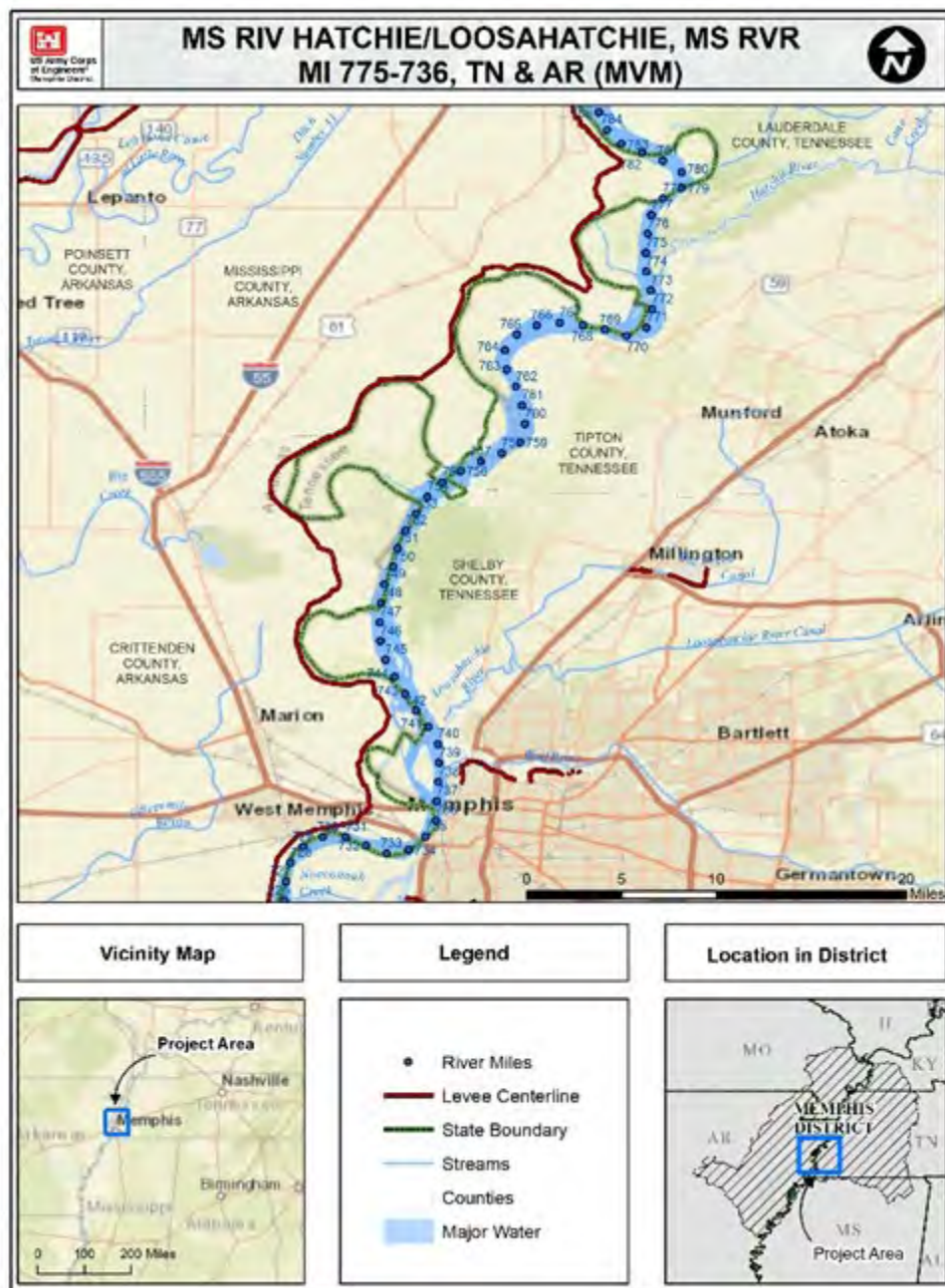
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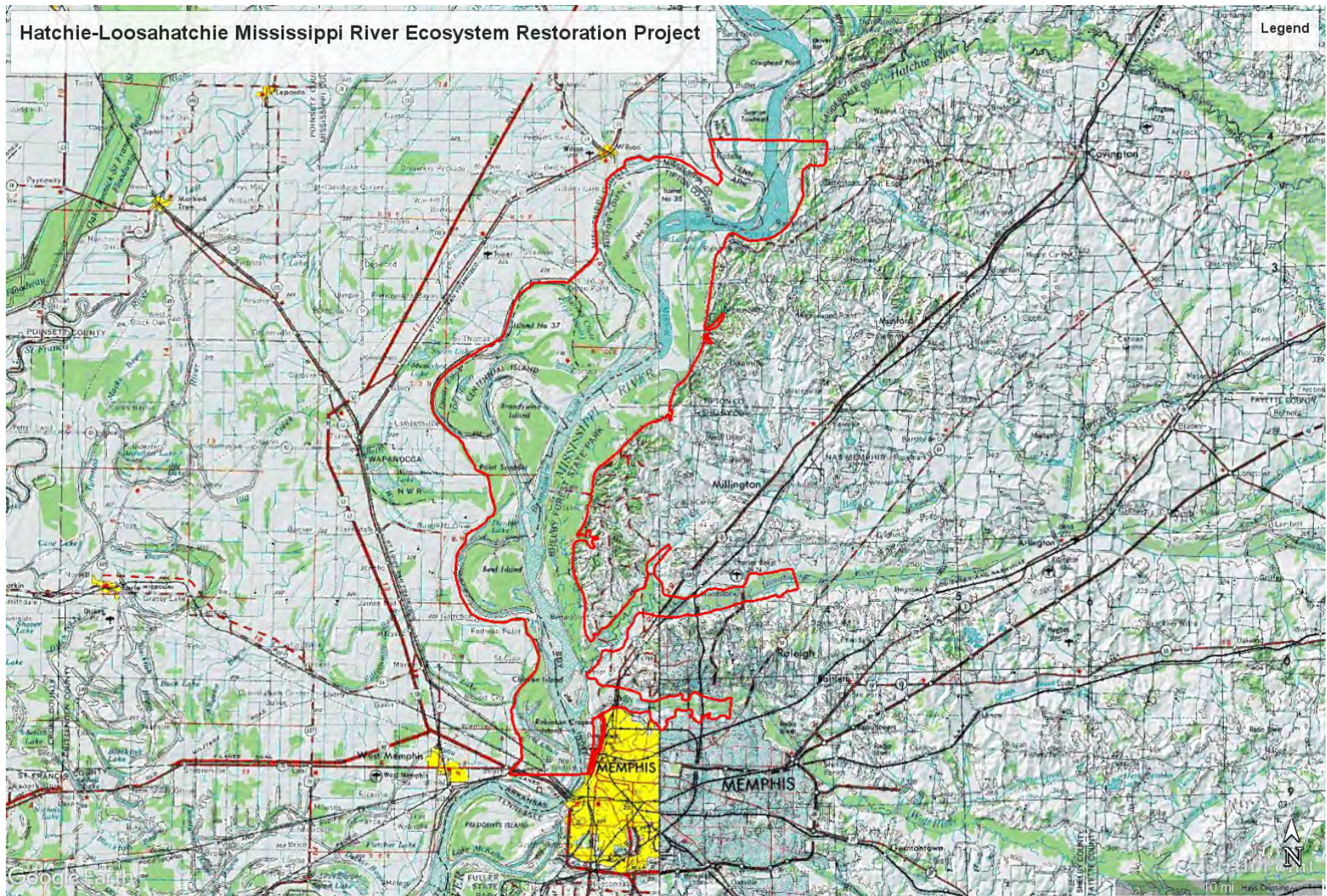
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
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Mr. Galen Cloud, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Galen Cloud  
Tribal Historic Preservation Officer  
Thlopthlocco Tribal Town  
P. O. Box 188  
Okemah, OK 74859

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Cloud:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Thlopthlocco Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Thlopthlocco Tribal Town to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

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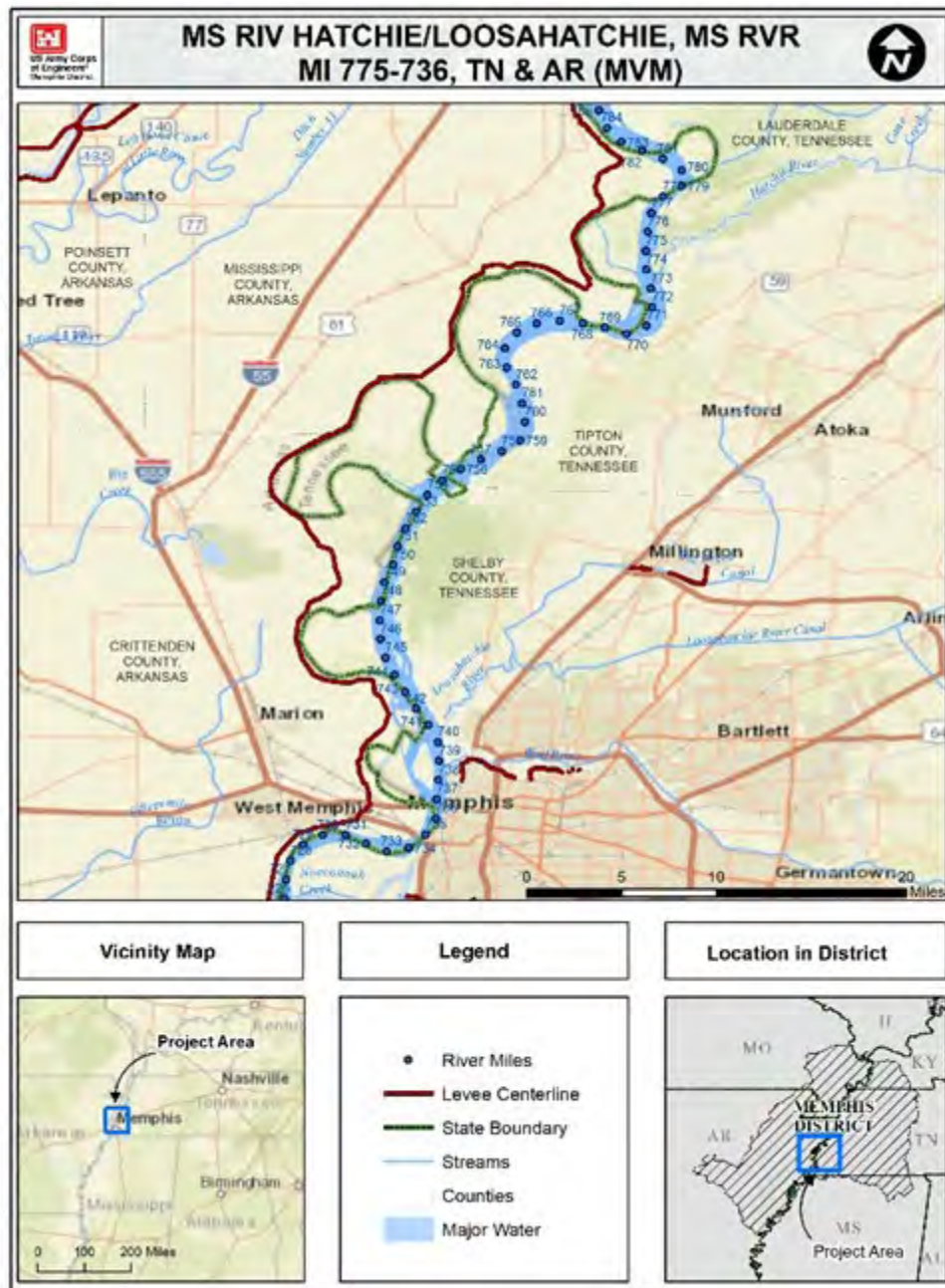
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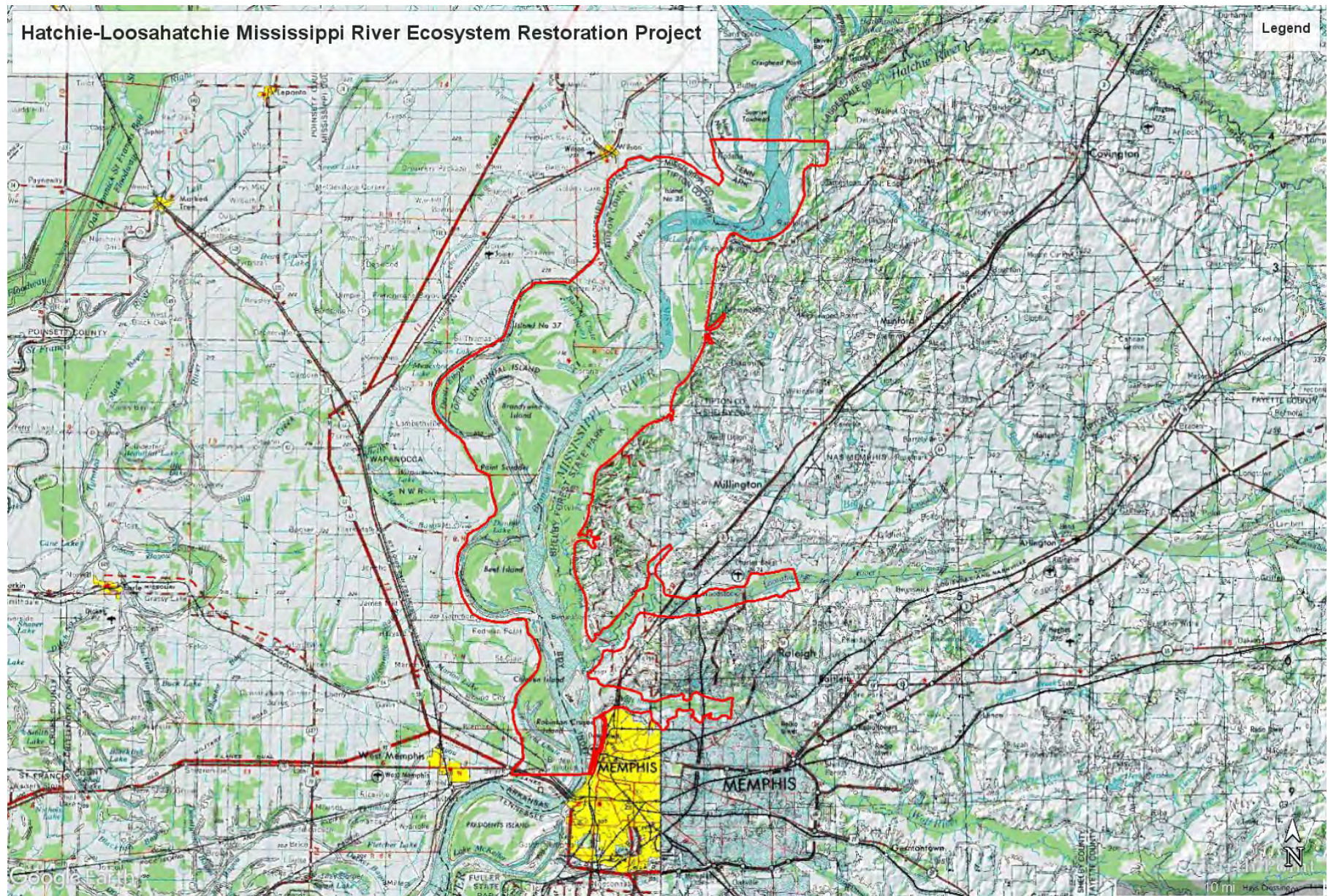


Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Casey Lee  
Historic Preservation Specialist  
Tennessee Historical Commission  
2941 Lebanon Pike  
Nashville, TN 37214

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Lee:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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This letter is intended to notify the Tennessee SHPO pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the National

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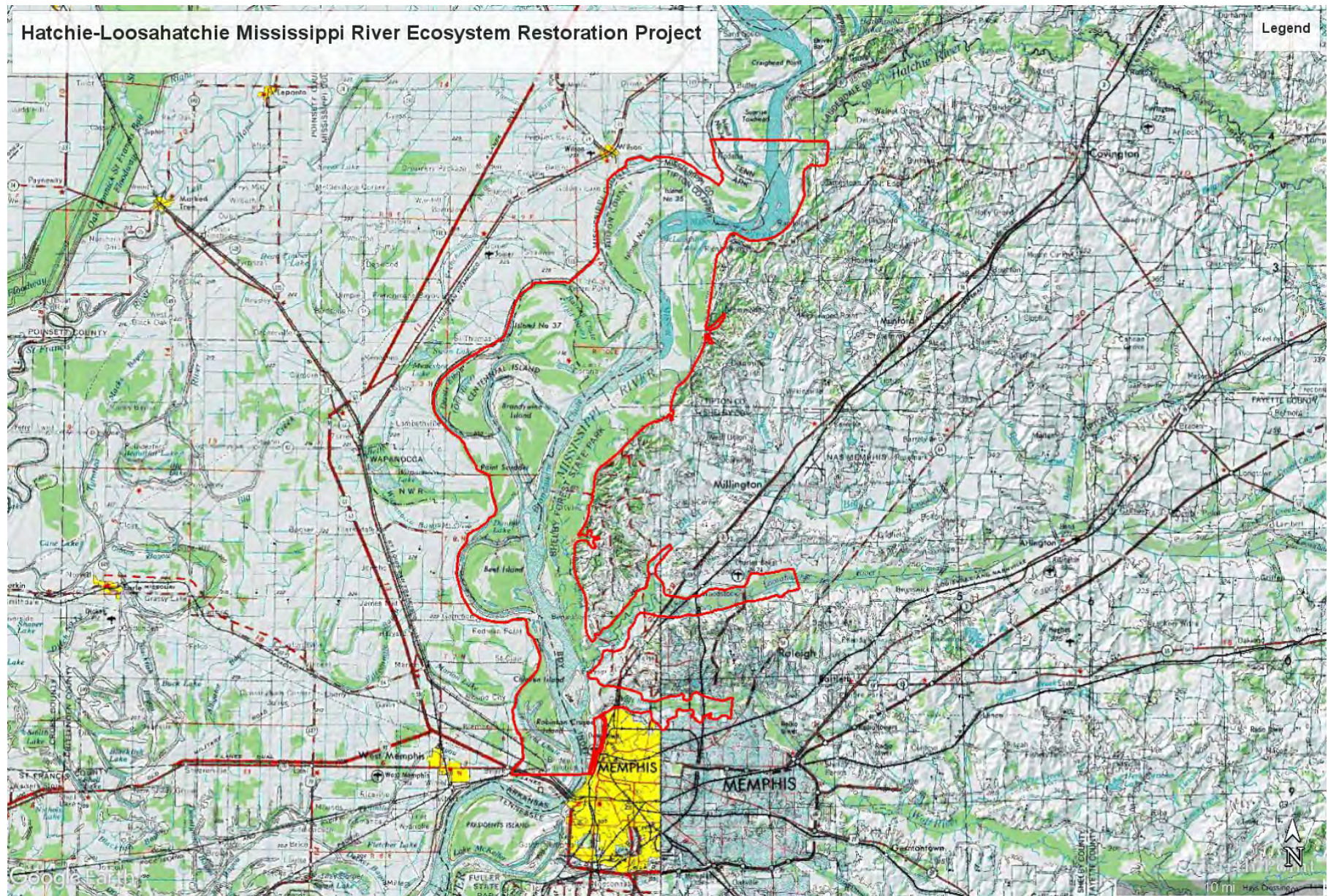
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









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Mr. David Frank, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
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U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Earl Barbry, Jr.  
Tribal Historic Preservation Officer  
Tunica-Biloxi Tribe of Louisiana  
P. O. Box 1589  
Marksville, LA 71351

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Barbry:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

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In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the Tunica-Biloxi Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by the



National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Tunica-Biloxi Tribe of Louisiana to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. Project alternatives are currently being developed and any information you can provide within the study area map will assist in developing these alternatives.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR, but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk reduction. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

An initial background review of the historic properties in the study area was completed in September 2021. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this study not listed with the Tennessee or Arkansas SHPOs, please provide them to us. This will aid in determining the scope and depth of issues to be analyzed when developing the project and project alternatives. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

### **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

### **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment B. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

### **Conclusion**

Again, a kickoff meeting will be announced in the near future via email. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the PA. USACE will provide an agenda, meeting materials, and webinar access to



the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

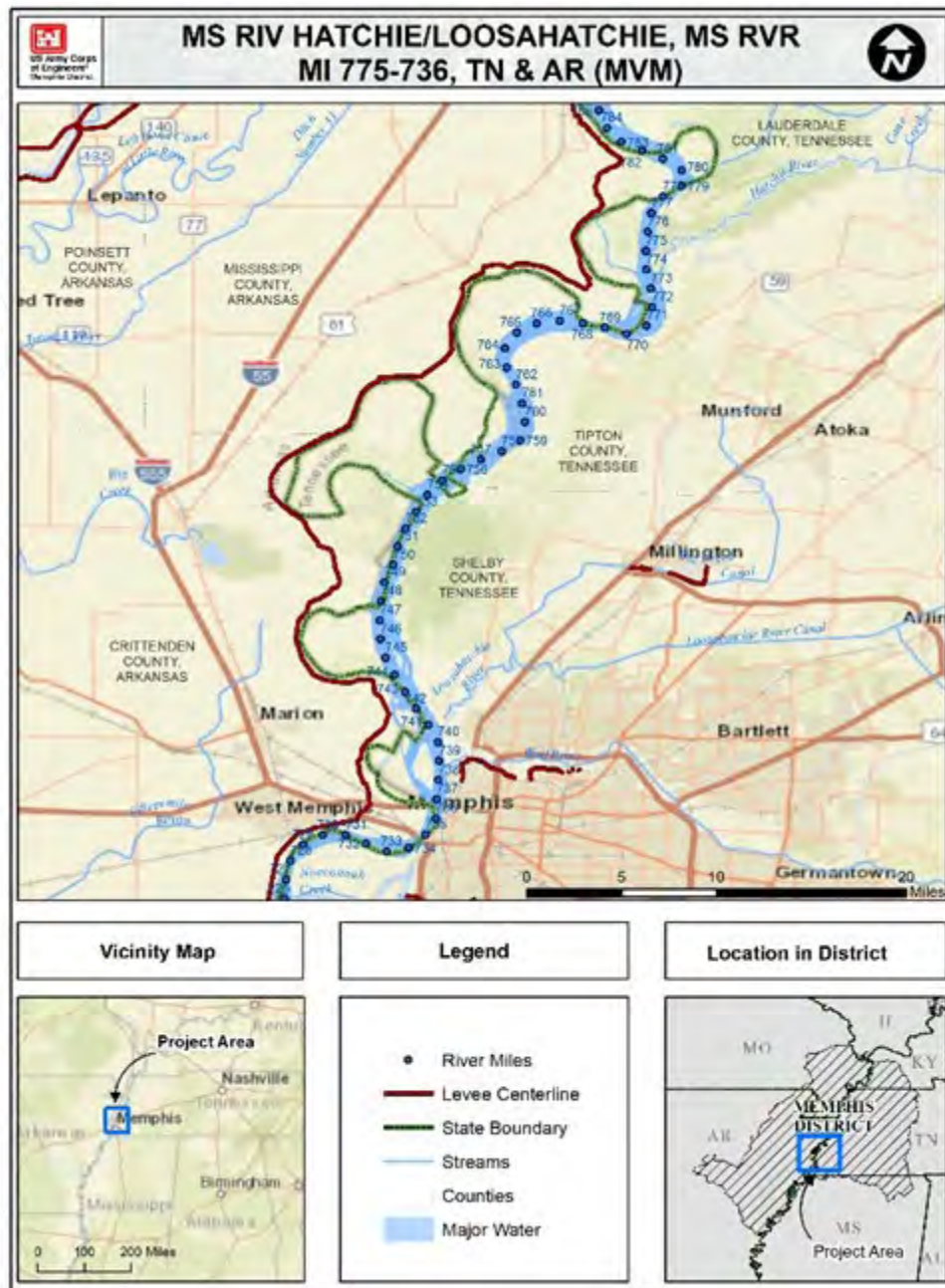
USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,

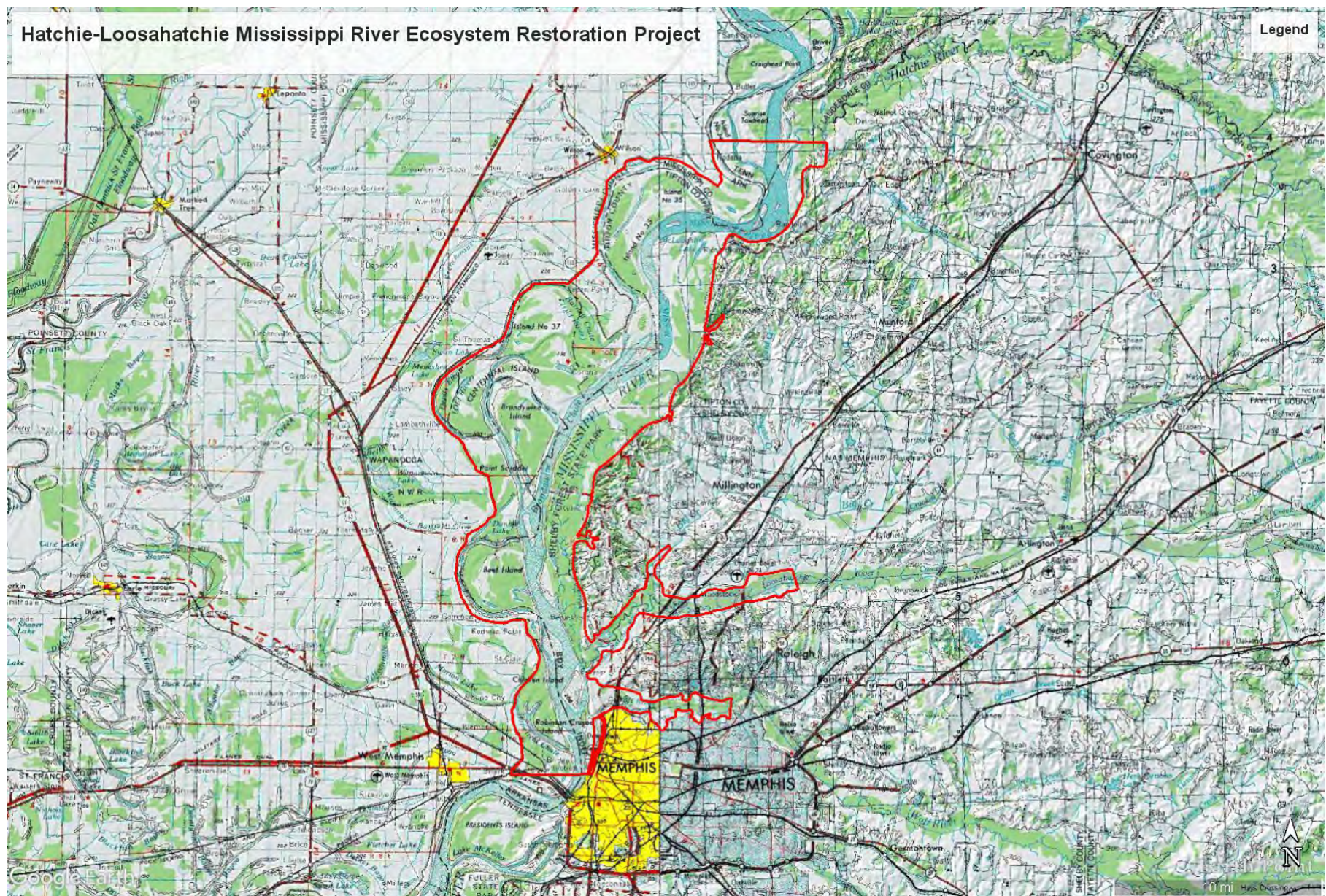


Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Dr. Ian Thompson, THPO, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
Dr. Russell Townsend, THPO, Eastern Band of Cherokee Indians  
Mr. Paul Barton, THPO, Eastern Shawnee Tribe of Oklahoma  
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Ms. Kristen Wilson, Executive Director, Kickapoo Tribe of Kansas  
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Ms. Corain Lowe-Zepeda, THPO, Muscogee (Creek) Nation  
Dr. Andrea A. Hunter, THPO, Osage Nation  
Mr. Larry Haikey, THPO, Poarch Band of Creek Indians  
Ms. Staci Hesler, THPO, Ponca Tribe of Oklahoma  
Mr. Everett Bandy, THPO, Quapaw Nation  
Mr. Chris Boyd, Historic Preservation Officer, Sac and Fox Nation of Oklahoma  
Mr. Ben Yahola, THPO, Seminole Nation of Oklahoma  
Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Galen Cloud, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY**  
**U.S. ARMY CORPS OF ENGINEERS**  
**MEMPHIS DISTRICT**  
**167 NORTH MAIN STREET B-202**  
**MEMPHIS, TN 38103-1894**

January 25, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

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

RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Watt:

The U.S. Army Corps of Engineers (USACE) is soliciting comments and information from Tribes with interests in Crittenden and Mississippi Counties, Arkansas, and Tipton and Shelby Counties, Tennessee, in order to assist in the development of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study will focus on restoration of the structure and ecological function within the 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor. Focal habitats would include large river habitats, such as, sandbars, gravel bars, and secondary channels, floodplain waterbodies, and the diverse vegetative mosaic including several scarce vegetative habitats such as wetlands, canebrakes, riverfront forests and bottomland hardwood (BLH) forests. Project features will be designed to avoid or minimize adverse environmental impacts to the extent practical. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

In addition, USACE is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting will be held via WebEx in the upcoming future once the project scope has been determined. The WebEx meeting information will be emailed to you.

Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (NHPA), the USACE invites you to be a consulting party in this feasibility study to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them.

This letter is intended to notify the United Keetoowah Band of Cherokee Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural

environment required by the National Environmental Policy Act (NEPA), as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the United Keetoowah Band of Cherokee Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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## **Project Background**

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Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

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USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,



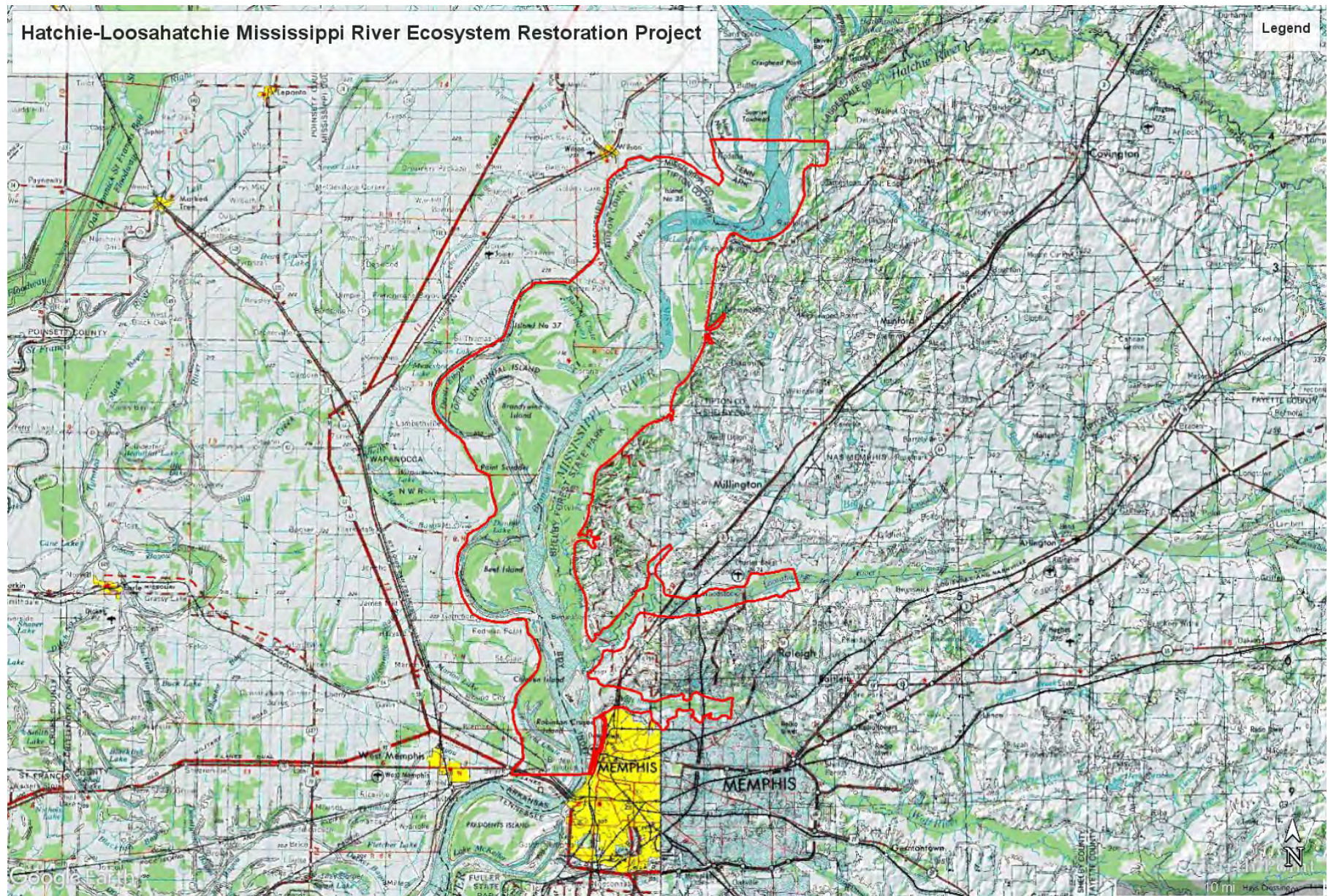
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps









## **Attachment B: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
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Mr. Chris Boyd, Historic Preservation Officer, Sac and Fox Nation of Oklahoma  
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Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Galen Cloud, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Mr. Acee Watt, Section 106 Coordinator, United Keetoowah Band of Cherokee Indians

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission

## **6.2 CULTURAL RESOURCES CONSULTATION LETTER RESPONSES**





**TENNESSEE HISTORICAL COMMISSION**

2941 LEBANON PIKE  
NASHVILLE, TENNESSEE 37243-0442  
OFFICE: (615) 532-1550  
[www.tnhistoricalcommission.org](http://www.tnhistoricalcommission.org)

January 31, 2022

Mr. Edward P. Lambert  
United States Army Corps of Engineers, Memphis District  
167 North Main Street B-202  
Memphis, TN 38103-1894

RE: COE-M / Memphis District/Corps of Engineers, Hatchie-Loosahatchie Mississippi River  
Ecosystem Restoration Study, Shelby and Tipton Counties, TN

Dear Mr. Lambert:

In response to your request, we have reviewed the documents submitted regarding your proposed undertakings. Our review of and comment on your proposed undertaking are among the requirements of Section 106 of the National Historic Preservation Act. This Act requires federal agencies or applicants for federal assistance to consult with the appropriate State Historic Preservation Office before they carry out their proposed undertakings. The Advisory Council on Historic Preservation has codified procedures for carrying out Section 106 review in 36 CFR 800 (Federal Register, December 12, 2000, 77698-77739).

Considering available information, we concur that the project may adversely affect properties that are eligible for listing in the National Register of Historic Places. We further concur that a programmatic agreement is appropriate for addressing the identification, evaluation, and treatment of historic properties in the area of potential effects for this project. We look forward to additional consultation documentation and the proposed upcoming meeting. Please direct questions and comments to Jennifer M. Barnett (615 687-4780). We appreciate your cooperation.

Sincerely,

E. Patrick McIntyre, Jr.  
Executive Director and  
State Historic Preservation Officer

EPM/jmb



**Asa Hutchinson**  
Governor  
**Stacy Hurst**  
Secretary

February 15, 2022

Mr. Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South  
Department of the Army  
Memphis District, Corps of Engineers  
167 North Main Street B-202  
Memphis, TN 38103-1894

RE: Crittenden and Mississippi Counties: General  
Section 106 Review: COE  
Public Comment: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study  
AHPP Tracking Number: 108548.01

Dear Mr. Lambert:

The staff of the Arkansas Historic Preservation Program (AHPP) reviewed the letter and project website for the above-referenced study in Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee. The study involves the restoration of the ecosystem along a 39-mile reach of the Mississippi River beginning at the mouth of the Hatchie River and extending south into the Wolf River Harbor.

Based on the provided information and the knowledge that there are cultural resources in the area that have already been recorded and likely more that have not, the AHPP accepts your invitation to participate in the creation of a Programmatic Agreement for this specific project. We look forward to the proposed kick-off meeting and future consultation.

Tribes that have expressed an interest in the area include the Cherokee Nation, the Chickasaw Nation, the Choctaw Nation of Oklahoma, the Muscogee (Creek) Nation, the Osage Nation, the Quapaw Nation, and the Shawnee Tribe. We recommend consultation in accordance with 36 CFR § 800.2(c)(2).

Thank you for the opportunity to review this proposed Master Plan and associated documents. Please refer to the AHPP Tracking Number listed above in all correspondence. If you have any questions, please call Jessica Cogburn of my staff at 501-324-9357 or email [jessica.cogburn@arkansas.gov](mailto:jessica.cogburn@arkansas.gov).

Sincerely,

Scott Kaufman  
Director, AHPP

cc: Dr. Melissa Zabecki, Arkansas Archeological Survey





## EASTERN SHAWNEE CULTURAL PRESERVATION DEPARTMENT

70500 East 128 Road, Wyandotte, OK 74370

February 9, 2022

USACE Memphis

167 North Main Street, Room B-202

Memphis, Tennessee 38103

**RE: *Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi, Arkansas and Tipton and Shelby Tennessee, Crittenden, Mississippi, Tipton, Shelby County, Arkansas and Tennessee***

Dear Ms. Lieb,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Crittenden, Mississippi, Tipton, Shelby County, Arkansas and Tennessee. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

As described in your correspondence, and upon research of our database(s) and files, we find our people occupied these areas historically and/or prehistorically. However, the project proposes **NO Adverse Effect** or endangerment to known sites of interest to the Eastern Shawnee Tribe. Please continue project as planned. However, should this project inadvertently discover an archeological site or object(s) we request that you immediately contact the Eastern Shawnee Tribe, as well as the appropriate state agencies (within 24 hours). We also ask that all ground disturbing activity stop until the Tribe and State agencies are consulted. Please note that any future changes to this project will require additional consultation.

