

1 **2nd Draft MEMORANDUM OF AGREEMENT AMONG**
2 **THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA**
3 **STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH**
4 **WATER DISTRICT, REGARDING THE BAYOU LAFOURCHE FRESH WATER DISTRICT,**
5 **BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY**
6 **IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**
7

8 **WHEREAS**, Bayou Lafourche Fresh Water District (BLFWD) intends to construct the Bayou
9 Lafourche Mississippi River Re-Introduction and Pumping Capacity Improvement Project
10 (BLMRRPCIP) at Donaldsonville, in Ascension Parish, Louisiana, to significantly expand the
11 pumping capacity in this area to increase the supply of fresh water into Bayou Lafourche to benefit
12 costal marshes and protect against salt intrusion in the bayou's historical flow area and to meet the
13 long-term water supply need of the communities along the Bayou Lafourche corridor; and
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15 **WHEREAS**, the U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN),
16 Regulatory Branch, has received a permit request from Delta Coast Consultants, LLC, on the behalf
17 of (obo) BLFWD (Requestor, Project ID # MVN-2017-00684-CO) to construct the BLMRRPCIP; and
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19 **WHEREAS**, CEMVN conducted a combined review of the individual permit request (Project ID #
20 MVN-2017-00684-CO) in accordance with 33 CFR Part 325, "Appendix C," and the associated
21 Section 408 permission requests (Project ID # 17-0871/19-0379) in accordance with Engineering
22 Circular 1165-2-220; September 10, 2018. In this case, "combined" means that the actions under
23 the Section 408 jurisdiction are a smaller component of an individual Section 10/404 Permit and the
24 resulting joint Area of Potential Effects (APE) represents both the Section 10/404 "Regulatory
25 Permit Area" and the Section 408 permission "Environmental Analysis Areas; thereby making the
26 project an Undertaking subject to review under Section 106 of the National Historic Preservation Act
27 (NHPA), as amended (54 U.S.C. § 306108), and its implementing regulations, 36 Code of Federal
28 Regulations [CFR] Part 800; and
29

30 **WHEREAS**, the proposed improvements include the construction of a new a freshwater pump
31 station, that will operate in conjunction with the current 450 CFS pump station and result in an
32 increased flow of 1000 cubic feet per second from the Mississippi River (MR) into Bayou
33 Lafourche, and other auxiliary facilities and infrastructure including site drainage; sidewalks; an
34 aggregate driveway; two (2) new vehicle access ramps extending from LA Hwy 18 to the MR
35 levee; a new concrete bridge to access the pump station from the levee; discharge pipes
36 supported by steel-pile bents placed in the batture and then extending from the pump station
37 over the MR levee towards Bayou Lafourche until transitioning underground before reaching
38 Louisiana Highway 18, crossing under, and then continuing underground until they reach a new
39 discharge box where the water will discharge into Bayou; placing sheet pile in the discharge box
40 area to protect the bank of Bayou Lafourche from scour; the demolition and removal of three (3)
41 buildings (75 Iberville St., 75 Mississippi St., and 220 Lafourche St.); driving sheet pile and
42 placement of riprap to control erosion surrounding the Marchand Road Bridge and expanding an
43 existing sediment trap in this area to accommodate the increased flow resulting from the new
44 pump station; the installation of a removable High Density Poly Ethylene (HDPE) dredge pipe
45 that includes the permanent installation of casings under LA Hwy 18 and in the location of the
46 levee crossing to allow for the flow of dredged material from Bayou Lafourche into the MR; and
47 the construction of a new water intake facility for potable water including a new equipment

48 building that will house a vacuum prime system and vacuum pumps which will draw water to the
49 existing water tower through a new water line; and

50
51 **WHEREAS**, In accordance with 36 CFR § 800.16(d), on June 27, 2019, the Area of Potential
52 Effect (APE) for both Standing Structures and Archaeology (Figure 1) were developed in
53 coordination with the Louisiana State Historic Preservation Office (SHPO), Divisions of
54 Archaeology and Historic Preservation, within the Department of Culture, Recreation and
55 Tourism's Office of Cultural Development, and affected Tribes (Alabama-Coushatta Tribe of
56 Texas (ACTT), Chitimacha Tribe of Louisiana (CTL), Choctaw Nation of Oklahoma (CNO),
57 Coushatta Tribe of Louisiana (CT), Mississippi Band of Choctaw Indians (MBCI), Muscogee
58 (Creek) Nation (MCN), Seminole Nation of Oklahoma (SNO), Seminole Tribe of Florida (STF),
59 and the Tunica-Biloxi Tribe of Louisiana (TBTL) (collectively referenced as "Tribes"); and

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61 **WHEREAS**, the Archaeological APE for BLMRRPCIP is based on the design plans submitted
62 by the Requestor and accounts for all ground disturbing activities including access, staging, and
63 construction and measures 26.97 acres (10.9 hectares) and the Standing Structures APE
64 (visual/indirect effects) is larger and includes the footprints of both the existing and proposed
65 pumping stations and the surrounding view-shed and measures 171.92 acres (69.5 hectares);
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68 **WHEREAS**, CEMVN has determined that there are multiple historic properties as defined in 36
69 CFR 800.16(l) within the Archaeological/Standing Structures APEs; and

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71 **WHEREAS**, CEMVN has determined that there is one (1) historic property as defined in 36 CFR
72 800.16(l) within the Archaeological APE (Site 16AN36; inclusive of the Fort Butler "Contraband
73 Camp" as described in Seeber et al. (2020:176)) that was determined to possess those qualities of
74 significance and integrity as defined by the NRHP Criteria for Evaluation (36 CFR 60.4 [a-d]) under
75 Criterion A and D (i.e., the property contributes to a major pattern of American history and may be
76 likely to yield additional information important to prehistory or history) and that the Undertaking
77 includes ground disturbing activities that will affect the historic property in a way that will directly
78 affect the characteristics that make the property eligible for the NRHP and per 36 CFR 800.6
79 constitute an Adverse Effect; and

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81 **WHEREAS**, CEMVN has determined that there are four (4) historic properties as defined in 36 CFR
82 800.16(l) within the Standing Structures APE: 1) the Donaldsonville National Register Historic
83 District (NRHD; listed in 1983 at the state level under NRHP Criterion A in the area of Community
84 Planning and NRHP Criterion C in the area of Architecture); 2) the Walter Lemann Sr. Pumping
85 Station (LHRI # 03-00787); 3) 305 Lafourche Street (LHRI # 03-00317); 4) the Lemann Store (LHRI
86 # 03-00370/03-00742; and

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88 **WHEREAS**, CEMVN has determined that the Undertaking will not have an adverse effect on the
89 NRHP-eligible Lemann Store located at 312 Mississippi Street or the NRHP-eligible Creole
90 cottage located at 305 Lafourche Street; and

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92 **WHEREAS**, CEMVN has determined that the construction of the new pump station will create a
93 significant new introduction to the viewshed of the Donaldsonville NRHD due to its close
94 proximity to the NRHD, the height of the pump access platform, and the demolition of the

95 American Legion Post 98 in relation to the flat topography of the area with minimal mature
96 vegetation, impacting the viewshed of a total of 11 contributing resources within the
97 Donaldsonville NRHD (LHRI #'s 03-00366, 03-00367, 03-00368/03-00738, 03-00867, 03-00872,
98 03-00881, 03-00882, 03-00889, 03-00890, 03-00891, and 03-00892) located on the northwest
99 blocks closest to the proposed pump station site and diminishing the district's integrity of setting;
100 and therefore, CEMVN has determined that the Undertaking will adversely affect those
101 characteristics that make the Donaldsonville NRHD eligible for inclusion in the NRHP; and
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103 **WHEREAS**, CEMVN has further determined that the construction of the new pump station will
104 create a significant new introduction to the viewshed of the existing *circa* 1955 Walter Lemann
105 Sr. Pumping Station as the pump station will be located directly adjacent to the existing station
106 and connected via bridge, and the six (6) 72 inch (1.8 m) pump discharge pipes will obscure the
107 viewshed of Walter Lemann Sr. Pumping Station; and therefore, CEMVN has determined that
108 the Undertaking will diminish the integrity of setting and design that make the Walter Lemann
109 Sr. Pumping Station individually eligible for inclusion in the NRHP and per 36 CFR 800.6
110 constitute an adverse effect; and
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112 **WHEREAS**, CEMVN has identified measures in this Memorandum of Agreement (MOA) to
113 avoid, minimize, and/or mitigate the adverse effects to National Register listed or eligible
114 archaeological and built-environment properties; and
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116 **WHEREAS**, CEMVN requested that BLFWD consider ways to revise the Undertaking to
117 substantially conform to the standards, and/or avoid or minimize adverse effects for National
118 Register listed or eligible archaeological and built-environment properties; and
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120 **WHEREAS**, BLFWD conducted an analysis of feasible alternatives and determined that the
121 existing pump station is neither large enough nor structurally sufficient to support the addition of
122 the pumps required to achieve the targeted flow rate for the project, the existing discharge pipes
123 are not large enough to achieve the targeted flow rate and the design, the location cannot be
124 changed due to the geographic constraints of the MR and Bayou Lafourche, the six (6) pipes
125 carrying water cannot be buried under the levee because they would compromise its structural
126 integrity, continued operation of the existing pump station will provide the benefit of redundancy
127 in the system, and when these alternatives were compared, BLFWD determined that the most
128 feasible option was to allow the existing pump station to remain in operation and build a new
129 pump station adjacent to the existing; and,
130

131 **WHEREAS**, building on the results of BLFWD's previous Phase I and Expanded Phase I
132 Archaeological Investigations (Seeber 2020) and Phase I Standing Structures Evaluation
133 (Patterson (2020), BLFWD will develop a Treatment Plan (Appendix B) in consultation with
134 stakeholders to avoid, minimize, and/or mitigate impacts to archaeological Site 16AN36, the
135 Donaldsonville NRHD, and the NRHP-eligible Walter Lemann Sr. Pumping Station; and,
136

137 **WHEREAS**, the Treatment Plan shall contain an Archaeological Research Design developed by
138 BLFWD to avoid, minimize, and/or mitigate the direct adverse effects of the Undertaking to
139 NRHP-eligible archaeological properties (Site 16AN36) that shall also provide for Archaeological
140 Phase I Survey within the USACE Revetment Area, address those portions of Site 16AN36
141 falling within Area 3; including the Hwy 18 and Iberville Road Areas (Seeber 2020:75), that also

142 defines a framework for the treatment of any new discoveries and human burials; and,

143
144 **WHEREAS**, the Treatment Plan shall contain a Built-environment Research Design to resolve
145 the indirect adverse effects of the Undertaking to NRHP-eligible built-environment properties
146 (Donaldsonville NRHD; Walter Lemann. Sr. Pumping Station); and,

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148 **WHEREAS**, the Treatment Plan shall contain a Research Design for a Public Interpretation
149 component to resolve the cumulative direct and indirect adverse effects of the Undertaking to
150 NRHP-eligible archaeological and built-environment resources; and,

151
152 **WHEREAS**, in this MOA, "Signatories" is defined in 36 CFR § 800.6(c)(1), "Invited Signatories" is
153 defined in 36 CFR § 800.6(c)(2), and "Concurring Party" is defined in 36 CFR § 800.6(c)(3); and

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155 **WHEREAS**, a Consulting Party shall be recognized by CEMVN as a Signatory, Invited Signatory, or
156 a Concurring Party starting on the date the Consulting Party signs this MOA as a Signatory, Invited
157 Signatory, or Concurring Party and provides CEMVN with a record of this signature; and

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159 **WHEREAS**, in accordance with 36 CFR § 800.6(c)(1), a Signatory has the authority to amend or
160 terminate the MOA; and

