STORY DIVISION

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 area properly identified and characterized by the GHPO, 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:

consult with the Corps of Engineers regarding alternatives and/or measures that would be acceptable to the THPO to avoid, minimize or mitigate adverse effects o tribal sites. Every attempt will be made by the THPO to provide these comments to the Corps of Engineers within 21 days of the THPO's initial comment letter.

The Corps of Engineers agrees to: 1) fully consider the THPO's comments; 2) coordinate with the THPO in determining appropriate minimization and/or mitigation measures regarding adverse affects of tribal sites; and 3) when the Corps of Engineers determines, in consultation with the THPO, that the minimization/mitigation measures to address adverse affects on tribal sites, (which may include archaeological investigations and/or data recovery plan) are appropriate and consistent with its regulatory authorities. these archaeological investigation plans and data recovery plans will be developed in consultation with the THPO and implemented for the recovery of archaeological data from the tribal sites in the permitting of projects. Implementation of such plans shall be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48CFR 44737-37), AND TAKE INTO ACCOUNT THE Council's publication Treatment of Archaeological Properties, and shall be consistent with the Narragansett Indian Archaeological/Anthropological Committee's Procedures and Rules for Registration and Protection of Tribal Historic Properties. In such cases, the finalized investigations and plans shall conclude consultation with the THPO for the particular project under review.

This Agreement shall not create any new substantive rights for the parties than are authorized pursuant to the National Historic Preservation Act, the Archaeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, and by executive order of the President of the United States.

BY:

John Brown Date
Tribal Historic Preservation Officer

Narragansett Indian Tribe

Christine A. Godfrey

Chief, Regulatory Division

U.S. Army Corps of Engineers