In accordance with the NHPA of 1966 (16 U.S.C. § 470-470w-6), federally funded, licensed, or permitted undertakings that are subject to the Section 106 review process must determine effects to significant historic properties. As clarified in Section 101(d)(6)(A-B), historic properties may have religious and/or cultural significance to Indian Tribes. Section 106 of NHPA requires Federal agencies to consider the effects of their actions on all significant historic properties (36 CFR Part 800) as does the National Environmental Policy Act of 1969 (43 U.S.C. § 4321-4347 and 40 CFR § 1501.7(a)). This letter evidences NHPA and NEPA historic properties compliance pertaining to consultation with this Tribe regarding the referenced proposed projects.

Thank you, for contacting the Eastern Shawnee Tribe, we appreciate your cooperation. Should you have any further questions or comments please contact our Office.

Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)  
Eastern Shawnee Tribe of Oklahoma  
(918) 666-5151 Ext:1833





## EASTERN SHAWNEE CULTURAL PRESERVATION DEPARTMENT

70500 East 128 Road, Wyandotte, OK 74370

February 22, 2022

USACE Memphis

167 North Main Street, Room B-202

Memphis, Tennessee 38103

**RE: *Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study:, Crittenden, Mississippi, Tipton, and Shelby County, Arkansas and Tennessee***

Dear Ms. Lieb,

The Eastern Shawnee Tribe has received your letter regarding the above referenced project(s) within Crittenden, Mississippi, Tipton, and Shelby County, Arkansas and Tennessee. The Eastern Shawnee Tribe is committed to protecting sites important to Tribal Heritage, Culture and Religion. Furthermore, the Tribe is particularly concerned with historical sites that may contain but not limited to the burial(s) of human remains and associated funerary objects.

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Sincerely,

Paul Barton, Tribal Historic Preservation Officer (THPO)

Eastern Shawnee Tribe of Oklahoma  
(918) 666-5151 Ext:1833



## **Section 7**

# **Mississippi River Commission Site Visit and Briefing**

### **7.1 PRESENTATION**

# HATCHIE/LOOAHATCHIE MISSISSIPPI RIVER MILE 775-736, TN AND AR ECOSYSTEM RESTORATION STUDY

Mississippi River Commission (MRC)  
Site Visit

Mike Thron  
*Biologist*

Jason Allmon  
*Project Manager*

Sara Thames  
*Plan Formulator*

16 Feb. 2022



US Army Corps  
of Engineers®



**BUILDING STRONG®**

*and Taking Care of People!*







# AGENDA

- Non-Federal Sponsor
- Project History and Authority
- Study Area
- Problems and Opportunities
- Study Activities
- Restoration Measures
  - Example: Brandywine Island - Meander Scarp



# NON-FEDERAL SPONSOR

## Lower Mississippi River Conservation Committee (LMRCC):

- A coalition of 12 state natural resource, conservation, and environmental quality agencies in Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.
- Since 1994, LMRCC has provided a regional forum dedicated to conserving the natural resources of the Mississippi's floodplain, focusing on habitat restoration, long-term conservation planning and nature-based economic development.
- LMRCC works in cooperation with numerous federal, state and non-governmental organizations for continual improvements to the Lower Mississippi River, recognizing its value as a multi-purpose river.
- <https://www.lmrcc.org/>







# NON-FEDERAL SPONSOR

## The LMRCC Member Agencies include:

- AR Department of Energy and Environment
- AR Game and Fish Commission
- KY Department for Environmental Protection
- KY Department of Fish and Wildlife Resources
- LA Department of Environmental Quality
- LA Department of Wildlife and Fisheries
- MS Department of Environmental Quality
- MS Department of Wildlife, Fisheries, and Parks
- MO Department of Conservation
- MO Department of Natural Resources
- TN Department of Environment and Conservation
- TN Wildlife Resources Agency

## Additional Stakeholders:

- Gulf Hypoxia Task Force, LMR Sub-basin Committee
- City of Memphis
- Meeman Shelby Forest State Park, TN
- Eagle Lake State WMA, TN
- National Audubon Society-Audubon Delta
- The Nature Conservancy
- 25 Federally recognized Tribes
- 2 State Historic Preservation Officers (TN and AR)
- USFWS
- USGS, MS Cooperative Fish and Wildlife Research Unit, MSU
- EPA
- ERDC
- NRCS



# PROJECT HISTORY

- 2000:** LMRCC publishes Aquatic Resources Management Plan (USACE was a Partner)
- 2000:** Congress authorizes Lower Mississippi River Resource Assessment WRDA 2000 SEC. 402.
- 2001 to 2004:** LMRCC holds public meetings to identify specific projects.  
Restoring America's Greatest River Plan – Included list of 239 projects - revised in 2015 to online format
- 2007:** USACE received funding for LMRRA Reconnaissance Study.
- 2010:** LMRRA Recon study approved 5 March 2010.
- 2012:** Signed Cost Share agreement with The Nature Conservancy 11 January 2012 (75% federal / 25% non-federal) to conduct the LMRRA Study.
- 2016:** Delivered Final LMRRA Report to Congress July 2016.  
Recommended a variety of actions to improve habitat, recreation, and information management on the Lower Mississippi River.  
Recommendations: Restore aquatic (e.g., main and secondary channels, oxbows, islands, sandbars) and terrestrial (e.g., wetlands, BLH, floodplains) habitats for native species through dike notching, etc.





# LMRRA RECOMMENDATIONS

Data Science and Communications Program				
Recommendation		Lead Organization	Cost	Value
DISC 1	Science Technology Information Center	USGS	\$2 million/year	Promote interagency cooperation, encourage research, foster public interest, and support other recommendations.
DISC 2	Sediment Study	USACE	\$4 million/year	Support management plans, better manage dredging and coastal restoration.
DISC 3	Water Quality Monitoring Program	USGS & EPA	\$2 million/ year	Provide clean water for people, industry, and habitat.
DISC 4	Tributary Watershed Studies	USACE	9 @ \$1-\$5 million each	Develop plans to manage tributaries for habitat, water quality, sediment, water supply, navigation and recreation.
DISC 5	Ecological Inventory	USACE & USFWS	\$1.7 million	Provide information to support restoration.
Habitat Restoration and Management Program				
Recommendation		Lead Organization	Cost	Value
HRMP 1	Conservation Reach Studies	USACE	8 @ \$3 million each	Restore aquatic (side channel, oxbow, main channel, islands, and sandbars) and terrestrial (wetlands, bottomland hardwoods, and floodplain) habitats for native species and especially federally listed species.
HRMP 2	Aquatic Habitat Restoration Studies	USACE & USFWS	125 @ \$200,000 to \$ 15 million (maximum)	Restore individual sites for native species.
HRMP 3	Terrestrial Habitat Program	USDA & LMVJV	\$18,000,000	Restore floodplain habitat.
HRMP 4	Invasive Species Program	MICRA & ANSTF	Part of larger effort	Promote and protect native species.
Recreation Program				
Recommendation		Lead Organization	Cost	Value
RP 1	Boat Ramps	LMRCC and others	\$50,000 - \$750,000 each	Increase safety and meet recreation demand.
RP 2	Bicycle Trails	NGOs	variable	Increase safety and meet recreation demand.
RP 3	Riverfront Parks	Local Communities	variable	Promote community cohesiveness and meet demand.
RP 4	Riverboat Landings	Local Communities	variable	Provide safe, accessible opportunities and support local economic development.
RP 5	Marketing	NPS, MRPC, NGOs	\$2 million	Promote river use and encourage economic development.
RP 6	Lodging and Dining	Private Enterprise	variable	Meet demand and support economic development.
RP 7	Outfitters and Guides	Private Enterprise	variable	Increase safety, meet demand and support economic development.

## Eight reaches were identified as priorities:

Wolf Island to Island 8 Reach  
RM 946 – 910 (36 mi.)

**Hatchie/Loosahatchie Reach**  
**RM 775 – 736 (39 mi) (TN/AR)**

Islands 62/63 Reach  
RM 650 - 618 (32 mi.)

Arkansas River Reach  
RM 599 – 556 (43 mi.)

Possum (Worthington-Pittman) Reach  
RM 524 – 490 (34 mi.)

Palmyra River Reach  
RM 431 – 398 (33 mi.)

Lake Mary Reach  
RM 360 -322 (38 mi.)

Raccourci Cutoff Reach  
RM 300 -265 (35 mi.)



# AUTHORIZATION

- 2017:** LMRCC et al. submitted proposal through WRDA 7001 process to get a study authority for the Conservation Reach studies recommended in LMRRA.
- 2018:** WRDA 2018 SEC. 1202. *ADDITIONAL STUDIES. (a) LOWER MISSISSIPPI RIVER; MISSOURI, KENTUCKY, TENNESSEE, ARKANSAS, MISSISSIPPI, AND LOUISIANA.— (1) IN GENERAL.—The Secretary is authorized to carry out studies to determine the feasibility of habitat restoration for each of the eight reaches identified as priorities in the report prepared by the Secretary pursuant to section 402 of the Water Resources Development Act of 2000, titled “Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000” and dated July 2015. (2) CONSULTATION.—The Secretary shall consult with the Lower Mississippi River Conservation Committee during each feasibility study carried out under paragraph (1).*
- 2019:** LMRCC submits Letter of Intent to Sponsor the Hatchie/Loosahatchie Feasibility Study beginning in the FY 2021 Budget.
- 2021:** Received Funding to begin the HATCHIE/LOOSAHATCHIE, MISSISSIPPI RIVER MILE 775-736 HABITAT RESTORATION, TN & AR Feasibility Study.





# STUDY AREA



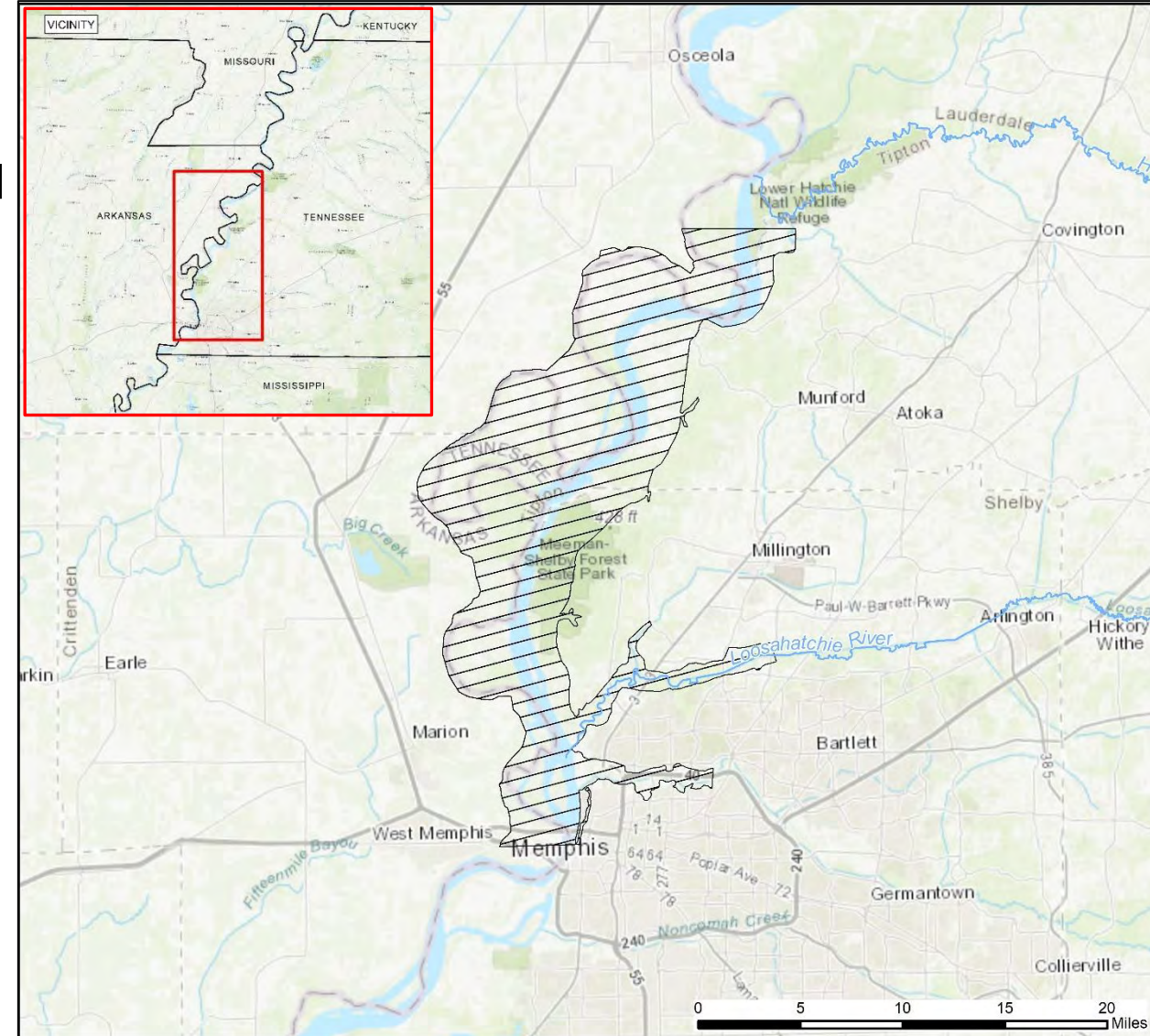
- 39-mile reach (RM 775-736)
- Beginning at the mouth of the Hatchie River and extending south to the mouth of the Wolf River Harbor.
- Three tributary mouths in the reach (Hatchie, Loosahatchie, and Wolf Rivers).
- Meeman Shelby Forest State Park, Eagle Lake Refuge WMA, and Lower Hatchie NWR within this reach.

## Tennessee

GOV. Bill Lee (R)  
SEN Marsha Blackburn (R)  
SEN Bill Hagerty (R)  
REP David Kustoff (R TN-8)  
REP Steve Cohen (D TN-9)

## Arkansas

GOV Asa Hutchinson (R)  
SEN Tom Cotton (R)  
SEN John Boozman (R)  
REP Eric “Rick” Crawford (R AR-1)





# FEDERAL INTEREST

## **Institutional Recognition (Recognized in laws, executive orders, rules and regs, etc.):**

- LMRCC RAGR, ESA-LMR Conservation Plan, North American Waterfowl Management Plan, State Wildlife Action Plans, Exceptional/Outstanding Resource Waters, LMR Basin Asian Carp Control Strategy Framework, etc.

## **Public Recognition:**

- DU, TNC, Audubon, Rivergator, LMR Foundation, Living Lands and Waters, Rivercane Restoration Workshop-USACE Tribal Nations Technical Center of Expertise, etc.

## **Technical Recognition:**

- Scarcity (relative abundance)
  - Lack of BLH in MAV since levee system, 98% reduction in rivercane, less meandering due to CIP (secondary channels and large woody debris)
- Representativeness (ability to exemplify the natural habitat or ecosystem)
  - Study area is defined by MRT Levee/CIP (two of the main Ecological Drivers)/aquatic and floodplain habitats are remnants of historic MS River
- Status and Trends (declining trends, imperiled status)
  - Rivercane has shown 98% reduction, fewer secondary channels-as documented in LMR Conservation Plan, Species of Conservation Concern
- Connectivity
  - Flood risk management and navigation projects have removed approximately 152 miles of bends and diverted flow from secondary channels
- Limiting Habitat
  - The study area defines the remaining MS River floodplain habitats, lack of aquatic spawning habitat, few gravel bars, lack of oak species, etc.
- Biodiversity (e.g., species richness and evenness)
  - Lack of aquatic and terrestrial diversity often correlates with decreased connectivity





# PROBLEMS AND OPPORTUNITIES



- Reduced diversity and extent of native vegetative and forested habitats = Increase BLH, emergent, floating, and submerged aquatic vegetation, rivercane, riverfront forest, and main channel border habitats.
- Invasive species (such as invasive carp, zebra mussels, and invasive plants) threaten native species and native habitats, including species of conservation concern = Increase Native Species Competition
- Gravel bars and sandbars, which provide important spawning and nesting habitat for T&E species such as pallid sturgeon, fat pocketbook mussel, and interior least tern, have degraded in quantity and quality = Expand range and quality of gravel bars and sandbars
- Reduced dynamic riverine processes = Focus on the formation of mid-channel MS River islands and point bar habitats
- Loss of feeding, spawning, rearing, and refugia habitats, and decreased water quality in isolated water bodies, and decreased biodiversity = Increased aquatic connectivity of MS River mainstem to backwater, side channel, and floodplain waterbody areas during low-mid river stages
- Lack of stop over and nesting habitat for migratory birds on the MS River Flyway



# PROBLEMS AND OPPORTUNITIES



- Loss of terrestrial habitat connectivity = Focus on connections between high elevation forests used by terrestrial wildlife during high water stages.
- Increased sedimentation, resulting in blocked secondary channels, forest transition, and habitat fragmentation\*
- Lack of woody debris, resulting in loss of aquatic habitat diversity and food sources in large river habitats\*
- Reductions in quantity and quality of floodplain waterbody habitats as they fill in over time with fewer new waterbodies being created (i.e., scarcity of high-quality waterbodies)\*
- Additional Opportunities:
- Increase outdoor recreational opportunities such as boating, fishing, hunting, bird watching, hiking, photography, etc. in the study area.





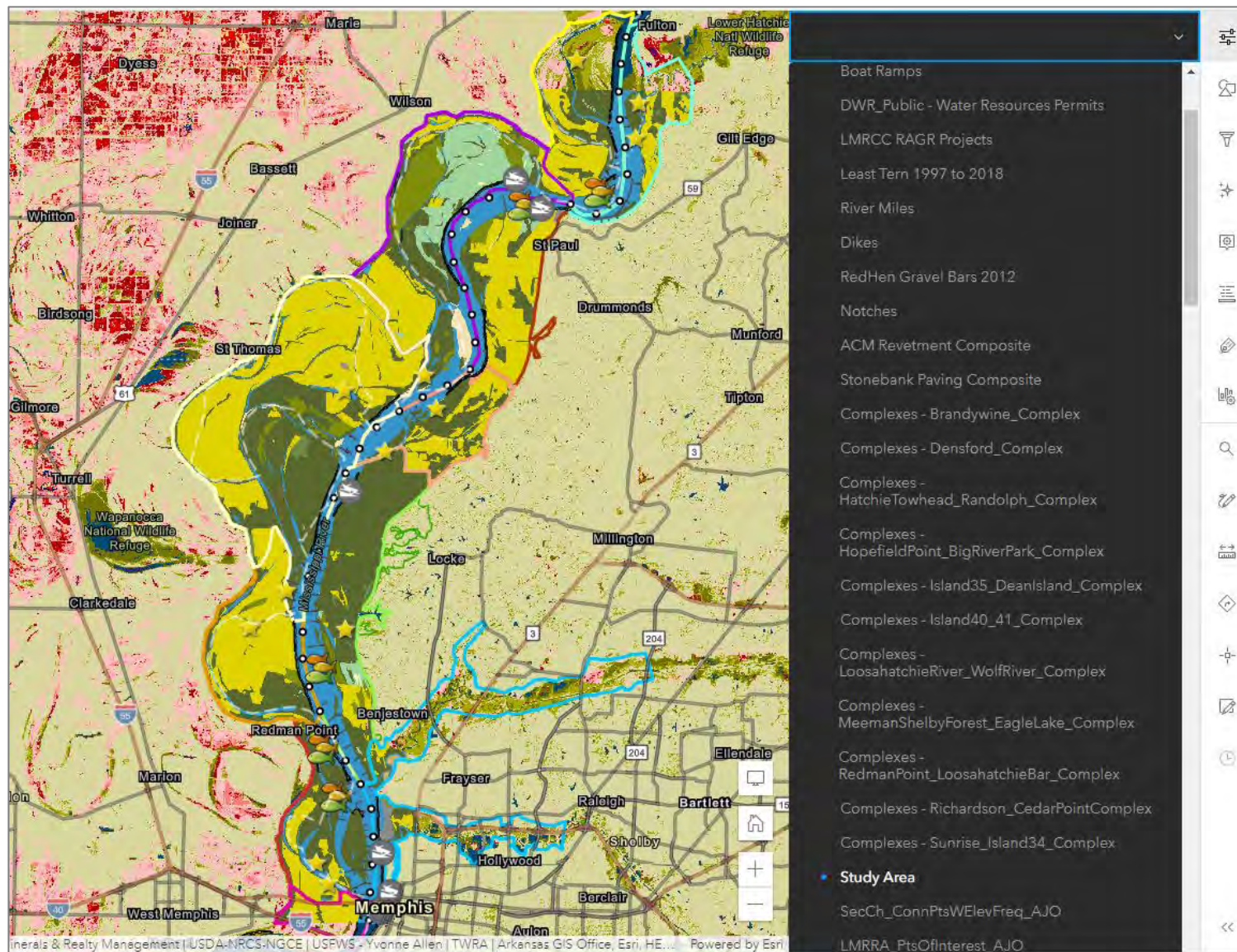
# STAKEHOLDER AND PUBLIC PARTICIPATION

- Weekly coordination with NFS since beginning of study
- Interagency Planning Charettes (01 Sept and 21-22 Sept 2021)
  - 131 invited (includes 36 Tribal and SHPO representatives)
  - Average 65 attendees per day
  - Created SubTeams
- Interagency SubTeam Meetings (currently ongoing)
  - Development of measures and alternatives based on area of expertise
- Scoping Meeting (18 Oct 2021)
  - Website: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>
  - Project Email: [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)



# GIS Layers for Alternative Development

- Study Area
- River Miles
- Boat Ramps
- LMRCC RAGR Projects
- Bathymetry
- Dikes
- Notches
- Revetment
- Dredging Locations
- Gravel Bars
- Least Tern Nesting Sites
- Landcover
- Public Lands
- 2yr-5yr Flood Frequency
- USFWS Alligator Gar HIS
- LMRCC RAGR Projects
- LMVJV Bird Priority Areas
- NRCS Easements
- Hydric Soils
- Low Water Imagery
- Historic River Maps
- Elevation Data
- Floodplain Waterbodies
- Habitat Complexes







# GOAL and OBJECTIVES

**GOAL:** To restore ecological structure and function to the **mosaic of habitats** along the Mississippi River including secondary channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities such as wetlands, rivercane, riverfront forests, and BLH forests.

**OBJECTIVE 1:** Increase quantity and/or quality of vegetated habitats and maintain a diverse **vegetative mosaic** in the floodplain to benefit native fish and wildlife resources (e.g., migratory birds and species of conservation concern) focusing on habitat such as: emergent, floating, and submersed aquatic vegetation; rivercane; BLH.

**OBJECTIVE 2:** Improve quantity and/or quality of diverse **large river habitats** (sandbars, gravel bars, secondary channels, etc.) to support critical life history requirements of priority species.

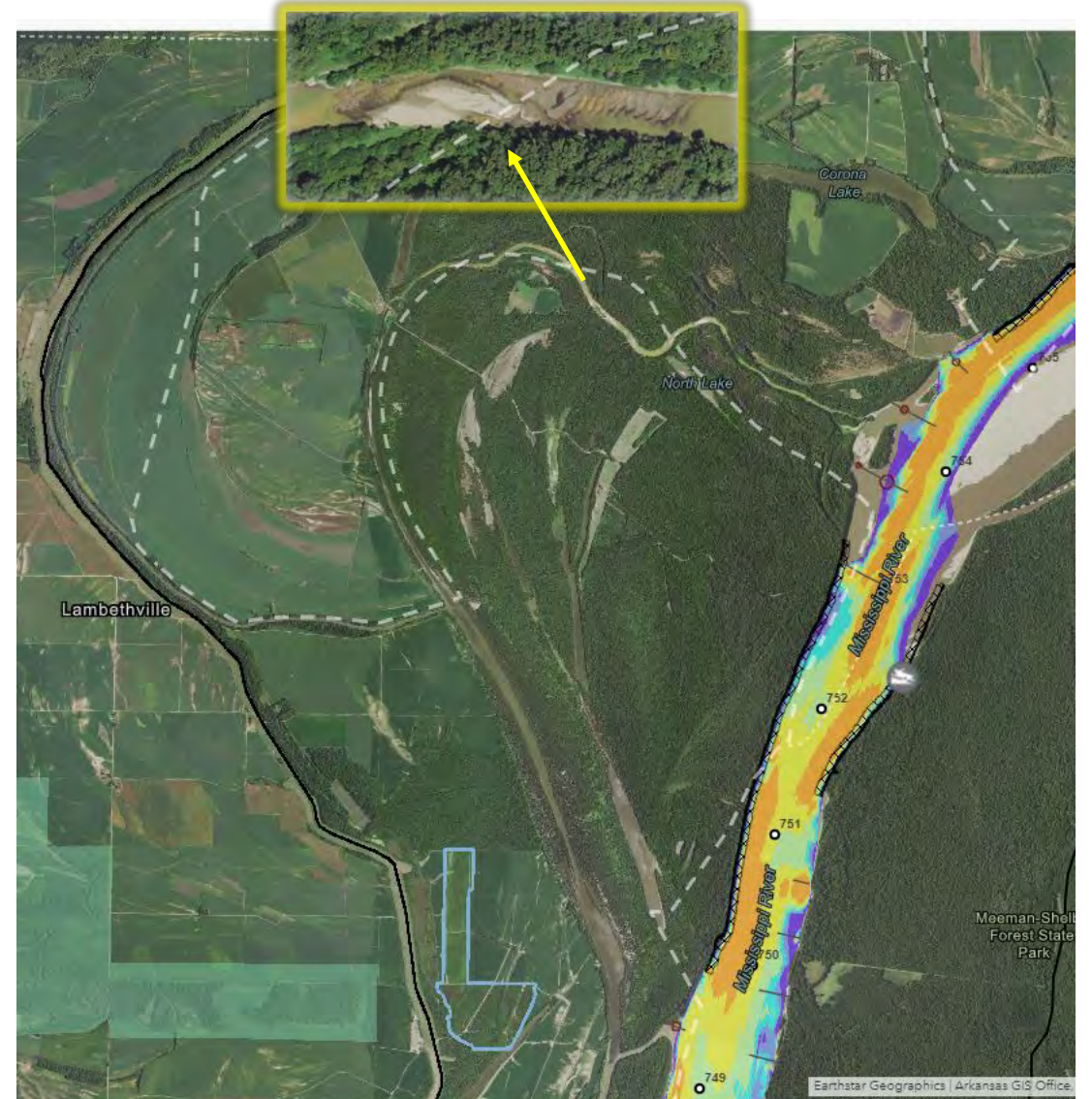
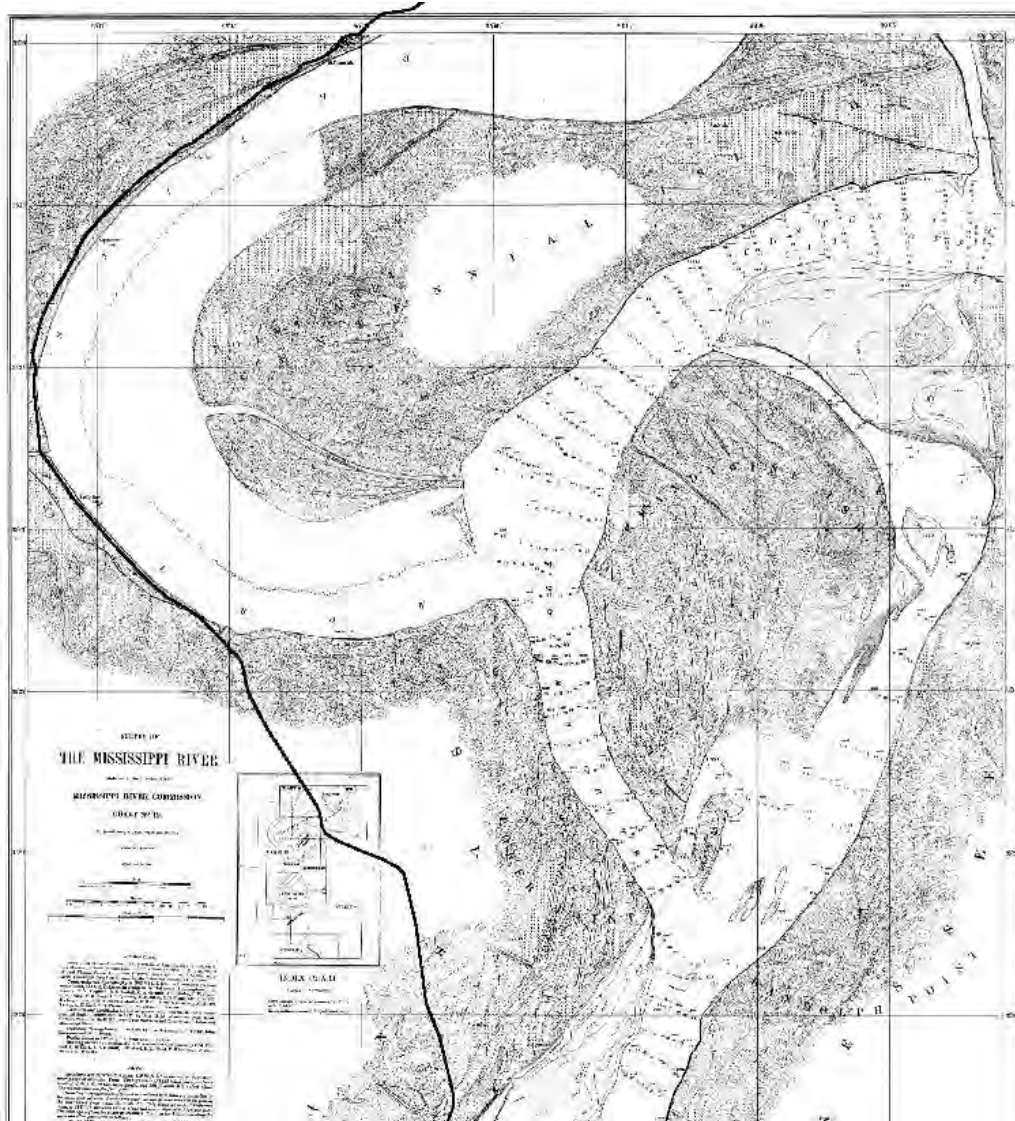
**OBJECTIVE 3:** Increase quality of the diverse mosaic of **floodplain waterbodies** (including but not limited to meander scarps, sloughs, crevasses, and borrow pits) and optimize their **aquatic connectivity** with the Mississippi River to support critical life history requirements of priority species.

**OBJECTIVE 4:** Improve **recreational** opportunities and access to public spaces in study area.





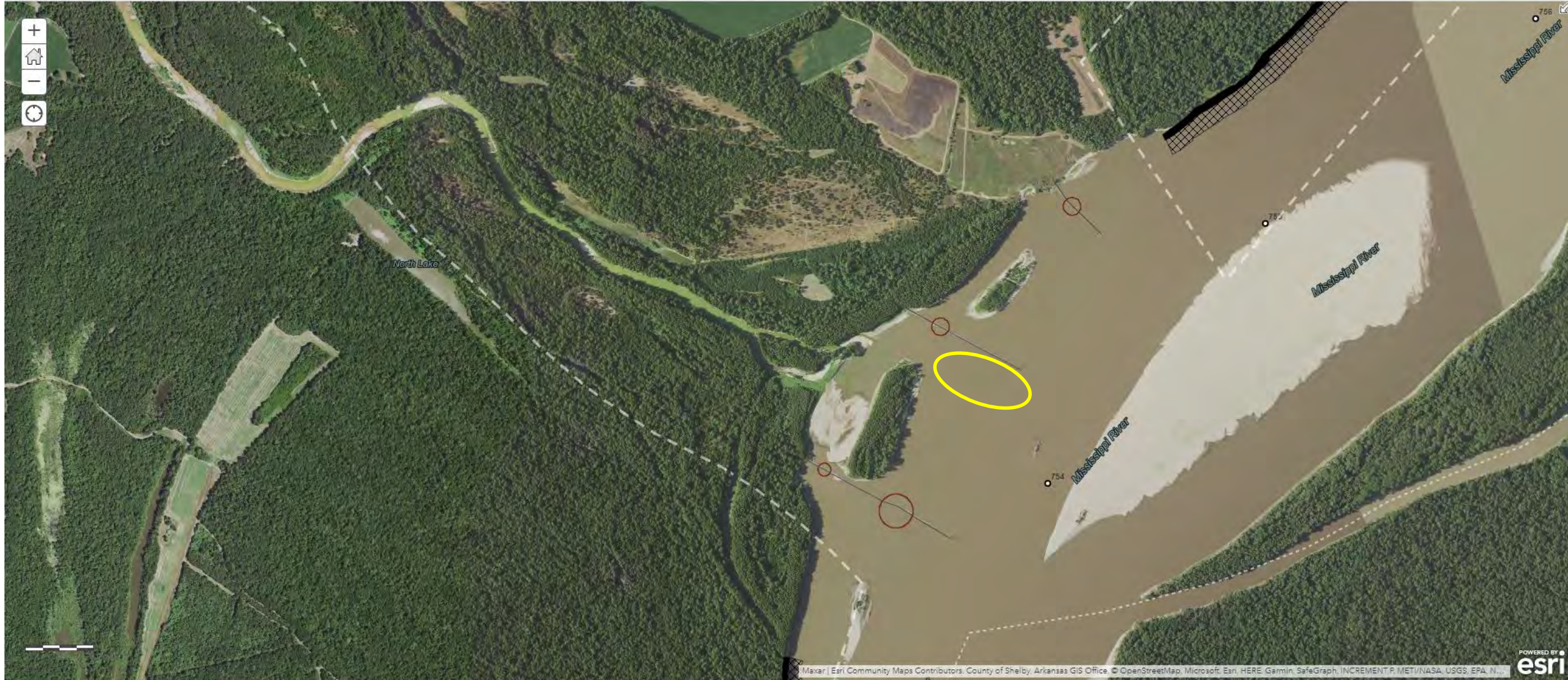
# BRANDYWINE ISLAND – HISTORIC MEANDER







# BRANDYWINE ISLAND







# Hatchie- Loosahatchie, MS River Mile 775-736, TN & AR Feasibility Study



## Hatchie – Loosahatchie, MS River Mile 775-736 Feasibility Study States of Arkansas and Tennessee

**Authority/Appropriation:** WRDA 2018 (P.L. 115-270) Section 1202 / Investigations

**Non-Federal Sponsor:** Lower Mississippi River Conservation Committee  
Executive Committee Chairman – Jason Henegar

### Project Description:

- Feasibility study to investigate restoration of aquatic and floodplain habitat compatible with flood control and navigation priorities.
- The study area, a 39-mile reach of the Mississippi River and the surrounding batture (land between the low-tide of the Mississippi River and the levee or bluff), begins at the mouth of the Hatchie River and extends south to the mouth of the Wolf River Harbor. Three tributaries/river mouths occur in the reach: the Hatchie, Loosahatchie, and Wolf rivers.
- Potential restoration methods: Side-channel restoration, reconnect backwater habitat, restore canebrakes, bottomland hardwood (BLH) and riverfront reforestation, enhance nursery areas, and improve islands for interior least terns.

### Background:

- Loss of connectivity to adjacent sandbars, side-channels, oxbows, and backwaters, coupled with associated clearing of overbank areas, has resulted in significant declines to historic habitat.
- River cane, once a significant habitat type throughout the Lower Mississippi River, has been extirpated from the project area.
- BLH were also prevalent throughout the project area, but vast areas were cleared by local interests.
- Sandbars were dynamic features of the natural river landscape, but maintenance of the navigation channel has limited sandbar formation, and most sandbars are now along the edges of the channel associated with dike fields.
- The main channel remains connected north to south, and there is some intermittent connectivity of the main channel to other habitats, but little to no connectivity exists directly between the individual side-channels, backwaters, and other aquatic features.