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162 **WHEREAS**, in accordance with 36 CFR § 800.6(c)(2), Invited Signatories who sign this MOA are
163 signatories with the authority to amend or terminate the MOA; and

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165 **WHEREAS**, in accordance with 36 CFR § 800.6(c)(3), a Concurring Party is a Consulting Party
166 invited to concur in the MOA but who does not have the authority to amend or terminate the MOA;
167 and

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169 **WHEREAS**, in accordance with 36 C.F.R. § 800.6(a)(1), via letter on October 20, 2020, CEMVN
170 has notified the ACHP of its adverse effect determination providing the specified documentation
171 and requested the ACHP's participation in consultations to resolve the adverse effect through
172 the development of a MOA. On November 12, 2020, the ACHP provided written notice that it
173 has chosen not to participate in the consultation pursuant to 36 C.F.R. § 800.6(a)(1)(iii); and

174
175 **WHEREAS**, pursuant to 36 C.F.R. § 800.6(b)(1), CEMVN has consulted with the SHPO via
176 letter on October 20, 2020, regarding its intent to develop this MOA and invited the SHPO to
177 participate. SHPO accepted on November 12, 2020, and is a Signatory to this PA; and

178
179 **WHEREAS**, CEMVN recognizes that the affected Tribes may have sites of religious and cultural
180 significance on or off Tribal Lands [as defined in 36 CFR § 800.16(x)] that may be affected by
181 this Undertaking, and in meeting its Federal trust responsibility, CEMVN has engaged in
182 government-to-government consultation with Tribes via letter on October 20, 2020, to consult on
183 this Undertaking in anticipation of developing a MOA; and

184
185 **WHEREAS**, on November 5, 2020, the MCN submitted a written response stating that "This
186 project is located within our area of interest and is of importance to us. After reviewing the
187 information provided, the Muscogee (Creek) Nation concurs with your determination that the
188 project will have an adverse effect on a historic landmark. However, we will not be participating

189 in the development of an MOA. If there are any changes or updates to the project, we request to
190 be notified of these.”; on March 25, 2021, the CNO submitted a written response stating “The
191 Choctaw Nation Historic Preservation Department does respectfully defer to the other consulting
192 parties. However, we ask that work be stopped, and our office contacted immediately in the
193 event that Native American artifacts or human remains are encountered.”; on March 25, 2021,
194 the CTL submitted a written response stating “I have reviewed the attachments and it looks like
195 there will only be adverse effects to historic properties, so we do not need to consult at this
196 point; however, should any pre-contact artifacts be found, or human remains, we would like to
197 be contacted, given that this river was once called River of the Chitimachas.”; The remaining
198 Tribes did not respond within the regulatory timeframes; therefore, CEMVN has fulfilled its
199 NHPA Section 106 responsibilities to consult with Tribes. In the future, CEMVN will not consult
200 with or provide reports, materials, etc., to Tribes who did not respond to CEMVN’s October 20,
201 2020, letter or expressly declined to participate in the development of this MOA unless
202 requested in writing, or properties that may have traditional religious and cultural importance to
203 Tribes are identified through the Treatment Plan set out in Appendix B; and
204

205 **WHEREAS**, CEMVN has consulted with the BLFWD (Requester) via letter on October 20, 2020,
206 regarding the potential effects of the Undertaking on historic properties, and as the proponents of
207 the Undertaking, are Invited Signatories to this MOA; and
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209 **WHEREAS**, in accordance with 36 C.F.R. part 800.2(d)(ii)(2), CEMVN posted a notice on its
210 Regulatory/Section 408 public websites: (<https://www.mvn.usace.army.mil/Missions/Section-408/Public-Notices/> and <https://www.mvn.usace.army.mil/Missions//Public-Notices/>) describing
211 this Undertaking, its effects on historic properties, and CEMVN’s proposed treatment to avoid,
212 minimize, and/or mitigate effects for a 30 day comment period; and
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215 **WHEREAS**, in accordance with 36 C.F.R. part 800.2(c)(ii)(4-5), CEMVN has consulted with
216 representatives of local governments, including Certified Local Governments (City of
217 Donaldsonville (COD)), and other potential additional consulting parties (Ascension Parish
218 Tourism Commission (APTC), Donaldsonville Historic District Commission (DHDC), U.S.
219 National Park Service (NPS), River Road African American Museum (RRAAM)), via letter on
220 October 20, 2020, regarding its Adverse Effect determination in anticipation of developing a
221 MOA and requesting potential stakeholders interest in participating in this consultation and any
222 information concerning the proposed Undertaking and its potential to significantly affect historic
223 properties that they wished to provide; and
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225 **WHEREAS**, on April 05, 2021, the COD confirmed that they would participate in the
226 development of this agreement during the 2nd Section 106 MOA development consultation
227 meeting, and are a Concurring Party to this MOA; and
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229 **WHEREAS**, on April 05, 2021, the DHDC confirmed that they would participate in the
230 development of this agreement during the initial Section 106 MOA development consultation
231 meeting, and are a Concurring Party to this MOA; and
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233 **WHEREAS**, on April 05, 2021, the RRAAM confirmed that they would participate in the
234 development of this agreement during the initial Section 106 MOA development consultation
235 meeting, and are a Concurring Party to this MOA; and

236
237 **WHEREAS**, on April 24, 2021, Brian and Mary Ellen Cummins, residents of 107 Chetimatches
238 Street, a contributing resource to the Donaldsonville NRHD, requested to participate in the
239 development of this agreement via e-mail, and are a Concurring Party to this MOA; and
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241 **WHEREAS**, CEMVN has requested the participation of the Requester (BLFWD), local
242 governments, including the CLGs, and the public, during the development of this Agreement
243 and will take appropriate steps to involve and notify those parties, as appropriate, during the
244 implementation of the terms of this Agreement; and
245

246 **WHEREAS**, Consultation among all Signatories, Invited Signatories, and Concurring Parties to
247 this MOA will continue throughout the implementation of the MOA. Consultation is mutual,
248 meaningful dialogue regarding the fulfillment of this MOA, the process of Section 106
249 compliance, and the treatment of historic properties that may be affected by this Undertaking;
250 and
251

252 **NOW, THEREFORE**, CEMVN, SHPO, (Signatories), BLFWD (Invited Signatories), and COD,
253 DHDC, RRAAM, and Brian and Mary Ellen Cummins (Concurring Parties) agree that the
254 BLMRRPCIP shall be administered in accordance with the with the following stipulations in
255 order to take into account the effects of the Undertaking on historic properties and to satisfy
256 CEMVN's responsibilities under Section 106 of the NHPA for the BLMRRPCIP Undertaking:
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258 **STIPULATIONS**

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260 To the extent of its legal authority and in coordination with the SHPO and BLFWD, CEMVN will
261 require that the following measures are implemented:
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263 **I. GENERAL**

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265 a. CEMVN will provide the Signatories, Invited Signatory, and Concurring Parties with
266 the opportunity to review and comment on various documents and reports under the
267 terms of the MOA. Determinations or reviews that have been completed by CEMVN
268 under the terms of this MOA prior to the signature of a Concurring Party will not be
269 reconsidered because the Concurring Party did not have the opportunity to review
270 and comment.
271
- 272 b. The Signatories, Invited Signatory, and Concurring Parties may send and accept
273 official notices, comments, requests for further information and documentation, and
274 other communications required by this MOA by e-mail. If the size of an e-mail
275 message is unusually large or an e-mail is returned to a sender because its size
276 prevents delivery, the sender will contact the recipient(s) and determine alternative
277 methods to deliver the information.
278
- 279 c. Time sensitive information that is not sent by e-mail should be sent by overnight
280 mail, courier, or be hand-delivered and the timeframe for its review will be measured
281 by the date the delivery is signed for by the individual recipient or the agency or
282 organization representing the Signatories, Invited Signatory, or Concurring Party.

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- d. All references to time periods in this MOA are in calendar days. If a review period included in this MOA ends on a Saturday, Sunday, or State/Federal holiday, the review period will be extended until the next business day. Any electronic communication forwarding plans or other documents for review under the terms of the MOA that is sent after 4:00 pm Central Time will be deemed to have been received by the reviewing party on the next business day. E-mail comments by the Signatories, Invited Signatory, or Concurring Party on any documents submitted for review under this MOA are timely if they are received at any time on the last day of a review period. Responses sent by mail will be accepted as timely if they are postmarked by the last day allowed for the review.
- e. The failure of any Signatory, Invited Signatory, or Concurring Party to comment during the time frames set out in this MOA will be treated by CEMVN as concurrence, and CEMVN may proceed to the next step without taking additional steps to seek comments from that party.

II. POINTS OF CONTACT

- a. The Signatories, Invited Signatories, and Concurring Parties of this MOA will each designate a primary and secondary point of contact (see Appendix A). The primary contact is the contact to which all formal correspondence is sent. If the individual designated as the primary point of contact is not available, communications shall be directed to the secondary contact.
- b. It is the responsibility of each Signatory, Invited Signatory, and Concurring Party to inform CEMVN of any changes in the name, address, e-mail address, or phone number of the point-of-contact. Such changes shall not require an amendment to this MOA. CEMVN will forward this information to the other Consulting Parties by e-mail. The failure by any party to this MOA to notify CEMVN of changes to their point-of-contact's information shall not be grounds for asserting that notice of a proposed action was not received.

III. CONFIDENTIALITY

- a. In accordance with 36 CFR § 800.6(a)(5), if an Indian Tribe requests that specific information shared with CEMVN be kept confidential, or if the agency official believes that there are other reasons to withhold information, CEMVN will comply to the extent allowed by law.
- b. CEMVN will safeguard information about historic properties provided by SHPO and/or sites of traditional, religious, and/or cultural importance to Tribes, including location information or non-public information provided by SHPO/Tribes to assist in the identification of such properties, to the extent allowed by Section 304 of NHPA (54 U.S.C. § 307103), and other applicable laws. In accordance with Stipulation II.A.1(a) only *Qualified Staff* as defined in Stipulation III(C) (below) will be afforded access to protected historic property information.

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331 c. "Qualified Staff" - shall mean staff who meet, at a minimum, the Secretary of the
332 Interior (SOI) *Professional Qualifications Standards* set forth at 48 FR 44738
333 (September 29, 1983), for History, Archaeology, Architectural History, Architecture,
334 or Historic Architecture (https://www.nps.gov/history/local-law/arch_stnds_9.htm)
335 and the appropriate qualifications presented in *Professional Qualifications* (36 CFR
336 Part 61, Appendix A).
337
- 338 d. CEMVN will provide to all Consulting Parties the documentation specified in 36 CFR
339 § 800.11 subject to the confidentiality provisions of 36 CFR § 800.11(c) and such
340 other documentation as may be developed during consultation to resolve adverse
341 effects.
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343 **IV. MINIMIZATION AND RESOLUTION OF ADVERSE EFFECTS TO NRHP-ELIGIBLE OR**
344 **LISTED RESOURCES AND AVOIDANCE OF POTENTIAL FUTURE AUDITORY**
345 **ADVERSE EFFECTS TO THE DONALDSONVILLE NRHD**
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347 *Treatment Plan to Minimize and Resolve Adverse Effects to NRHP-Eligible or Listed*
348 *Resources and Avoidance of Potential Future Auditory Adverse Effects to the*
349 *Donaldsonville NRHD*: CEMVN will consult with SHPO, participating Tribes, BLFWD,
350 and others, as appropriate, to minimize and resolve the adverse effects to historic
351 properties listed, or eligible for listing, on the National Register of Historic Places (NRHP;
352 i.e., archaeological Site 16AN36 (ft. Butler), the Donaldsonville NRHD, and the NRHP-
353 eligible Walter Lemann Sr. Pumping Station) occurring from the construction of the
354 BLMRRPCIP through Phase III Data Recovery at Site 16AN36 and built resources
355 minimization and mitigation measures for the Donaldsonville NRHD and Walter Lemann
356 Sr. Pumping Station, an a avoidance plan for potential future auditory adverse effects to
357 the Donaldsonville NRHD, as set out in Appendix B. The Treatment Plan includes
358 professional qualification requirements for Archaeologist/Historic Structures specialists,
359 field and laboratory standards, and protocols for when cultural deposits are encountered
360 along with a framework for the treatment of these deposits, an artifact curation
361 agreement, reporting standards, and the timing and submission of a Phase III Data
362 Recovery report. The Treatment Plan also contains Public Interpretation measures.
363 CEMVN shall require that all contractors and subcontractors working at the BLMRRPCIP
364 construction site are aware of this MOA and the Treatment Plan and understand the
365 terms and conditions of both.
366

