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Southeast Texas (SETX)  
and  
Southwest Louisiana (SWLA)  
Area Contingency Plan

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

Annex 7b  
May 2022

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**Southeast Texas and Southwest Louisiana Area Contingency Plan**

**Record of Changes**

<b>Change Number</b>	<b>Change Description</b>	<b>Section Number</b>	<b>Change Date</b>	<b>Name</b>
1	Updated TGLO and USCG contact information	Table 1	Mar 2022	Todd Peterson, CGD 8
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# Southeast Texas and Southwest Louisiana Area Contingency Plan

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## **1000 Introduction**

### **1100 Purpose**

This Annex outlines the relationship between the Texas Historical Commission (State Historic Preservation Office), the Texas General Land Office, and the U.S. Coast Guard 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).

Under state law, the General Land Office is the state lead agency for oil spills in coastal waters, is responsible for coordinating responses with federal authorities and must serve as a single point of *communication and coordination* of response actions (TNRC, Section 40.004 and 31 TAC 19.33).

### **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 Texas, and which involve response actions being overseen by the GLO and USCG federal partners, the GLO’s SOSC or their representative, will be responsible for *initiating contact* with the Texas Historical Commission (THC), conveying to the SHPO the location of the impacted/potential impacted area, and the types and locations of associated response actions. The THC is the designated SHPO for the State of Texas and is responsible for the protection of antiquities and archeological sites on state public lands and waters, in compliance with the Antiquities Code of Texas (Natural Resource Code, Title 9, Chapter 191) and the Texas Administrative Code (Title 13, Part 2). In this initial contact, the State On-Scene Coordinator (SOSC), 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 historic or prehistoric properties and whether there is a necessity for formal consultation.

If the SHPO determines that no known properties exist, or there is minimal risk, the SHPO will provide their determination in the form of an email, back through the SOSC, or their representative. This documentation will be conveyed by the GLO, or directly by the SHPO, to the USCG representative within the Environmental Unit (EU), if established, and subsequently into the incident-specific documentation. Additionally, as the federal action agency within the coastal zone, the USCG FOOSC, or designated representative, must ensure that all SHPO determinations are filed within the unit-specific administrative file. This THC determination may describe conditions, locations, or actions, which if realized, may result in the necessity for formal consultation with the THC along with any guidance regarding unknown resources.

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If the SHPO determines that the described activities may potentially, or in fact will impact any historic properties, the THC will immediately notify the Federal On-Scene Coordinator (FOSC) or designated representative so the USCG can initiate formal consultation per (36 CFR 800). The GLO will be included/updated on **the consultation process but the consultation MUST be federally undertaken between the FOSC and the SHPO**. The GLO will provide assistance to the SHPO in a support role and should be included on all correspondence between the SHPO and FOSC. As mentioned earlier, the USCG FOSC, or designated representative, must ensure that all relevant consultation documents are filed within the unit-specific administrative file.

### 3000 SHPO Interactions

#### 3100 Example 1

The GLO SOSC contacted the THC SHPO representative to inform of a spill and potential response actions, which involved booming activities along the Neches River, where Star Canal intersects. Due to the possibility of response actions impacting unknown historic properties, the SOSC initiated contact with the SHPO as is standard practice.

The SHPO responded to the SOSC via email after reviewing all documentation with a simple email stating that “This area does not have any recorded archeological sites so there is no concern for booming.” This information was conveyed by the SOSC directly to the FOSC representative for inclusion within the unit-specific administrative record. No further coordination was necessary with the SHPO.

#### 3200 Example 2

The GLO SOSC contacted the THC SHPO representative to inform of an oil spill associated **mitigation operations related to a GLO jurisdictional sunken vessel removal in Lydia Ann Channel, near Harbor Island**, Port Aransas, Texas. Upon review of information and materials conveyed by the GLO SOSC, the SHPO determined that a historic property was known to be in the area of potential effects and might be impacted by the response actions. The SHPO provided this information directly to the FOSC representative, copying the SOSC that the response actions may have impacts on a historic site, describing the impacts. The GLO continued to provide assistance throughout the response in a support role.

The USCG, as the lead federal agency, continued to work with the THC SHPO on implementing appropriate best management practices to minimize 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
TX Historical Commission	Amy Borgens	State Marine Archeologist, SHPO Emergency Response Coordinator (lead contact)	<a href="mailto:Amy.Borgens@thc.texas.gov">Amy.Borgens@thc.texas.gov</a>	512-463-9505
TX Historical Commission	Brad Jones	Division Director & State Archeologist Archeology Division (alternative contact)	<a href="mailto:Brad.Jones@thc.texas.gov">Brad.Jones@thc.texas.gov</a>	512-417-5890
TX General Land Office	Brent Koza	State Scientific Support Coordinator	<a href="mailto:Brent.Koza@glo.texas.gov">Brent.Koza@glo.texas.gov</a>	361-438-4928
USCG Eighth District	Michael Sams	Incident Management and Preparedness Advisor	<a href="mailto:Michael.K.Sams@uscg.mil">Michael.K.Sams@uscg.mil</a>	855 GULF SAR (485-3727)