



State of New Jersey
DEPARTMENT OF COMMUNITY AFFAIRS
SANDY RECOVERY DIVISION
101 SOUTH BROAD STREET
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CHRIS CHRISTIE
Governor

KIM GUADAGNO
Lt. Governor

CHARLES A. RICHMAN
Commissioner

October 5, 2016

Delaware Nation
Kerry Holton, President
P.O. Box 825
Anadarko, Oklahoma 73005

**Rebuild by Design Meadowlands
Invitation to Consult as a Consulting Party under Section 106 of the
National Historic Preservation Act**

Dear Mr. Holton,

In an effort to address flood and resiliency vulnerabilities exposed as a result of Superstorm Sandy in 2012, the United States Department of Housing and Urban Development (HUD) launched the Rebuild by Design (RBD) competition inviting communities and designers to craft resiliency and flood damage reduction solutions. The State of New Jersey was subsequently awarded \$150 million to pursue the "Rebuild by Design Meadowlands Flood Protection Project" (the Project) which seeks to reduce flooding and enhance resiliency in the municipalities of Little Ferry, Moonachie, Carlstadt, Teterboro, and parts of South Hackensack.

Under HUD regulation 24 CFR 58.4, the New Jersey Department of Community Affairs (NJDCA) has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archaeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association. NJDCA, HUD's Responsible Entity, is initiating consultation under Section 106 of the National Historic Preservation Act with the Delaware Nation for the proposed undertaking in accordance with 36 CFR Part 800 and the *Programmatic Agreement among the Federal Emergency Management Agency, the Advisory Council on Historic Preservation, the Absentee Shawnee Tribe of Indians of Oklahoma, the Delaware Tribe of Indians, the Shawnee Tribe of Oklahoma, and the Stockbridge Munsee Band of Mohicans as a result of Hurricane Sandy*.

The NJDCA has designated NJDEP as the lead agency for this project who are assisting with the environmental review. NJDEP will prepare the Environmental Impact Statement (EIS) in accordance with HUD's procedures for NEPA found at 24 CFR Part 58, et al.

NJDEP has initiated the Section 106 process with the New Jersey Historic Preservation Office (NJHPO) and established the project's Areas of Potential Effects (APEs) for both



archaeological and historic architectural resources. On August 11, 2016, the NJHPO accepted the project initiation documentation as well as the list of consulting and interested parties.

We respectfully request your participation as a consulted party regarding the Proposed Project and seek your input on any cultural resources that you may be aware of or have concerns about for which you have jurisdiction and that fall within the project boundaries. To meet project timeframes, if you would like to be a consulting party on this project, please let us know of your interest within 30 days. If you have comments on the APE or any initial concerns with impacts of the project on religious or cultural properties, please note them in your response. An NJDCA-authorized representative may be following up with Joseph Blanchard, your THPO, in approximately 10 days to make sure you received this letter and to discuss whether you plan to consult further on this project.

See http://www.comcon.org/sites/default/files/historic_preservation/ for more information on the Section 106 review process. HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58/>.

If you have any questions, comments, or concerns about the Proposed Project as it relates to cultural resources, please contact Robert Marcolina, Project Manager, Office of Flood Hazard Risk Reduction Measures at the address above or at Robert.Marcolina@dep.nj.gov.

Thank you for your consideration and cooperation.

Sincerely,



Charles A. Richman
Commissioner

Enclosures: Project Location Map

cc: Joseph Blanchard, THPO
Kate Marcopul, SHPO
Nicholas Smith-Herman, NJDCA
Kim McEvoy, NJDEP
Linda Fisher, NJDEP
Dennis Reinknecht, NJDEP
Robert Marcolina, NJDEP