367 **V. DURATION**
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369 This MOA will expire if its stipulations are not carried out within five (5) years from the
370 date of its execution. At such time, and prior to work continuing on the Undertaking,
371 CEMVN shall either (a) execute a MOA pursuant to 36 C.F.R. § 800.6, or (b) request,
372 take into account, and respond to the comments of the ACHP under 36 C.F.R. § 800.7.
373 Prior to such time, CEMVN may consult with the other signatories to reconsider the
374 terms of the MOA and amend it in accordance with Stipulation VII; below. CEMVN shall
375 notify the signatories as to the course of action it will pursue.
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377 VI. POST-REVIEW DISCOVERIES

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- a. Any Signatory, Invited Signatory, or Concurring Party may notify USACE if it learns of an unexpected discovery, previously unidentified property, or unexpected effects (together referred to as a “Discovery”).
- b. The Requester is responsible for the actions of their contractors, subcontractors, and agents. USACE shall require that BLFWD ensure that their agents understand and acknowledge conditions and potential requirements that may be placed upon the Undertaking as a result of Section 106 consultation, the Section 10/404 Permit, and the Section 408 Permission.
- c. USACE shall require that BLFWD notify USACE as soon as possible of any significant proposed change to the approved Scope of Work. Requester shall direct their agent not to implement the changes to the proposed scope of work until any additional review required by this MOA is complete. USACE shall not delay, without cause and notice to BLFWD as to the reason for delay, any review of a proposed significant change to the scope of work. Should delay occur, USACE shall notify BLFWD of the anticipated completion date of the review and approval process. These notifications will take the form of a single email or other written notice incorporating the reason for delay and estimated timeframes for completion.
- d. USACE shall require that BLFWD ensure that any contracts that entail ground disturbing activities, provide for the protection of and notification protocols for unexpected discoveries or unexpected effects to historic properties and human remains. They should read as follows:
 - 1. Discovery of Previously Unknown Archaeological Remains and Artifacts. If you discover any previously unknown historic, cultural, or archeological remains (e.g., pot sherds, arrow points, historic foundations, broad collections of historic ceramics, etc.) while accomplishing the activity authorized by this permission, you must immediately notify BLFWD’s Operations Division (OD) contacts at USACE, who will in turn contact Planning Division (PD) staff. The Requester will not proceed with work in the area of the discovery until USACE PD completes consultation with the Louisiana State Historic Preservation Officer, and others, as appropriate.
 - 2. Discovery of Human Burial Sites. If human bone or unmarked grave(s) are discovered to be present in the project area, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.) is required. Upon discovery, the Requester or their agent shall notify the local law enforcement agency within twenty-four hours of the discovery. The Requester or their agent shall also notify USACE and the Louisiana Division of Archaeology within seventy-two hours of the discovery. Discoveries of unmarked graves, burials, human remains, or items of cultural patrimony on Federal or Tribal lands shall be subject to the Native American Graves Protection and Repatriation Act (25 U.S.C. §

3001 et seq.) and the Archaeological Resources Protection Act (16 U.S.C. § 470 et seq.). USACE PD will complete the necessary consultation to allow the activity that is receiving the permission to proceed.

- e. The BLFWD will comply with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.) if unmarked graves, indications of a burial, burials, human remains, or burial artifacts are discovered during the implementation of a USACE authorized undertaking on privately-owned lands or lands owned by a state or local governmental entity. In cases where the human remains are determined to be Native American, the LDOA shall notify and coordinate with Tribes as required by the state law. USACE will assist LDOA, as requested, to consult with Tribes, Requester(s), and agent, as appropriate.
- f. USACE shall take these action steps, in case of a Discovery:
 - 1. USACE shall notify SHPO, Tribe(s), and other parties that may have an interest in discovery of the previously unidentified property or unexpected effects at the earliest possible time, but no later than seventy-two (72)-hours after USACE is notified by BLFWD or Consulting Party. USACE shall consult with SHPO, Tribe(s), and other consulting parties to develop a mutually agreeable action plan with timeframes to identify the discovery or previously unidentified property and determine the National Register eligibility of any previously unidentified property; take into account the effects of the Undertaking on historic properties; resolve adverse effects if necessary; and ensure compliance with applicable Federal, State, and local statutes.
 - 2. USACE shall coordinate with BLFWD and any contractor(s) and/or sub-contractor(s) regarding any needed modification to the scope of work for the Undertaking necessary to implement recommendations from the consultation and facilitate proceeding with the Undertaking.
 - 3. In cases where discovered human remains are determined to be Native American, USACE shall consult with the appropriate Tribal representatives and SHPO. In addition, USACE shall follow the guidelines outlined in the ACHP's Policy Statement Regarding the Treatment of Burial Sites, Human Remains, and Funerary Objects (2007) and any Louisiana state-specific policies that may be in force.

VII. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, BLFWD shall provide to CEMVN, a Summary Report detailing work carried out pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in CEMVN's efforts to carry out the terms of this MOA. In turn, CEMVN shall provide the Summary Report to all parties

471 to this MOA and the ACHP.
472

473 **VIII. DISPUTE RESOLUTION**
474

475 Should any Signatory, Invited Signatory, or Concurring Party to this MOA object at any
476 time to any actions proposed or the manner in which the terms of this MOA are
477 implemented, CEMVN shall consult with such party to resolve the objection. If CEMVN
478 determines that such objection cannot be resolved, CEMVN will:

- 479
- 480 a. Forward all documentation relevant to the dispute, including CEMVN's proposed
481 resolution, to the ACHP. The ACHP shall provide CEMVN with its advice on the
482 resolution of the objection within thirty (30) days of receiving adequate
483 documentation. Prior to reaching a final decision on the dispute, CEMVN shall
484 prepare a written response that takes into account any timely advice or comments
485 regarding the dispute from the ACHP, signatories and concurring parties, and
486 provide them with a copy of this written response. CEMVN will then proceed
487 according to its final decision.
488
 - 489 b. If the ACHP does not provide its advice regarding the dispute within the thirty (30)
490 day period, CEMVN may make a final decision on the dispute and proceed
491 accordingly. Prior to reaching such a final decision, CEMVN shall prepare a written
492 response that takes into account any timely comments regarding the dispute from
493 the signatories and concurring parties to the MOA and provide them and the ACHP
494 with a copy of such written response.
495
 - 496 c. CEMVN's responsibility to carry out all other actions subject to the terms of this
497 MOA that are not the subject of the dispute remain unchanged.
498

499 **IX. AMENDMENTS**
500

501 This MOA may be amended when such an amendment is agreed to in writing by all
502 Signatories and Invited Signatories. The amendment will be effective on the date a copy
503 signed by all of the Signatories and Invited Signatories is filed with the ACHP.
504

505 **X. TERMINATION**
506

507 If any Signatory or Invited Signatory to this MOA determines that its terms will not, or,
508 cannot be carried out, that party shall immediately consult with the other parties to
509 attempt to develop an amendment per Stipulation IX; above. If within thirty (30) days an
510 amendment cannot be reached, any Signatory or Invited Signatory may terminate the
511 MOA upon written notification to the other Signatories and Invited Signatories. Once the
512 MOA is terminated, and prior to work continuing on the Undertaking, CEMVN must either
513 (a) execute an MOA pursuant to 36 CFR § 800.6, or (b) request, take into account, and
514 respond to the comments of the ACHP under 36 CFR § 800.7. CEMVN shall notify the
515 Signatories, Invited Signatories, and Concurring Parties as to the course of action it will
516 pursue.
517

518 **EXECUTION** of this MOA by CEMVN, SHPO, and BLFWD, and implementation of its terms
519 evidence that CEMVN has taken into account the effects of the BLMRRPCIP Undertaking on
520 historic properties and afforded the ACHP an opportunity to comment.
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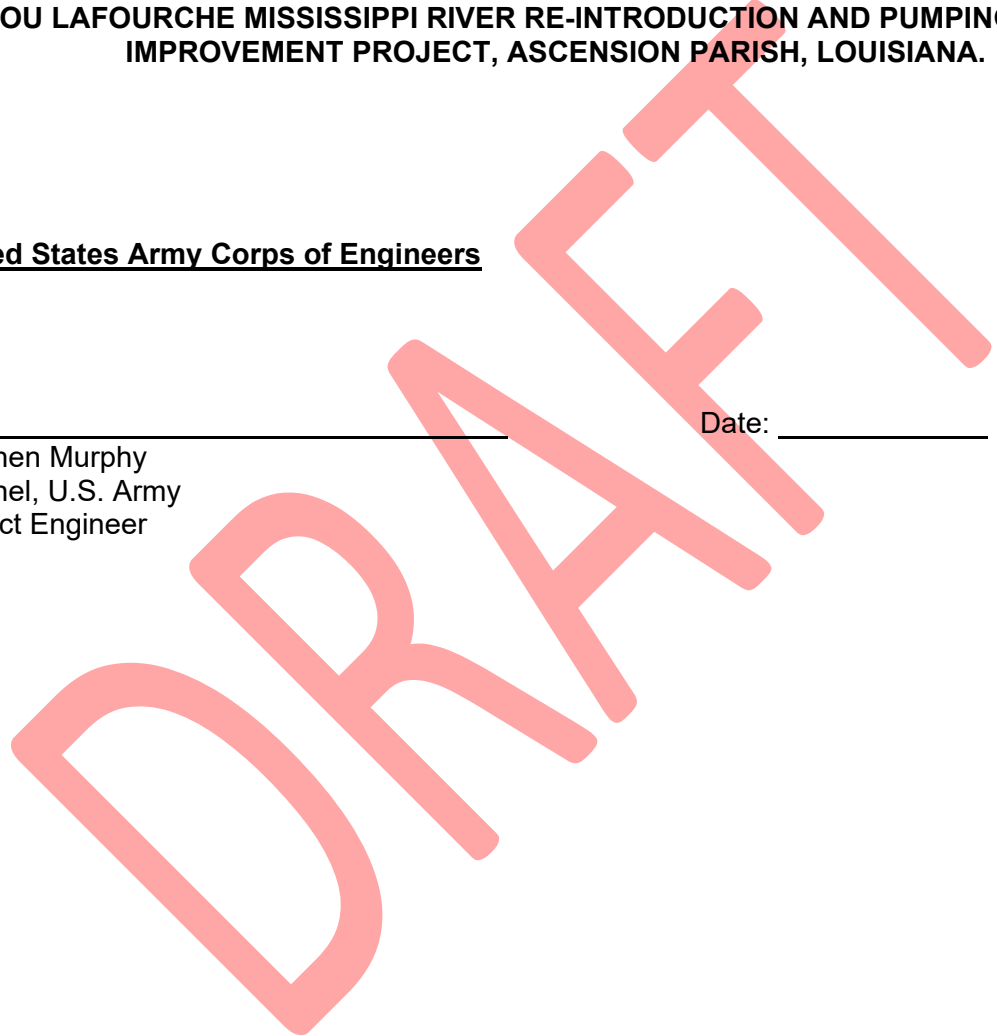
Signatory Page