### Project Purpose:

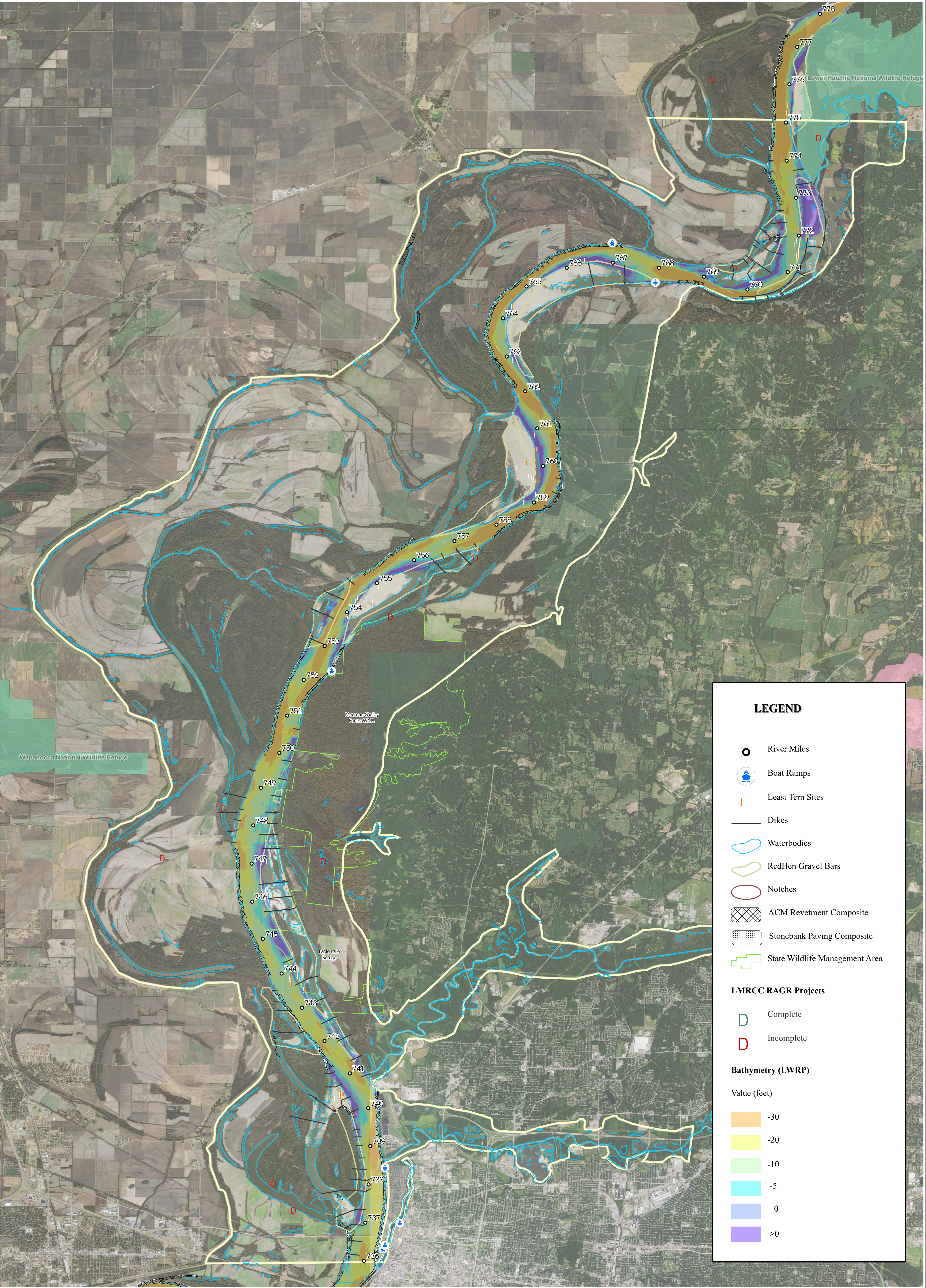
- Investigate the loss of habitat complexity in the Mississippi River, including in side-channels and its floodplain.
- Find opportunities for habitat restoration that are compatible with existing navigation and flood control priorities.
- Examine restoration of ecological function, floodplain habitat quality enhancement; and enhancement of vegetative mosaic, including several scarce vegetative habitats such as wetlands, canebrakes, and BLH forests.
- Explore opportunities to enhance other critical habitat such as sandbars, river islands and oxbow lakes.







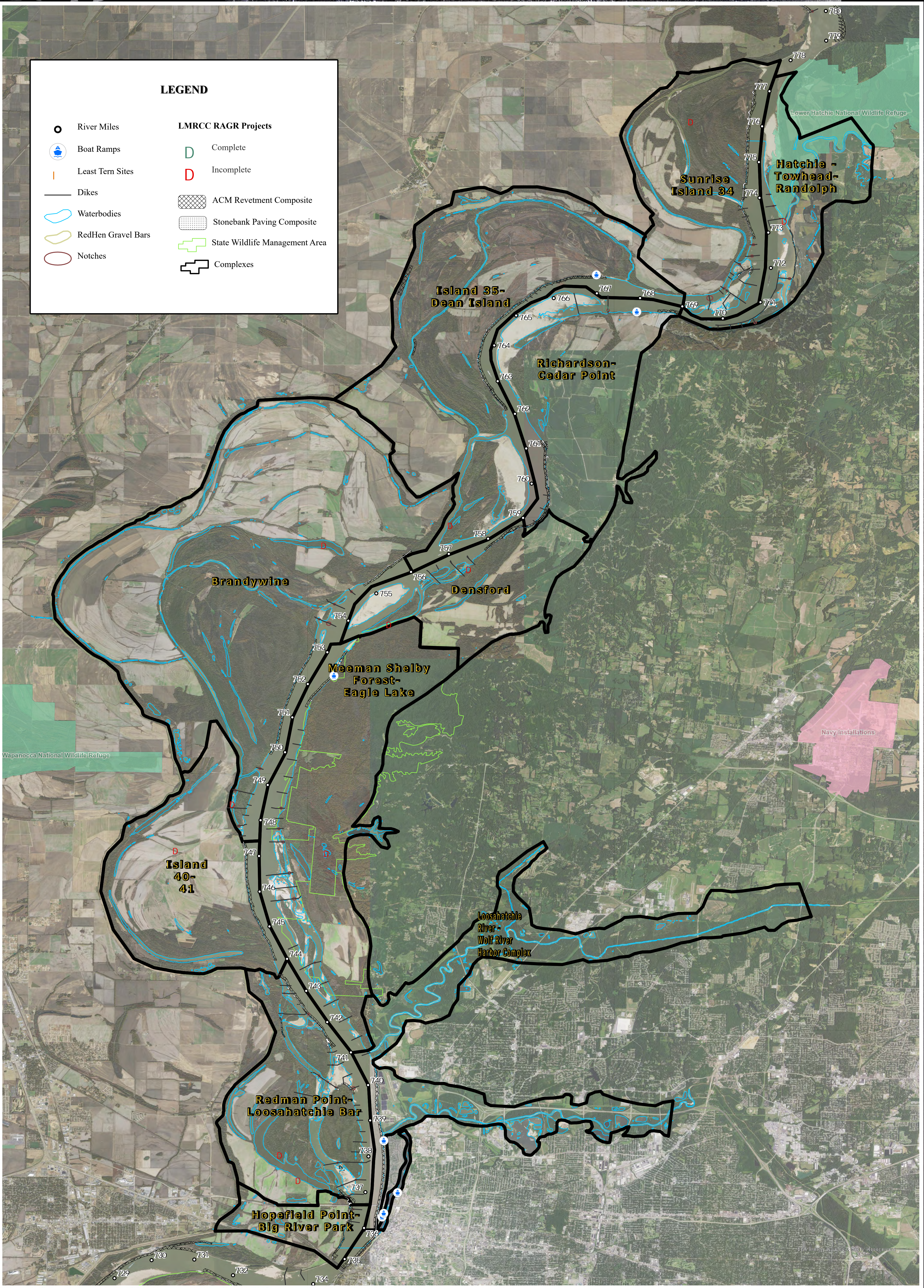
Hatchie - Loosahatchie  
Ecosystem Restoration Study







Hatchie - Loosahatchie  
Ecosystem Restoration Study  
Complex Boundaries





## **Section 8**

# **Meeting with Choctaw Nation Regarding Rivercane**

Interagency team members reached out to the Choctaw Nation on June 8, 2022 regarding traditional ecological knowledge of rivercane. The Choctaw Nation did not have information relevant to this specific study. They did state they are interested in rivercane restoration and continued collaboration with USACE throughout the study and future projects.

## **Section 9**

# **Plan Formulation Meeting with Interagency Team and NFS**

Meeting held on August 8, 2022 at Ducks Unlimited HQ with NFS and interagency personnel to discuss plan formulation strategies of screening measures and combining measures into Alternatives.

## **Section 10**

# **Notice of Intent to Develop Programmatic Agreement**

USACE issued a Notice of Intent to initiate the process of developing a Programmatic Agreement (PA) pursuant to Section 106 of the National Historic Preservation Act (NHPA).



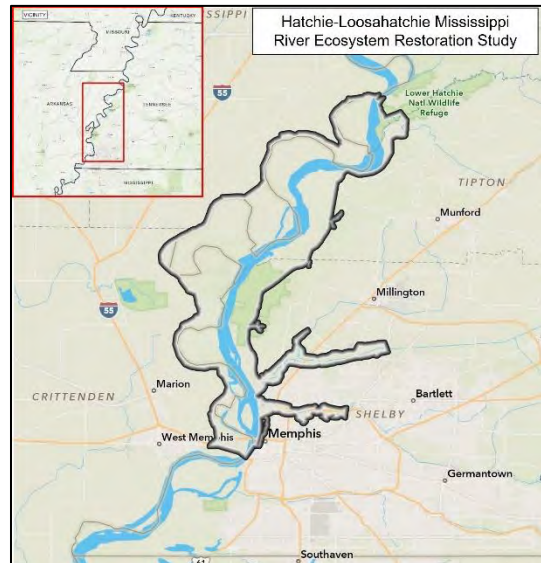
**Public Notice NHPA/NEPA<sup>1</sup>**  
**Notice of Intent to Prepare Programmatic Agreement Regarding Hatchie-Loosahatchie Mississippi River  
Ecosystem Restoration Feasibility Study**

The United States Army Corps of Engineers (USACE), Memphis District (CEMVM), is initiating the process to develop a Programmatic Agreement (PA) for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Feasibility Study pursuant to Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 300101 et seq.), and Section 110 of the NHPA, that require Federal agencies to take into account the effect of their undertakings on historic properties during the planning process and consult with stakeholders regarding these effects.

The proposed project area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman-Shelby Forest State Park, Eagle Lake State Refuge, Fort Pillow State Park, and the Lower Hatchie National Wildlife Refuge border this reach. This approximate 3-year study will examine restoring ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities – wetlands, canebrakes, riverfront forests and bottomland hardwood forests (BLH).

CEMVM is investigating the best comprehensive solutions that meet the study objective: examine restoration of the structure and ecological function within this reach of the Mississippi River including side channels; floodplain habitat quality enhancement; vegetative mosaic including several scarce vegetative habitats – wetlands, canebrakes, and riverfront forests and BLH in Crittenden and Mississippi Counties, Arkansas and Arkansas, Tipton, and Shelby Counties, Tennessee. The USACE will evaluate a range of reasonable alternatives for the proposed action.

CEMVM has determined that the proposed action constitutes an Undertaking as defined in 36 CFR § 800.16(y) and has the potential to cause effects on historic properties. Accordingly, CEMVM proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3) to provide a framework for addressing this complex Undertaking and establish protocols for continuing consultation with the Arkansas and Tennessee State Historic Preservation Officers (ARSHPO, TNSHPO), Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/ Tribal Historic Preservation Officer and other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review, provide the measures CEMVM will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties and/or sites of religious and cultural significance within the APE, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation, establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.



To help further develop a course of action for this project CEMVM is requesting your input by December 5, 2022 concerning the proposed Undertaking and its potential to significantly affect historic properties and/or of relevant parties who may have an interest in participating in this consultation. Comments can be sent electronically to:

[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil) or, mail comments to: ATTN: CEMVN-PDC-UDC, U.S. Army Corps of Engineers, 167 North Main St., RM B-202, Memphis, TN 38103-1894.

<sup>1</sup>CEMVM is issuing this public notice as part of its responsibilities under the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800, implementing Section 106 of the NHPA of 1966, as amended (54 U.S.C. § 306108). CEMVM is also required to fulfill the Council of Environmental Quality regulations (NEPA regulations, 43 FR 55978 (1978)) that provide policy and procedures to enable CEMVM officials to be informed and to take into account environmental considerations when authorizing or approving CEMVM actions that may significantly affect the environment of the United States. It is the intent of NEPA that federal agencies encourage and facilitate public involvement to the extent practicable in decisions that may affect the quality of the environment.

## **Section 11**

# **Notice of Intent (NOI) to Develop Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR- EIS)**

A NOI to draft an EIS for the study was published in the federal register, pursuant to the National Environmental Policy Act (NEPA).



**DEPARTMENT OF DEFENSE****Office of the Secretary****[Docket ID: DoD–2022–OS–0122]****Proposed Collection; Comment Request**

**AGENCY:** Office of the Under Secretary of Defense for Personnel and Readiness (OUSD(P&R)), Department of Defense (DoD).

**ACTION:** 60-Day information collection notice.

**SUMMARY:** In compliance with the *Paperwork Reduction Act of 1995*, the Office of the Under Secretary of Defense for Personnel and Readiness announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

**DATES:** Consideration will be given to all comments received by January 3, 2023.

**ADDRESSES:** You may submit comments, identified by docket number and title, by any of the following methods:

*Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments.

*Mail:* Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 08D09, Alexandria, VA 22350–1700.

*Instructions:* All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <http://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

**FOR FURTHER INFORMATION CONTACT:** To request more information on this proposed information collection or to obtain a copy of the proposal and

associated collection instruments, please write to Military Community Advocacy Directorate, Family Advocacy Program, 4800 Mark Center Drive, Suite 03G15, Alexandria, VA 22350, Dr. Najah A. Barton, (571) 236–3429.

**SUPPLEMENTARY INFORMATION:**

*Title; Associated Form; and OMB Number:* Domestic Abuse Victim Reporting Option Statement; DD Form 2967; OMB Control Number 0704–DARS.

*Needs and Uses:* This collection of information is necessary for documenting decisions on whether to file a restricted or unrestricted report for a victim of domestic abuse. This document is filed in accordance with the appropriate OSD and Military Department Family Advocacy Program System of Records Notice (SORN).

The information collected will be used for purposes of filing an official report. When a restricted report is filed, the victim is able to receive advocacy and counseling services without a report being made to command or law enforcement. In cases of an unrestricted report, command and law enforcement will be notified, and the victim is eligible to receive advocacy and counseling services from the Family Advocacy Program. The information collected for the form in unrestricted report cases may be used to initiate an investigation, and subsequently make an incident status determination following the Incident Determination Committee procedures and processes outlined in DoD Manual 6400.01, Volume 3. If an incident meets the definitions outlined in DoDM 6400.01, Volume 3, the incident is subject to entry into the Central Registry (DoDM 6400.01, Volume 2).

*Affected Public:* Individuals or households.

*Annual Burden Hours:* 5,000 hours.

*Number of Respondents:* 10,000.

*Responses per Respondent:* 1.

*Annual Responses:* 10,000.

*Average Burden per Response:* 30 minutes.

*Frequency:* On occasion.

*Dated:* November 1, 2022.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2022–24079 Filed 11–3–22; 8:45 am]

**BILLING CODE 5001–06–P**

**DEPARTMENT OF DEFENSE****Department of the Army, Corps of Engineers**

**Notice of Intent To Prepare a Draft Environmental Impact Statement for the Mississippi River Hatchie/Loosahatchie, MS River Mile 775–736, Tennessee and Arkansas, Ecosystem Restoration Feasibility Study**

**AGENCY:** U.S. Army Corps of Engineers, Defense Department (DoD).

**ACTION:** Notice of intent.

**SUMMARY:** Pursuant to the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Memphis District (CEMVM) intends to prepare a Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR–EIS) for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. The study seeks to examine restoring ecological structure and function to the mosaic of habitats along the lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736 including secondary channels and other floodplain aquatic habitats; floodplain forests; and several scarce vegetative communities such as, wetlands, rivercane, riverfront forests, and bottomland hardwood forests.

**DATES:** Written comments submitted for consideration are due by 5 December 2022.

**ADDRESSES:** Written scoping comments should be submitted by mail to: U.S. Army Corps of Engineers, Memphis District, Attn: CEMVN–PDC–UDC, 167 North Main St., Room B–202, Memphis, Tennessee 38103, or by email to: [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil).

**FOR FURTHER INFORMATION CONTACT:**

Questions or requests to be added to the project mailing list should be directed to Mr. Mike Thron by mail at U.S. Army Corps of Engineers, Memphis District, Attn: CEMVN–PDC–UDC, 167 North Main St., Room B–202, Memphis, Tennessee 38103; by phone at 901–544–0708; or by email at [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil). For additional information about the project, please visit the project website at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

**SUPPLEMENTARY INFORMATION:****1. Background and Authorization**

The U.S. Army Corps of Engineers, as the lead agency, in partnership with the

Lower Mississippi River Conservation Committee (LMRCC), as the non-federal sponsor, are undertaking this study. The Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study will examine restoring ecological structure and function along an approximate 39-mile reach of the Mississippi River bordering Arkansas and Tennessee between River Mile 775, above its confluence with the Hatchie River, and River Mile 736, below its confluence with the Loosahatchie River, including secondary channels and other floodplain aquatic habitats; floodplain forests; and several scarce vegetative communities such as, wetlands, rivercane, riverfront forests, and bottomland hardwood forests.

The LMRCC, formed in 1994, is a nonprofit coalition of the six states along the LMR—Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee. The LMRCC's mission is to promote the restoration of the LMR through cooperative efforts, encompassing natural resources management, information sharing, public education, advocacy, and research.

This study to determine the feasibility of habitat restoration between River Miles 775 and 736 is authorized by Section 1202(a) of the Water Resources Development Act (WRDA) of 2018, Public Law 115–270, and is the first of eight reaches of the LMR identified as priorities in the report prepared by the Secretary pursuant to section 402 of the WRDA of 2000, titled “Lower Mississippi River Resource Assessment; Final Assessment In Response to Section 402 of WRDA 2000,” Public Law 106–541, and dated July 2015.

The Lower Mississippi River Resource Assessment (LMRRA) examined information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the LMR. Habitat and recreation have not been managed as systems on the LMR, but planning for these uses is starting to receive focus from many entities. The Final LMRRA Assessment, presented as a report to Congress in 2016, included a strategy to meet those information, habitat, and recreation needs. The recommended strategy included the creation of three programs to address the needs on the river: (1) a Data, Information, Science, and Communication (DISC) Program, (2) a Habitat Restoration and Management Program (HRMP), and (3) a Recreation

Program (RP). Each of these programs includes multiple studies and projects. The recommendations leverage existing programs and encourage both public and private investment in the river. All recommendations are compatible with navigation and flood risk management. The recommended HRMP primarily relies on the USACE, U.S. Fish and Wildlife Service (USFWS), and the LMRCC with their cooperating agencies, partners, and states—Kentucky, Missouri, Tennessee, Arkansas, Mississippi, and Louisiana. The program would benefit a variety of habitats and the species that rely on them, recreational users, local economies, and other river resources.

The HRMP included eight priority LMR conservation reach habitat restoration studies, which collectively represent 290 of the 954 river miles in the floodplain of the LMR. Study emphasis includes project planning, engineering and design within the main channel, secondary channels, floodplain lakes, and other backwater areas within the LMR floodplain, building from the work defined in LMRCC's Restoring America's Greatest River Initiative and the LMRRA. These feasibility studies will examine the Mississippi River and its floodplain to determine if there is Federal interest sufficient to justify construction of ecosystem restoration features.

The LMR is a dynamic freshwater ecosystem changing with the river's annual hydrologic regime with interactions among the terrestrial and aquatic systems, main channel and side channel areas, mudflats, backwaters, tributaries, and islands. The Mississippi River Levee system has disconnected much of the floodplain from the river. Flood risk management and navigation projects have altered bends and diverted flow from secondary channels. Extensive structural changes on the river's main-stem have disrupted the once dynamic ecosystem. There is less available habitat for federally listed threatened and endangered species including pallid sturgeon and fat pocketbook mussels, and several other species of conservation concern. Modification and changes in the LMR have resulted in a number of extensive habitat changes including reductions in both vegetative diversity and forested habitat; extensive loss of connection between the river, its associated floodplain, and critical floodplain habitat; loss and disconnection of side channels, backwaters, and oxbows; decreased main channel and main channel border habitat diversity; loss of gravel bars, sandbars and islands; and a

substantial increase in presence of invasive species.

There is a critical need to restore habitat and ecosystem function in the LMR in association with the continued operation of significant levee and navigation infrastructure. Restoration opportunities include restoring vegetative diversity and forest habitats in the active floodplain; improving floodplain connectivity with the river; reconnection of side channels, backwaters, and floodplain lakes; restoration of sandbars and gravel bars; development and enhancement of islands; and increasing habitat diversity in the main channel and along the shoreline.

## **2. Purpose and Need for the Proposed Action**

The purpose and need for the proposed action is to restore habitat and ecosystem function along an approximate 39-mile reach of the LMR and its floodplain in harmony with the existing USACE mission areas of ensuring navigation and flood risk reduction.

## **3. Preliminary Proposed Action and Alternatives Considered**

The DIFR–EIS will analyze alternatives for ecosystem improvements within this reach of the LMR and its floodplain. Alternatives may include, but are not limited to, removing obstructions to increase connectivity within large river and floodplain aquatic habitats, restoring depths and improving aquatic habitat complexity, increasing quantity and/or quality of the diverse mosaic of vegetated habitats, such as, submersed aquatic vegetation, rivercane, cypress/tupelo swamps, bottomland hardwood and riverfront forests, and improving recreational, educational, and/or other opportunities for public access that are compatible with ecosystem restoration purposes. The study will identify and evaluate a full range of reasonable alternatives, including the No Action Alternative.

## **4. Brief Summary of Expected Impacts**

Expected impacts include short-term disturbances of existing aquatic and floodplain habitats during construction, followed by long-term improvements to the ecosystem.

## **5. Anticipated Permits, Consultations, or Coordination**

The proposed Action is being coordinated with federal, state, regional, and local agencies. In accordance with relevant environmental laws and regulations, USACE will consult with



the following agencies: USFWS under the Fish and Wildlife Coordination Act; USFWS under the Endangered Species Act; Arkansas Department of Environment and Energy and Tennessee Department of Environment and Conservation for Water Quality Certification; and, the Advisory Council on Historic Preservation (ACHP), Tennessee and Arkansas State Historic Preservation Offices (SHPOs), and the appropriate Tribal Historic Preservation Officers under the National Historic Preservation Act (NHPA) and integrated NHPA/EIS process. The non-Federal sponsor, the LMRCC, is comprised of the 12 state wildlife and water quality agencies from the six states bordering the LMR, and works in cooperation with the USFWS, U.S. Geological Survey (USGS), USACE, U.S. Environmental Protection Agency (EPA), U.S. Department of Agriculture's (USDA's) Natural Resources Conservation Service (NRCS), and various conservation focused non-governmental organizations (NGOs). These agencies have been active in the preceding LMRRA Report and current study to date and continued coordination is expected throughout the study process.

## 6. Public Participation

USACE invites all affected federal, state, and local agencies, affected Native American Tribes, other interested parties, and the general public to participate in the NEPA process during development of the DIFR-EIS. The purpose of the public scoping process is to provide information to the public, narrow the scope of analysis to significant environmental issues, serve as a mechanism to solicit agency and public input on the identification of potential alternatives, information, and analyses relevant to the proposed action, and ensure full and open participation in scoping for the draft SEIS.

Scoping and other study related information will continue to be made available on the project website at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>. To ensure that public comments are considered in DIFR-EIS development process, members of the public, interested persons and entities must submit their comments to USACE by mail, email, or at the Scoping Meeting(s). Written comments submitted for consideration are due 30 days from the date of this Notice of Intent. Please include your name and return address on the first page of written comments. All personally

identifiable information (for example, name, address, etc.) voluntarily submitted by a commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

Public scoping meeting(s) will be held at various locations around the study area during the scoping period which extends 30 days from the date of this Notice of Intent, to present information and receive comments from the public. Notification of the scoping meeting(s) will be publicly announced in advance by USACE on the project website at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>, and through press releases, special public notices, and USACE-Memphis District social media platforms, at a minimum.

## 7. Availability

The DIFR-EIS is presently scheduled to be available for public review and comment in early 2023. A final IFR-EIS is tentatively scheduled for release in May 2024.

**James A. Bodron,**

*Regional Business Director, Mississippi Valley Division.*

[FR Doc. 2022-24019 Filed 11-3-22; 8:45 am]

**BILLING CODE 3720-58-P**

## DEPARTMENT OF EDUCATION

### FAFSA Simplification Act Changes for Implementation in the 2023–2024 Award Year

**AGENCY:** Office of Postsecondary Education, Department of Education.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of Education (Department) publishes this notice, as required by the Consolidated Appropriations Act, 2022, of the phased implementation of some elements of the FAFSA Simplification Act for the 2023–2024 award year. This notice also addresses other rules that will take effect for the 2023–2024 award year as part of the FAFSA Simplification Act.

**FOR FURTHER INFORMATION CONTACT:** Vanessa Gomez or Brian Schelling, U.S. Department of Education, 400 Maryland Ave. SW, Room 2C179 or 2C188, Washington, DC 20202. Telephone: (202) 453-6708 or (202) 453-5966. Email: [Vanessa.Gomez@ed.gov](mailto:Vanessa.Gomez@ed.gov) or [Brian.Schelling@ed.gov](mailto:Brian.Schelling@ed.gov). If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7-1-1.

**SUPPLEMENTARY INFORMATION:** Enacted into law as part of the Consolidated Appropriations Act, 2021, Division FF, Title VII (116 Pub. L. 260), the FAFSA Simplification Act makes many significant changes to the Higher Education Act of 1965, as amended (HEA), regarding the Free Application for Federal Student Aid (FAFSA®) form, need analysis, and related policies and procedures for schools that participate in the title IV, HEA programs. Due to the magnitude of these changes and to ensure that both the Department and the higher education community were prepared to fully implement the FAFSA Simplification Act, in June 2021, Federal Student Aid (FSA) announced a phased approach to implementation.<sup>1</sup> As part of this approach, in the FAFSA Simplification Act Technical Corrections Act, Division R (117 Pub. L. 103) of the Consolidated Appropriations Act, 2022 (CAA 2022), Congress extended the full implementation of the FAFSA Simplification Act until the 2024–2025 award year while also enabling the Department to implement the following elements in the 2023–2024 award year:

1. Section 702(b) of the FAFSA Simplification Act regarding cost of attendance.

2. Section 702(i) regarding discretion of student financial aid administrators. However, the system change required by this section's provisional independent student status will not be implemented until the FAFSA Simplification Act is fully integrated into our new systems for the 2024–2025 award year.

3. Section 702(l) regarding special rules for independent students and definitions for independent students and determinations but excluding the revised definitions for veteran and marital status, which will be implemented in the 2024–2025 award year.

4. Section 703 regarding only the period of eligibility for Pell grants under section 401(d) of the HEA, as amended by the FAFSA Simplification Act.

Under the CAA 2022, the Department must announce in the **Federal Register** implementation of any of the above elements for the 2023–2024 award year. Accordingly, the Department announces that it will implement all the provisions described above for the 2023–2024 award year. Certain provisions, including sections 702(b), 702(i), and 702(l) of the FAFSA Simplification Act, require institutions to develop policies

<sup>1</sup> <https://fsapartners.ed.gov/knowledge-center/library/electronic-announcements/2021-06-11/beginning-phased-implementation-fafsa-simplification-act-ea-id-general-21-39>.

## **Section 12**

# **Cultural Resources Consultation Meeting**

### **12.1 LETTERS**





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Whitney Warrior  
Tribal Historic Preservation Officer  
United Keetoowah Band of Cherokee  
P.O. Box 746  
Tahlequah, OK 74465

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Warrior:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the United Keetoowah Band of Cherokee pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the United Keetoowah Band of Cherokee to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.



## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.

USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

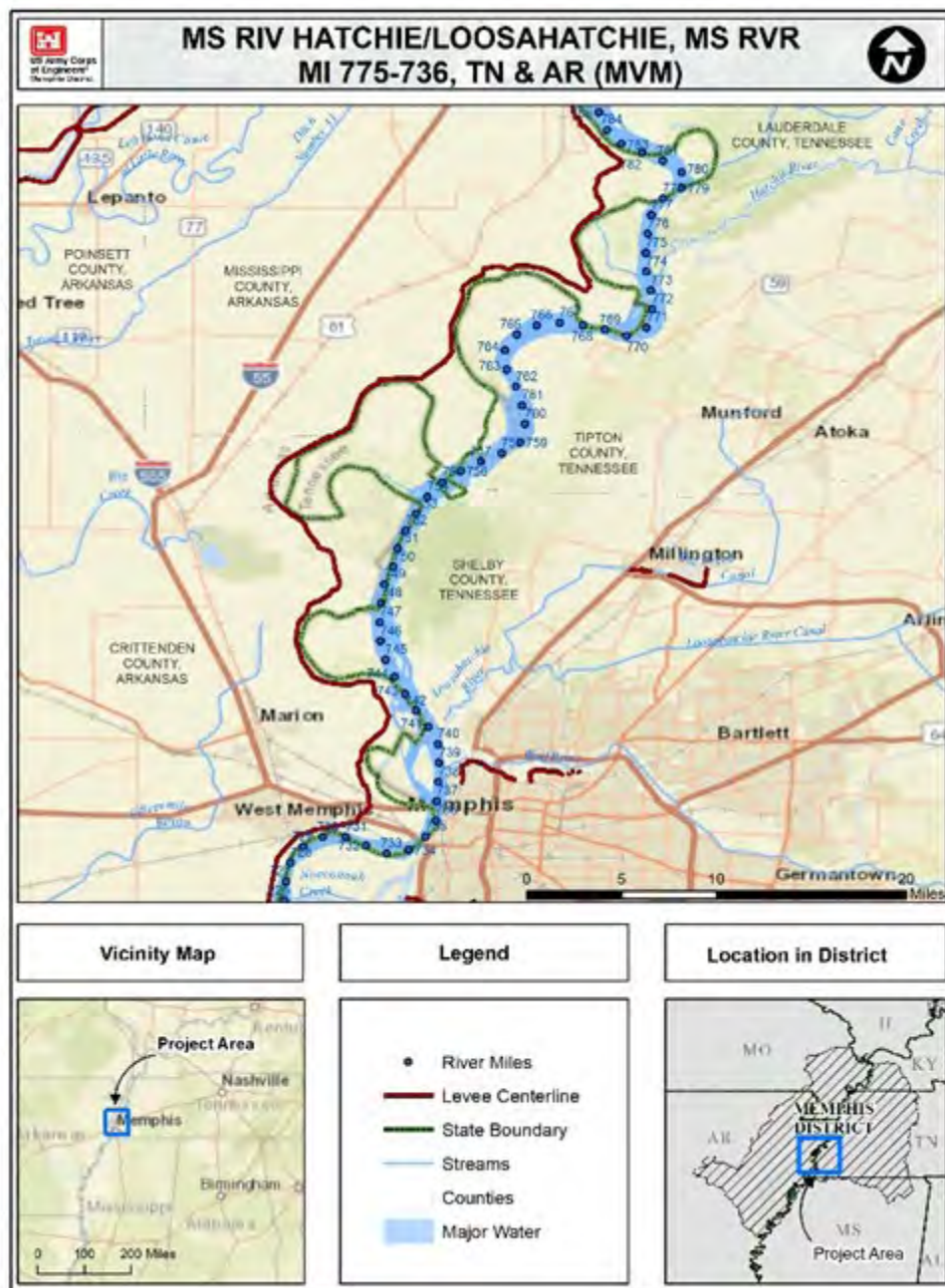
Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

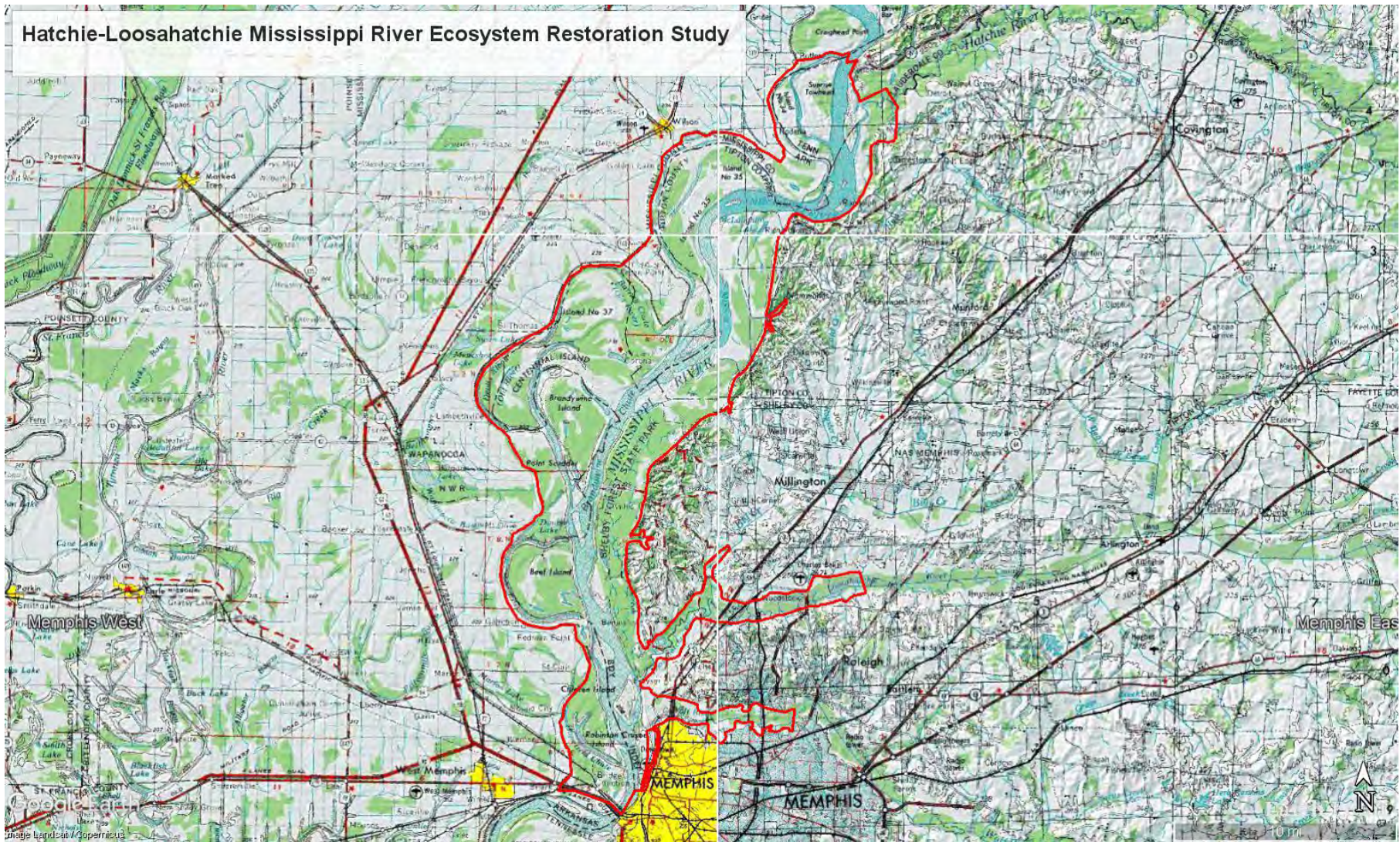


## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area



## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
Dr. Russell Townsend, THPO, Eastern Band of Cherokee Nation  
Mr. Henry Harjo, EPA Director, Kialegee Tribal Town  
Mr. Fred Thomas, Vice Chair, Kickapoo Tribe of Kansas  
Mr. Ken Carleton, THPO, Mississippi Band of Choctaw Indians  
Ms. Corain Lowe-Zepeda, THPO, Muscogee (Creek) Nation  
Dr. Andrea A. Hunter, THPO, Osage Nation  
Mr. Larry Haikey, THPO, Poarch Band of Creek Indians  
Ms. Staci Hesler, THPO, Ponca Tribe of Oklahoma  
Mr. Jeremy Fincher, EPA Director, Sac and Fox Nation of Oklahoma  
Mr. Theodore Isham, THPO, Seminole Nation of Oklahoma  
Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Terry Clouthier, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Earl Barbry Jr.  
Tribal Historic Preservation Officer  
Tunica-Biloxi Tribe of Louisiana  
P.O. Box 1589  
Marksville, LA 71351

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Barbry Jr.:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Tunica-Biloxi Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Tunica-Biloxi Tribe of Louisiana to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

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## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

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Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.



## **Development of Streamlined Section 106 Consultation Procedures**

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## **Consulting Parties and the Public**

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A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

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Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

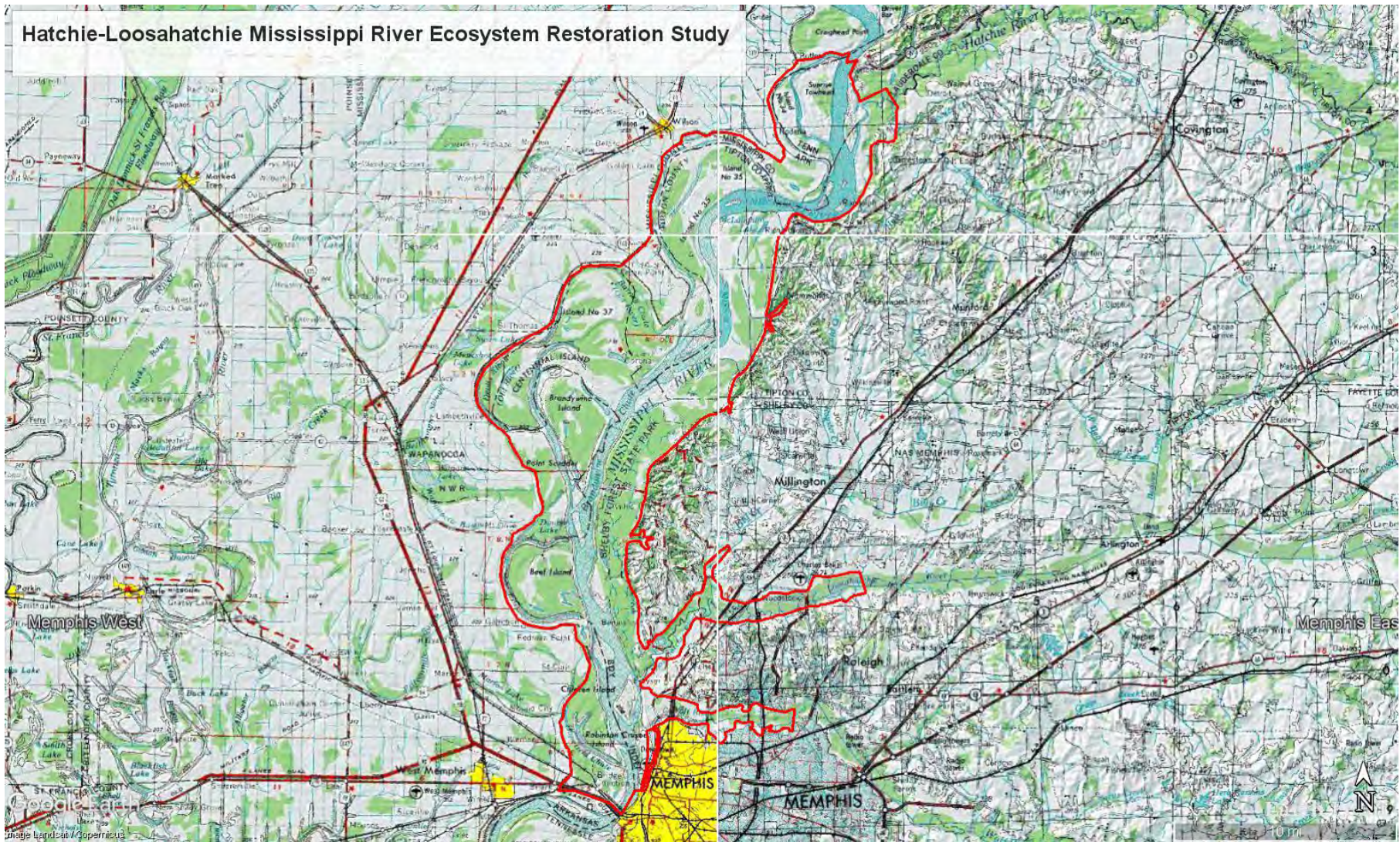


## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area



## **Attachment C: Potential Consulting Parties**

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Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission





**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Casey Lee  
Tennessee Historical Commission  
State Historic Preservation Office  
2941 Lebanon Pike  
Nashville, TN 37214

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Lee:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Tennessee Historical Commission pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Tennessee Historical Commission to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.



## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

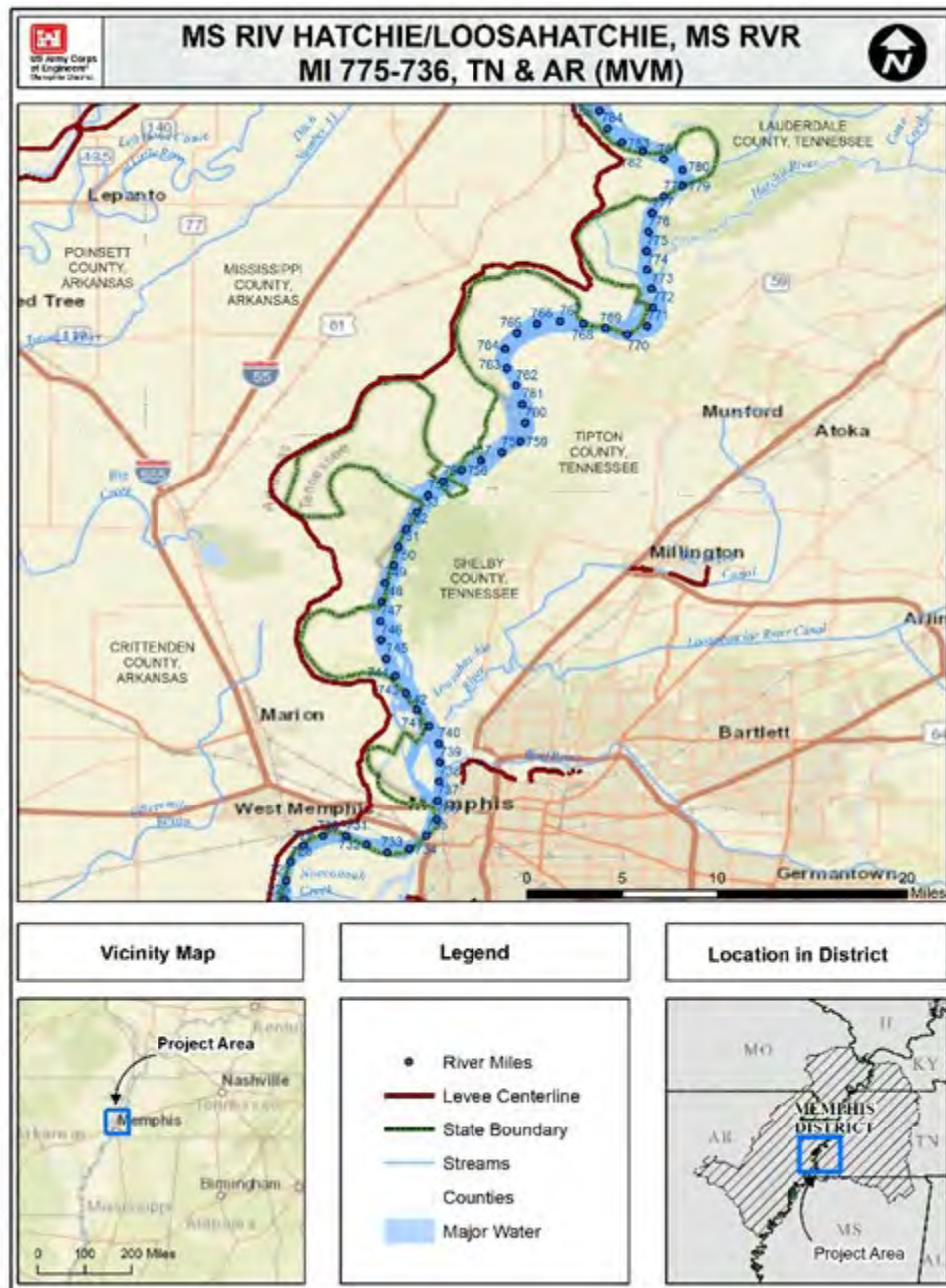
Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South



## Attachment A: Study Area Maps





The figure consists of two maps of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study area. The left map shows the study area in relation to Memphis, Tennessee, and the Mississippi River. The right map shows the study area in relation to the Hatchie River and the Mississippi River. Both maps include labels for various locations, roads, and water bodies.



## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
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**DEPARTMENT OF THE ARMY  
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167 NORTH MAIN STREET B-202  
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December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Terry Clouthier  
Tribal Historic Preservation Officer  
Thlopthlocco Tribal Town  
P.O. Box 188  
Okemah, OK 74859

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Clouthier:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Thlopthlocco Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Thlopthlocco Tribal Town to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

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## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

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Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

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## **Consulting Parties and the Public**

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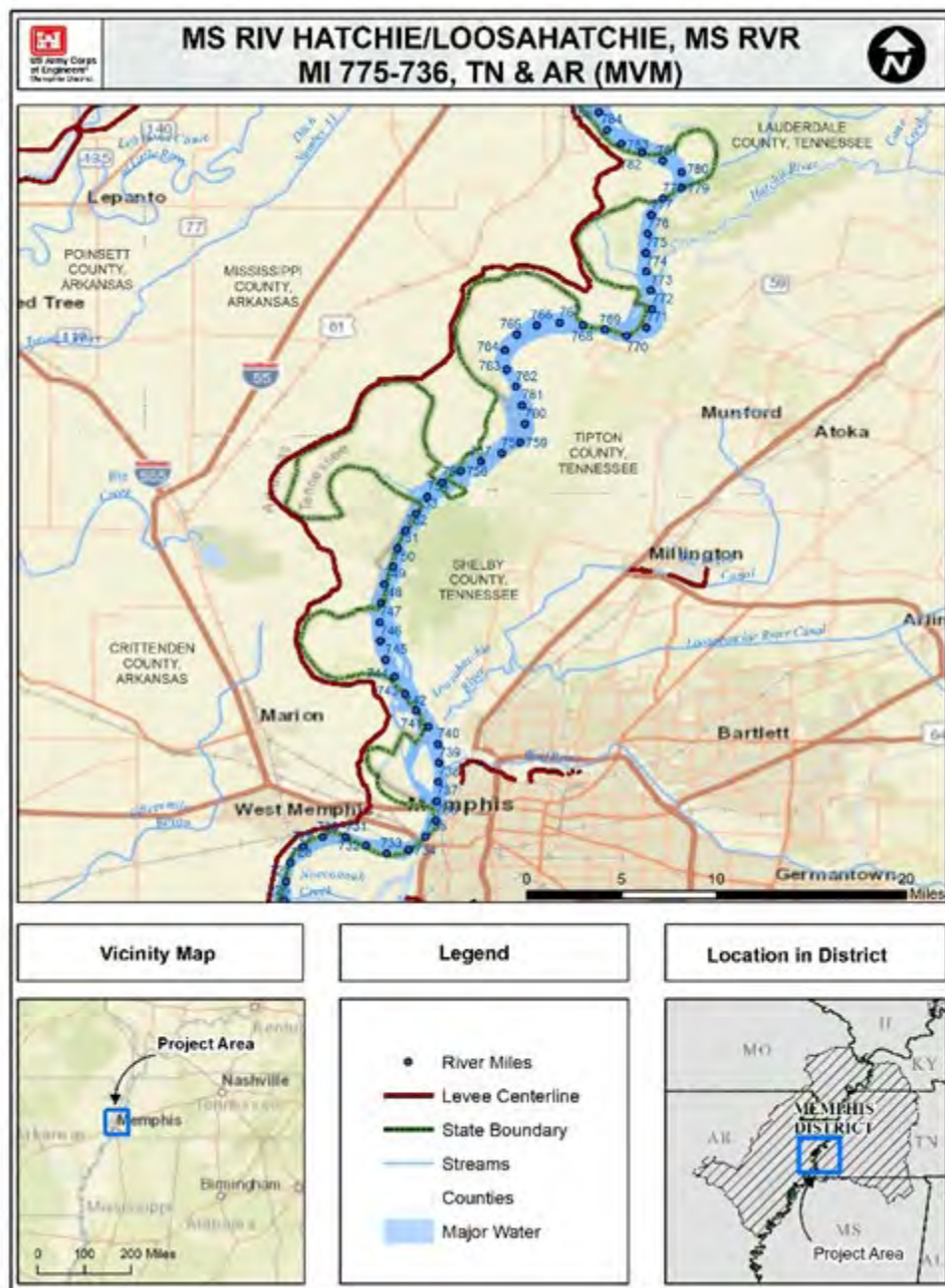
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Sincerely,

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Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





The figure consists of three maps of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study area. The left map shows the study area in relation to Memphis West and Memphis. The middle map shows the study area in relation to Memphis and the Mississippi River. The right map shows the study area in relation to Memphis and the Mississippi River.



## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
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167 NORTH MAIN STREET B-202  
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December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Tonya Tipton  
Tribal Historic Preservation Officer  
Shawnee Tribe  
P.O. Box 189  
Miami, OK 74355

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Tipton:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Shawnee Tribe pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Shawnee Tribe to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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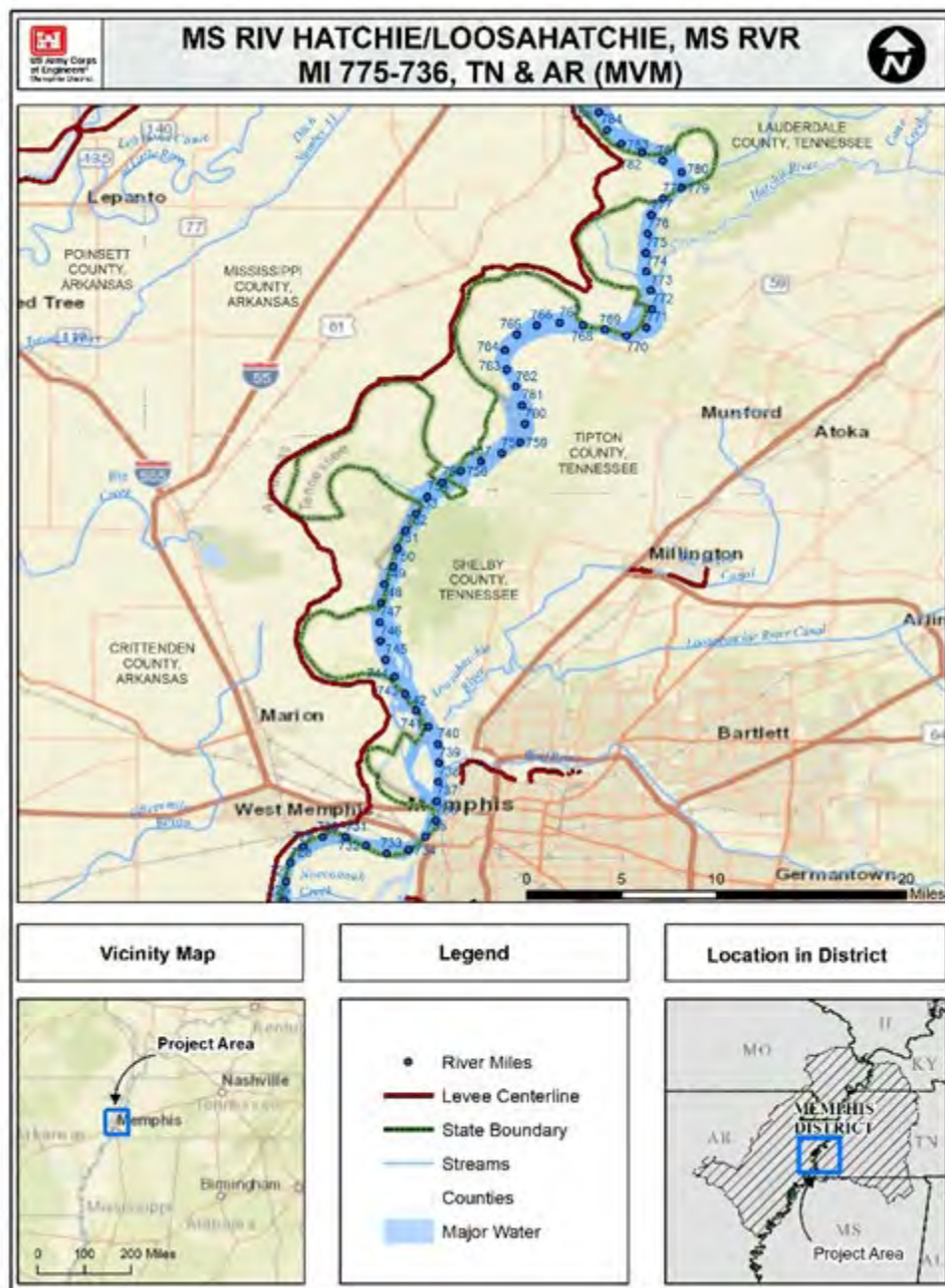
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Sincerely,

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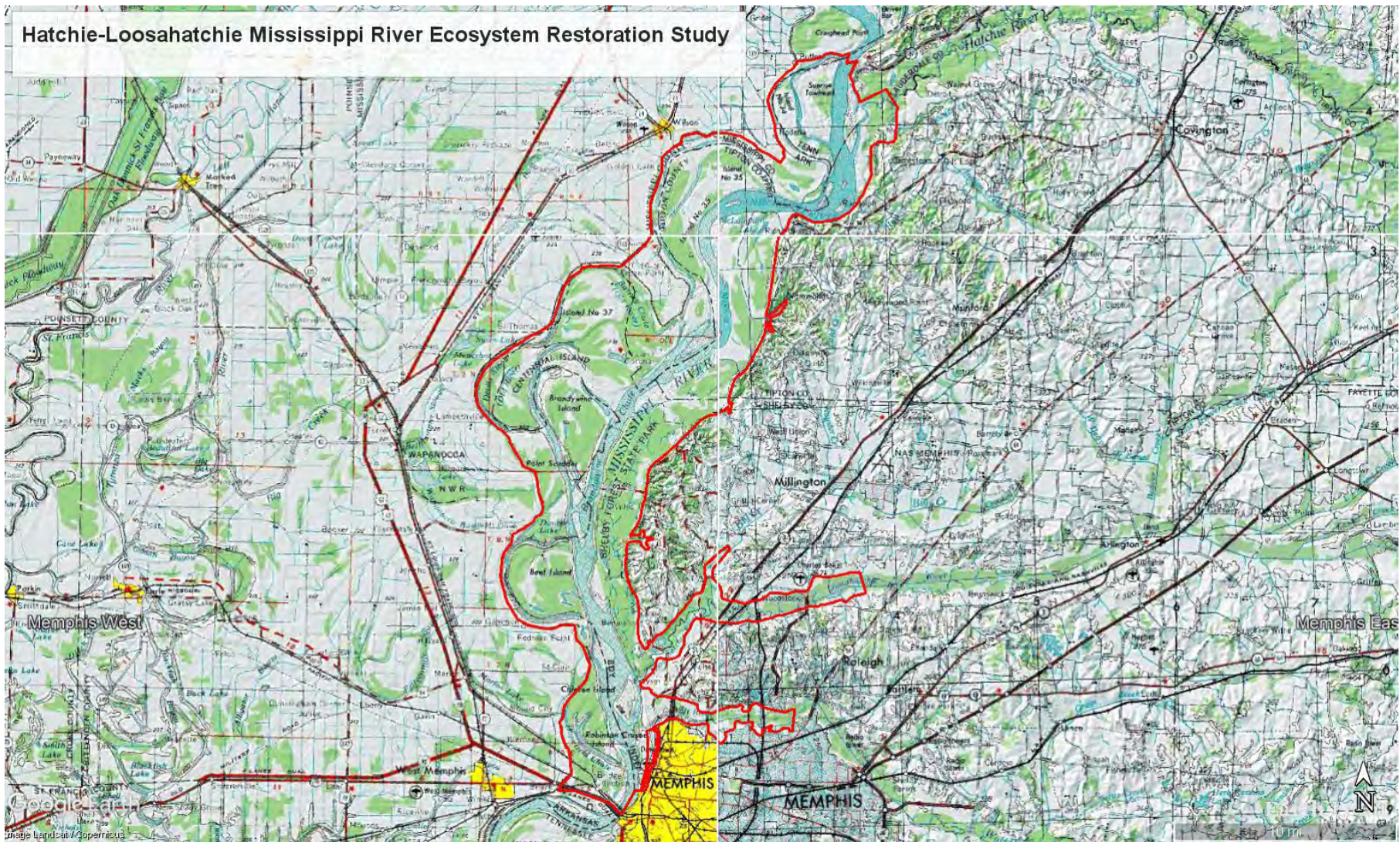
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
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Ms. Tonya Tipton, THPO, Shawnee Tribe  
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Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Theodore Isham  
Tribal Historic Preservation Officer  
Seminole Nation of Oklahoma  
P.O. Box 1498  
Wewoka, OK 74848

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Isham:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Seminole Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Seminole Nation of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.



## Project Background

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

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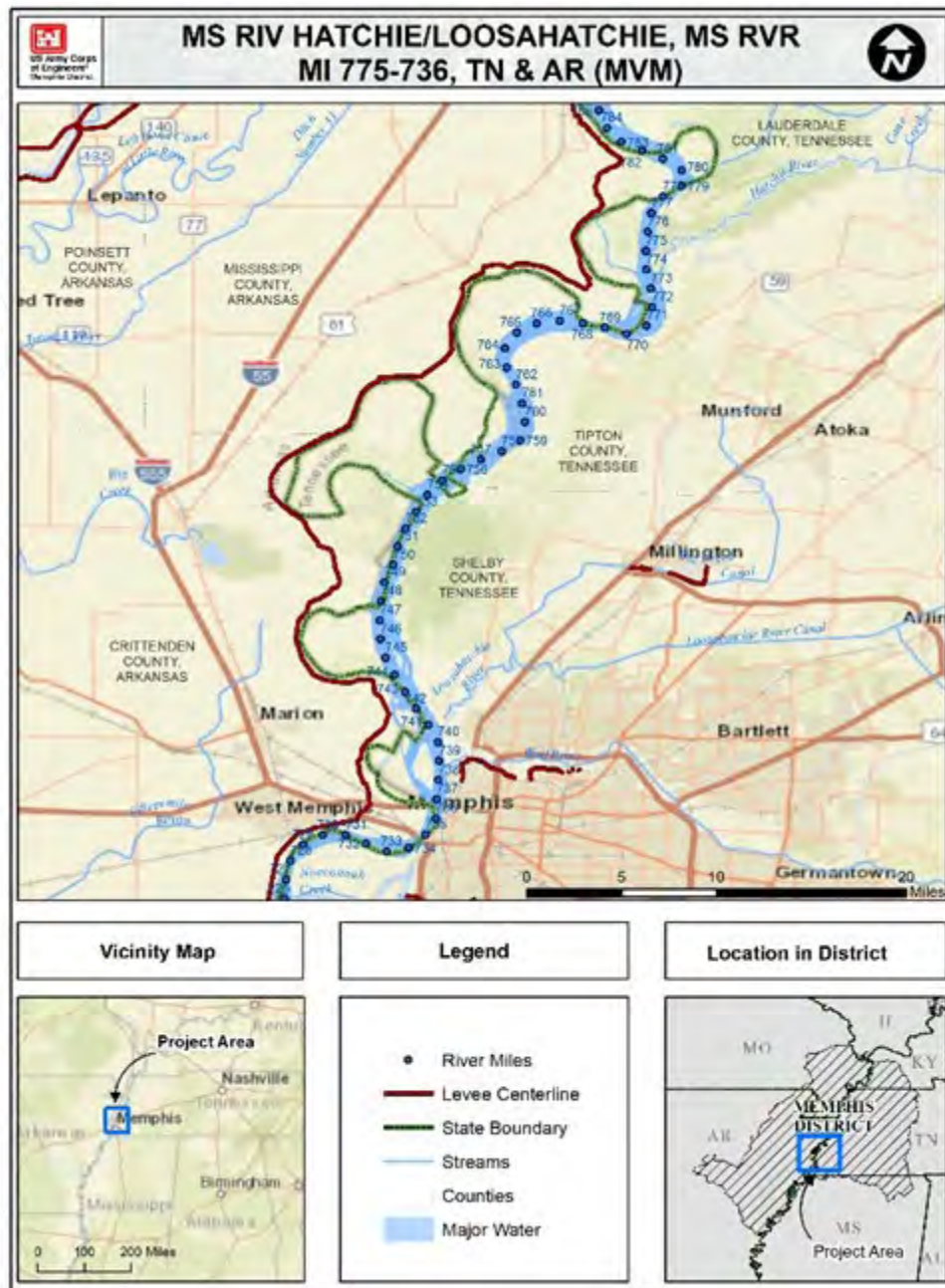
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Sincerely,

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Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





The figure consists of two side-by-side maps of the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study area. The left map shows the study area in green, outlined in red, with labels for Memphis West, Memphis, and various islands like Brandywine Island and Beef Island. The right map shows the same area with a different outline and labels for Memphis East and various islands like Brandywine Island and Beef Island. Both maps include a scale bar and a north arrow.



## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Jeremy Fincher  
Tribal Historic Preservation Officer  
Sac and Fox Nation of Oklahoma  
920883 S. Hwy 99, Building A  
Stroud, OK 74079

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Fincher:

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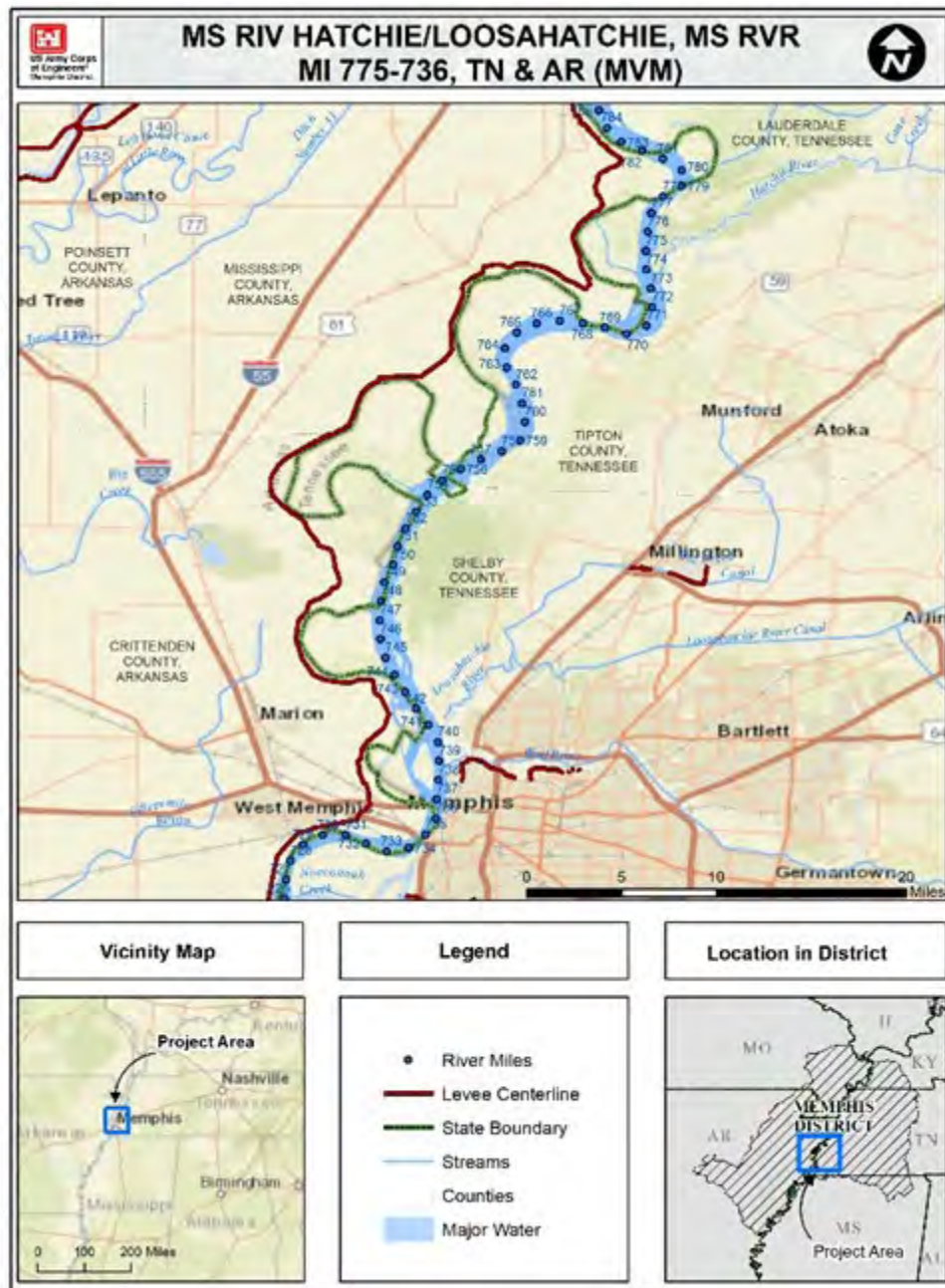
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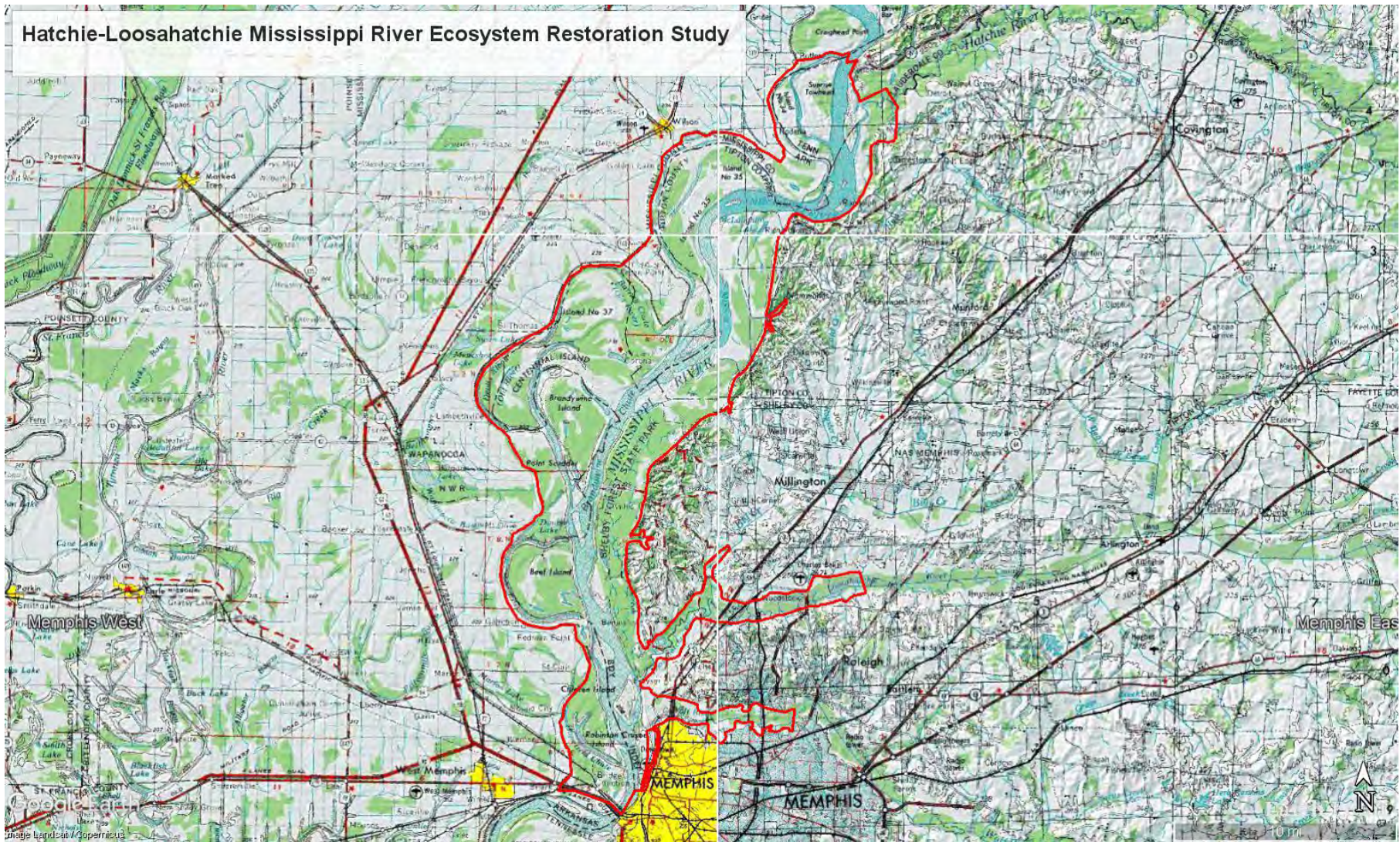
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Staci Hesler  
Tribal Historic Preservation Officer  
Ponca Tribe of Oklahoma  
121 White Eagle Drive  
Ponca City, OK 74601

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Hesler:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Ponca Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Ponca Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



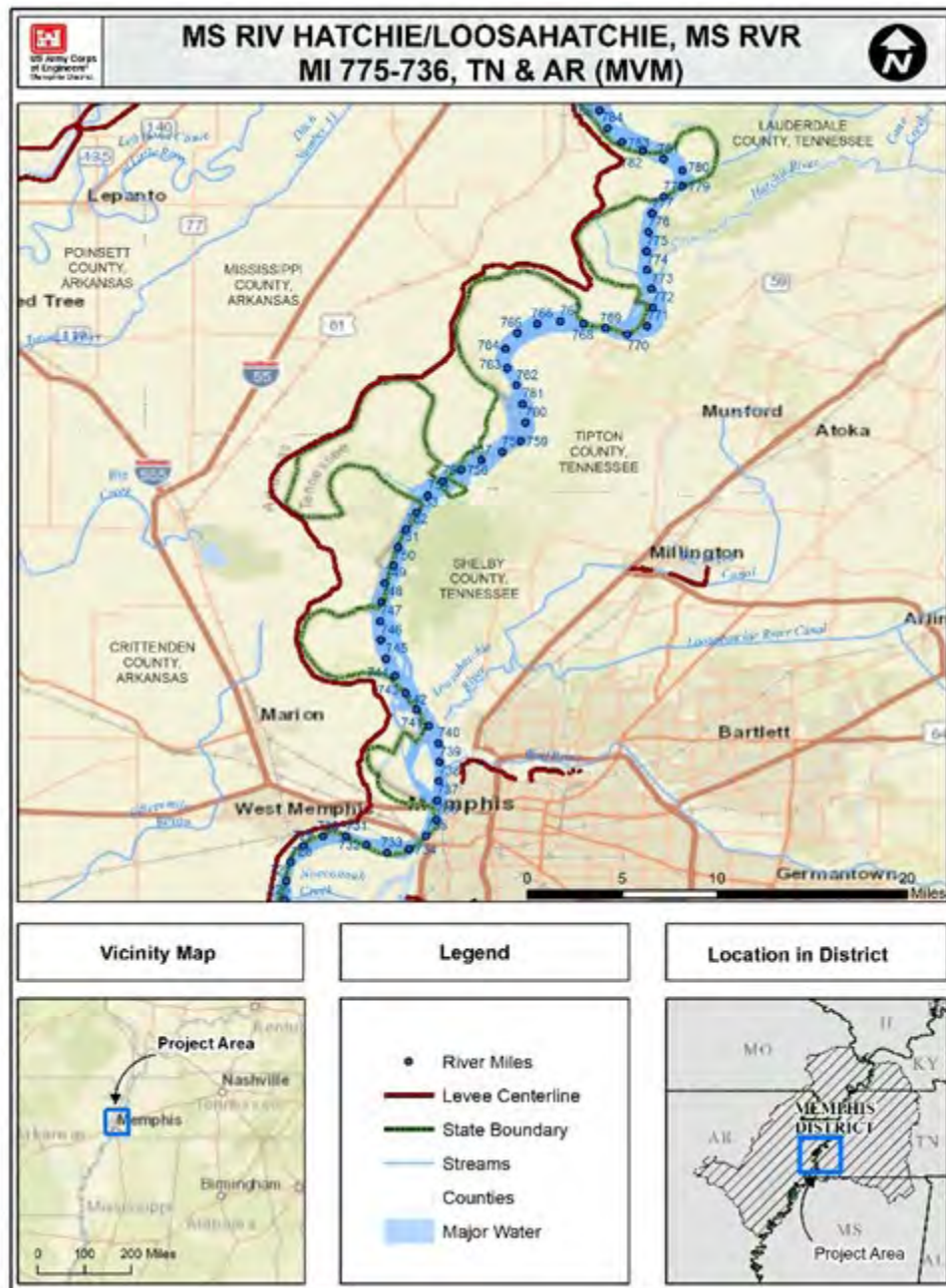
USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,

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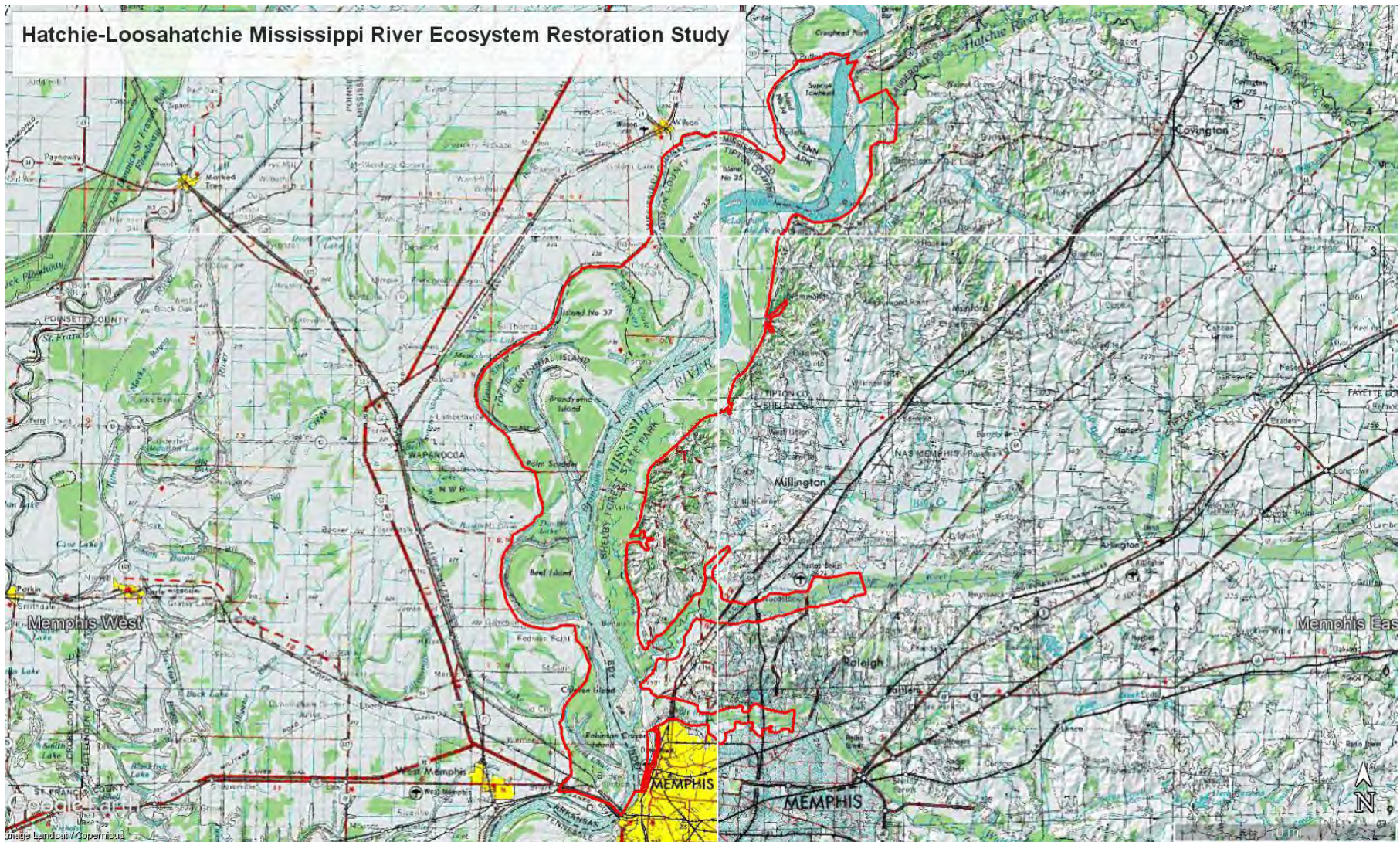
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
Dr. Russell Townsend, THPO, Eastern Band of Cherokee Nation  
Mr. Henry Harjo, EPA Director, Kialegee Tribal Town  
Mr. Fred Thomas, Vice Chair, Kickapoo Tribe of Kansas  
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Dr. Andrea A. Hunter, THPO, Osage Nation  
Mr. Larry Haikey, THPO, Poarch Band of Creek Indians  
Ms. Staci Hesler, THPO, Ponca Tribe of Oklahoma  
Mr. Everett Bandy, THPO, Quapaw Nation  
Mr. Jeremy Fincher, EPA Director, Sac and Fox Nation of Oklahoma  
Mr. Theodore Isham, THPO, Seminole Nation of Oklahoma  
Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Terry Clouthier, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Larry Haikey  
Tribal Historic Preservation Officer  
Poarch Band of Creek Indians  
5811 Jack Springs Road  
Atmore, AL 36502

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Haikey:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Poarch Band of Creek Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Poarch Band of Creek Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.



## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

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## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

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Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



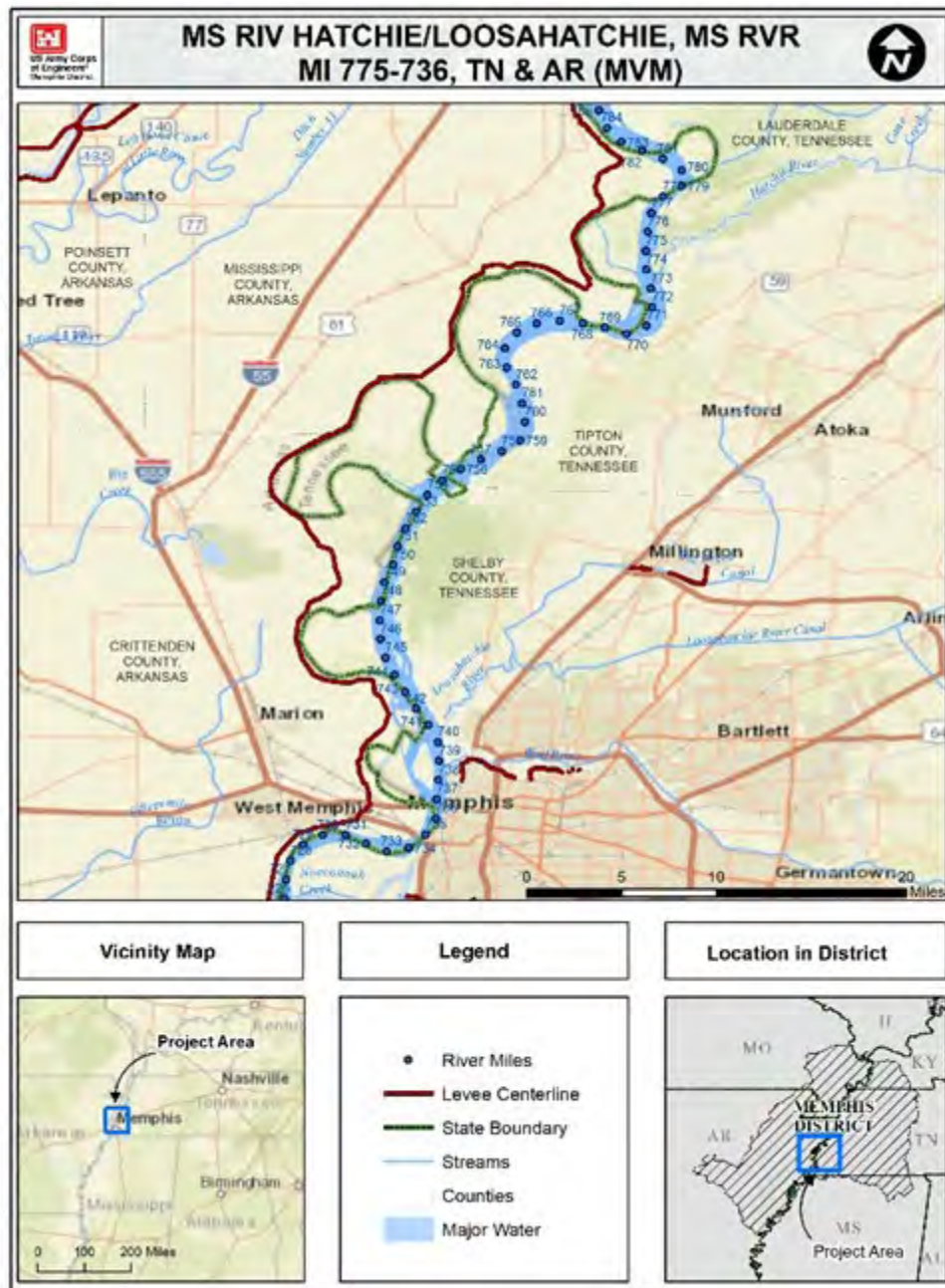
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Sincerely,

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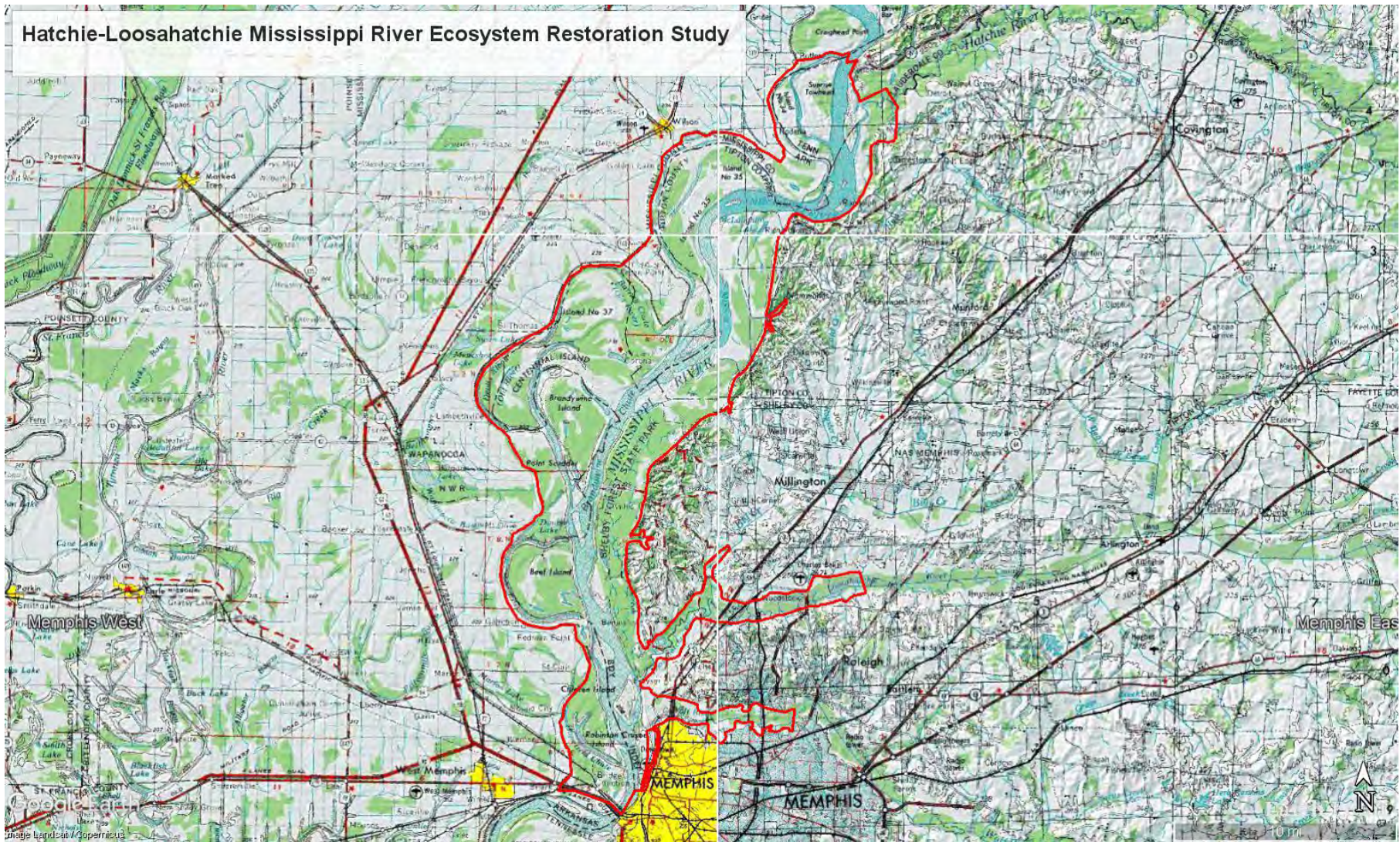
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Andrea Hunter  
Tribal Historic Preservation Officer  
Osage Nation  
627 Grandview Avenue  
Pawhuska, OK 74056

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Hunter:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Osage Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Osage Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:  
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## **Project Background**



In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

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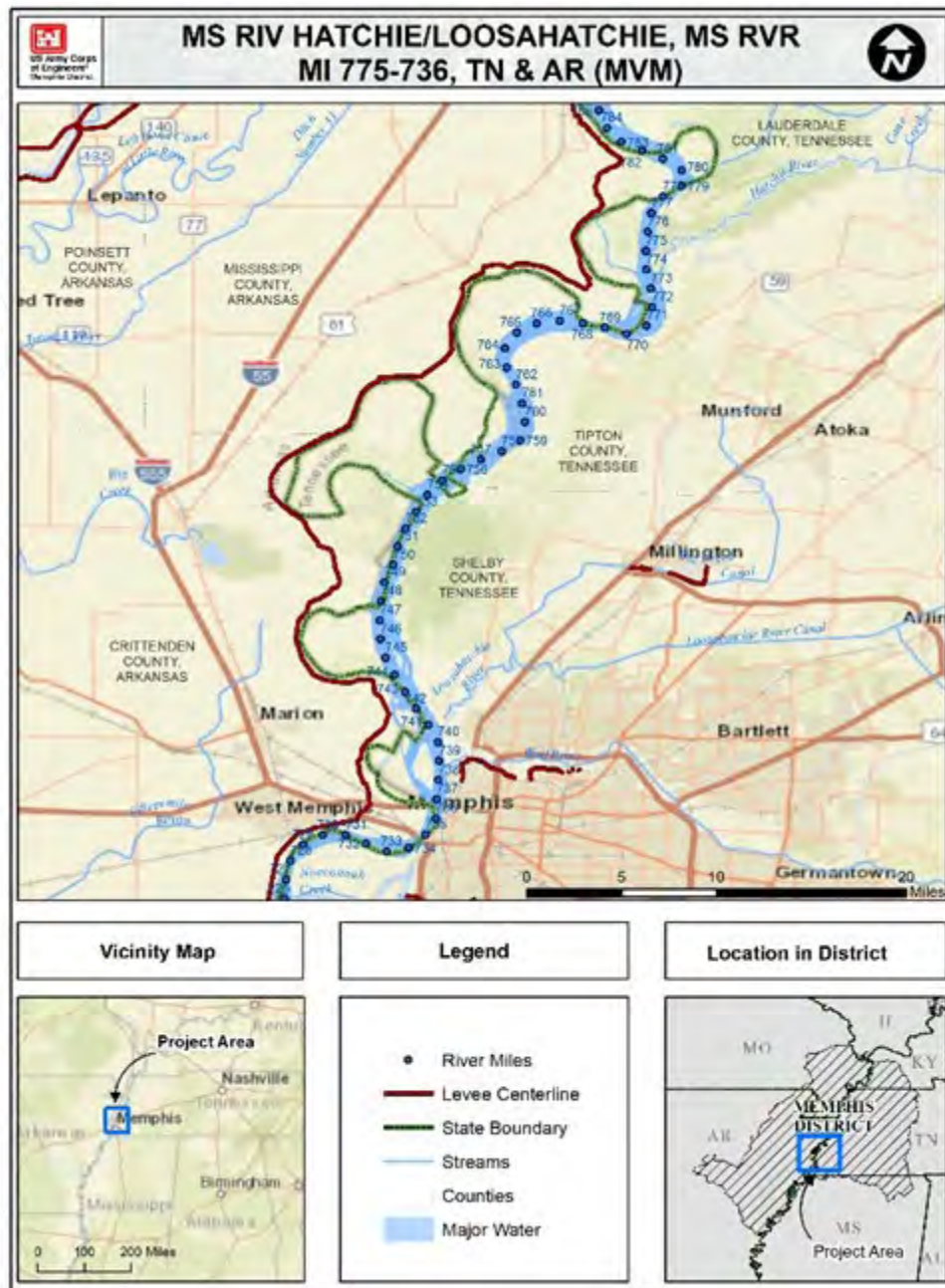
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Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps









## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Corain Lowe-Zepeda  
Tribal Historic Preservation Officer  
Muscogee (Creek) Nation  
P.O. Box 580  
Okmulgee, OK 74447

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Corain Lowe-Zepeda:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Muscogee (Creek) Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Muscogee (Creek) Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

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## **Project Background**

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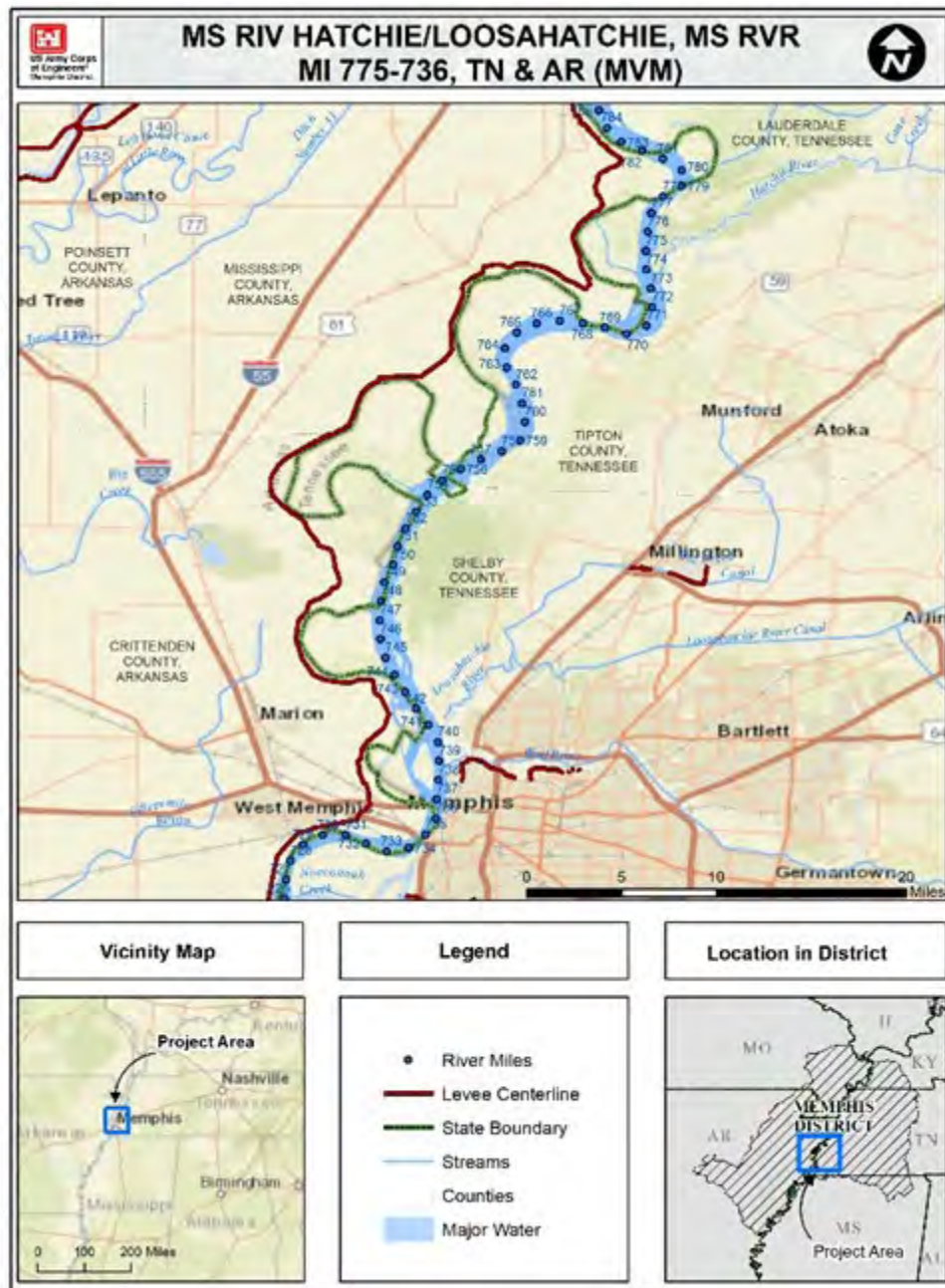
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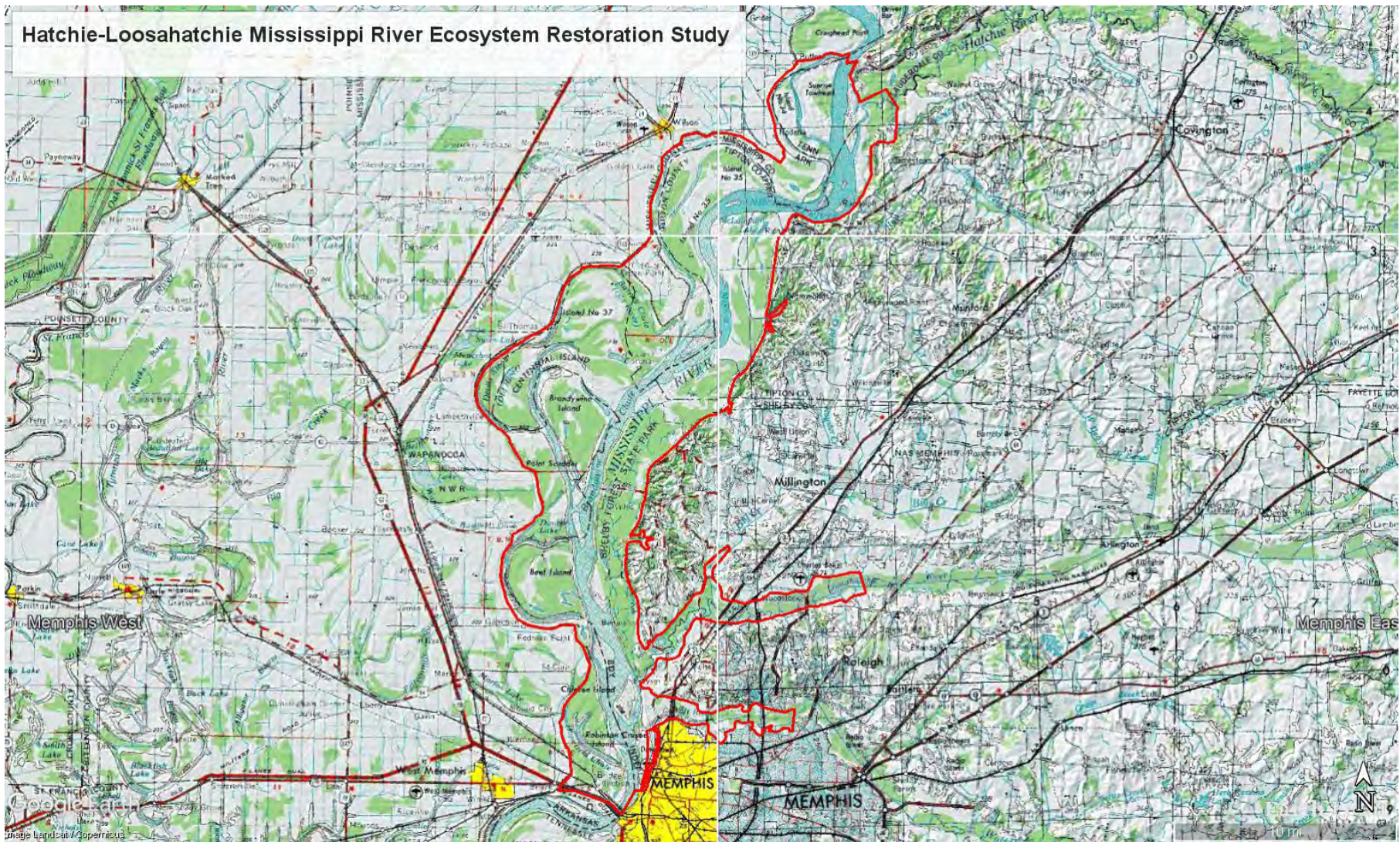
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Mr. Kenneth H. Carleton  
Tribal Historic Preservation Officer  
Mississippi Band of Choctaw Indians  
P.O. Box 6010  
Choctaw, MS 39350

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Carleton:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Mississippi Band of Choctaw Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Mississippi Band of Choctaw Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

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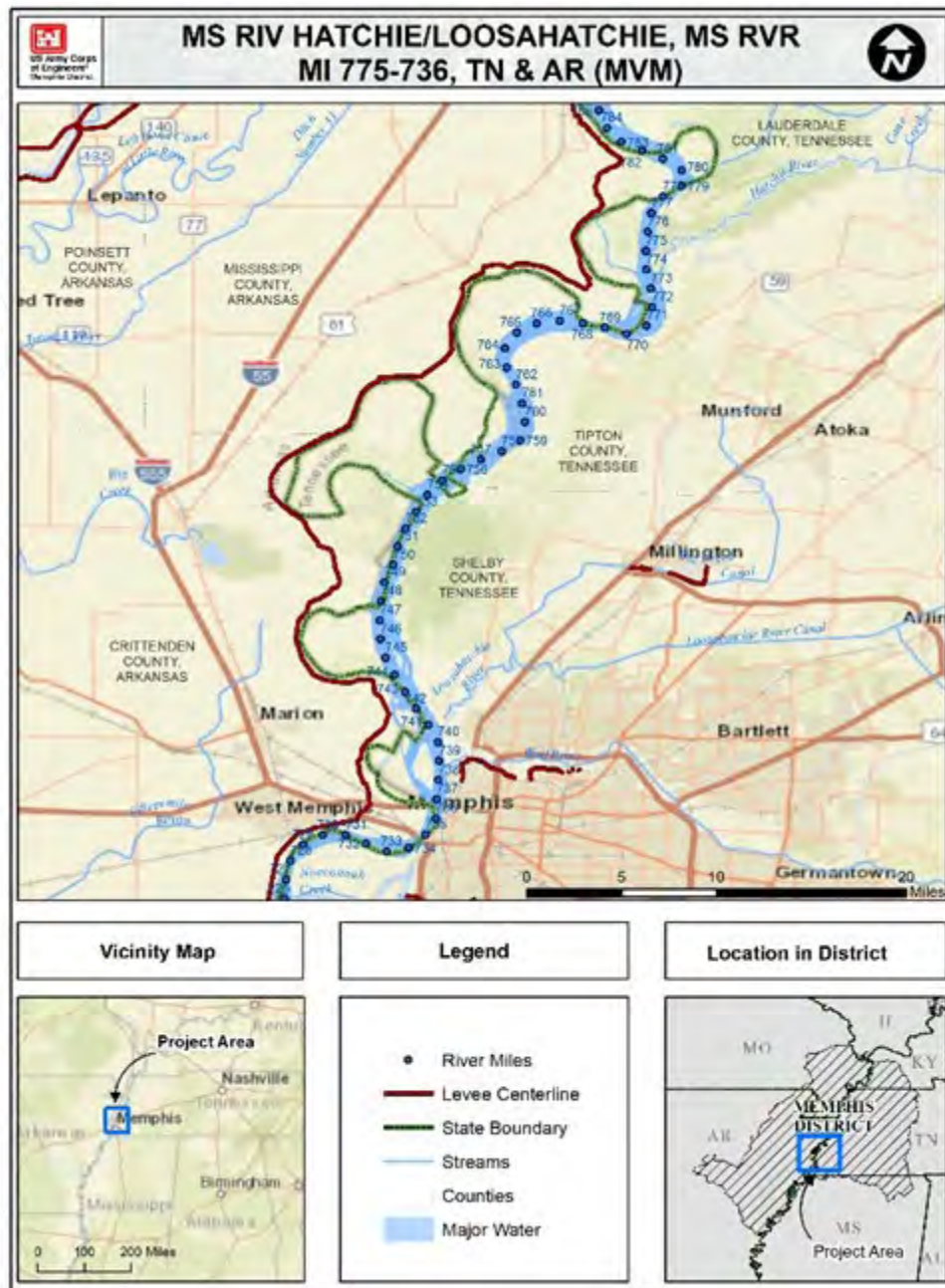
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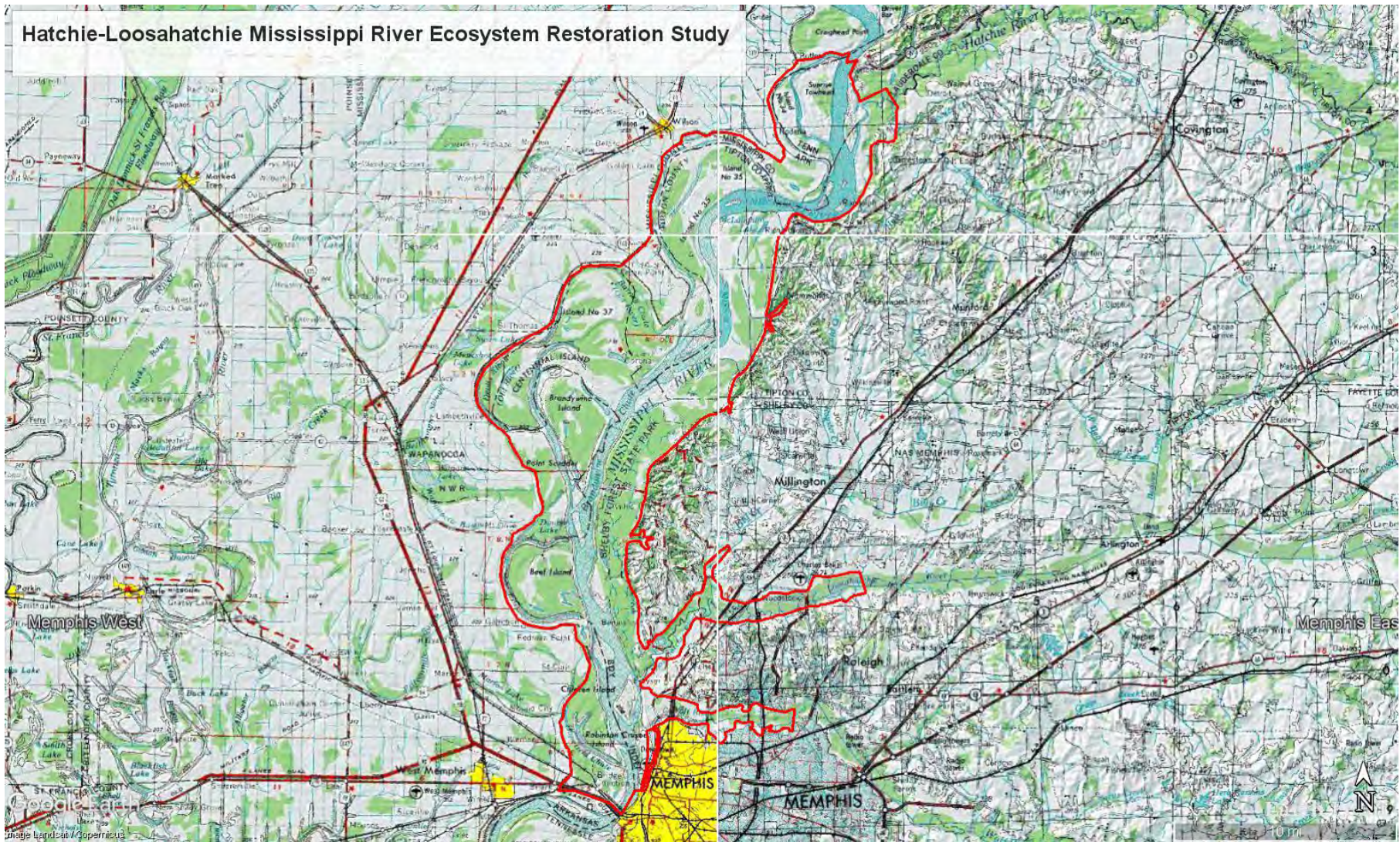
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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





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December 13, 2022

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Regional Planning and Environmental Division South

Mr. Fred Thomas  
Tribal Historic Preservation Officer  
Kickapoo Tribe of Oklahoma  
P.O. Box 70  
McLoud, OK 74851

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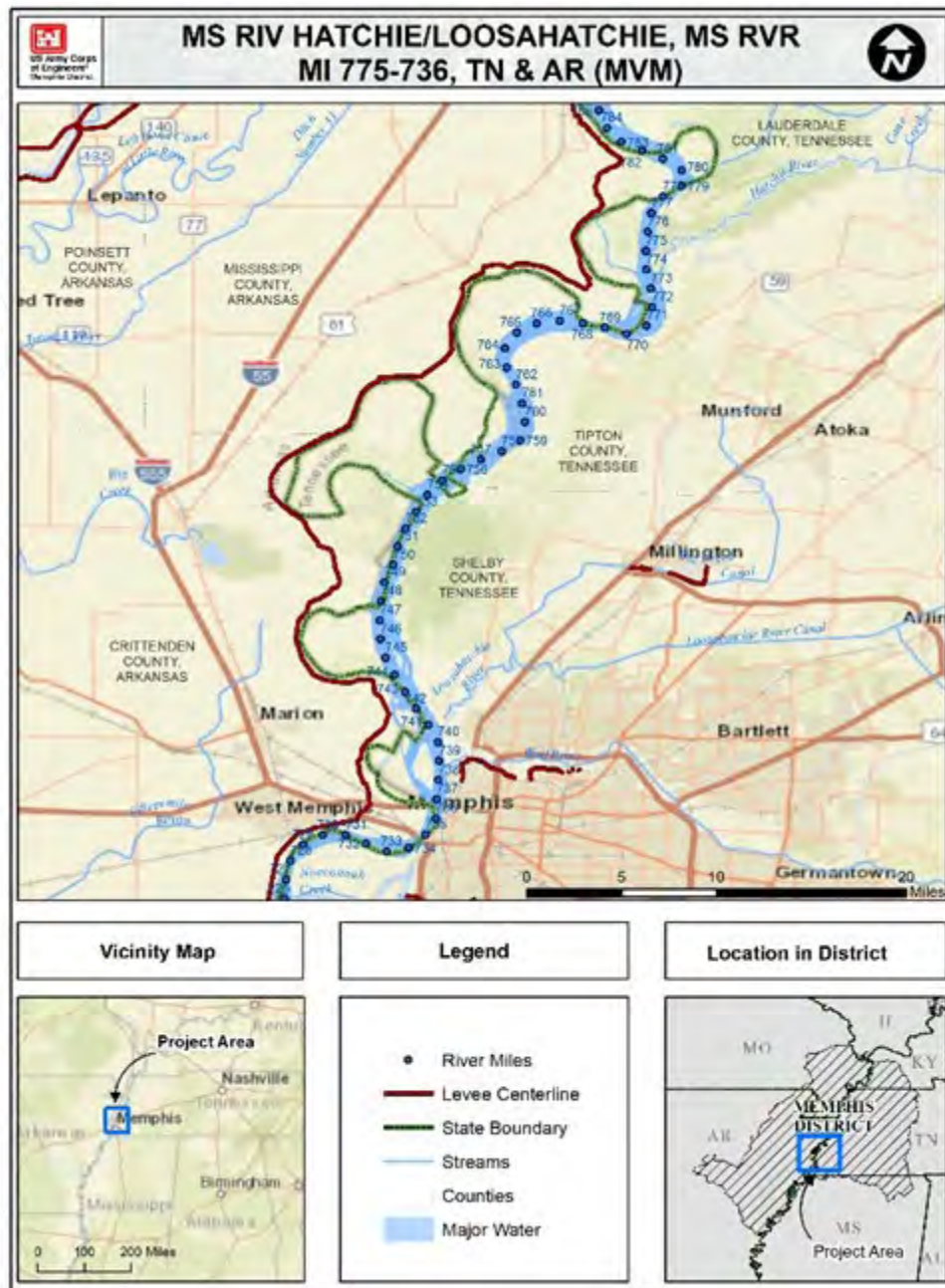
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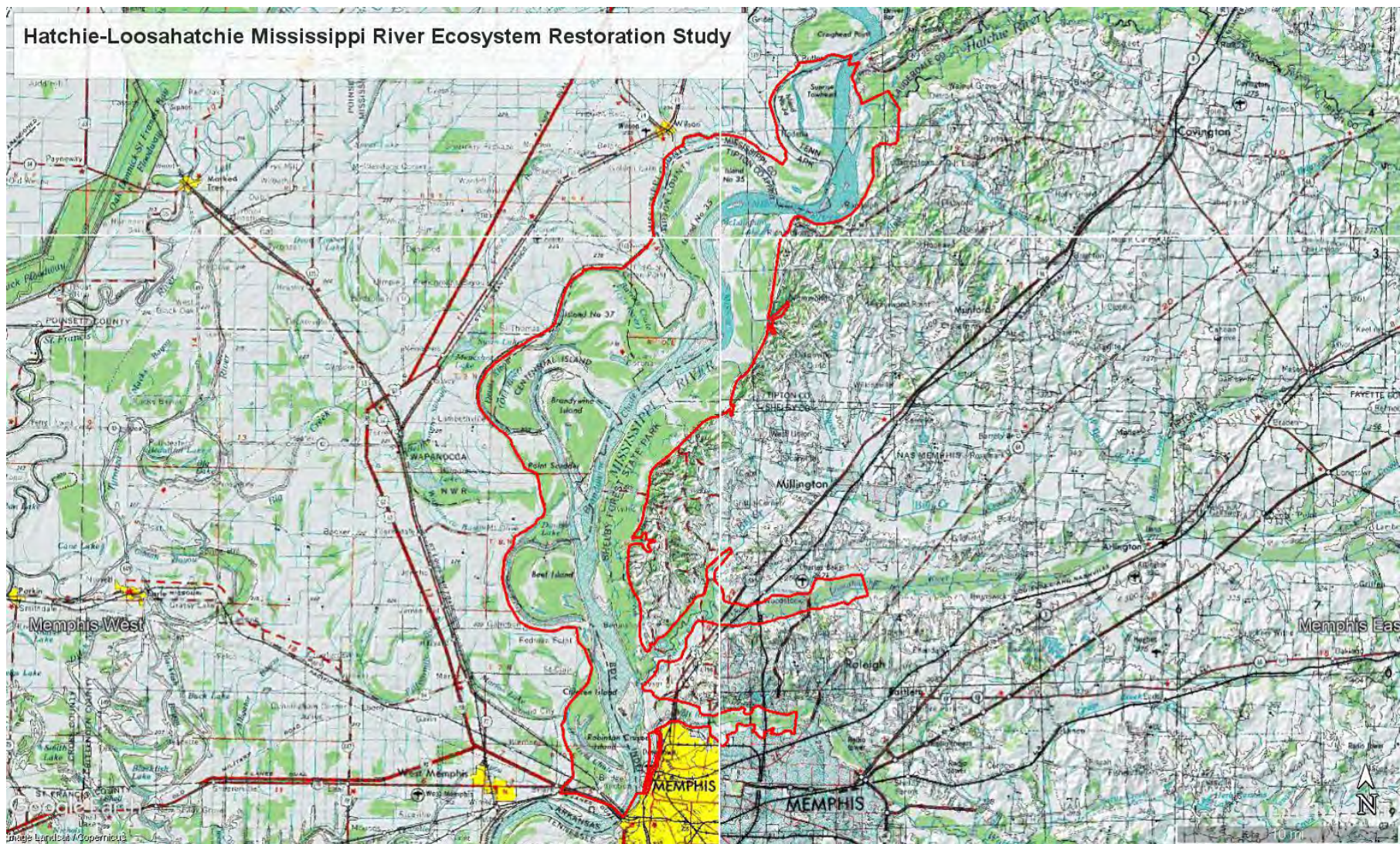
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Mr. Henry Harjo  
Tribal Historic Preservation Officer  
Kialegee Tribal Town  
P.O. Box 332  
Wetumka, OK 74883

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Mr. Harjo:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Kialegee Tribal Town pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Kialegee Tribal Town to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.



