

LETTER OF AGREEMENT

This letter of Agreement is made between the Narragansett Indian Tribal Historic Preservation officer (THPO), located on the Narragansett Indian Reservation near Charlestown Rhode Island, and the U.S. Army Corps of Engineers, New England District, Regulatory Division, located at 696 Virginia Road, Concord, Massachusetts. In its permitting responsibilities pursuant to the Clean Water Act and the Rivers and Harbor Act, the Corps of Engineers regulates the discharge of dredged or fill material into waters of the US, including wetlands, and work in or affecting navigable waters of the US. In administering the regulatory program, the Corps must insure permitted activities comply with a number of federal laws, including the National Historic Preservation Act of 1966, as amended (NHPA). The purpose of this agreement is to insure that the Corps of Engineers effectively consults with the THPO on permit actions that would affect archaeological, historical, sacred, and burial sites of the Narragansett Indian Tribe. This consultation shall insure that such Indian sites are properly identified and characterized by the THPO, so that the Corps of Engineers and the THPO may carry out their responsibilities pursuant to Section 106 of the NHPA. Such responsibilities shall include, but may not be limited to the following: 1) take into account the potential impacts to such tribal sites of projects to be permitted; 2) fully evaluate and jointly plan alternatives or measures to avoid, minimize or mitigate the adverse effects of the proposed activity on such tribal sites. These measures may include archaeological investigation and data recovery plans.

The Corps of Engineers agrees to: 1) provide all public notices for individual permit projects in Massachusetts to the THPO and allow 30 days from the date of the notice for the THPO to provide comments as described below; 2) provide copies of Massachusetts Programmatic General Permit notifications on projects (West of Worcester to and including Greenfield, Middleborough and surrounding towns, Kingston and surrounding towns and Deer Island) to the THPO and allow 10 days from the date of the notification for the THPO to provide comments as described below. In both cases, if the THPO does not respond within the review period, no impact to tribal sites will be assumed.

If previously unidentified tribal sites within areas of Corps jurisdiction are encountered by the permittee during construction, notification of the Corps of Engineers is required by the permittee. The Corps of Engineers further agrees to notify and consult with the THPO regarding proper identification, assessment and treatment of such tribal sites.

The THPO agrees, in cases where the THPO intends to comment, to: 1) respond to the Corps of Engineers in writing, within the review periods listed, as to the likelihood of presence of tribal sites. If tribal sites are present at the proposed project site, consultation between the Corps of Engineers and the THPO will occur in the following manner. The THPO agrees to: 1) provide as much information as possible regarding the presence, extent, character and significance of such sites to the tribe; 2) provide comments as to the THPO's determination on the impact of the proposed project on tribal sites; 3:

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