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH
WATER DISTRICT, REGARDING THE BAYOU LAFOURCHE FRESH WATER DISTRICT,
BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

United States Army Corps of Engineers

By: _____
Stephen Murphy
Colonel, U.S. Army
District Engineer

Date: _____



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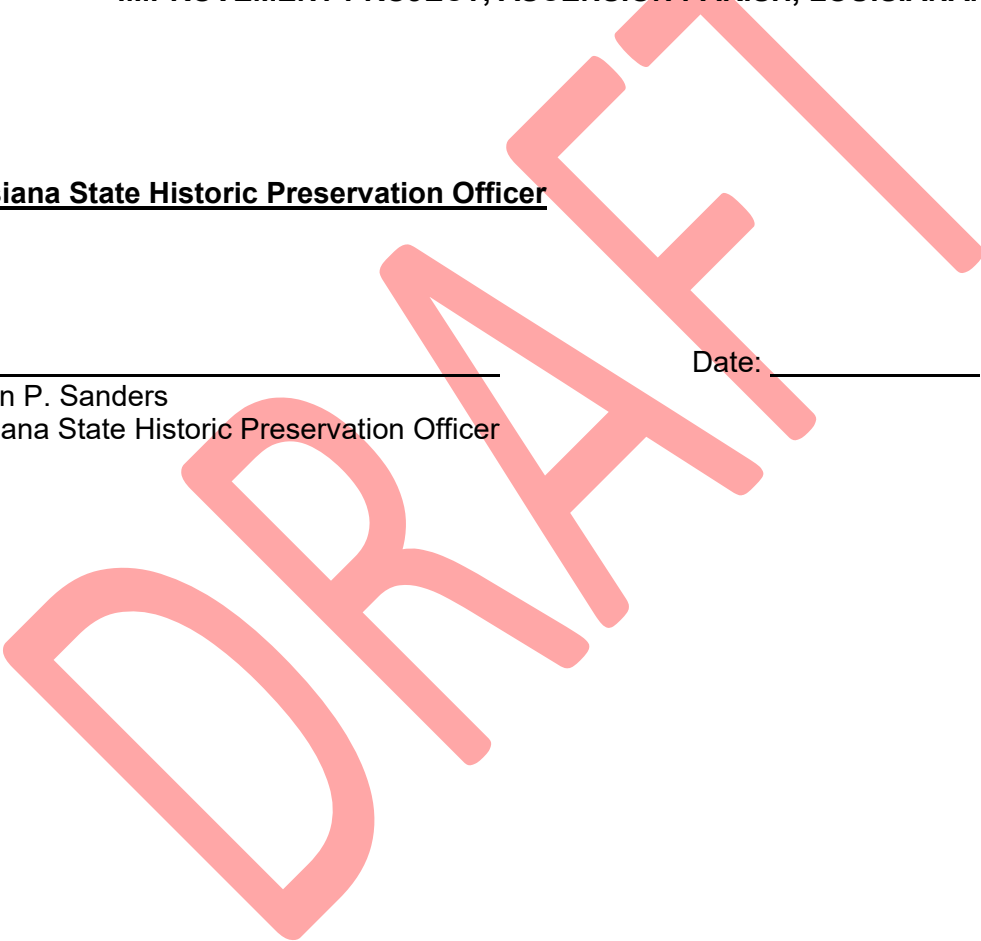
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BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

Louisiana State Historic Preservation Officer

By: _____
Kristen P. Sanders
Louisiana State Historic Preservation Officer

Date: _____



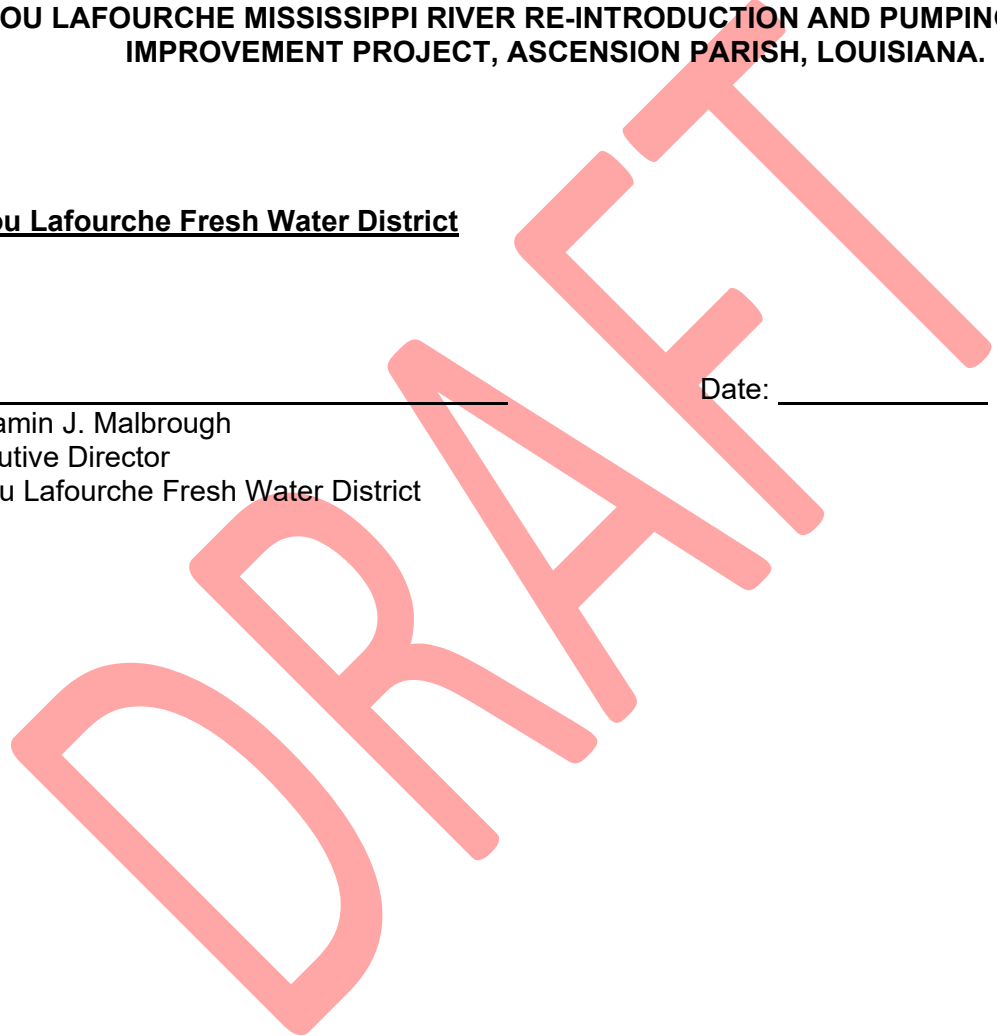
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Invited Signatory Page

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
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BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

Bayou Lafourche Fresh Water District

By: _____ Date: _____
Benjamin J. Malbrough
Executive Director
Bayou Lafourche Fresh Water District



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Concurring Party Signatory Page

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH
WATER DISTRICT, REGARDING THE BAYOU LAFOURCHE FRESH WATER DISTRICT,
BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

City of Donaldsonville

By: _____ Date: _____
Leroy J. Sullivan, Sr.
Mayor
City of Donaldsonville

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Concurring Party Signatory Page

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH
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BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

Brian and Mary Ellen Cummins

By: _____
Brian M. Cummins
Resident of 107 Chetimatches Street
Donaldsonville, LA 70346

Date: _____

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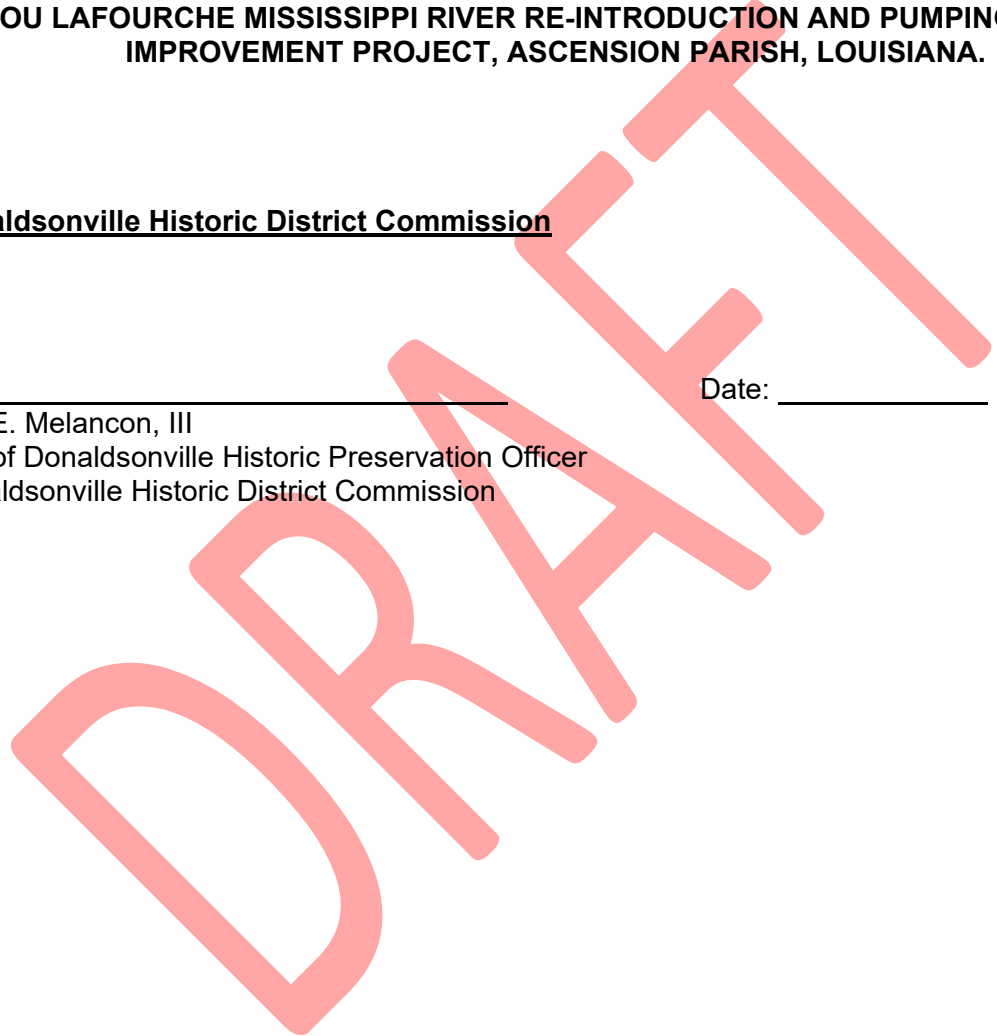
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Concurring Party Signatory Page

**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH
WATER DISTRICT, REGARDING THE BAYOU LAFOURCHE FRESH WATER DISTRICT,
BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

Donaldsonville Historic District Commission

By: _____ Date: _____
Lee E. Melancon, III
City of Donaldsonville Historic Preservation Officer
Donaldsonville Historic District Commission