## Project Background

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



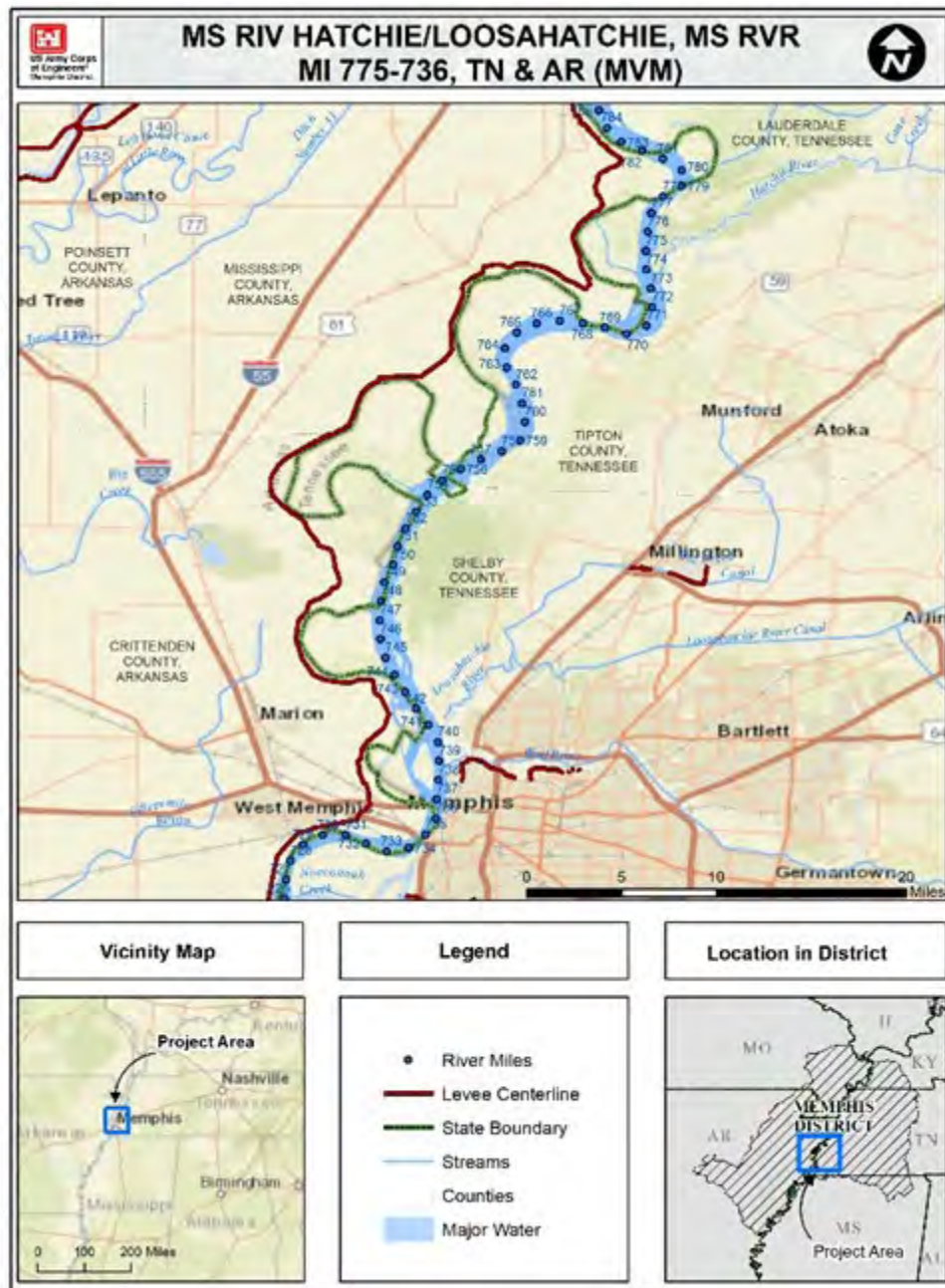
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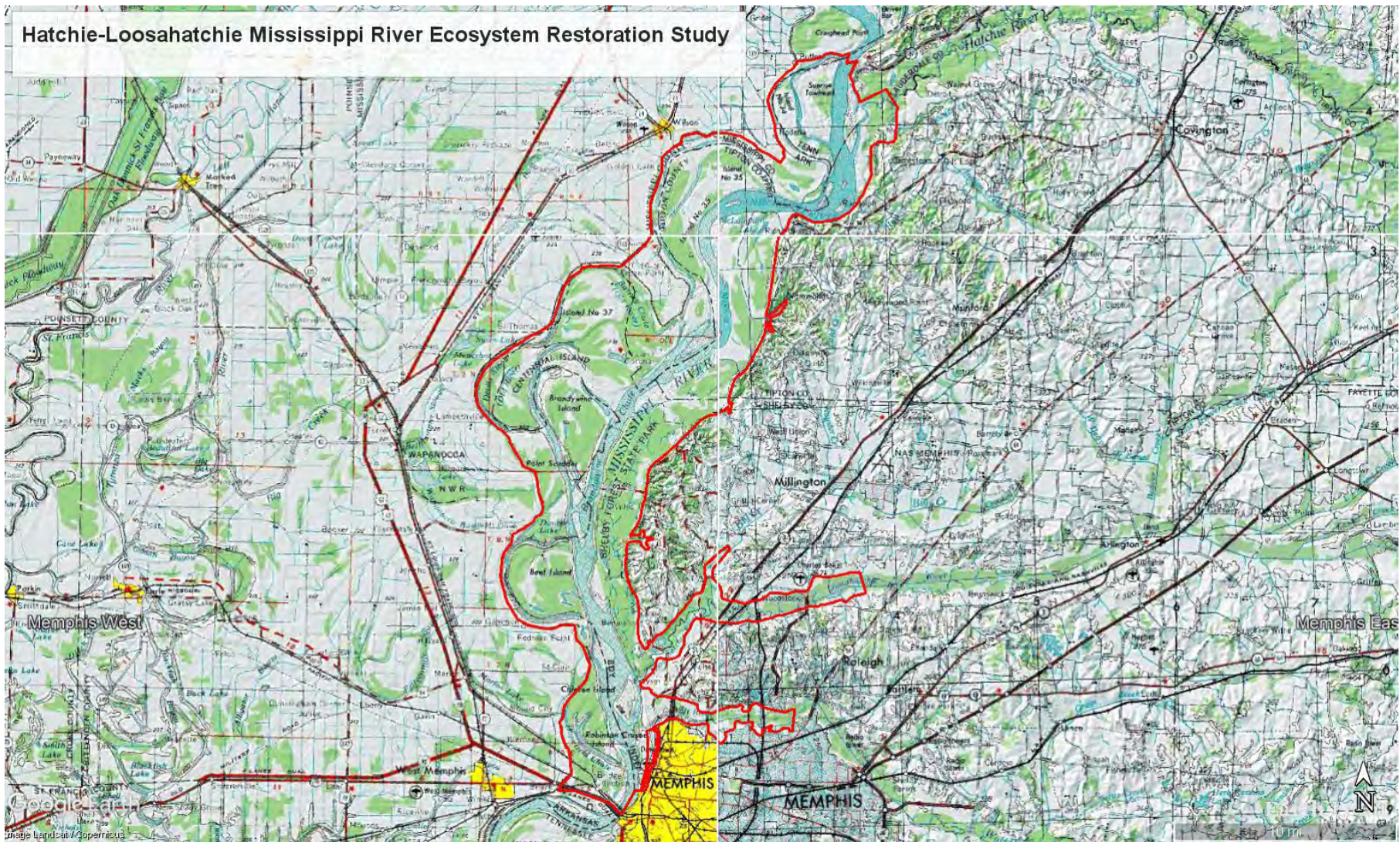
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
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Mr. Paul Barton, THPO, Eastern Shawnee Tribe of Oklahoma  
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Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Russell Townsend  
Tribal Historic Preservation Officer  
Eastern Band of Cherokee Indians  
P.O. Box 455  
Cherokee, NC 28719

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Townsend:

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This letter is intended to notify the Eastern Band of Cherokee Indians pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Eastern Band of Cherokee Indians to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

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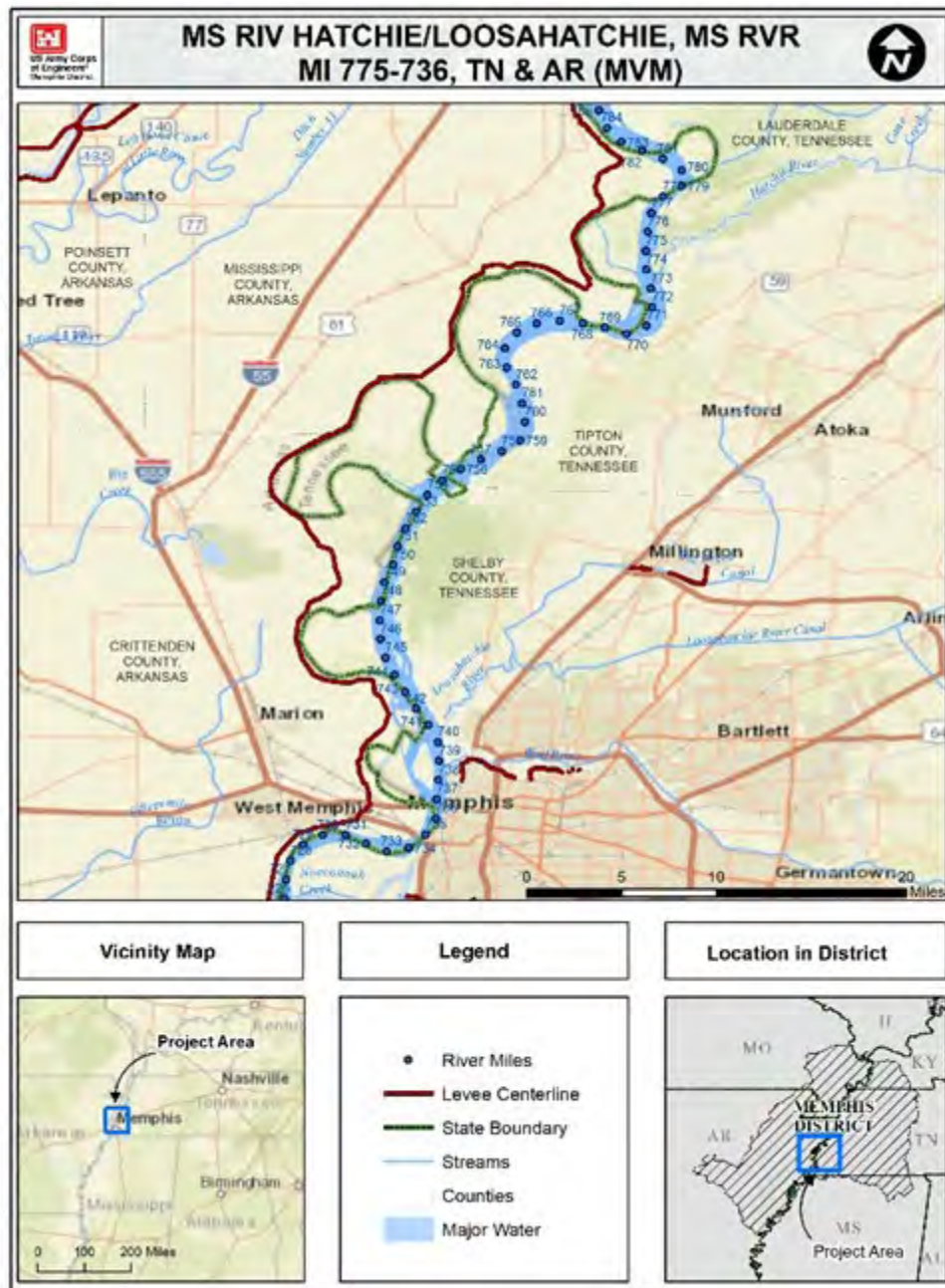
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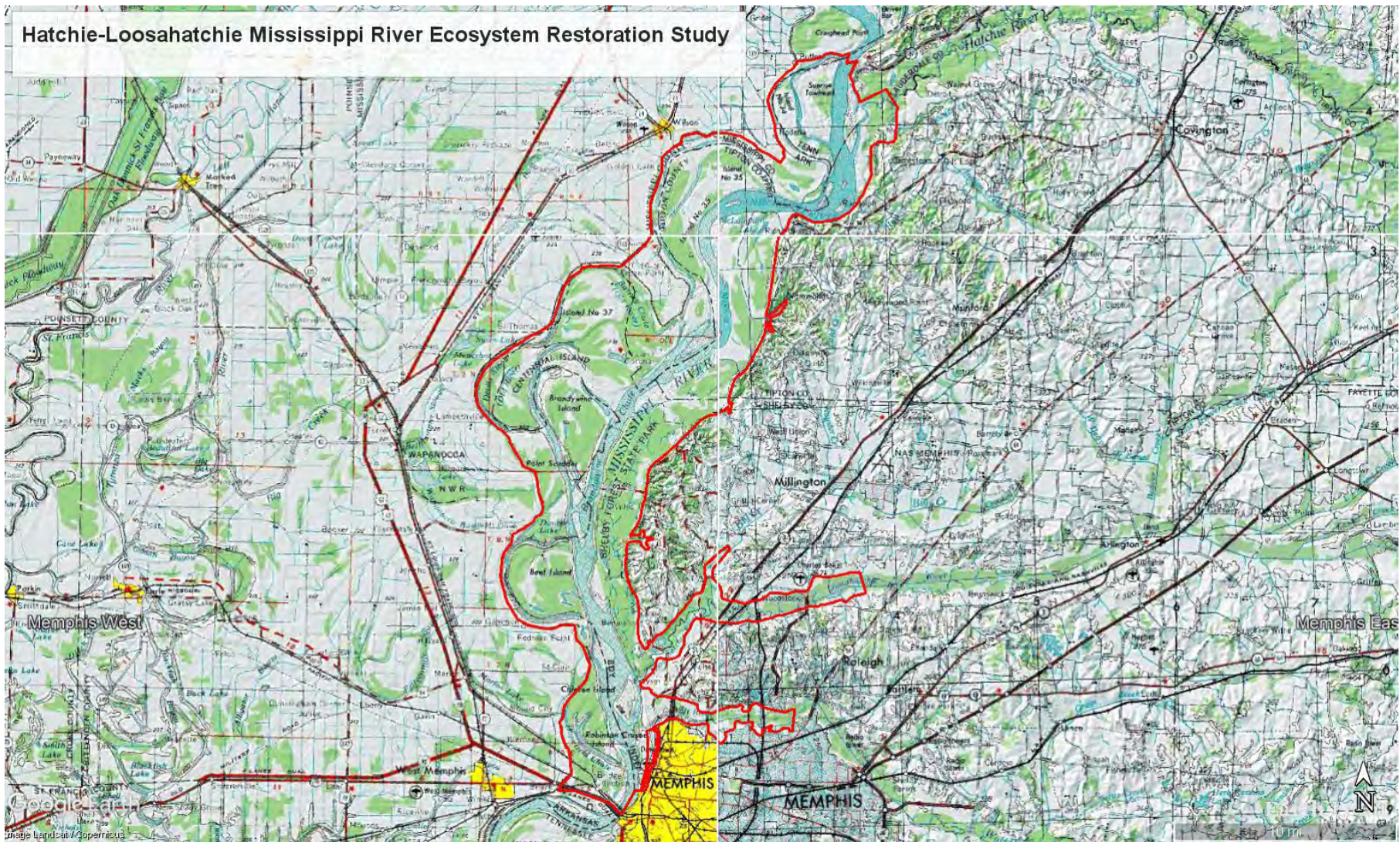
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Dr. Linda Langley  
Tribal Historic Preservation Officer  
Coushatta Tribe of Louisiana  
P.O. Box 10  
Elton, LA 70532

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Dr. Langley:

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This letter is intended to notify the Coushatta Tribe of Louisiana pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Coushatta Tribe of Louisiana to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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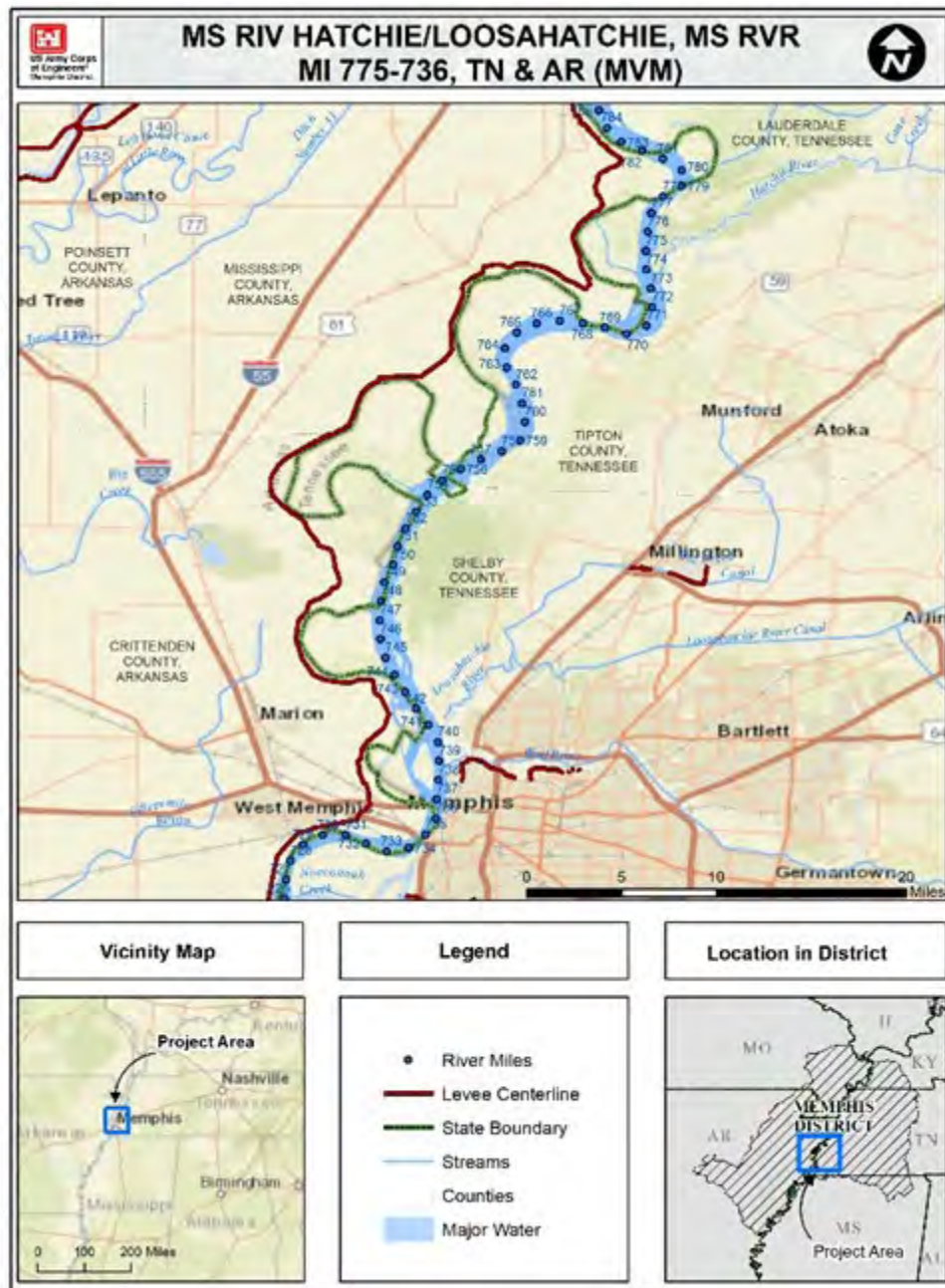
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Chief, Environmental Compliance Branch  
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Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
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Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Lindsey Bilyeu  
Tribal Historic Preservation Office  
Choctaw Nation of Oklahoma  
P.O. Box 1210  
Durant, Ok 74702

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Bilyeu:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Choctaw Nation of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Choctaw Nation of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.



## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



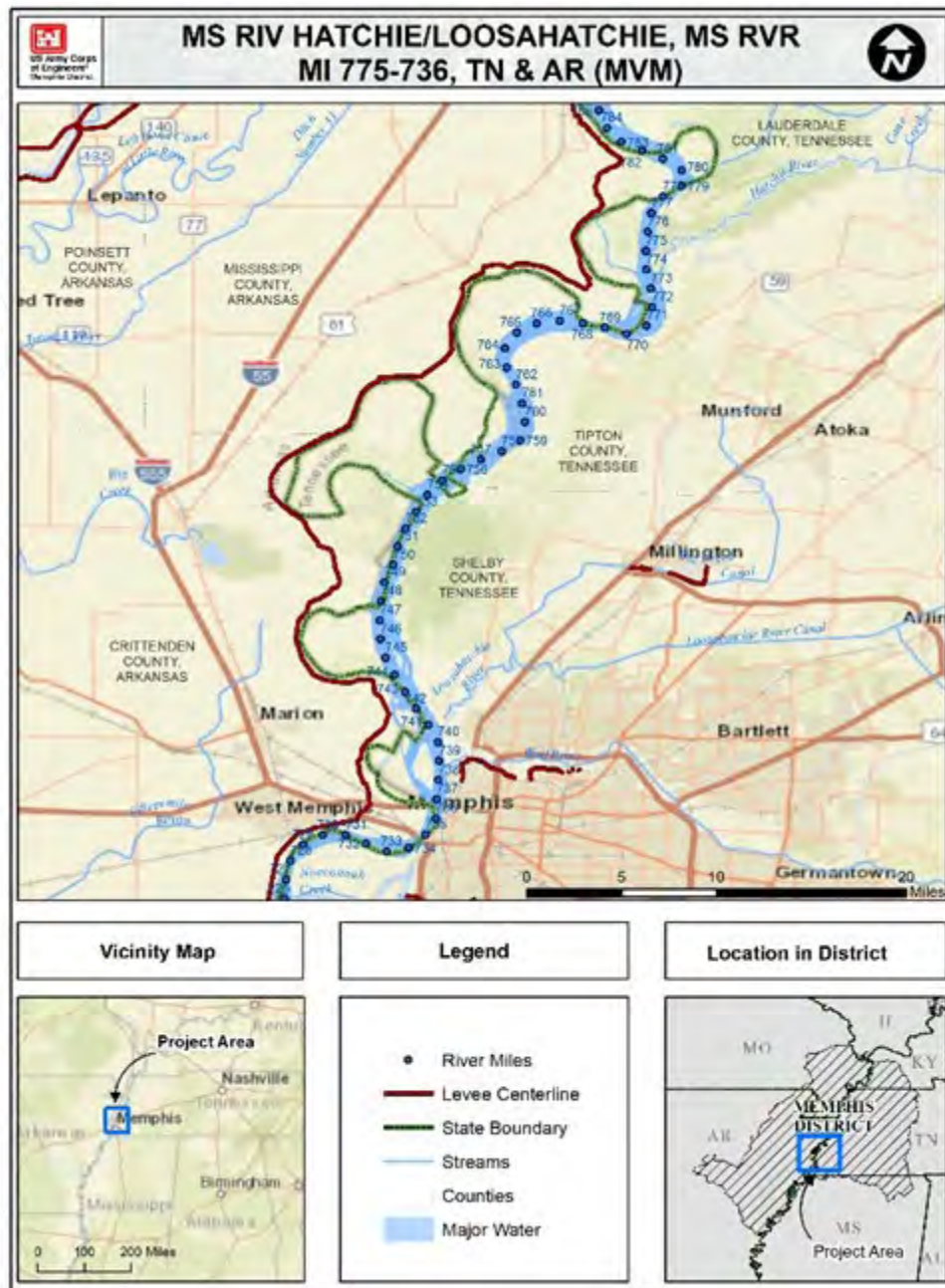
USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

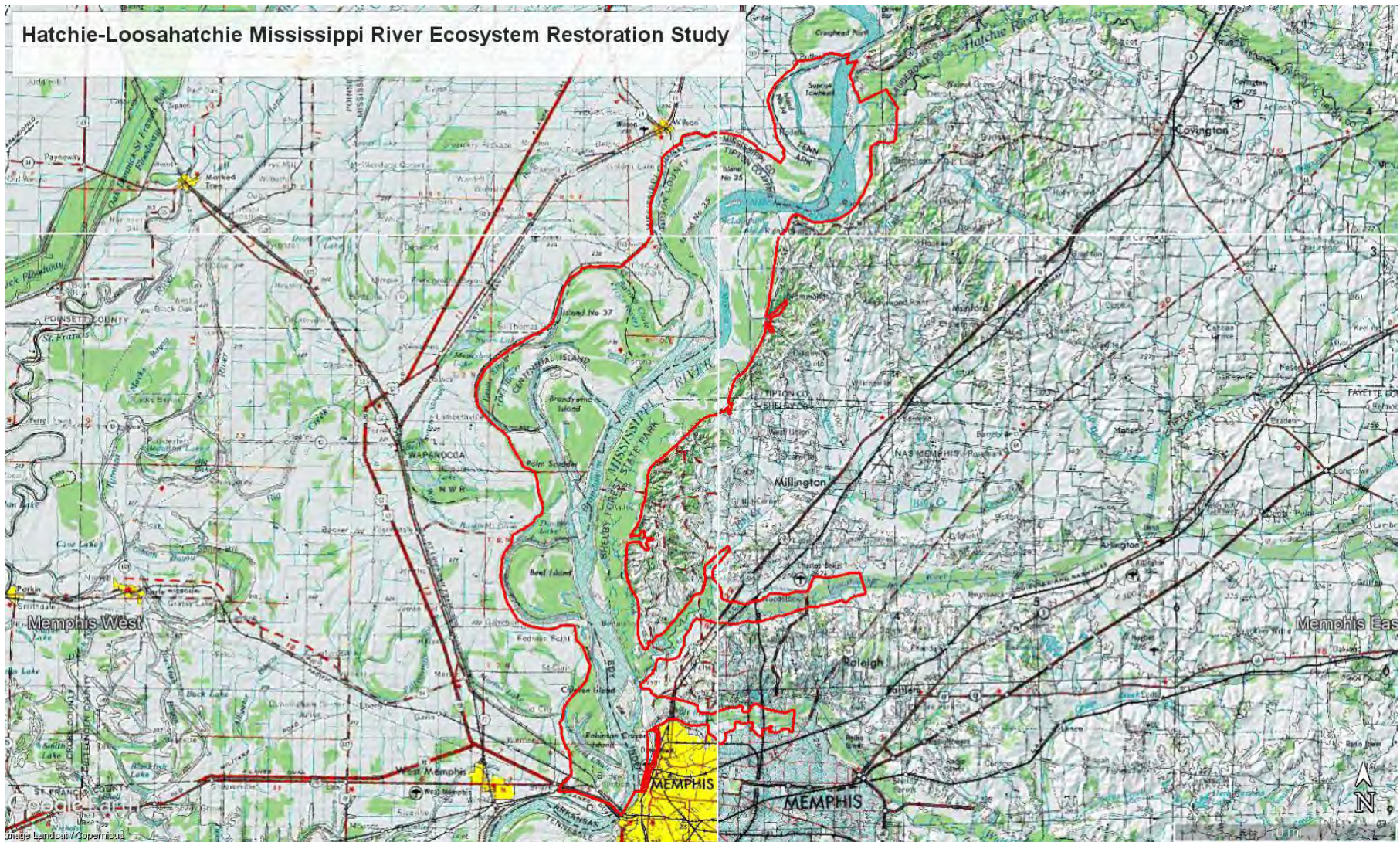
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 6, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Karen Brunso  
Tribal Historic Preservation Officer  
The Chickasaw Nation  
P.O. Box 1548  
Ada, Oklahoma 74821

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Brunso:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify The Chickasaw Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites The Chickasaw Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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## Project Background

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

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An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

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## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

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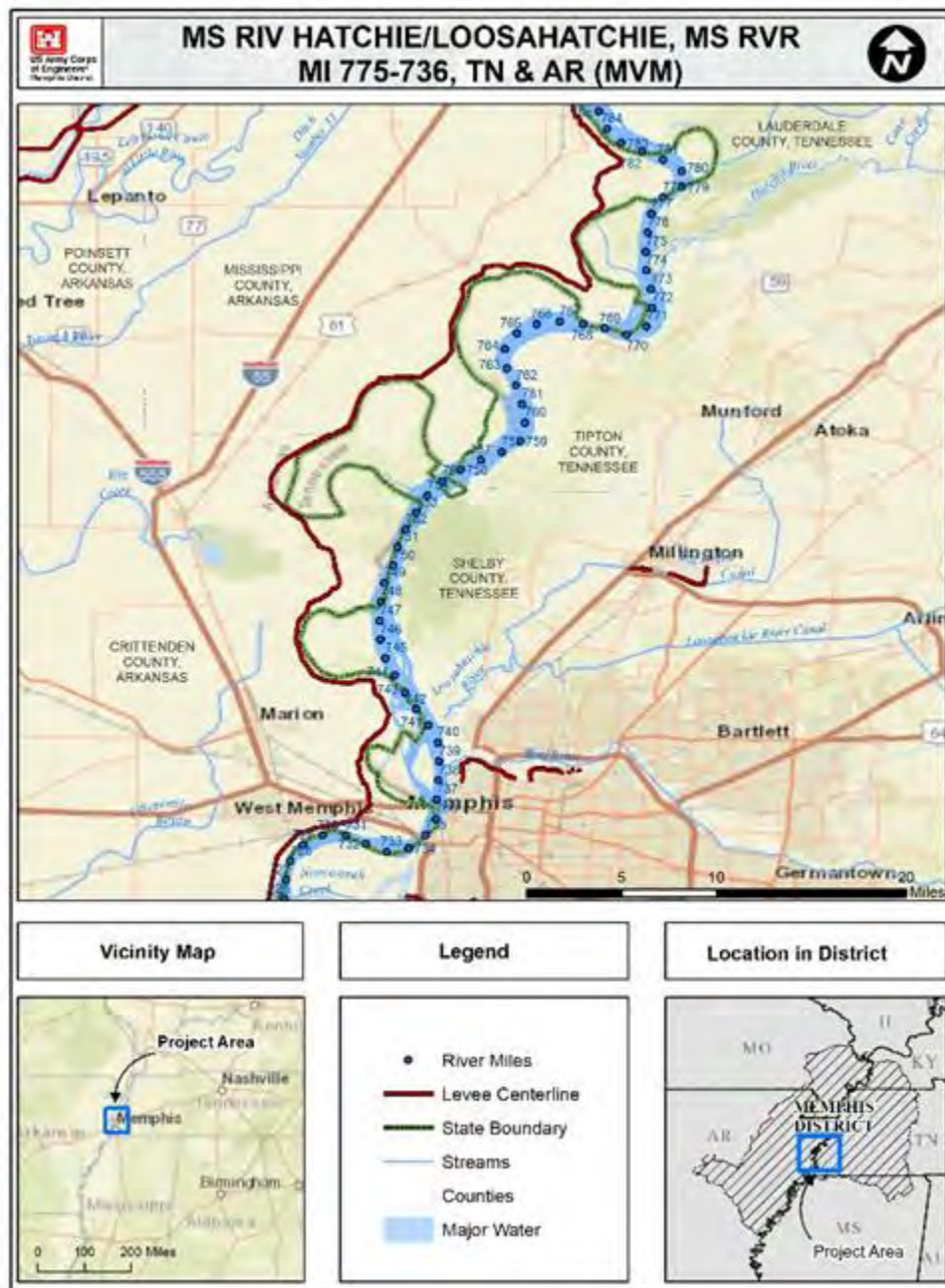
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Sincerely,

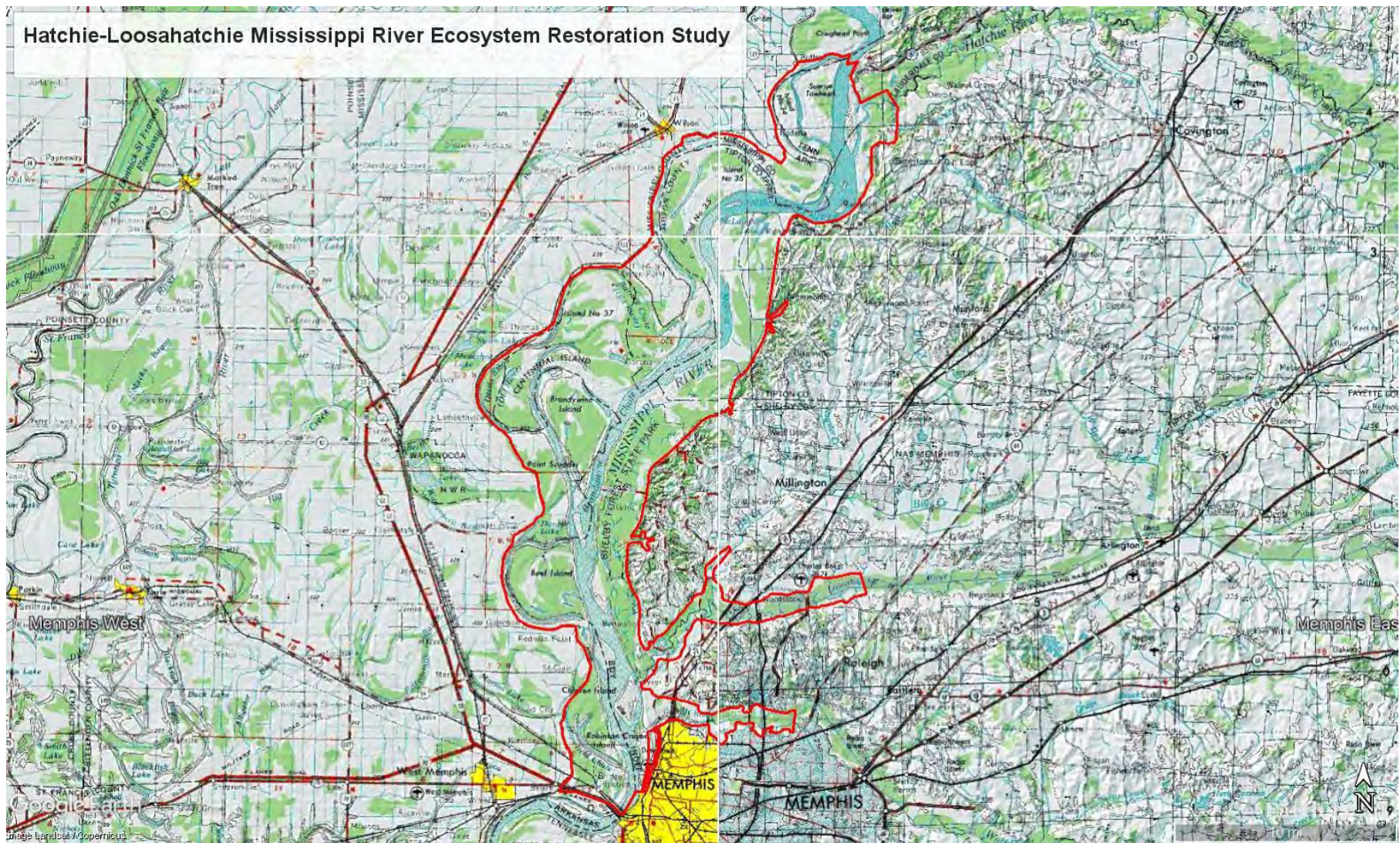
A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps

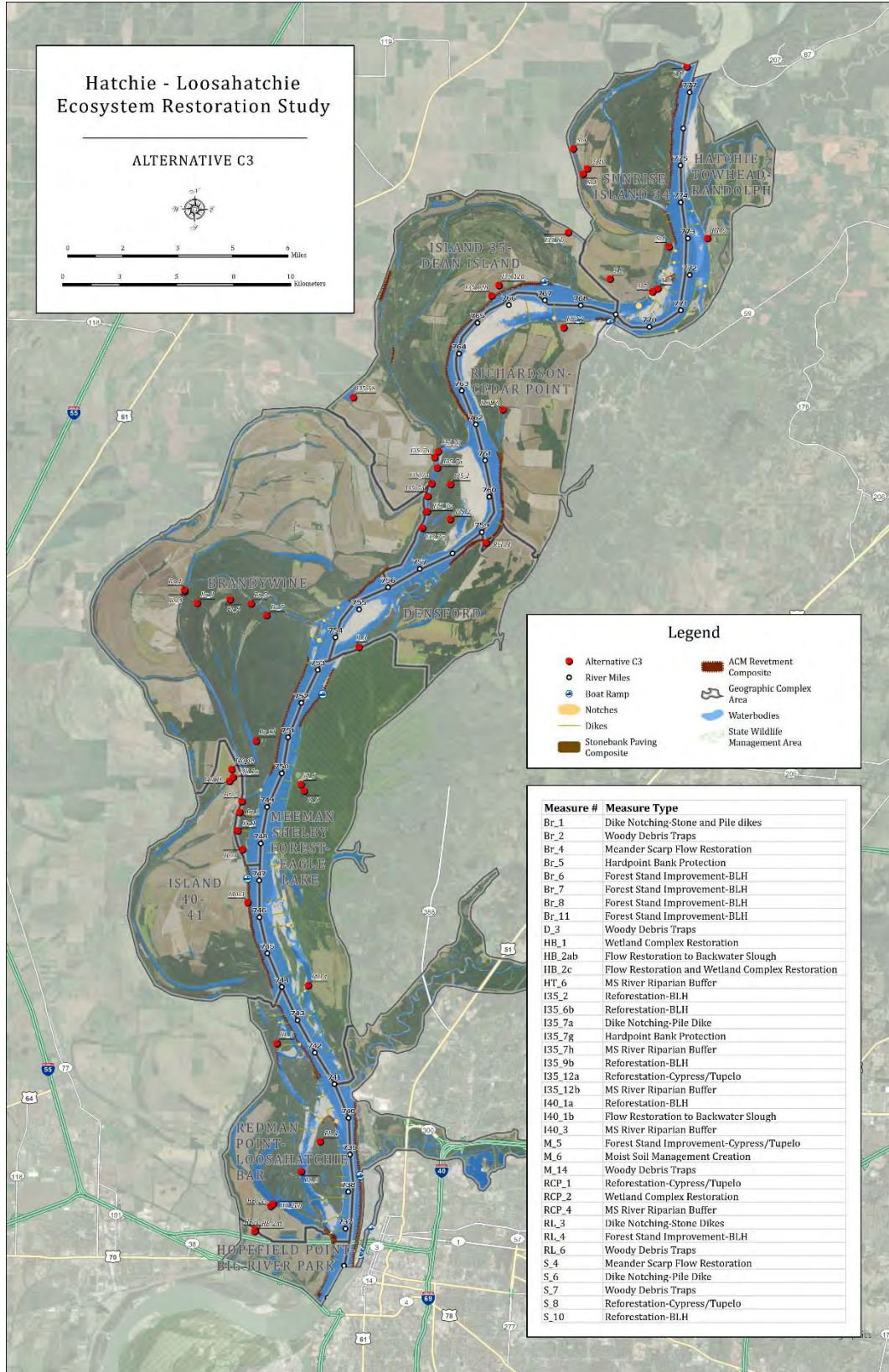








## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Elizabeth Toombs  
Tribal Historic Preservation Officer  
Cherokee Nation  
P.O. Box 948  
Tahlequah, Ok 74465-0948

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Toombs:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Cherokee Nation pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Cherokee Nation to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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### **Consulting Parties and the Public**

