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Alabama, Mississippi,  
and Northwest Florida  
Area Contingency Plan  
(AL, MS, and NWFL ACP)

State Historic Preservation Office (SHPO)  
Notification, Coordination and  
Consultation  
(Federal/State of Mississippi Guidance)

Annex 7b  
May 2022

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Alabama, Mississippi and Northwest Florida Area Contingency Plan

Record of Changes

Change Number	Change Description	Section Number	Change Date	Name
1	Revised wording to accurately reflect process.	2000, 3100, and 3200	2 Mar 2022	Todd Peterson, CGD 8
2	Updated contact info	Table 1	17 Mar 2022	Carl Edmiston Sector Mobile
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## 1000 Introduction

### 1100 Purpose

This Annex outlines the relationship between the Mississippi State Historical Preservation Office (SHPO) and the U.S. Coast Guard (USCG) as it relates to notification, coordination and consultation under the National Historic Preservation Act, Section 106.

### 1200 Background

The National Historic Preservation Act, Section 106, among other requirements, requires that “Federal agencies take into account the effects of their undertakings on historic properties and to provide the Advisory Council on Historic Preservation (ACHP) with a reasonable opportunity to comment.” Additionally, it requires that the Federal agency involved “consult on the Section 106 process with State Historic Preservation Offices (SHPO)” (36 CFR 800).

Within Mississippi, the USCG Federal On-Scene Coordinator (FOSC) within the coastal zone, Sector Mobile is required to ensure timely notification to the SHPO. The required notification, and follow-on coordination and/or consultation, applies to any USCG approved *response actions* involving oil discharge or hazardous substance mitigation activities within the coastal zone.

### 2000 Action

In the event of an oil spill that itself, or its associated response actions, may reasonably impact cultural resources within the State of Mississippi, and which involve response actions being overseen by the USCG FOSC, or their representative, will be responsible for *initiating contact* with the MS SHPO, conveying to the SHPO the location of the impacted/potential impacted area, and the types and locations of associated response actions. The Historic Preservation Division within the Mississippi Department of Archives and History; together serve as the SHPO staff for the State of Mississippi and are responsible for the protection of cultural resources (such as historic structures, cemeteries, and archeological sites) across Mississippi. In this initial contact, the USCG FOSC, or their representative, will inform the SHPO of the location of the actual spill and/or potential actions associated with the response. The SHPO will make the determination whether these actions threaten any known cultural resource or if there is a reasonable likelihood unknown cultural resources could be threatened, and whether there is a necessity for formal consultation.

If the SHPO determines that no known cultural resources exist in the response area and there is a low likelihood of resources being present, the SHPO will provide their determination in the form of an email back to the FOSC, or their representative. This documentation will be provided to the Environmental Unit, if established, and filed within the incident-specific documentation. Additionally, as the federal action agency within the coastal zone, the USCG FOSC, or designated representative, must ensure that all SHPO determinations are filed within the unit-specific administrative record. This SHPO determination may describe conditions, locations, or actions, which if realized, may result in the necessity for formal consultation with the SHPO along with any guidance regarding unknown resources.

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If the SHPO determines that the described activities will impact known resources, or there is a reasonable likelihood of resources being present, the SHPO will immediately notify the Federal On-Scene Coordinator (FOSC) or designated representative so the USCG can initiate formal consultation per (36 CFR 800). Other State agencies such as the Mississippi Department of Environmental Quality (MDEQ) may be included/updated on **the consultation process but the consultation MUST be federally undertaken between the FOSC and the SHPO**. As mentioned earlier, the USCG FOSC, or designated representative, must ensure that all relevant consultation documents are filed within the unit-specific administrative record.

### 3000 SHPO Interactions

#### 3100 Example 1

A designated USCG FOSC representative contacted the MS SHPO representative to inform them of a spill and potential response actions, which involved booming activities along the North Shoreline of Back Bay Biloxi near the Imperial Palace Casino. Due to the possibility of response actions affecting unknown historic properties, the FOSC representative initiated contact with the SHPO, as is standard practice.

The SHPO responded to the FOSC representative via email after reviewing all documentation with a simple email stating that “There are no known historic properties in the proposed response area and there is a low likelihood of such resources being present. Our office has no concerns for the proposed response action.” The USCG FOSC representative filed this information within the unit-specific administrative record. No further coordination was necessary with the SHPO.

#### 3200 Example 2

A designated USCG FOSC representative contacted the MS SHPO representative to inform them of an oil spill associated with the mitigation operations related to a sunken vessel removal in the Pearl River near the Town of Pearlinton. Upon review of information and materials conveyed by the USCG FOSC, the SHPO determined that a historic property was present in or immediately adjacent to the response area, or that there was a reasonable likelihood that such a resource was in or immediately adjacent to the response area.

Upon receiving this information, the USCG, as the lead federal agency, initiated formal consultation with the SHPO per 36 CFR 800. The USCG worked with SHPO to determine if any historic properties are present in the response area and would be impacted by the proposed actions. USCG will work with the LA SHPO to implement appropriate best management practices to avoid, minimize, or mitigate adverse effects. Upon completion, the USCG FOSC, or designated representative, ensured that all Section 106 consultation documents are filed within the unit-specific administrative record.

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Table 1 Contact Info				
Agency	Name	Title	Email	24-hr
MS State Historic Preservation Office	Barry White	Director	<a href="mailto:bwhite@mdah.ms.gov">bwhite@mdah.ms.gov</a>	601/576-6953
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