661 **Concurring Party Signatory Page**

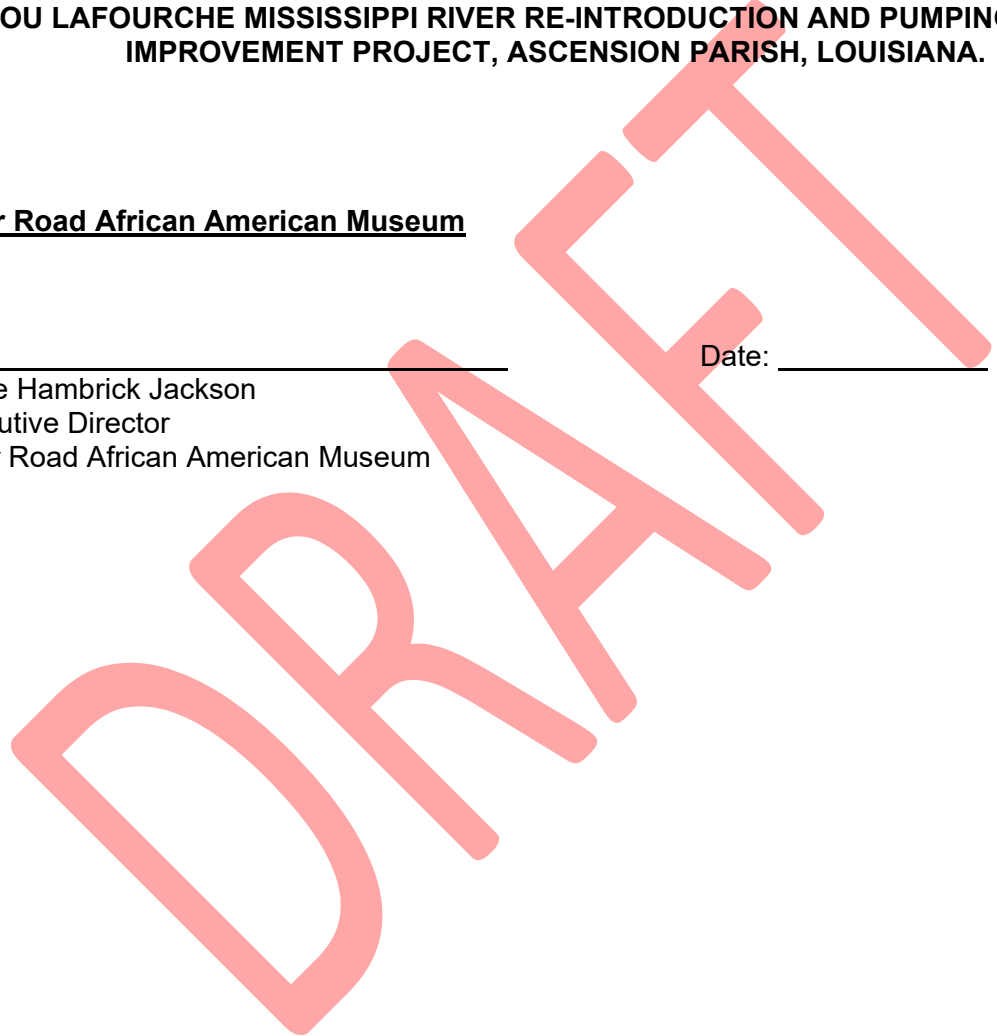
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**MEMORANDUM OF AGREEMENT AMONG
THE U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT, THE LOUISIANA
STATE HISTORIC PRESERVATION OFFICER, AND THE BAYOU LAFOURCHE FRESH
WATER DISTRICT, REGARDING THE BAYOU LAFOURCHE FRESH WATER DISTRICT,
BAYOU LAFOURCHE MISSISSIPPI RIVER RE-INTRODUCTION AND PUMPING CAPACITY
IMPROVEMENT PROJECT, ASCENSION PARISH, LOUISIANA.**

River Road African American Museum

By: _____
Kathe Hambrick Jackson
Executive Director
River Road African American Museum

Date: _____



682 **References:**

683 Patterson, Lauren

684 2020 *Phase I and Expanded Phase I Investigations for the Proposed Pump Station*
685 *Donaldsonville, Louisiana; Volume II - Architectural History*. Report prepared by
686 TerraXplorations, Inc. for Stantec, 1340 Poydras St, Suite 1420, New Orleans, LA 70112
687 (LA DOA Report No. 22-6347).

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689 Seeber, Katherine, Paul Jackson, Abigail Peebles, and Lauren Patterson

690 2020 *Phase I and Expanded Phase I Investigations for the Proposed Pump Station*
691 *Donaldsonville, Louisiana; Volume I – Archaeology*. Report prepared by
692 TerraXplorations, Inc. for Stantec, 1340 Poydras St, Suite 1420, New Orleans, LA 70112
693 (LA DOA Report No. 22-6347).

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Figure 1. Satellite imagery displaying location of BLMRRPCIP Standing Structures/

697 Archaeological APEs.
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**APPENDIX A
Contact List**

Primary Contact	Secondary Contact
<p>Advisory Council on Historic Preservation Christopher Daniel Program Analyst Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington DC 20001-2637 202.517.0223 cdaniel@achp.gov</p>	<p>Advisory Council on Historic Preservation Reid Nelson, Chairman Office of Federal Agency Programs Advisory Council on Historic Preservation 401 F. Street NW, Suite 308 Washington, DC 20001-2637 Telephone: (202) 517-0228 E-mail: nelson@achp.gov</p>
<p>Alabama-Coushatta Tribe of Texas Ms. Joann Battise, Chairwoman Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: hispres@actribe.org</p>	<p>Alabama-Coushatta Tribe of Texas Mr. Bryant Celestine Historic Preservation Officer Alabama-Coushatta Tribe of Texas 571 State Park Rd. 56 Livingston, TX 77351 Telephone: (936) 563-1181 E-mail: celestine.bryant@actribe.org</p>
<p>Bayou Lafourche Fresh Water District Benjamin J. Malbrough Executive Director Bayou Lafourche Fresh Water District 1016 St. Mary Street Thibodaux, LA 70301 Telephone: (985) 447-7155 E-mail: ben.malbrough@blfwd.org</p>	<p>Bayou Lafourche Fresh Water District Kenneth King Senior Environmental Project Manager Delta Coast Consultants, LLC 631 S. Hollywood Rd. Houma, LA 70360 Telephone: (985) 655-3100 E-mail: Kennethk@deltacoastllc.com</p>
<p>Chitimacha Tribe of Louisiana Kimberly S. Walden, THPO Chitimacha Tribe of Louisiana 155 Chitimacha Loop Charenton, LA 70523 Telephone: (337) 923-9923 E-mail: kim@chitimacha.gov</p>	<p>Chitimacha Tribe of Louisiana Chairman Melissa Darden Chitimacha Tribe of Louisiana 155 Chitimacha Loop Charenton, LA 70523 Telephone: (337) 924-4973</p>
<p>Choctaw Nation of Oklahoma Lindsey D. Bilyeu, MS Senior Compliance Review Officer Historic Preservation Department Choctaw Nation of Oklahoma P.O. Box 1210 Durant, OK 74702 Telephone: (580) 924-8280 E-mail: lbilyeu@choctawnation.com E-mail: ithompson@choctawnation.com</p>	<p>Choctaw Nation of Oklahoma Gary Batton, Chief Choctaw Nation of Oklahoma Attn: Choctaw Nation Historic Preservation Department P.O. Box 1210 Durant, OK 74702-1210 Telephone: (800) 522-6170 E-mail: gbatton@choctawnation.com</p>
<p>City of Donaldsonville Lee E. Melancon, III Director of Community and Economic Development City of Donaldsonville City Hall 609 Railroad Avenue</p>	<p>City of Donaldsonville Leroy J. Sullivan, Sr. Mayor City of Donaldsonville City of Donaldsonville City Hall 609 Railroad Avenue</p>

Primary Contact	Secondary Contact
Donaldsonville, LA 70346 Telephone: (225) 473-4247 ext. 6 E-mail: lee@visitdonaldsonville.org	Donaldsonville, LA 70346 Telephone: (225) 473-4247 ext. 8 E-mail: mayorofc@donaldsonville.brcoxmail.com
Coushatta Tribe of Louisiana Dr. Linda Langley Cultural Preservation Officer Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-1567 E-mail: llangley@mceese.edu	Coushatta Tribe of Louisiana Chairman Kevin Sickey Coushatta Tribe of Louisiana 1940 C.C. Bell Road Elton, LA 70532 Telephone: (337) 584-2998
Donaldsonville Historic District Commission Lee E. Melancon, III City of Donaldsonville Historic Preservation Officer City of Donaldsonville City Hall 609 Railroad Avenue Donaldsonville, LA 70346 Telephone: (225) 473-4247 ext. 6 E-mail: lee@visitdonaldsonville.org	Donaldsonville Historic District Commission No Secondary Contact Information Provided
Brian M. Cummins Resident of Donaldsonville NRHD 107 Chetimatches Street Donaldsonville, LA 70346 Telephone: (916) 934-8625 E-mail: Brian.m.Cummins@gmail.com	Mary Ellen Cummins Resident of Donaldsonville NRHD 107 Chetimatches Street Donaldsonville, LA 70346 Telephone: (504) 756-2704 E-mail: Ardeneaux@hotmail.com
Jena Band of Choctaw Indians Alina J. Shively Jena Band of Choctaw Indians THPO P.O. Box 14 Jena, LA 71342 Telephone: (318) 992-1205 E-mail: ashively@jenachoctaw.org	Jena Band of Choctaw Indians Chief B. Cheryl Smith Jena Band of Choctaw Indians 1052 Chanaha Hina Street Trout, LA 71371 Telephone: (318) 992-2717
Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism Chip McGimsey State Archaeologist Division of Archaeology P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 219-4598 E-mail: cmcgimsey@crt.la.gov	Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism Nicole Hobson-Morris Division of Historic Preservation P.O. Box 44247 Baton Rouge, LA 70804-4241 Telephone: (225) 342-8172 E-mail: nmorris@crt.la.gov
Mississippi Band of Choctaw Indians Mr. Ken Carleton Tribal Archeologist	Mississippi Band of Choctaw Indians Chief Cyrus Ben Mississippi Band of Choctaw Indians

Primary Contact	Secondary Contact
Mississippi Band of Choctaw Indians 101 Industrial Road Choctaw, MS 39350 Telephone: (601) 656-5251 E-mail: ken.carleton@choctaw.org	101 Industrial Road Choctaw, MS 39350 Telephone: (601) 656-5251 E-mail: info@choctaw.org
Muscogee (Creek) Nation Mr. David Hill THPO Muscogee (Creek) Nation Historic & Cultural Preservation Office P.O. Box 580 Okmulgee, OK 74447 Telephone: (918) 732-7733 E-mail: Section106@mcn-nsn.gov	Muscogee (Creek) Nation Principal Chief, Mr. James Floyd Muscogee (Creek) Nation Historic & Cultural Preservation Office P.O. Box 580 Okmulgee, OK 74447
River Road African American Museum Todd Sterling Board of Directors President River Road African American Museum P.O. Box 266 Donaldsonville, LA 70346 E-mail: toddsterling@gmail.com	River Road African American Museum Kathe Hambrick Jackson Executive Director River Road African American Museum P.O. Box 266 Donaldsonville, LA 70346 E-mail: kathe@aamuseum.org
Seminole Nation of Oklahoma Mr. David Franks THPO Seminole Nation of Oklahoma P.O. Box 1498 Wewoka, OK 74884 Telephone: (405) 257-7292 E-mail: franks.d@sno-nsn.gov	Seminole Nation of Oklahoma Principal Chief Greg Chilcoat Seminole Nation of Oklahoma P.O. Box 1498 Wewoka, OK 74884 Telephone: (405) 257-7200 E-mail: principalChief@seminolenation.com
Seminole Tribe of Florida <u>Primary:</u> Paul Backhouse, Ph.D., THPO Seminole Tribe of Florida Ah-Ta-Thi-Ki Museum 30290 Josie Billie Hwy, PMB 1004 Clewiston, FL 33440 Telephone: (863) 983-6549 x 12244 E-mail: THPOCompliance@semtribe.com	Seminole Tribe of Florida <u>Secondary:</u> Honorable Marcellus W. Osceola Chairman Seminole Tribe of Florida 6300 Stirling Road Hollywood, FL 33024 Telephone: (954) 966-6300 E-mail: trishanastrom@semtribe.com
Tunica-Biloxi Tribe of Louisiana <u>Primary:</u> Mr. Earl J. Barbry, Jr., THPO Tunica-Biloxi Tribal Historic Preservation Office P.O. Box 1589 Marksville, LA 71351 Telephone: (318) 253-8174 x 6451 E-mail: earlii@tunica.org	Tunica-Biloxi Tribe of Louisiana <u>Secondary:</u> Vice-Chairman Marshall Pierite Tunica-Biloxi Tribe of Louisiana 151 Melancon Drive Marksville, LA 71351 Telephone: (318) 253-1946 E-mail: joeypbarbry@tunica.org