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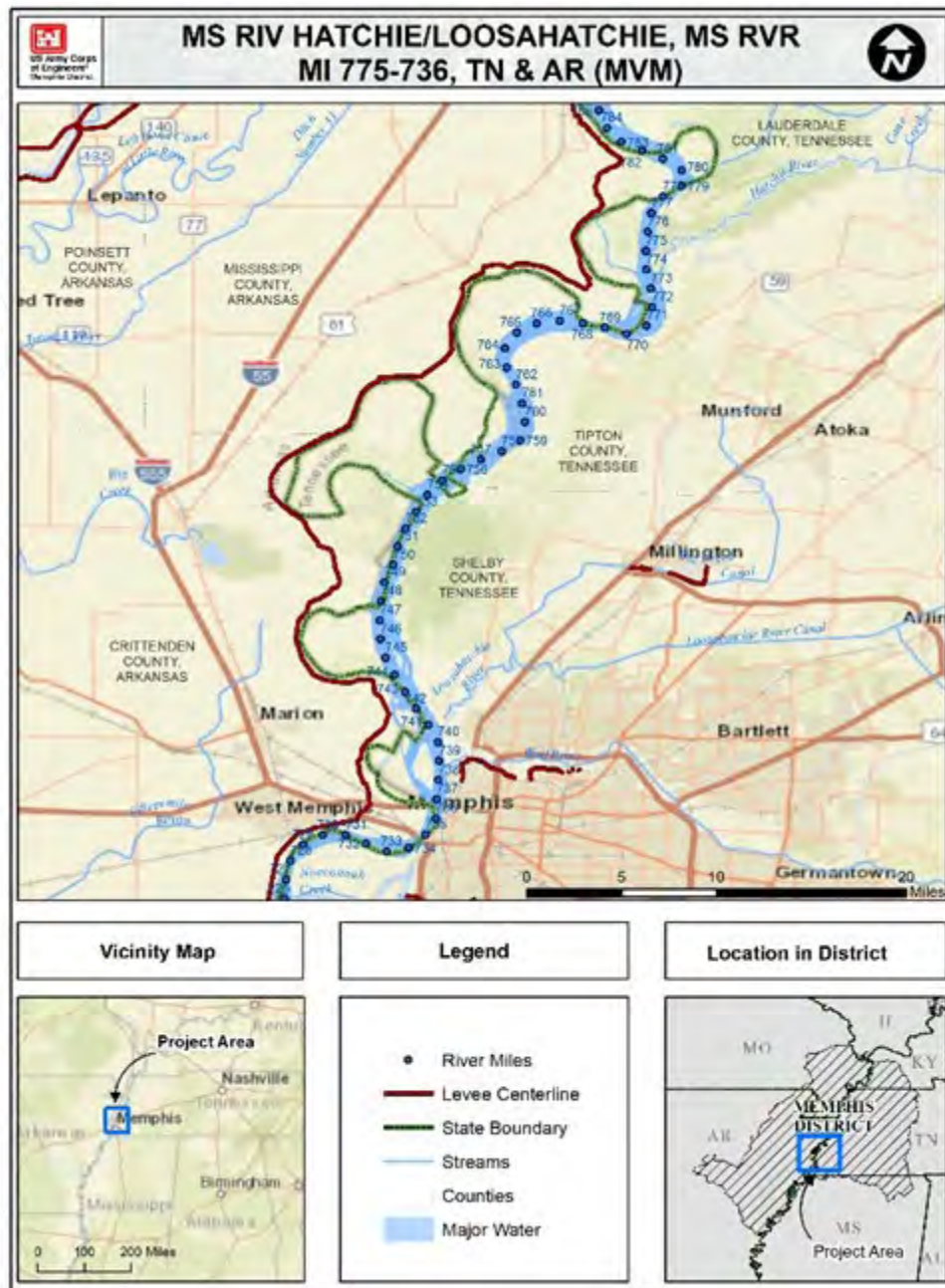
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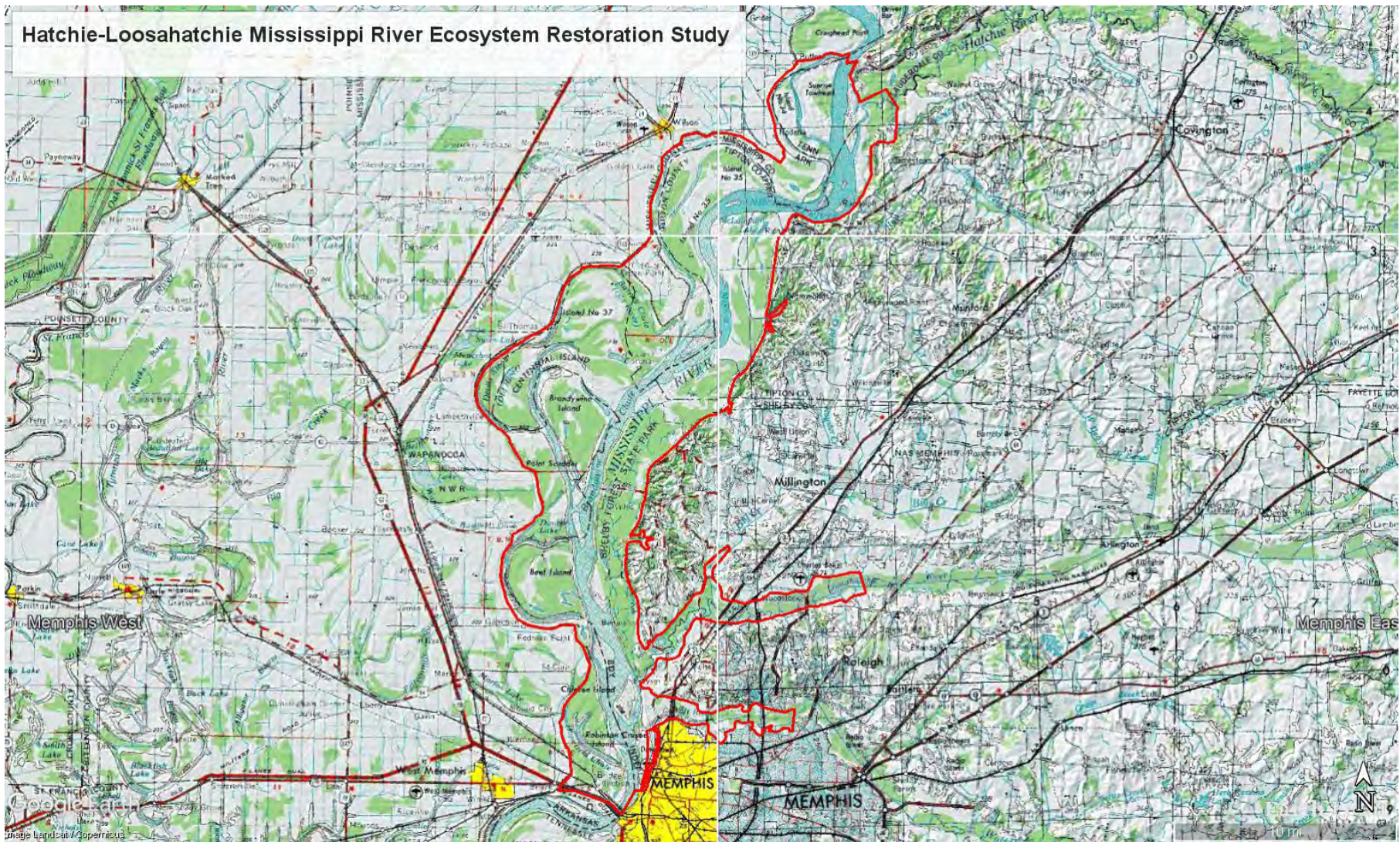
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
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### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission



**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Jessica Cogburn  
Section 106 Program Manager  
Arkansas Historic Preservation Program  
1100 North Street  
Little Rock, AR 72201

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Cogburn:

Per our letter dated January 25, 2022, the U.S. Army Corps of Engineers (USACE) is initiating the process to develop a Programmatic Agreement (PA) for this study pursuant to the NHPA (54 U.S.C. § 300101 et seq.). A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The WebEx meeting information will be emailed to you.

This letter is intended to notify the Arkansas Historic Preservation Program pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Arkansas Historic Preservation Program to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

As part of USACE's evaluation and in partial fulfillment of responsibilities under Sections 106 and 110 of the NHPA, USACE offers you the opportunity to review and comment on the potential of the proposed actions described in this letter to affect historic properties. A project website has been set up for public access at the following:

<https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.



## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

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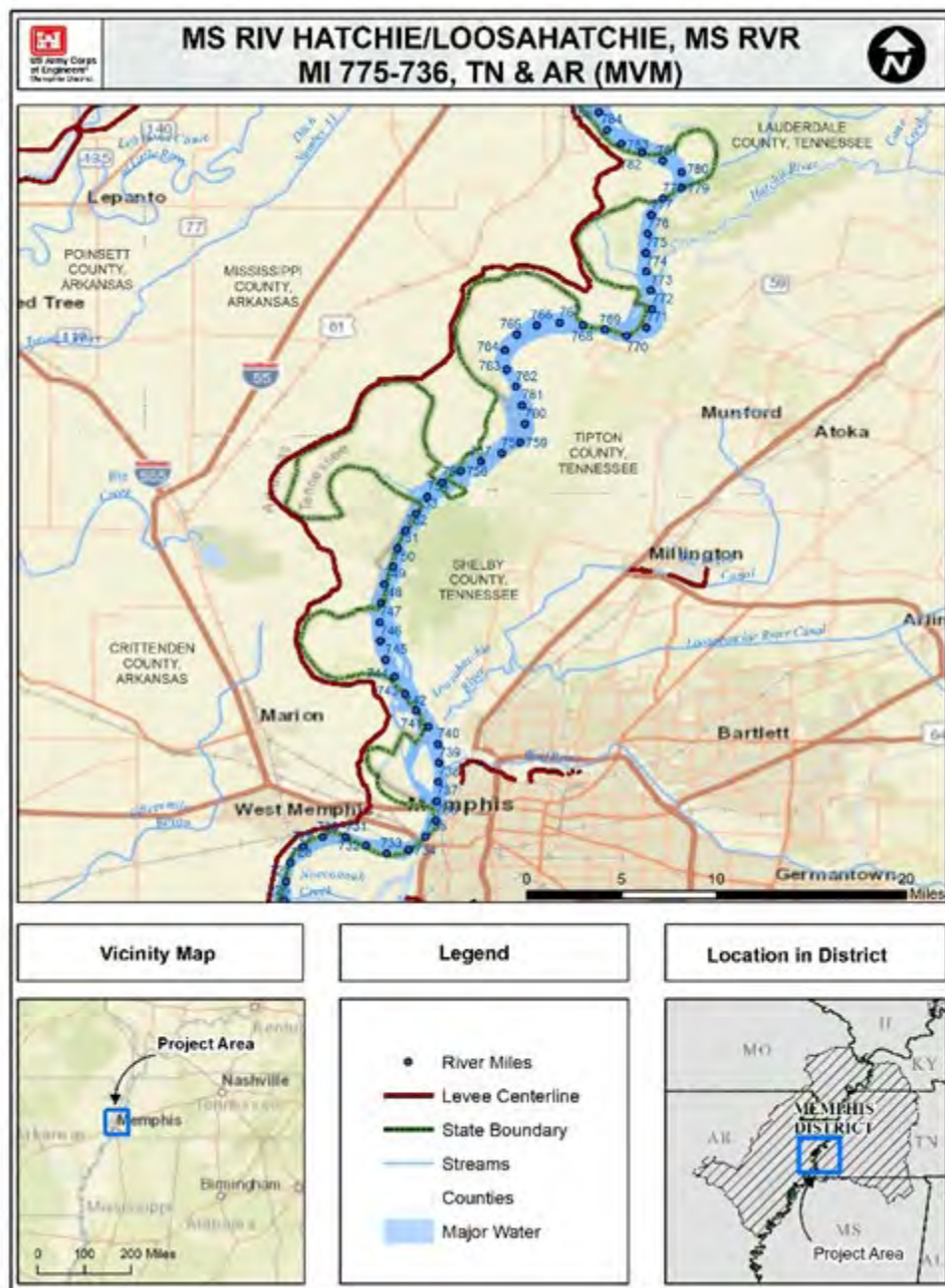
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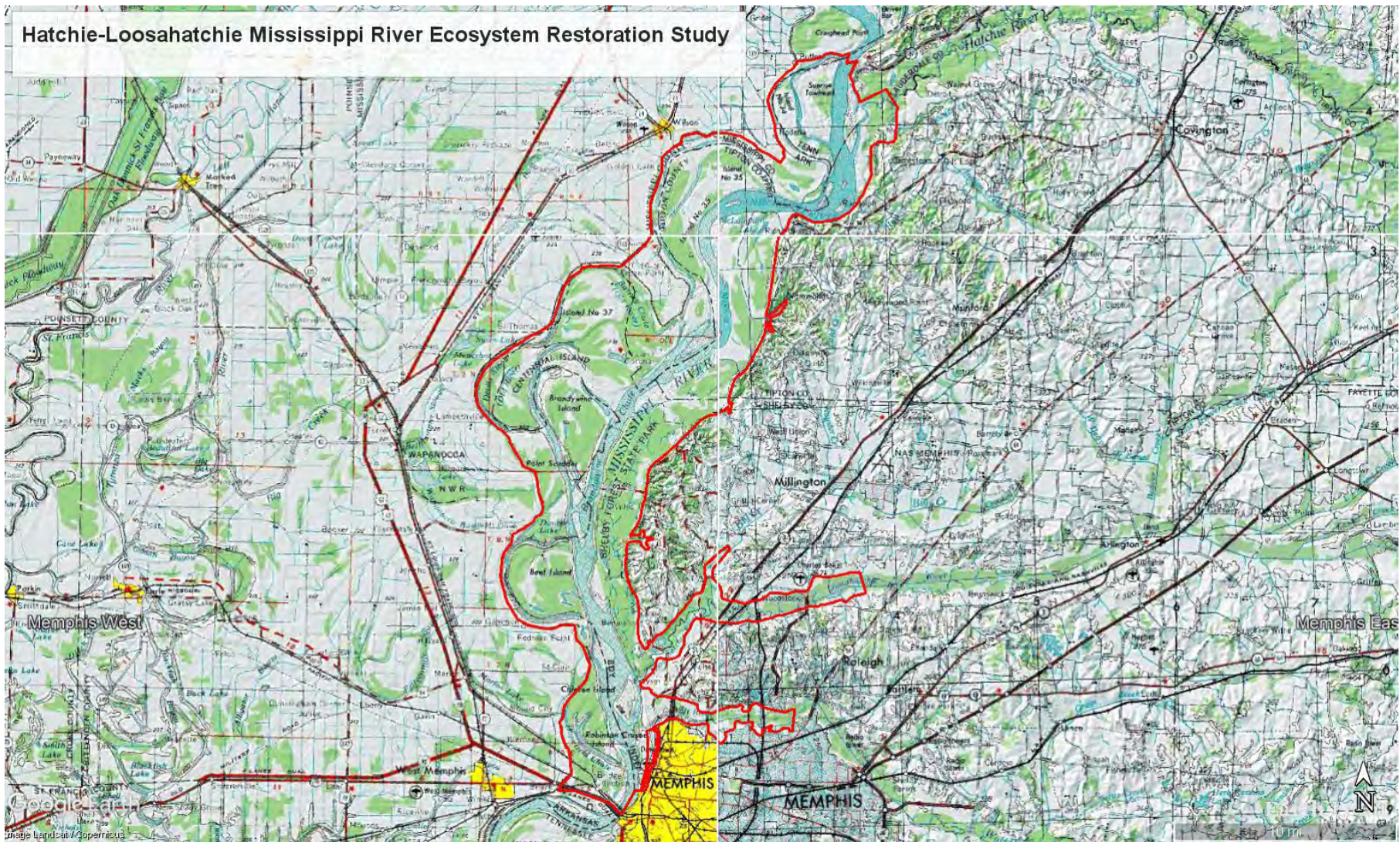
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

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Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
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**DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Samantha Robinson  
Cultural Preservation Director  
Alabama-Quassarte Tribal Town  
P.O. Box 187  
Wetumka, Ok 74883

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Robinson:

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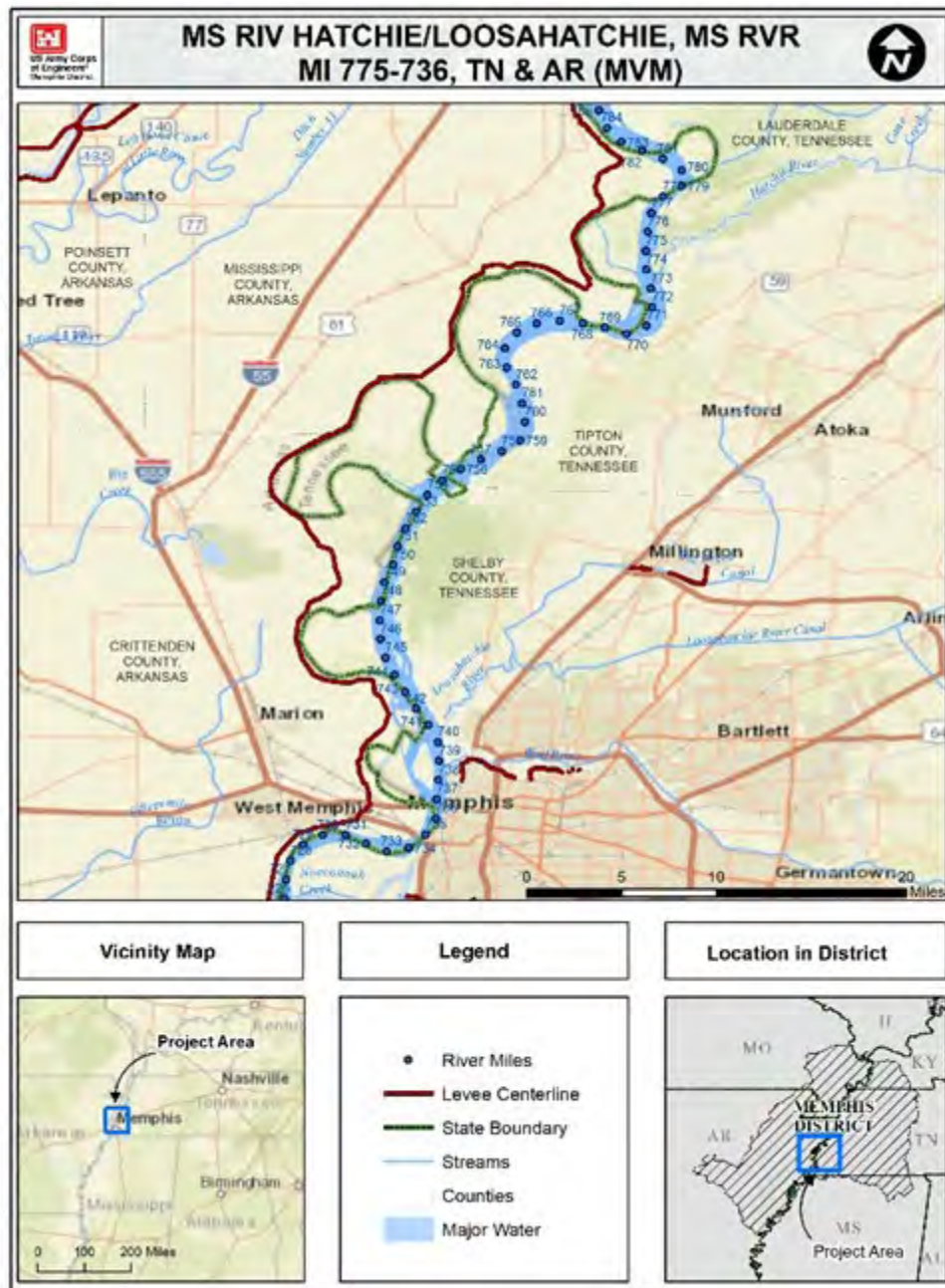
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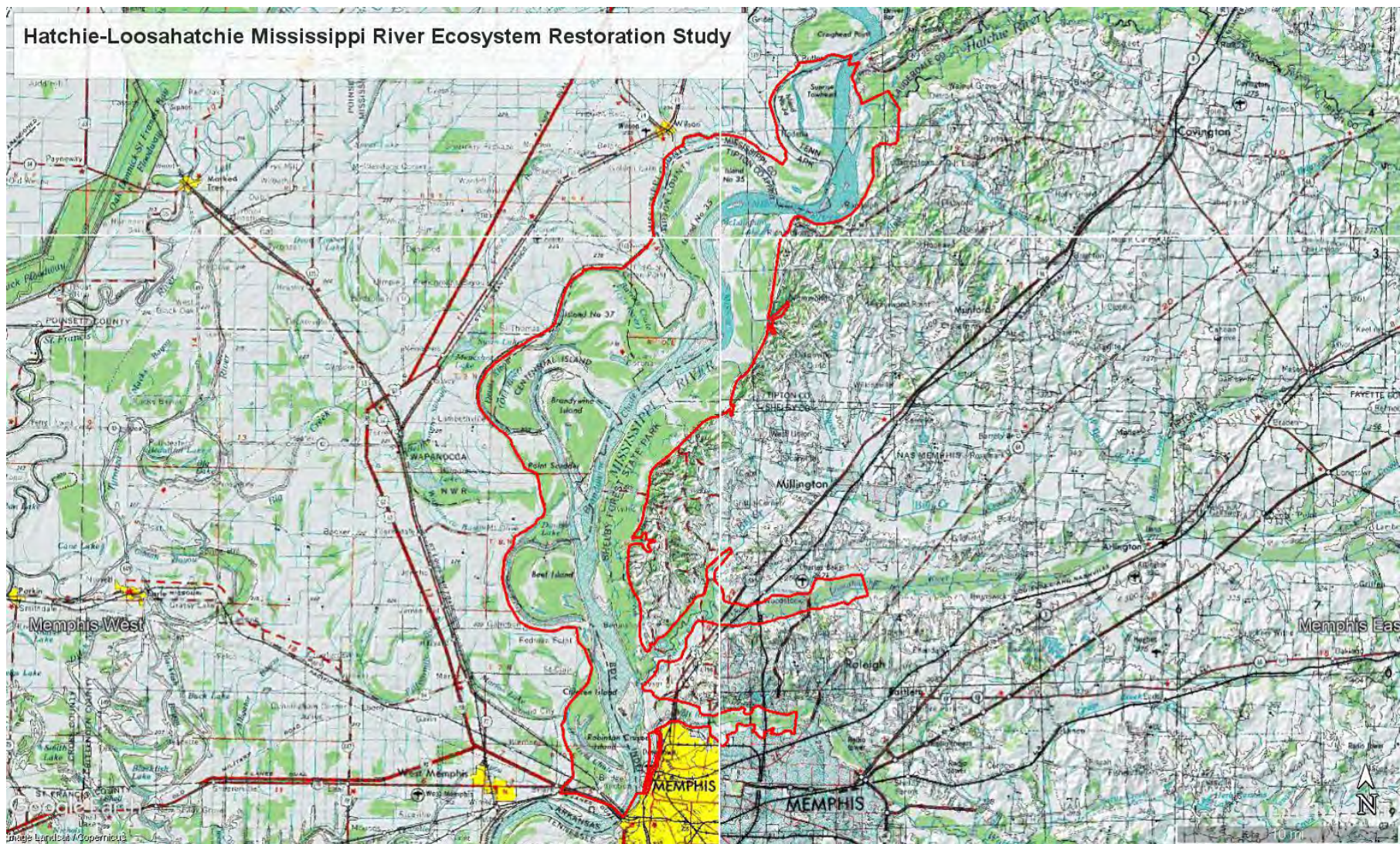
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Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

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## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





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**DEPARTMENT OF THE ARMY  
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MEMPHIS DISTRICT  
167 NORTH MAIN STREET B-202  
MEMPHIS, TN 38103-1894**

December 13, 2022

Environmental Compliance Branch  
Regional Planning and Environmental Division South

Ms. Devon Frazier  
Tribal Historic Preservation Officer  
Absentee Shawnee Tribe of Oklahoma  
2025 S. Gordon Cooper  
Shawnee, Ok 74801

RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee.

Dear Ms. Frazier:

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This letter is intended to notify the Absentee Shawnee Tribe of Oklahoma pursuant to 36 CFR Part 800.14(b) of our plan to develop a project-specific PA that establishes procedures to satisfy the USACE's Section 106 responsibilities with regard to the programmatic review of these work items, and allows USACE to coordinate Section 106 reviews with its evaluation of the proposed action's potential for significant impacts to the human and natural environment required by NEPA, as amended (42 U.S.C. § 4321 et seq.). The PA will address the potential to effect historic properties that are eligible for or listed on the National Register of Historic Places (NRHP), including archaeological sites, districts, buildings, structures, and objects that are significant in American history, architecture, archaeology, engineering, and/or sites of religious and cultural significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by these undertakings. The Memphis District (MVM) acts as the lead USACE district for the development of the study for construction activities on the project and invites the Absentee Shawnee Tribe of Oklahoma to participate in this consultation which will result in the development of a PA that governs the application of the Section 106 process with regards to the proposed undertaking.

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## **Project Background**

In Section 402 of the Water Resources Development Act of 2000, Public Law 106-541, Congress authorized the Lower Mississippi River Resource Assessment (LMRRA) to examine information needed for river-related management; the needs of natural habitats and the species they support; and the need for more river-related recreation and public access. Historically, the navigation and flood risk management systems have received most of the attention on the Lower Mississippi River (LMR). Habitat and recreation have not been managed as systems on the LMR but planning for these uses has started to receive focus from many entities.

The purpose of this study is to investigate the loss of habitat complexity and find opportunities for ecosystem restoration - in harmony with existing mission areas of ensuring navigation and flood risk management. The study area is a 39-mile reach of the Mississippi River and the surrounding batture beginning at the mouth of the Hatchie River, near River Mile 775, and extending south to the mouth of the Wolf River Harbor, near River Mile 736. The reach includes crossings, pools, side channels, bendways, gravel bars, sandbars, and overbank areas between west levee and east bluff (2-9 miles). In addition, there are three tributaries/river mouths in the reach (i.e., Hatchie, Loosahatchie, and Wolf Rivers). Meeman Shelby State Park, Fort Pillow State Park, Lower Hatchie National Wildlife Refuge and J.M. Tulley Wildlife Management area border this reach. This 3-year study is examining restoration of ecological structure and function along the Mississippi River within this 39-mile reach including side channels and other aquatic habitat; floodplain forests; and several scarce vegetative communities - wetlands, canebrakes, riverfront forests and BLH forests (see Attachment A: Study Area Map).

The tentatively selected plan (TSP) is a comprehensive plan that collectively addresses historically significant and ecologically important habitats across the 11 geographic complexes of the study area. The TSP provides 4,318 AAHUs to 8 unique habitats that support federally listed endangered aquatic species and critical vegetative habitats such as river cane that host numerous species of conservation concern. In addition, it also contributes to the protection of meander scarps which are rare geological features that no longer occur naturally due to engineering controls along the Mississippi River. The TSP includes 38 measures with ecological output and is displayed in Attachment B: TSP Study Area.

An initial background review of the study area was completed in September 2021 using AMASDA and correspondence with the Tennessee Division of Archaeology. The background review indicated multiple surveys and sites within this 39-mile reach. If you have any additional information or concerns within this TSP study area not listed with the TN or AR SHPOs, please provide them to us. Location information will not be included in any documentation nor made public.

Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or any other relevant parties who you feel may have an interest in participating in this consultation.

## **Development of Streamlined Section 106 Consultation Procedures**

USACE has determined that the proposed actions constitute undertakings as defined in 36 CFR § 800.16(y) and have the potential to cause effects on historic properties. This letter initiates formal Section 106 consultation pursuant to 36 CFR 800.3(c). In accordance with E.O. 13807 “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects,” and USACE’s implementing policy for this E.O., dated 26 September 2018, USACE proposes to develop a project-specific PA pursuant to 36 CFR § 800.14(b)(3).

The goal of this Section 106 consultation is to provide a project-specific framework for addressing this complex series of undertakings and establish protocols for continuing consultation with the SHPOs, Tribal Governments, and other stakeholders. The PA would identify consulting parties, define applicability, establish review timeframes, stipulate roles and responsibilities of stakeholders, summarize Tribal consultation procedures, consider the views of the SHPO/Tribal Historic Preservation Officers and any other consulting parties, afford for public participation, develop programmatic allowances to exempt certain actions from Section 106 review. It will provide the measures USACE will implement to develop an Area of Potential Effects (APE) in consultation with external stakeholders, outline a standard review process for plans and specifications as they are developed, determine an appropriate level of field investigation to identify and evaluate historic properties within the APE and the potential to affect historic properties and/or sites of religious and cultural significance, streamline the assessment and resolution of Adverse Effects through avoidance, minimization, and programmatic treatment approaches for mitigation. The PA will establish reporting frequency and schedule, provide provisions for post-review unexpected discoveries and unmarked burials, and incorporate the procedures for amendments, duration, termination, dispute resolution, and implementation.

## **Consulting Parties and the Public**

USACE is forwarding this letter and attachments to various parties for their review and comments as required by 36 CFR § 800.3, and we request that these potential consulting parties provide comments within the 30 days provided for in the regulations. At the present time, USACE has identified the parties in Attachment C. Should you know of additional Tribal governments or preservation groups, please do not hesitate to communicate these to the USACE. In addition to the efforts made under NEPA, USACE will provide to the public, via our project website, notice of the development of a programmatic agreement. The terms of the PA will provide a plan for project specific engagement of the public.

## **Conclusion**

Again, a kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation.



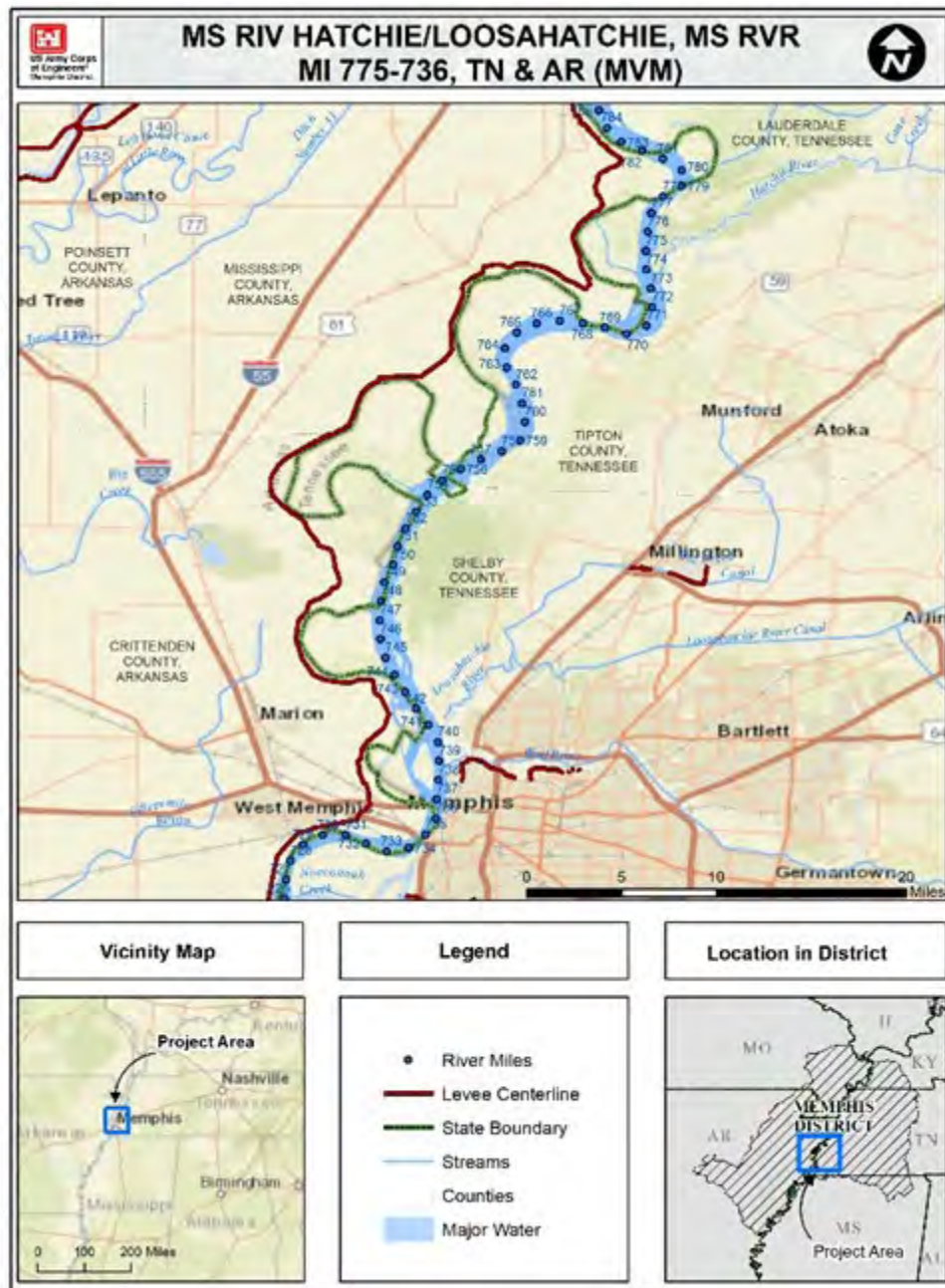
USACE proposes to forward future notices, draft agreements, and other background information to the consulting parties by e-mail to minimize communication delays and expedite the process. Please let USACE know if this is impractical so that alternative arrangements can be made. Please notify Pam Lieb, District Archaeologist and Tribal Liaison, at (901) 544-0710 or [Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil) if you have any comments.

Sincerely,

A handwritten signature in blue ink that reads "Edward P. Lambert". The signature is fluid and cursive, with a long horizontal stroke at the end.

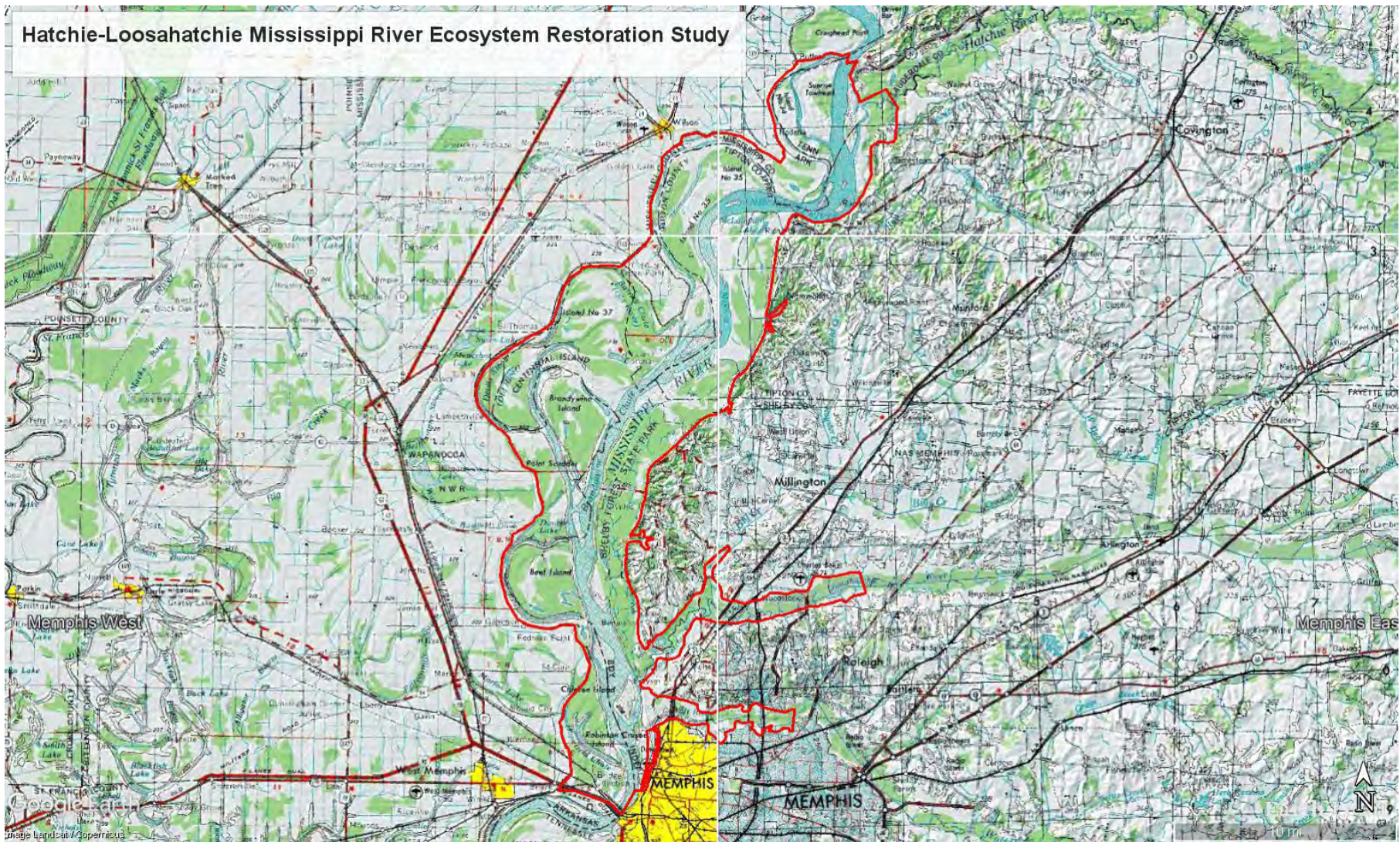
Edward P. Lambert  
Chief, Environmental Compliance Branch  
Regional Planning and Environmental Division South

## Attachment A: Study Area Maps





## Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study





## Attachment B: TSP Study Area





## **Attachment C: Potential Consulting Parties**

### **Tribal Historic Preservation Offices**

Ms. Devon Frazier, THPO, Absentee-Shawnee Tribe of Indians  
Ms. Samantha Robinson, Cultural Preservation Director, Alabama-Quassarte Tribal Town  
Ms. Elizabeth Toombs, THPO, Cherokee Nation  
Ms. Karen Brunso, THPO, The Chickasaw Nation  
Ms. Lindsey D. Bilyeu, Senior Compliance Review Officer, Choctaw Nation of Oklahoma  
Dr. Linda Langley, Cultural Preservation Officer, Coushatta Tribe of Louisiana  
Dr. Russell Townsend, THPO, Eastern Band of Cherokee Nation  
Mr. Brett Barnes, THPO, Eastern Shawnee Tribe of Oklahoma  
Ms. Alexa DiDio, Assistant THPO, Jena Band of Choctaw Indians  
Mr. Henry Harjo, EPA Director, Kialegee Tribal Town  
Mr. Fred Thomas, Vice Chair, Kickapoo Tribe of Kansas  
Mr. Ken Carleton, THPO, Mississippi Band of Choctaw Indians  
Ms. Corain Lowe-Zepeda, THPO, Muscogee (Creek) Nation  
Dr. Andrea A. Hunter, THPO, Osage Nation  
Mr. Larry Haikey, THPO, Poarch Band of Creek Indians  
Ms. Staci Hesler, THPO, Ponca Tribe of Oklahoma  
Mr. Everett Bandy, THPO, Quapaw Nation  
Mr. Jeremy Fincher, EPA Director, Sac and Fox Nation of Oklahoma  
Mr. Theodore Isham, THPO, Seminole Nation of Oklahoma  
Ms. Tonya Tipton, THPO, Shawnee Tribe  
Mr. Terry Clouthier, THPO, Thlopthlocco Tribal Town  
Mr. Earl J. Barbry, Jr., THPO, Tunica-Biloxi Tribe of Louisiana  
Ms. Whitney Warrior, Environmental Services and Historic Preservation Director, United Keetoowah Band of Cherokee Indians in Oklahoman

### **State Historic Preservation Offices**

Ms. Jessica Cogburn, Section 106 Program Manager, Arkansas Historic Preservation Program  
Ms. Casey Lee, Historic Preservation Specialist, Tennessee Historical Commission

## **12.2 CULTURAL RESOURCES CONSULTATION RESPONSES**



## Hiltonsmith, Jennifer L CIV CPMS (USA)

---

**From:** Caitlin E. Nichols <caitlin.nichols@osagenation-nsn.gov>  
**Sent:** Friday, November 4, 2022 9:52 AM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA)  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study File # 2122-5172AR-2

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Good morning, Pamela

I am checking in about the status of this project. On the federal register this morning I found a "Notice of Intent to Prepare and Draft Environmental Impact Statement for the Mississippi River Hatchie/Loosahatchie, MS River Mile 775-736, Tennessee and Arkansas, Ecosystem Restoration Feasibility Study" from USACE. This reminded me of this email exchange; I don't believe we ever received an invitation to a Webex meeting for this study. Are you still planning on having one? Additionally, has a study area been established? If so, please forward a map to me so I can confirm portions of the study will take place within Osage Nation Ancestral Territory. If a KMZ is available that is preferred.