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703 **APPENDIX B**
704 **HISTORIC PROPERTY TREATMENT PLAN FOR PORTIONS OF 16AN36, THE**
705 **DONALDSONVILLE NRHD, AND THE WALTER LEMANN, SR. PUMPING STATION IN**
706 **ASCENSION PARISH, LOUISIANA**
707

708
709
710 By
711 Paul D. Jackson
712 and
713 Lauren Patterson
714

715
716 Prepared by
717 TerraXplorations, Inc.
718 8345 Thurmond Drive
719 Baton Rouge, Louisiana 70806
720

721 On the Behalf Of
722 Bayou Lafourche Fresh Water District
723 1016 St. Mary Street
724 Thibodaux, Louisiana 70301
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726
727 Principal Investigator
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731 Paul D. Jackson
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733 TerraX Report No. 2021.059
734 Revised May 27, 2021

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INTRODUCTION

The Bayou Lafourche Fresh Water District (BLFWD) proposes to construct the Bayou Lafourche Mississippi River Re-Introduction and Pumping Capacity Improvement Project (BLMRRPCIP) in Donaldsonville, Ascension Parish, Louisiana. The project area is situated in the north-central portion of the town of Donaldsonville. It runs roughly north-south from the lowland remnants of the Bayou Lafourche and crosses Louisiana Route 18/Veterans Boulevard, with the northern portion aligned with the modern levee and Mississippi River (Figure 1).

Any person, firm, or agency (including Federal, state, and local government agencies) planning to work in navigable waters of the United States, or discharge (dump, place, deposit) dredged or fill material in waters of the United States, including wetlands, must first obtain a permit from the U.S. Army Corps of Engineers (USACE). Furthermore, Congress mandated that any use or alteration of a Civil Works project by another party is subject to the approval of USACE. This requirement was established in Section 14 of the Rivers and Harbors Act of 1899 and is codified at 33 U.S.C. 408 (Section 408). Additionally, Section 408 provides that the USACE may grant permission for another party to alter a Civil Works project upon a determination that the alteration proposed will not be injurious to the public interest and will not impair the usefulness of the Civil Works project. Accordingly, the USACE, New Orleans District (CEMVN), Regulatory Branch, has received a permit request from Delta Coast Consultants, LLC, on the behalf of BLFWD to construct the BLMRRPCIP.

CEMVN conducted a combined review of the individual permit request (Project ID # MVN-2017-00684-CO) in accordance with 33 Code of Federal Regulations (CFR) Part 325, "Appendix C," and the associated Section 408 permission requests (Project ID # 17-0871/19-0379) in accordance with Engineering Circular 1165-2-220; September 10, 2018. In this case, "combined" means that the actions under the Section 408 jurisdiction are a smaller component of an individual Section 10/404 Permit and the resulting joint Area of Potential Effects (APE) represents both the Section 10/404 "Regulatory Permit Area" and the Section 408 permission "Environmental Analysis Areas" making the project an Undertaking subject to review under Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 306108), and its implementing regulations, 36 CFR Part 800; thereby making CEMVN the lead federal agency for Section 106 purposes.

Based on the results of CEMVN's desktop review, CEMVN determined that the Undertaking, as proposed, included ground-disturbing activities with the potential to adversely affect archaeological resources listed, or eligible for listing, on the National Register of Historic Places (NRHP), including archaeological Site 16AN36. Furthermore, CEMVN determined that the BLMRRPCIP included demolition and construction activities that could potentially cause adverse visual effects to the Donaldsonville National Register Historic District (NRHD) and other built-environment resources listed or eligible for listing on the NRHP. Accordingly, on February 27, 2019, CEMVN submitted a request to BLFWD to conduct an Archaeological/Standing Structures Phase I Survey (Seeber et al. 2020).

779 TerraXplorations, Inc. (TerraX) conducted a Phase I and an expanded Phase I investigation for
780 the BLMRRPCIP from September to December 2019, in compliance with Section 106 of the
781 NHPA and the Louisiana Office of Cultural Development *Divisions of Archaeology and Historic*
782 *Preservation, September 2018, Report Standards for Cultural Resource*. During the Phase I and
783 expanded Phase I investigations, archaeological Site 16AN36 was discovered within the project
784 footprint (Figure 2). TerraX recommends the site boundaries of 16AN36 be expanded into the
785 project right-of-way (ROW), and this portion of the site be considered eligible for listing in the
786 NRHP under Criteria A, C, and D. This recommendation is based on finding several intact
787 cultural features associated with a historic Civil War encampment near Fort Butler. Portions of
788 Site 16AN36 may extend underneath Louisiana Route 18/Veterans Boulevard and Iberville
789 Road. The architectural survey evaluated 144 resources aged 50 years or older within a 171.92-
790 acre Standing Structures APE and/or adjacent to the project area. The resources included 64
791 buildings and two landscape features within the existing Donaldsonville NRHD; the NRHP
792 individually listed Lemann Store, located within the NRHD; and 76 buildings and two structures
793 located outside of the NRHD. See the Phase I and expanded Phase I investigation reports for
794 full details on the investigations (Seeber et al. 2020; Patterson 2020).
795

796 CEMVN determined that there are multiple historic properties as defined in 36 CFR 800.16(l)
797 within the Archaeological/Standing Structures APEs. CEMVN determined that there is one (1)
798 historic property as defined in 36 CFR 800.16(l) within the Archaeological APE (Site 16AN36;
799 inclusive of the Fort Butler “Contraband Camp” as described in Seeber et al. 2020:176) that was
800 determined to possess those qualities of significance and integrity as defined by the NRHP
801 Criteria for Evaluation (36 CFR 60.4 [A-D]) under Criteria A and D (i.e., the property contributes
802 to a major pattern of American history and may be likely to yield additional information important
803 to prehistory or history) and that the Undertaking includes ground-disturbing activities that will
804 affect the historic property in a way that will directly affect the characteristics that make the
805 property eligible for the NRHP and per 36 CFR 800.6 constitute an Adverse Effect.
806

807 Additionally, CEMVN determined that there are six (6) historic properties as defined in 36 CFR
808 800.16(l) within the Standing Structures APE: 1) the Donaldsonville NRHD, listed in 1983 at the
809 state level under NRHP Criterion A in the area of Community Planning and Criterion C in the
810 area of Architecture (NRHP # 84001248); 2) the Lemann Store, listed in 1982 at the local level
811 under NRHP Criterion C in the area of Architecture (NRHP # 82002753, LHRI # 03-00370/03-
812 00742); 3) the Walter Lemann, Sr. Pumping Station (LHRI # 03-00787); 4) 305 Lafourche Street
813 (LHRI # 03-00317); 4) the U.S. Post Office (LHRI # 03-00875); and, 5) the Donaldsonville Rice
814 Mill (LHRI # 03-00918). CEMVN determined that the Undertaking will not have an adverse effect
815 on the NRHP-listed Lemann Store located at 312 Mississippi Street; NRHP-eligible Creole
816 cottage located at 305 Lafourche Street; NRHP-eligible U.S. Post Office located at 301 Iberville
817 Street; or the NRHP-eligible Donaldsonville Rice Mill located at 215 2nd Street. CEMVN further
818 determined that the construction of the new pump station will create a significant new
819 introduction to the viewshed of the Donaldsonville NRHD due to its close proximity to the

820 NRHD, the height of the pump access platform, and the demolition of the American Legion Post
821 98 building (75 Mississippi Street) in relation to the flat topography of the area with minimal
822 mature vegetation. This will impact the viewshed of a total of 11 contributing resources within
823 the Donaldsonville NRHD (LHRI # 03-00366, 03-00367, 03-00368/03-00738, 03-00867, 03-
824 00872, 03-00881, 03-00882, 03-00889, 03-00890, 03-00891, and 03-00892) located on the
825 northwest blocks closest to the proposed pump station site and diminish the district's integrity of
826 setting. Therefore, CEMVN has determined that the Undertaking will adversely affect those
827 characteristics that make the Donaldsonville NRHD eligible for inclusion in the NRHP.

828 Additionally, the construction of the new pump station will create a significant new introduction
829 to the viewshed of the existing ca. 1955 Walter Lemann, Sr. Pumping Station. The new pump
830 station will be located directly adjacent to the existing station and connected via bridge, and the
831 six (6) 72-inch (in) (1.8-meter [m]) pump discharge pipes will obscure the viewshed of Walter
832 Lemann, Sr. Pumping Station. Therefore, CEMVN has determined that the Undertaking will
833 diminish the integrity of setting and design that make the Walter Lemann, Sr. Pumping Station
834 individually eligible for inclusion in the NRHP and constitute an adverse effect per 36 CFR
835 800.6.

837 CEMVN consulted with the Louisiana State Historic Preservation Office (SHPO), Tribes, and
838 other potential stakeholders regarding its Adverse Effects determination via letter on October
839 20, 2020, and received concurrence from SHPO on November 12, 2020, that 11 resources
840 within the existing Donaldsonville NRHD will experience adverse visual effects; the NHRP-
841 eligible Walter Lemann, Sr. Pumping Station will experience adverse visual effects; and the
842 NRHP-eligible Creole cottage at 305 Lafourche Street, U.S. Post Office, and Donaldsonville
843 Rice Mill will experience no adverse effects (Figure 3). CEMVN concluded that due to the
844 demonstrated presence of intact cultural deposits and exceptional significance of the deposits
845 identified within the expanded boundary of Site 16AN36, as well as the indirect adverse effects
846 to the Donaldsonville NRHD and the Walter Lemann, Sr. Pumping Station, that it is a prudent
847 and necessary approach to seek ways to avoid, minimize, and/or mitigate the Adverse Effects of
848 the Undertaking through the development of a Memorandum of Agreement (MOA) in
849 consultation with stakeholders. The MOA shall contain a Treatment Plan developed by BLFWD
850 to avoid, minimize, and/or mitigate the adverse effects of the Undertaking to NRHP-eligible or
851 listed archaeological properties (Site 16AN36). The Treatment Plan shall also provide for
852 Archaeological Phase I Survey within the USACE Revetment Area and address those portions
853 of Site 16AN36 falling within Area 3 (Figure 4); including the Louisiana Route 18/Veterans
854 Boulevard and Iberville Road Areas (Figure 5), that also defines a framework for the treatment
855 of any new discoveries and human burials. Furthermore, the Treatment Plan shall also provide
856 measures to resolve the adverse effects of the Undertaking to built environment properties
857 (Donaldsonville NRHD; Walter Lemann, Sr. Pumping Station). Accordingly, BLFWD has
858 requested that TerraX produce a Treatment Plan to avoid, minimize, and/or mitigate the adverse
859 effects to NRHP-listed or eligible archaeological and built-environment properties affected by
860 the Undertaking.

861 **STANDARDS AND PROFESSIONAL QUALIFICATIONS**
862

863 TerraX designed the following approach to outline procedures for conducting all aspects of the
864 background research, fieldwork analysis, and report preparation. This Treatment Plan uses the
865 definitions presented in the subsequent paragraphs to establish standards for performing all
866 cultural resource project reviews and investigations required under the terms of this MOA
867 including, but not limited to, site identification, NRHP eligibility evaluations, and resolution of
868 adverse effects to historic properties:
869

- 870 • “Qualified Staff “ — shall mean staff who meet, at a minimum, the Secretary of
871 Interior (SOI) Professional Qualifications Standards set forth at 48 FR 44738
872 (September 29, 1983), for History, Archaeology, Architectural History, Architecture,
873 or Historic Architecture (https://www.nps.gov/history/local-law/arch_stnds_9.htm) and
874 the appropriate qualifications presented in Professional Qualifications (36 CFR Part
875 61, Appendix A).
- 876 • “Standards” — shall mean the SOI Standards and Guidelines for Archaeology and
877 Historic Preservation [Federal Register 48(190) 1983:44716-44737] ([https://www.nps](https://www.nps.gov/history/local-law/arch_stnds_0.htm)
878 [.gov/history/local-law/arch_stnds_0.htm](https://www.nps.gov/history/local-law/arch_stnds_0.htm)).
- 879 • “Professional Standards” — shall mean that all cultural resource investigations shall
880 be performed by, or under the direct (in-field) supervision of appropriate
881 professional(s) or by contractors, who are “Qualified Staff.”
- 882 • “Field and Reporting Standards” — BLFWD shall ensure that all fieldwork and
883 documentation resulting from Undertakings reviewed pursuant to the MOA are
884 consistent with all applicable Louisiana Division of Archaeology (LDOA) Field
885 Standards ([https://www.crt.state.la.us/cultural-development/archaeology/CRM/](https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/field-standards/index)
886 [section-106/field-standards/index](https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/field-standards/index)) and Reporting Standards ([https://www.crt.state.la.](https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/report-standards/index)
887 [us/cultural-development/archaeology/CRM/section-106/report-standards/index](https://www.crt.state.la.us/cultural-development/archaeology/CRM/section-106/report-standards/index)), and
888 the Louisiana Division of Historic Preservation (LDHP) Louisiana Historic Resource
889 Inventory Guidelines ([https://www.crt.state.la.us/Assets/OCD/hp/standing-structures-](https://www.crt.state.la.us/Assets/OCD/hp/standing-structures-survey/SurveyGuidelines.pdf)
890 [survey/SurveyGuidelines.pdf](https://www.crt.state.la.us/Assets/OCD/hp/standing-structures-survey/SurveyGuidelines.pdf)), or the most current versions located on the Louisiana
891 Office of Cultural Development website.
- 892 • “Policies and Guidelines” — shall mean guidance from any of the following:
 - 893 ○ The National Park Service (NPS) Publication: The Archaeological Survey:
894 Methods and Uses (National Park Service 1978);
 - 895 ○ Advisory Council on Historic Preservation’s (ACHP) Treatment of
896 Archeological Properties: A Handbook (1980; [https://www.achp.gov/sites/](https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf)
897 [default/files/documents/2018-11/Treatment%20of%20Archeological%20](https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf)
898 [Properties-A%20Handbook-OCR.pdf](https://www.achp.gov/sites/default/files/documents/2018-11/Treatment%20of%20Archeological%20Properties-A%20Handbook-OCR.pdf));
 - 899 ○ Identification of Historic Properties: A Decision-making Guide for Managers
900 (1988, joint ACHP-NPS publication);
 - 901 ○ Consulting About Archeology Under Section 106 (1990);

- 902 ○ ACHP’s Recommended Approach for Consultation on Recovery of Significant
- 903 Information from Archeological Sites (1999);
- 904 ○ ACHP’s Policy Statement Regarding the Treatment of Burial Sites, Human
- 905 Remains and Funerary Objects (2007;
- 906 [https://www.achp.gov/sites/default/files/2018-06/FactSheetPolicyRegarding](https://www.achp.gov/sites/default/files/2018-06/FactSheetPolicyRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects.pdf)
- 907 [TreatmentofBurialSitesHumanRemainsandFuneraryObjects.pdf](https://www.achp.gov/sites/default/files/2018-06/FactSheetPolicyRegardingTreatmentofBurialSitesHumanRemainsandFuneraryObjects.pdf));
- 908 ○ ACHP’s Section 106 Archaeology Guidance: A reference guide to assist
- 909 federal agencies in making effective decisions about archaeological sites
- 910 (2009; [https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20](https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf)
- 911 [ARCHAEOLOGY%20GUIDANCE.pdf](https://www.achp.gov/sites/default/files/guidance/2017-02/ACHP%20ARCHAEOLOGY%20GUIDANCE.pdf));
- 912 ○ SOI’s Standards and Guidelines for Archaeology and Historic Preservation
- 913 (48 FR 44716-42, September 29, 1983);
- 914 ○ National Register Bulletin 38, Guidelines for Evaluating and Documenting
- 915 Traditional Cultural Properties (1998);
- 916 ○ LDHP’s Elevation Guidelines for Historic Buildings in the Louisiana GO Zone
- 917 (2014; [https://www.crt.state.la.us/Assets/OCD/hp/uniquely-louisiana-](https://www.crt.state.la.us/Assets/OCD/hp/uniquely-louisiana-education/Disaster-Recovery/Final%20Elevation%20Design%20Booklet%2012-07-15%20v2.pdf)
- 918 [education/Disaster-Recovery/Final%20Elevation%20Design%20Booklet%](https://www.crt.state.la.us/Assets/OCD/hp/uniquely-louisiana-education/Disaster-Recovery/Final%20Elevation%20Design%20Booklet%2012-07-15%20v2.pdf)
- 919 [2012-07-15%20v2.pdf](https://www.crt.state.la.us/Assets/OCD/hp/uniquely-louisiana-education/Disaster-Recovery/Final%20Elevation%20Design%20Booklet%2012-07-15%20v2.pdf)); and
- 920 ○ NPS Guidelines on Flood Adaptation for Rehabilitating Historic Buildings
- 921 (2019; [https://www.nps.gov/tps/standards/rehabilitation/flood-adaptation-](https://www.nps.gov/tps/standards/rehabilitation/flood-adaptation-guidelines.pdf)
- 922 [guidelines.pdf](https://www.nps.gov/tps/standards/rehabilitation/flood-adaptation-guidelines.pdf)).

924 In developing and implementing the Treatment Plan, MOA, or any other stewardship activities
 925 required under the terms of this MOA, BLFWD, shall comply with the requirements of the
 926 Qualified Staff, Standards, Professional Standards, Field and Reporting Standards, and the
 927 Policies and Guidelines, as in existence at the time they are performed.

929 **MITIGATION OF ADVERSE EFFECTS TO ARCHAEOLOGICAL SITE 16AN36 (DATA**
 930 **RECOVERY)**

931 Research Questions

932 The following research questions are posed for the Phase III data recovery portions of Site
 933 16AN36. They were formulated to address various research objectives and goals highlighted in
 934 *Louisiana’s Comprehensive Archaeological Plan* (Girard et al. 2018).

- 938 1) What is the calendrical age range(s) represented by the occupations in the project
- 939 area at 16AN36? Are all the findings from the earlier investigation contemporaneous with
- 940 Fort Butler? Are there any observable disparities in the activities performed at 16AN36
- 941 through time? Was the site occupied on a permanent or seasonal basis?
- 942

943 2) What is the spatial arrangement of constructed features and activity areas at
944 16AN36? What activities are represented at the site? Were any particular activities
945 restricted to certain sections of the site, and if so, how do the observed organization
946 principles compare to those observed within the historic record of the area? What types
947 of architectural construction techniques are represented?
948

949 3) What kinds of subsistence strategies were employed at 16AN36? How were
950 subsistence products acquired and used at the site? Which species of fauna and flora
951 are represented within the assemblage? What types of material technologies were used
952 in subsistence pursuits?
953

954 4) What types of artifacts are represented at 16AN36? What types of tools and
955 production techniques are represented in the site assemblage?
956

957 5) Did the community of Port Barrow have a distinct developmental history from that of
958 Donaldsonville?
959

960 6) How does this portion of this site compare to data collected from comparable sites of
961 similar time periods, including, but not limited to Fort Mitchell and Fort Howell in South
962 Carolina, Harpers Ferry in West Virginia, and battlefield encampments such as Shiloh in
963 Mississippi and Manassas in Virginia (Cornelison Jr. et al. 2004; Reeves 2014; Seeber
964 2018; Trinkley 1986, 1987)?
965

966 Field Methods

967

968 Field techniques anticipated for Phase III data recovery of portions of Fort Butler (16AN36) are
969 presented in the following sections and will meet or exceed the Louisiana SHPO standards for
970 an archaeological mitigation (Girard et al. 2018). If any materials potentially associated with
971 Native Americans are identified, all work will immediately be stopped, CEMVN will be contacted,
972 and CEMVN will resolve the findings with consulting Tribes. Following the successful resolution
973 of the consultation, BLFWD will be contacted and advised of the next steps. Because of the
974 complexity of the site and the difficulty to access certain sections of the site, the mitigation will
975 have to be a staged effort. The section of the site adjacent to the former Tastee Freez at 75
976 Iberville Street, along the previous path of the bayou, will be investigated first. This area is
977 currently covered by grass and can be excavated without asphalt removal. The second stage of
978 the investigation will focus on the portions of the site under Iberville Street, Veterans Boulevard,
979 and the revetment. These areas are currently covered by asphalt or concrete that will have to be
980 removed during construction. The initial stage of data recovery will include a combination of
981 mapping, mechanical stripping, hand excavation units, and the documentation of intact cultural
982 features (see Figure 4).
983

984 **FIRST STAGE OF MITIGATION OF ADVERSE EFFECTS TO ARCHAEOLOGICAL SITE**
985 **16AN36**

986
987 Mapping
988

989 To understand the spatial distribution of cultural deposits and features within portions of
990 16AN36, a Topcon total station will record all excavation areas, prominent surface features,
991 excavated structures, and associated features on the site map. All elements of the resulting site
992 map will be digitized and incorporated into a GIS database for further potential analysis and
993 map generation.
994

995 Mechanical Stripping
996

997 Based on the results of the Phase I effort, mechanical stripping of the site will be utilized to
998 identify cultural features. Mechanical stripping will cover the entire Archaeological APE between
999 Iberville Street and Veterans Boulevard (see Figure 4). This will be undertaken with the use of a
1000 backhoe with a smooth blade bucket. These excavations will remove the upper fill layer to
1001 search for cultural features (between 40 to 90 centimeters [cm] below surface). The last few
1002 centimeters above the cultural layer will be shovel skimmed to recover any artifacts and identify
1003 features.
1004

1005 Unit Excavation
1006

1007 A minimum of ten, one-x-one-m test excavation units will be placed to target areas thought to
1008 exhibit high data potential based on the stripping and shovel-scraping discussed above.
1009 Excavation units may also be placed to explore other areas of high data potential, such as
1010 midden areas, feature clusters, architectural remains, or similar areas exposed during
1011 mechanical stripping (discussed below). Additional test units may be placed adjacent to initial
1012 units to sample other portions of intact deposits or cultural features during unit excavations.
1013 Flexibility in determining unit placement will be the key to maximizing the data recovered by unit
1014 excavations.
1015

1016 Units will be excavated in arbitrary 10-cm levels and along with natural stratigraphic breaks
1017 when discernable. Excavations will be terminated after completing two sterile 10-cm levels;
1018 though, at least one auger test will be excavated into the base of each unit to determine if any
1019 deeply buried deposits are present. Excavated soils will be dry screened through 1/4-in (0.64-
1020 cm) hardware cloth. A minimum of one representative profile will be mapped and photographed
1021 in each excavation unit. All provenience information and interpretive discussions will be
1022 recorded on standard TerraX excavation unit forms.
1023

1024 In addition to photographs documenting features and test units, general photographs of the site

1025 vicinity and various testing methods will also be taken throughout the project. All documentary
1026 photographs will consist of digital stills. Additional photogrammetric techniques may be
1027 employed to create two- or three-dimensional color models if notable features are encountered,
1028 such as relatively intact structural patterns, as warranted.
1029