Last, I don't think you were included on my recent correspondence regarding Section 106 submission for Osage Nation. We have moved to a digital system; any future notification or documentation for this project needs to be sent to the email address below my signature line. You will still address any future notifications to Dr. Andrea Hunter, THPO.

Thank you so much for your help,



### Caitlin Eileen Nichols

Pronouns: She/Her/Hers  
Archaeologist, MA, RPA  
Osage Nation Historic Preservation Office  
627 Grandview Avenue, Pawhuska, OK 74056  
Office: 918-287-5427 |  
[caitlin.nichols@osagenation-nsn.gov](mailto:caitlin.nichols@osagenation-nsn.gov)  
<https://www.osagenation-nsn.gov/who-we-are/historic-preservation>

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Starting October 1, 2022 the Osage Nation Historic Preservation Office is changing the project notification process. **All project notifications and reports must be emailed to [s106@osagenation-nsn.gov](mailto:s106@osagenation-nsn.gov)** Include the Lead Agency, Project Name and Number, and TCNS Number (if available) on the subject line.

---

**From:** Caitlin E. Nichols  
**Sent:** Tuesday, April 5, 2022 2:40 PM  
**To:** 'Lieb, Pamela D CIV USARMY CEMVM (USA)' <Pamela.D.Lieb@usace.army.mil>  
**Subject:** RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study File # 2122-5172AR-2

Thanks, Pamela. Much appreciated.

When you do send out the doodle request, please be sure to include Dr. Andrea Hunter ([ahunter@osagenation-nsn.gov](mailto:ahunter@osagenation-nsn.gov)), our THPO, and Colleen Bell ([colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov)), our Deputy THPO, as well.

Have a good day!



### Caitlin Eileen Nichols

Pronouns: She/Her/Hers  
Archaeologist, MA, RPA  
Osage Nation Historic Preservation Office  
627 Grandview Avenue, Pawhuska, OK 74056  
Office: 918-287-5427 |  
[caitlin.nichols@osagenation-nsn.gov](mailto:caitlin.nichols@osagenation-nsn.gov)  
<https://www.osagenation-nsn.gov/who-we-are/historic-preservation>

---

**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>  
**Sent:** Tuesday, April 5, 2022 2:34 PM  
**To:** Caitlin E. Nichols <[caitlin.nichols@osagenation-nsn.gov](mailto:caitlin.nichols@osagenation-nsn.gov)>  
**Subject:** RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study File # 2122-5172AR-2

Hi Caitlin:

Thank you for your response. We have not scheduled the WebEx meeting yet. We are still acquiring information for the study area. As soon as we have everything together, I will email out a doodle request to everyone asking for best times and dates for the initial meeting. We look forward to working with you on this study.

Thanks,  
Pam Lieb

---

**From:** Caitlin E. Nichols <[caitlin.nichols@osagenation-nsn.gov](mailto:caitlin.nichols@osagenation-nsn.gov)>  
**Sent:** Tuesday, April 5, 2022 1:47 PM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>  
**Cc:** Colleen A. Bell <[colleen.bell@osagenation-nsn.gov](mailto:colleen.bell@osagenation-nsn.gov)>  
**Subject:** [URL Verdict: Neutral][Non-DoD Source] Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study File # 2122-5172AR-2

Good afternoon, Ms. Lieb

My name is Caitlin Nichols and I am the archaeologist with the Osage Nation that reviews USACE projects. I have just now gotten a chance to review the notification about this project; please excuse my tardiness.

May I please receive a status update on the project? I noticed in the letter that you mentioned a future webex meeting; has this happened yet? Are there any other updates?



The Osage Nation is interested in consulting with the undertaking since portions of the APE will be in Crittenden and Mississippi Counties, Arkansas, which are part of our ancestral territory. Shelby and Tipton Counties, Tennessee however are not part of our ancestral territory so we do not need to be notified about any future work taking place in those locations.

Please note that for any future notices, draft agreements, and other background information, hard copies need to be sent to the address specified below in my signature. Please address them to Dr. Andrea A. Hunter, THPO. Feel free to include us in any future email correspondence as well.

Thanks,



### Caitlin Eileen Nichols

Pronouns: She/Her/Hers

Archaeologist, MA, RPA

Osage Nation Historic Preservation Office

627 Grandview Avenue, Pawhuska, OK 74056

Office: 918-287-5427 |

[caitlin.nichols@osagenation-nsn.gov](mailto:caitlin.nichols@osagenation-nsn.gov)

<https://www.osagenation-nsn.gov/who-we-are/historic-preservation>

As of now the Osage Nation Historic Preservation Office is reverting back to our pre-Covid Section 106 procedures where we will be accepting hardcopy project notifications, archaeological survey reports and official finding letters via **hard-copy mail only**. Please address all notifications to Dr. Andrea A. Hunter, THPO and mail it to the address listed above.

## Hiltonsmith, Jennifer L CIV CPMS (USA)

---

**From:** Elizabeth Toombs <elizabeth-toombs@cherokee.org>  
**Sent:** Tuesday, January 3, 2023 2:09 PM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA)  
**Subject:** [Non-DoD Source] RE: Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee

Thank you for the letter, Ms. Lieb. This Office would like the opportunity to attend the kickoff meeting; however, our calendar has a conflict with a previously scheduled consultation. For future meetings, please provide a poll or multiple options to attend such meetings that have a potential to impact cultural sites within our ancestral homelands if possible. Also, to ascertain if this project occurs in our homelands, is it possible to send a proposed Area of Potential Effects? Thank you for your time and any details.

Wado,

Elizabeth Toombs, Tribal Historic Preservation Officer  
Cherokee Nation  
Tribal Historic Preservation Office  
PO Box 948  
Tahlequah, OK 74465-0948  
918.453.5389

---

**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <Pamela.D.Lieb@usace.army.mil>  
**Sent:** Tuesday, December 13, 2022 4:09 PM  
**To:** Elizabeth Toombs <elizabeth-toombs@cherokee.org>  
**Subject:** <EXTERNAL> Notice of Intent to Prepare a Programmatic Agreement to Support the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee

\*\*\*\*\*  
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Thank you: The Cherokee Nation - Information Technology Department  
\*\*\*\*\*

Dear Ms. Toombs:

A kickoff meeting is scheduled for Wednesday, January 18, 2023, at 10 a.m. via WebEx regarding the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study in Crittenden and Mississippi Counties, Arkansas and Tipton and Shelby Counties, Tennessee. The purpose of the initial meeting will be to discuss the proposed undertakings and begin development of the stipulations in the Programmatic Agreement. USACE will provide an agenda, meeting materials, and webinar access to the various Consulting Parties regarding the meeting as soon as possible. Do not hesitate to notify USACE regarding any information your office may wish to provide at this time concerning the proposed undertaking and its potential to significantly affect historic properties and/or of any other relevant parties who you feel may have an interest in participating in this consultation. Please see the attached letter for more in depth information about the project. If you have any questions, please feel free to contact me. A hard copy of the letter will be mailed as well.



Thank you,  
Pam Lieb

Pamela Lieb  
District Archaeologist  
Regional Planning and Environment Division South  
Environmental Compliance Branch  
Memphis District  
Office Phone: 901-544-0710  
Email: [Pamela.Lieb@usace.army.mil](mailto:Pamela.Lieb@usace.army.mil)

## Hiltonsmith, Jennifer L CIV CPMS (USA)

---

**From:** Lieb, Pamela D CIV USARMY CEMVM (USA)  
**Sent:** Friday, January 6, 2023 3:15 PM  
**To:** Madison D. Currie  
**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Hi Madison:

Glad to hear from you! It will be January 18<sup>th</sup> from 10am to noon. I will be sending out an email with the Webex information soon.

Pam

---

**From:** Madison D. Currie <mcurrie@choctawnation.com>  
**Sent:** Thursday, January 5, 2023 3:50 PM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <Pamela.D.Lieb@usace.army.mil>  
**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Halito Pam,

Thank you so much! Please let me know when the meeting will be, and I will put it on my schedule!

Yakoke,

Maddie Danielle Currie  
NHPA Compliance Review Specialist  
Historic Preservation Department  
Choctaw Nation of Oklahoma  
P.O. Box 1210  
Durant, OK 74702  
Office: 580-642-8467  
Cell: 580-740-9537



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**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>  
**Sent:** Tuesday, December 6, 2022 10:16 AM  
**To:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>; Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>  
**Cc:** LMRRA-Hatchie-Loosahatchie <[LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil)>  
**Subject:** FW: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN



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Good Morning Lindsey:

I was forwarded your email request regarding shape files for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. I have included our previous correspondence below and attached the requested GIS files for you. Please let me know if you have any further questions. We are in the process of setting up a tribal and SHPO Webex in January to discuss this project and talk about the Programmatic Agreement for cultural resources.

Happy Holidays,  
Pam

---

**From:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>  
**Sent:** Monday, April 18, 2022 1:03 PM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>  
**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>  
**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Pam,

Thanks for sending the shapefiles! It looks like a portion of this project will be occurring in our Trail of Tears Removal Route and additional areas in Shelby Co. Please keep us down as invited signatories and continue consultation.

At this time, I'm going to be handing the project over to Madison Currie who is our reviewer for Arkansas and Tennessee. Please still CC me on the correspondence and if you have any questions, please let us know.

Thank you,

Lindsey D. Bilyeu, MS  
Program Coordinator 2  
Choctaw Nation of Oklahoma  
Historic Preservation Department  
Office: (580) 642-8377  
Cell: (580) 740-9624

---

**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>  
**Sent:** Friday, March 11, 2022 7:45 AM  
**To:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>  
**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>  
**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

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Hi Lindsey!

Hope you are doing well! I have attached all the GIS files for the project. Please let me know if you need anything else. I've got the Choctaw Nation down as an invited signatory. I look forward to working with you all.

Thanks,  
Pam

---

**From:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>

**Sent:** Thursday, March 10, 2022 2:04 PM

**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>

**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>

**Subject:** [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Ms. Lieb,

The Choctaw Nation of Oklahoma thanks the USACE, Memphis District, for the correspondence regarding the above referenced project. Shelby Co., TN and portions of Crittenden and Mississippi Co.'s, AR lie within our Trail of Tears Removal area. We are happy to hear that the USACE will be working to restore the ecosystem in this area, especially the rivercane breaks.

Could you provide GIS shapefiles of the APE so that we may view the project area in our GIS database? In regard to the Programmatic Agreement for this project, the Choctaw Nation requests to consult on the PA as an invited signatory.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu, MS  
Senior Section 106 Reviewer  
Choctaw Nation of Oklahoma  
Historic Preservation Department  
Office: (580) 642-8377  
Cell: (580) 740-9624

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## Hiltonsmith, Jennifer L CIV CPMS (USA)

---

**From:** Lindsey Bilyeu <lbilyeu@choctawnation.com>  
**Sent:** Tuesday, December 13, 2022 1:00 PM  
**To:** Lieb, Pamela D CIV USARMY CEMVM (USA)  
**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Pam,

Thanks for sending the GIS shapefiles. This project is going to impact Choctaw Trail of Tears locations, including removal routes. The Choctaw Nation requests to be a consulting party on this project. Please keep us updated on when any meetings will be held and provide a copy of the draft PA when it is available.

If you have any questions, please let me know.

Thank you,

Lindsey D. Bilyeu, M.S.  
Program Coordinator 2  
Choctaw Nation of Oklahoma  
Historic Preservation Department  
P.O. Box 1210  
Durant, OK 74702  
Office: (580) 642-8377  
Cell: (580) 740-9624

---

**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <Pamela.D.Lieb@usace.army.mil>  
**Sent:** Tuesday, December 6, 2022 10:16 AM  
**To:** Lindsey Bilyeu <lbilyeu@choctawnation.com>; Madison D. Currie <mcurrie@choctawnation.com>  
**Cc:** LMRRA-Hatchie-Loosahatchie <LMRRA-Hatchie-Loosahatchie@usace.army.mil>  
**Subject:** FW: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

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Good Morning Lindsey:

I was forwarded your email request regarding shape files for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. I have included our previous correspondence below and attached the requested GIS files for you. Please let me know if you have any further questions. We are in the process of setting up a tribal and SHPO Webex in January to discuss this project and talk about the Programmatic Agreement for cultural resources.

Happy Holidays,  
Pam

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**From:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>

**Sent:** Monday, April 18, 2022 1:03 PM

**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>

**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>

**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Pam,

Thanks for sending the shapefiles! It looks like a portion of this project will be occurring in our Trail of Tears Removal Route and additional areas in Shelby Co. Please keep us down as invited signatories and continue consultation.

At this time, I'm going to be handing the project over to Madison Currie who is our reviewer for Arkansas and Tennessee. Please still CC me on the correspondence and if you have any questions, please let us know.

Thank you,

Lindsey D. Bilyeu, MS  
Program Coordinator 2  
Choctaw Nation of Oklahoma  
Historic Preservation Department  
Office: (580) 642-8377  
Cell: (580) 740-9624

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**From:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>

**Sent:** Friday, March 11, 2022 7:45 AM

**To:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>

**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>

**Subject:** RE: [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

**Halito:** 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.

Hi Lindsey!

Hope you are doing well! I have attached all the GIS files for the project. Please let me know if you need anything else. I've got the Choctaw Nation down as an invited signatory. I look forward to working with you all.

Thanks,  
Pam

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**From:** Lindsey Bilyeu <[lbilyeu@choctawnation.com](mailto:lbilyeu@choctawnation.com)>

**Sent:** Thursday, March 10, 2022 2:04 PM

**To:** Lieb, Pamela D CIV USARMY CEMVM (USA) <[Pamela.D.Lieb@usace.army.mil](mailto:Pamela.D.Lieb@usace.army.mil)>

**Cc:** Madison D. Currie <[mcurrie@choctawnation.com](mailto:mcurrie@choctawnation.com)>

**Subject:** [Non-DoD Source] RE: Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study: Crittenden and Mississippi Co.'s, AR and Tipton and Shelby Co.'s, TN

Ms. Lieb,



The Choctaw Nation of Oklahoma thanks the USACE, Memphis District, for the correspondence regarding the above referenced project. Shelby Co., TN and portions of Crittenden and Mississippi Co.'s, AR lie within our Trail of Tears Removal area. We are happy to hear that the USACE will be working to restore the ecosystem in this area, especially the river cane breaks.

Could you provide GIS shapefiles of the APE so that we may view the project area in our GIS database? In regard to the Programmatic Agreement for this project, the Choctaw Nation requests to consult on the PA as an invited signatory.

If you have any questions, please contact me.

Thank you,

Lindsey D. Bilyeu, MS  
Senior Section 106 Reviewer  
Choctaw Nation of Oklahoma  
Historic Preservation Department  
Office: (580) 642-8377  
Cell: (580) 740-9624

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## **Section 13**

# **Withdrawal NOI for the DIFR-EIS in favor of an Environmental Assessment**

A NOI to withdraw the NOI for the DIFR-EIS in favor of an environmental assessment (DIFR-EA) was published in the federal register, pursuant to the National Environmental Policy Act (NEPA). Based off of lack of adverse comments and reduction in the number of measures being considered, it was determined that an EA was the appropriate level of environmental documentation.



Site-specific recovery actions in the Draft Recovery Plan are described at a relatively high level and are strategic in nature. The third document, the Draft Recovery Implementation Strategy, is a flexible, operational document separate from the Draft Recovery Plan that provides specific, prioritized activities necessary to fully implement recovery actions in the Draft Recovery Plan, while affording us the ability to modify these activities efficiently to reflect changes in the information available as well as progress towards recovery. All three of the recovery planning documents, including the Recovery Status Review, the Draft Recovery Plan, and the Draft Recovery Implementation Strategy, are available on the NMFS oceanic whitetip shark profile website at: <https://www.fisheries.noaa.gov/species/oceanic-whitewhisker-shark#conservation-management>.

We have determined that this Draft Recovery Plan for the oceanic whitetip shark meets the statutory requirements for a recovery plan and are proposing to adopt it as the ESA recovery plan for this threatened species. Section 4(f)(4) of the ESA requires that public notice and an opportunity to comment be provided prior to final approval of a recovery plan. This notice solicits comments on this Draft Recovery Plan.

#### Contents of the Draft Recovery Plan

The Draft Recovery Plan presents NMFS' proposed recovery goal, objectives, and criteria, which, when met, would allow the oceanic whitetip shark to be delisted. The proposed demographic and threats-based recovery objectives and criteria are based on the listing factors found in the ESA section 4(a)(1). The proposed demographic and threats-based recovery objectives and criteria for the oceanic whitetip shark address threats from significant population declines, bycatch-related mortality in commercial fisheries, international trade of its fins, inadequate regulatory mechanisms, and identifies stressors that should be monitored for potential future impact, such as climate change. The Draft Recovery Plan also describes specific information on the following: current status of the oceanic whitetip shark, pressures (limiting factors) and threats that have contributed to the species' decline, recovery strategies to address the threats, and site-specific recovery actions with timelines. The Draft Recovery Plan also estimates the time and costs required to implement recovery actions.

The Draft Recovery Implementation Strategy provides specific, prioritized activities necessary to fully implement

recovery actions in the Draft Recovery Plan. This stepped-down approach will afford us the ability to modify these activities efficiently to reflect changes in the information available as well as progress towards recovery.

#### How NMFS and Others Expect To Use the Plan

In addition to continuing to carry out actions already underway, such as satellite tag deployment and analysis, genetic sampling, and other research activities, we have begun implementation of other actions as described in the plan, such as gear changes in certain fisheries and developing additional regulatory measures to help protect oceanic whitetip sharks in U.S. waters. After public comment and the adoption of the Final Recovery Plan, our intention is to implement the actions and activities for which we have authority and funding; encourage other Federal, state, and local agencies to implement recovery actions and activities for which they have responsibility, authority, and funding; and work cooperatively with the public and local stakeholders on implementation of other actions and activities. We expect the Recovery Plan to guide us and other Federal agencies in evaluating Federal actions under ESA section 7, as well as in implementing other provisions of the ESA, such as considering permits under section 10, and other statutes.

#### Public Comments Solicited

We are soliciting written comments on the Draft Recovery Plan. All substantive comments received by the date specified above will be considered and incorporated, as appropriate, prior to our decision on whether to approve this Recovery Plan. While we invite comments on all aspects of the Draft Recovery Plan, we are particularly interested in comments on the proposed objectives, criteria, and actions, as well as comments on the estimated time and cost of recovery actions and activities.

*Authority:* 16 U.S.C. 1533(f).

*Dated:* January 19, 2023.

**Angela Somma,**

*Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2023-01441 Filed 1-24-23; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Withdrawal of the Notice of Intent To Prepare an Environmental Impact Statement for the Mississippi River Hatchie/Loosahatchie, MS River Mile 775-736, Tennessee and Arkansas, Ecosystem Restoration Feasibility Study

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent; withdrawal.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE), Memphis District is terminating preparation of a Draft Integrated Feasibility Report and Environmental Impact Statement (DIFR-EIS) for the Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study. A Notice of Intent to prepare the DIFR-EIS was published in the November 4, 2022, issue of the **Federal Register**. The USACE has since determined that a Draft Integrated Feasibility Report and Environmental Assessment (DIFR-EA) rather than an EIS is the appropriate level of environmental documentation for the study.

**DATES:** The DIFR-EA is presently scheduled to be available for public review and comment in early 2023. A final IFR-EA is tentatively scheduled for release in May 2024.

**ADDRESSES:** U.S. Army Corps of Engineers, Memphis District, Attn: CEMVN-PDC-UDC, 167 North Main St., Room B-202, Memphis, Tennessee 38103.

**FOR FURTHER INFORMATION CONTACT:** Mike Thron, U.S. Army Corps of Engineers, Memphis District; phone 901-544-0708; email [LMRRA-Hatchie-Loosahatchie@usace.army.mil](mailto:LMRRA-Hatchie-Loosahatchie@usace.army.mil). For additional information about the study, please visit the project website at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

**SUPPLEMENTARY INFORMATION:** The Hatchie-Loosahatchie Mississippi River Ecosystem Restoration Study seeks to examine restoring ecological structure and function to the mosaic of habitats along the lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736 including secondary channels and other floodplain aquatic habitats; floodplain forests; and several scarce vegetative communities such as, wetlands, rivercane, riverfront forests, and bottomland hardwood forests. The

study was originally scoped as an EIS. A notice of intent to prepare an EIS was published in the **Federal Register** on November 4, 2022 (87 FR 66681). The scoping comment period ended on December 5, 2022. During scoping, a project website was prepared, press releases and notifications were sent to affected agencies and interested parties, and one virtual public meeting and three in-person public meetings were conducted in Henning, Tennessee, Millington, Tennessee, and Marion, Arkansas, respectively. No adverse comments were received, and all comments were generally supportive of the proposed activities. Additionally, the plan formulation process resulted in a reduced number of measures in the current array of alternatives being considered since the initiation of the study.

The USACE will notify the public in advance of the availability of the draft and final IFR-EAs through press releases, special public notices, and USACE-Memphis District social media platforms. All public review and project related information will continue to be made available at: <https://www.mvm.usace.army.mil/Missions/Environmental-Stewardship/Hatchie-Loosahatchie-Mississippi-River-Ecosystem-Restoration-Study/>.

**James Bodron,**

*Acting Programs Director, Mississippi Valley Division.*

[FR Doc. 2023–01456 Filed 1–24–23; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF EDUCATION

[Docket No.: ED–2022–SCC–0142]

### Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; The Recognition Process for Accrediting Agencies, State Approval Agencies; Evaluation of Foreign Medical, and Foreign Veterinary Accrediting Agencies (e-Recognition)

**AGENCY:** Office of Postsecondary Education (OPE), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before February 24, 2023.

**ADDRESSES:** Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain) to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. *Reginfo.gov* provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Herman Bounds, 202–453–6128.

**SUPPLEMENTARY INFORMATION:** The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

*Title of Collection:* The Recognition Process for Accrediting Agencies, State Approval Agencies; Evaluation of Foreign Medical, and Foreign Veterinary Accrediting Agencies (e-Recognition).

*OMB Control Number:* 1840–0788.

*Type of Review:* An extension without change of a currently approved ICR.

*Respondents/Affected Public:* Individuals and Households.

*Total Estimated Number of Annual Responses:* 17.

*Total Estimated Number of Annual Burden Hours:* 18,351.

*Abstract:* The authority for collecting this information is contained in the Higher Education Act of 1965, as amended § 496 (HEA), and implementing regulations at 34 CFR 602. The data is required in order for recognized accrediting agencies to demonstrate compliance with 34 CFR 602. The Secretary will use these criteria in determining whether an

accrediting agency is a reliable authority as to the quality of education or training provided by institutions of higher education they accredit. The data is required for State Agencies for the approval of Vocational Education to demonstrate compliance with 34 CFR 603. The Secretary will use these criteria to determine whether a State Agency for the Approval of Vocational Education is a reliable authority as to the quality of education or training provided by the vocational institutions of higher education they accredit. The data is also required in order for State approval Agencies for Nurse Education to demonstrate compliance with the criteria and procedures for recognition of State Agencies for Approval of Nurse Education published in the January 16, 1969 **Federal Register**. The Secretary will use these criteria in determining whether a state agency is a reliable authority as to the quality of training offered by schools of nursing.

In addition, and in accordance with 34 CFR 600.55, the Secretary is also required to collect information, review, and determine whether the accreditation standards used by foreign countries to accredit medical education programs are comparable to the standards used to accredit medical education programs in the U.S.

Dated: January 19, 2023.

**Kun Mullan,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2023–01373 Filed 1–24–23; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

[Docket ID ED–2022–IES–0046]

### Privacy Act of 1974; System of Records—National Center for Education Statistics (NCES) Longitudinal, Cross-Sectional, and International Studies

**AGENCY:** National Center for Education Statistics, Institute of Education Sciences, Department of Education.

**ACTION:** Notice of a Modified System of Records; correction.

**SUMMARY:** On January 18, 2023, the Department of Education published in the **Federal Register** a notice of a modified system of records (SORN) for the NCES Longitudinal, Cross-Sectional, and International Studies. We are correcting the docket ID provided in that notice. All other information in the SORN, including the February 17, 2023,



## **Section 14**

# **Draft Fish and Wildlife Coordination Act Report**



IN REPLY REFER TO:

# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Arkansas Ecological Service Field Office  
110 South Amity Road, Suite 300  
Conway, Arkansas 72032



January 12, 2023

Colonel Brian D. Sawser  
U.S. Army Corps of Engineers  
Memphis District  
167 North Main Street, Room B-202  
Memphis, Tennessee 38103-1894

Dear Colonel Sawser:

This is the U.S. Fish and Wildlife Service's (Service) draft Fish and Wildlife Coordination Act Report (DFWCAR) prepared in response to the U.S. Army Corps of Engineers (Corps) Memphis District's Feasibility Report for the Hatchie/Loosahatchie Mississippi River Mile 775-736, Tennessee and Arkansas, ecosystem restoration project. Our report assesses the impacts of the proposed project on fish and wildlife resources, identifies measures to adequately mitigate resource losses, and outlines conservation measures to address fish and wildlife resource concerns. This report has been prepared in accordance with the Fish and Wildlife Coordination Act (FWCA) (48 Stat. 401, as amended; 16 U.S.C. 661-667e.), and the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq.). In keeping with the requirements of the FWCA, this report, when finalized, should be attached to, and made an integral part of any report released for public review or forwarded to Congress for consideration.

The Arkansas Ecological Services Field Office (AFO) of the Service is partnering with the Tennessee Ecological Services Field Office (TFO) to provide technical assistance and consultation under the authority of the FWCA and ESA. The AFO is the lead office and will be the primary point of contact. We are supportive of the proposed restoration and look forward to working with the Corps and Lower Mississippi River Conservation Committee to finalize specific measures. We will also work separately with your staff to meet the consultation requirements of Section 7 of the ESA. You should contact Jason Phillips at [jason\\_phillips@fws.gov](mailto:jason_phillips@fws.gov) or 870-503-1101 with any questions.

Sincerely,

Melvin L. Tobin  
Field Supervisor

cc: Cindy Osborne, Data Manager, Arkansas Natural Heritage Commission  
Jennifer Sheehan, Chief- Federal Regulatory Program, Arkansas Game and Fish Commission  
Justin Stroman, Federal Regulatory Program Biologist, Arkansas Game and Fish Commission  
Jim Wise, Ecologist, Arkansas Department of Environmental Quality



Mike Thron, Upper Delta Environmental Compliance Section – RPEDS, U.S. Army Corps of Engineers, Memphis District

Angie Rodgers, Lower Mississippi River Conservation Committee Coordinator, USFWS

Robbie Sykes, Biologist, USFWS Tennessee Ecological Services Field Office

Project File

Read File

Filename: D:\JasonsFolder\Current Corps and NRCS Projects\Mississippi River\ Hatchie\_Loosahatchie Ecosystem Restoration\FWCA\20230105\_Hatchie\_Loosahatchie\_USFWS\_DCAR\_final.pdf

A Draft Fish and Wildlife Coordination Act Report

on the

Mississippi River Hatchie/Loosahatchie Mississippi River Mile 775-736, Tennessee and  
Arkansas Feasibility Study

Prepared by:

Jason W. Phillips  
Division of Ecological Services  
Arkansas Delta Suboffice  
Augusta, Arkansas

and

Robbie Sykes  
Division of Ecological Services  
Tennessee Field Office  
Cookeville, Tennessee

U.S. Fish and Wildlife Service  
Southeast Region

January 12, 2023



This U.S. Fish and Wildlife Service (Service) draft Fish and Wildlife Coordination Act 2(b) report describes the fish and wildlife resources likely to be impacted by the Tentatively Selected Plan (TSP) within the Feasibility Report for the Hatchie/Loosahatchie Mississippi River Mile 775-736, Tennessee and Arkansas. This report will accompany the U.S. Army Corps of Engineer's (Corps) Draft Feasibility Study Report (Report) and Environmental Assessment on this project.

## **BACKGROUND**

The Report examines restoration of the ecological structure and function of habitats along the lower Mississippi River (LMR) and its floodplain between River Miles 775 and 736. This reach is the first of eight priority reaches within the Habitat Restoration and Management Program (HRMP) recommended as a strategy within the Lower Mississippi River Resource Assessment (LMRRA) 2016 report to Congress. Habitats with potential for restoration include secondary channels and other floodplain aquatic habitats, floodplain forests, and vegetative communities such as rivercane, riverfront forests, bottomland hardwoods, and other wetlands. This effort is in partnership with the Lower Mississippi River Conservation Committee (LMRCC), which serves as the non-federal sponsor. The LMRCC is a non-profit coalition of six states along the LMR- Arkansas, Kentucky, Louisiana, Missouri, Mississippi, and Tennessee. The Corps will work with the LMRCC and its partner states, along with the Service, to finalize specific restoration alternatives within the Hatchie-Loosahatchie Reach.

Mississippi River flood control and navigation features, including levees and channel training structures, have largely disconnected the mainstem river from many secondary channel features and floodplain habitats. There is now less habitat available for fish and wildlife, including federally listed and at-risk species, as well as migratory birds. There are reductions in the vegetation diversity and area of forested habitats, loss of or changes in the frequency of connection between the river and terrestrial floodplains, loss and disconnection of side channels and backwater floodplain habitats, decreased habitat diversity within the main channel, and loss of gravel bars, sandbars, and islands. Non-native and invasive species now proliferate within the study area.

The TSP aims to address the issues described above by restoring vegetative diversity and forested habitats in the active floodplain; improving connectivity of the river with side channels and floodplain water features, including isolated backwaters and oxbow lakes; restoration of sandbars and gravel bars; development and enhancement of islands; and increasing habitat diversity in the main channel and shorelines. The goal is to achieve these actions while working within the constraints of the flood risk reduction (levees) and navigation (revetments, weirs, dikes) features. The TSP also considers the need to avoid and minimize impacts to existing resources, such as gravel bars, avoid and minimize negative effects to threatened and endangered species, and avoid and minimize actions that may lead to an increase of invasive species.

## SPECIES OF CONCERN

The study area supports many species of concern to the Service, including federally threatened or endangered species, as well as species that are proposed or petitioned for listing under the Endangered Species Act (Act) or otherwise under evaluation for listing (Table 1). There are no federally designated critical habitats within the project area. The study area also provides important habitats for other federal trust species under jurisdiction of the Service. Migratory Birds of Conservation Concern likely to occur within the project area are detailed in Table 2. Anadromous/catadromous aquatic species that routinely cross state boundaries as part of their reproductive life cycles, including American Eel (*Anguilla rostrata*), Alabama Shad (*Alosa alabamae*), and Ohio Shrimp (*Macrobrachium ohione*), are also of interest to the Service. The reduction and containment of invasive species is also a priority for our agency.

**Table 1. Federally listed species, proposed species, and species petitioned for listing under the ESA.**

	Common Name	Scientific Name	Status*
<b>Mammals</b>	Indiana Bat	<i>Myotis sodalis</i>	E
	Northern Long-eared Bat	<i>Myotis septentrionalis</i>	T
	Tricolored Bat	<i>Perimyotis subflavus</i>	PE
<b>Birds</b>	Eastern Black Rail	<i>Laterallus jamaicensis spp. jamaicensis</i>	T
	Piping Plover	<i>Charadrius melodus</i>	T
	Red Knot	<i>Calidris canutus rufa</i>	T
<b>Reptiles</b>	Alligator Snapping Turtle	<i>Macrochelys temminckii</i>	PT
<b>Fishes</b>	Pallid Sturgeon	<i>Scaphirhynchus albus</i>	E
	Sturgeon Chub	<i>Macrhybopsis gelida</i>	P
	Sicklefin Chub	<i>Macrhybopsis meeki</i>	P
	Lake Sturgeon	<i>Acipenser fulvescens</i>	P
<b>Insects</b>	Monarch Butterfly	<i>Danaus plexippus plexippus</i>	C
	Linda's Roadside-skipper	<i>Amblyscirtes linda</i>	P
	American Bumble Bee	<i>Bombus pensylvanicus</i>	P
	Variable Cuckoo Bumble Bee	<i>Bombus variabilis</i>	P
<b>Clams</b>	Fat Pocketbook	<i>Potamilus capax</i>	E
<b>Plants</b>	Pondberry	<i>Lindera melissifolia</i>	E

\*E=Endangered, T=Threatened, C=Candidate, PE=Proposed Endangered, PT=Proposed Threatened, P=Petitioned for listing



**Table 2. USFWS Birds of Conservation Concern that may occur in the Hatchie/Loosahatchie project area.**

<b>Common Name</b>	<b>Scientific Name</b>
American Golden Plover	<i>Pluvialis dominica</i>
American Kestrel	<i>Falco sparverius</i> <i>Paulus</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Cerulean Warbler	<i>Dendroica cerulea</i>
Chimney Swift	<i>Chaetura pelagica</i>
Golden Eagle	<i>Aquila chrysaetos</i>
Henslow's Sparrow	<i>Ammodramus henslowii</i>
Kentucky Warbler	<i>Oporornis formosus</i>
Lesser Yellowlegs	<i>Tringa flavipes</i>
Little Blue Heron	<i>Egretta caerulea</i>
Painted Bunting	<i>Passerina ciris</i>
Prairie Warbler	<i>Dendroica discolor</i>
Prothonotary Warbler	<i>Protonotaria citrea</i>
Red-headed Woodpecker	<i>Melanerpes erythrocephalus</i>
Ruddy Turnstone	<i>Arenaria interpres morinella</i>
Rusty Blackbird	<i>Euphagus carolinus</i>
Short-billed Dowitcher	<i>Limnodromus griseus</i>
Swallow-tailed Kite	<i>Elanoides forficatus</i>
Willet	<i>Tringa semipalmata</i>
Wood Thrush	<i>Hylocichla mustelina</i>

## **TENTATIVELY SELECTED PLAN**

The Corps selected Alternative C3 as the TSP. This alternative includes 38 ecosystem restoration measures including dike notching, woody debris trap construction, meander scarp restoration, hardpoint bank protection, forest stand improvement within bottomland hardwood and cypress/tupelo habitats, wetland complex restoration, flow restoration to backwaters, restoration of habitat complexity within borrow pits, reforestation of bottomland hardwood habitats, reforestation of cypress/tupelo habitats, reforestation of riparian riverfront forest habitats, and creation of moist soil management units. These measures are detailed in Figure 3-5 and Table 3-19 within the Corps' November 2022, Feasibility Report Summary.

## **SERVICE POSITION**

The Service's Arkansas Ecological Services Field Office (AFO) and the Tennessee Ecological Services Field Office (TFO) were involved in early planning discussions regarding this proposed

ecosystem restoration project. We support the implementation of the features identified within the TSP. These features will partially address habitat deficiencies resulting from the construction of flood control and navigation structures within the project area. Since the plan focuses on ecosystem restoration, we do not anticipate the need for any mitigation actions to address lost wetland or wildlife habitat values and functions. We expect the described features to provide overall long-term benefits to Service trust species (federally listed and at-risk species, migratory birds, and anadromous/catadromous aquatic species).

Any potential short-term effects to listed or proposed species will be assessed during separate tiered consultations between the Service (AFO/TFO) and the Corps, as prescribed by Section 7 of the Endangered Species Act (Act). It will likely be 2024 before this plan receives final approval and an indeterminate period before funding is approved and detailed planning completed for individual project features. We expect the project to be implemented incrementally over a period of years. We will work with the Corps to meet the requirements of the Act as individual features are planned and funded. This tiered approach will allow us to consider new species information and updates to the listing status of existing and proposed listed species.