1030 Feature excavation

1031
1032 Any recognized features will subsequently be hand cleared to define their boundaries. Once
1033 defined, features will be drawn and photographed in plan-view before excavation, and their
1034 precise location recorded and incorporated into the site map. Except for structural foundations,
1035 each feature will then be cross-sectioned along the axis deemed most advantageous for
1036 revealing the best possible profile. A feature profile will then be photographed and drawn, after
1037 which the remaining fill soil will be excavated. Apart from smaller post molds, a two-liter soil
1038 sample will be taken from each feature for flotation and analysis. In the case of more prominent
1039 features, a greater volume of soil may be sampled. All remaining soil from sampled features will
1040 be dry screened on-site through 1/4-in (0.64-cm) mesh. All provenience information and
1041 interpretive discussions will be recorded on standard TerraX excavation forms.
1042

1043 **SECOND STAGE OF MITIGATION OF ADVERSE EFFECTS TO ARCHAEOLOGICAL SITE**
1044 **16AN36**

1045
1046 The second phase of the mitigation will focus on areas of the site that are not accessible until
1047 the existing asphalt or concrete is removed. Because of their location under Iberville Street,
1048 Louisiana 18/Veterans Boulevard, or the revetment, these areas are constantly in use and will
1049 only be closed during the construction period (see Figure 5).
1050

1051 Both Louisiana 18/Veterans Boulevard and Iberville Street are covered by asphalt, and it is
1052 possible that one or both portions partially cover sections of Fort Butler. In earlier maps of the
1053 area, an external battery of the fort falls directly in the path of the roads. The construction and
1054 maintenance of the roads may have destroyed any portions of the fort once in the area, but
1055 previous work has demonstrated that nearly two feet of fill cover other portions of the fort.
1056 Consequently, portions of the fort may be present and intact under the roads.
1057

1058 To address the road portions of the Undertaking, BLFWD shall complete two steps: road and fill
1059 removal and a magnetometry survey of the roads and monitoring of road. The roads will be
1060 removed by the construction teams while being monitored by TerraX archaeologists.
1061

1062 After the roads and fill are removed, TerraX will conduct a magnetometry survey with a
1063 Gradiometer along both roads within the project area. This process measures the magnetic
1064 intensity of objects and soil in nanoteslas (nT) via the magnetic gradient derived from two
1065 vertically separated sensors (Kvamme 2001:357). Gradiometers are well known for their

1066 sensitivity, and archaeologists have thoroughly demonstrated their utility in detecting various
1067 subsurface archaeological features, including structures (e.g., Cook et al. 2015; King 2013; King
1068 et al. 2011; Regnier et al. 2014; Sullivan and McKinnon 2013) and traces of former earthworks
1069 (e.g., Burks 2014; Kvamme and Ahler 2007; Regnier et al. 2014). All grid locations will be
1070 recorded with a total station and general surface topography. Possible disruptive objects will
1071 also be sketch mapped for each survey grid to identify potential anomalies related to such
1072 factors.

1073
1074 If anomalies are noted during any of the processes, TerraX will place a minimum of one to two,
1075 one-m units over the location of each anomaly. If no anomalies are noted, one to two, one-m
1076 units will be placed in each stripped area. The units will be dug in 10-cm arbitrary levels and by
1077 stratum following standard archaeological protocols (see description above). If any features are
1078 uncovered in any of the processes, they will be fully exposed (by hand excavation), recorded,
1079 mapped, and photographed.

1080
1081 If features associated with Fort Butler are discovered, all consulting parties will immediately be
1082 contacted. No work will proceed until all consulting parties have reviewed and accepted the
1083 proposed strategies for excavation. The methods and extent of excavations may vary based on
1084 the findings and their conditions. Upon approval, the features will be fully uncovered (by hand),
1085 recorded, mapped, and photographed.

1086
1087 The revetment is currently covered by concrete and waters of the Mississippi River. The portion
1088 of the Archaeological APE will be evaluated after a cofferdam is built around this portion of the
1089 APE in the Mississippi River. Once the water has been drained within the dam, the concrete will
1090 be removed and monitored by a TerraX archaeologist. Afterward, this area will be probed using
1091 a 36-in soil probe on a one-m grid, and finally, the upper layer of soils will be stripped away by a
1092 track hoe with a smooth bladed bucket. If any cultural features or suspicious stains are noted,
1093 these areas will be examined. All cultural features will be fully exposed, recorded, mapped, and
1094 photographed.

1095 1096 **UNANTICIPATED DISCOVERIES**

1097 1098 *Native American Artifacts*

1099
1100 If any artifacts associated with Native Americans are encountered during excavations, the
1101 procedures established in Stipulation VI will be followed.

1102 1103 *Human Remains and Funerary Objects*

1104
1105 If human remains are encountered during the project, the procedures established in Stipulation
1106 VI of the MOA will be followed. Specifically, if any potential graves and funerary objects are

1107 found while stripping, all work will immediately stop, and BLFWD will notify CEMVN and others
1108 as provided for in Stipulation VI.d(2) of the MOA. Following notice to proceed from the relevant
1109 agencies/Tribal entities, TerraX shall follow the procedures determined by the relevant
1110 agencies/Tribal entities adhering to any procedures and/or conditions that may be stipulated at
1111 that time. Only if approved by the relevant agencies/Tribal entities, the findings will be cleaned,
1112 mapped, and photographed. Once stripping and mapping are complete, each burial shaft will be
1113 individually hand excavated. Excavation will continue until each burial is fully exposed,
1114 photographed, and mapped. The soils within the burial shaft will be carefully screened through
1115 1/4-in (0.64 cm) hardware mesh to recover any fragmented bones, associated funerary objects,
1116 and coffin hardware. Once the burials have been adequately recorded, if BLFWD receives
1117 approval from the relevant agencies/Tribal entities, the human remains will be removed and
1118 placed into temporary containers (body bags or other Tribally approved containers) and
1119 prepared for reinternment. If approved by the relevant parties, specialized analysis will examine
1120 the remains to identify age, sex, height, and other physical characteristics. In addition, an
1121 Osteologist will non-invasively examine the remains to identify the pathology of the individual(s).
1122 Specifically, they will look for any obvious causes of death, although this is often impossible to
1123 determine because of the condition of the remains.
1124

1125 Any human remains and potential funerary objects encountered during the stripping will be
1126 mapped and collected if approved by the appropriate agencies/Tribal entities. TerraX will
1127 temporarily retain these remains at a secure location within the State of Louisiana until the
1128 appropriate disposition can be determined.
1129

1130 A Burial Excavation permit issued by the Secretary of the Louisiana Department of Culture,
1131 Recreation and Tourism may be required before fieldwork begins.
1132

1133 **LABORATORY PROCEDURES AND COLLECTION CURATION** 1134

1135 TerraX's laboratory in Baton Rouge, Louisiana, located at 8345 Thurmond Drive, will receive all
1136 cultural material recovered during the Phase III data recovery. Upon initial receipt of materials
1137 and field forms, bag lists will be entered into a computer database for use with a labeling
1138 program. The materials will be cleaned (unless otherwise recommended by Louisiana SHPO
1139 standards to not clean) and, if necessary, stabilized before classification and quantification by
1140 laboratory analysis according to laboratory procedures established by the Louisiana Department
1141 of Archaeology (LDOA) and for the cultural area from which they are recovered. TerraX cultural
1142 material classification incorporates categories based primarily on morphological and metric
1143 attributes. Previously defined artifact types will be used to facilitate chronological assessments
1144 and intra-site comparisons whenever possible. Type frequencies will be summarized in artifact
1145 inventories included in the resulting individual site description and a comprehensive list as an
1146 appendix in the final report.

1147
1148 Artifacts will be bagged by lot number in appropriately sized, four-millimeter-thick, plastic zipper
1149 bags. Labels will include provenience information, accession number, and lot numbers and will
1150 be produced on acid-free, archival quality paper placed within a separate bag inside each bag.
1151 The same information will also be written on the exterior of each bag. All curated materials will
1152 be stored in archival-quality boxes with interior and exterior labels produced on acid-free paper.
1153 Inventory sheets itemizing the contents will be produced on acid-free paper and placed within
1154 each box. All cultural materials, project records, and other pertinent documents generated by
1155 the investigation will be transported for curation at the LDOA in Baton Rouge, Louisiana.
1156 Additionally, notable findings will be detailed on interpretive panels within the proposed park and
1157 walking trail discussed below.
1158

1159 Specialized analyses, including faunal bone identification, archaeobotanical analyses, and
1160 Accelerator Mass Spectrometry dating, will also be employed for the data recovery project.
1161 These analyses will be outsourced to qualified independent contractors, meeting the Profession
1162 Qualifications, and the results will be included within the Phase III report.
1163

1164 **REPORTING**

1165
1166 Within 90-days of the completion of fieldwork, a draft report detailing the findings will be written.
1167 The report will contain a complete description of the sequence of excavations; a description of
1168 analysis and conservation activities; detailed analysis of artifact and features; relevant
1169 diagrams, figures, line drawings, and/or photographs of the site, excavations, features, and
1170 artifacts; a detailed interpretation of the site; and all relevant material recovered databases and
1171 appendices. Additionally, an updated site form will be completed detailing the Phase III data
1172 recovery efforts at the site. The reports will be provided to Louisiana SHPO and other
1173 appropriate stakeholders for a 30-day review, subject to the confidentiality provisions contained
1174 in Stipulation III of this MOA. Once this review is complete, any recommendations received from
1175 stakeholders will be addressed in a final report(s).
1176

1177 **ADVOIDANCE OF POTENTIAL FUTURE AUDITORY ADVERSE EFFECTS TO THE** 1178 **DONALDSONVILLE NRHD**

1179 Sound baffling

1180 BLFWD will perform a baseline sound study to determine the contributing noise to the
1181 Donaldsonville NRHD currently caused by the existing Pump Station. This study will be
1182 performed by a certified acoustic engineer and will be conducted once the environmental
1183 conditions allow (Mississippi River heights, normal weather patterns, etc.), but will be completed
1184 before any construction activities commence. Once construction of the BLMRRPCIP is
1185 completed, an additional sound study will be conducted following the same protocol as the
1186 existing conditions study. If it is determined that the proposed pump station contributes a greater
1187

1188 level of noise to the NRHD than the existing station, BLFWD will immediately implement sound
 1189 baffling techniques to assure that the proposed station contributes an equal or lesser level of
 1190 noise to the NRHD as the existing station. If it is determined that additional construction
 1191 materials are required to baffle noise of the proposed pump station, BLFWD will match the
 1192 previously approved building materials utilized on the proposed pumping station. The
 1193 completion of the sound studies and installation of the sound baffling materials, if determined to
 1194 be needed, represents the completion of this component of the Treatment Measure.
 1195

1196 **BUILT RESOURCES MINIMIZATION AND MITIGATION FOR THE DONALDSONVILLE**
 1197 **NRHD AND WALTER LEMANN, SR. PUMPING STATION**
 1198

1199 A survey of extant built-environment resources aged 50 years and older within the 171.92-acre
 1200 Standing Structures APE and/ or adjacent to the pumping station was conducted to determine
 1201 the potential effect of the Undertaking on NRHP-listed and eligible resources. The APE was
 1202 determined by the CEMVN in consultation with the SHPO and Tribes. The survey evaluated 144
 1203 resources aged 50 years or older, including 64 buildings and two landscape features within the
 1204 existing Donaldsonville NRHD (NRHP # 84001248); the NRHP individually listed Lemann Store
 1205 located within the NRHD (NRHP # 82002753, LHRI # 03-00370/03-00742); and 76 buildings
 1206 and two structures located outside of the NRHD. Louisiana Historic Resource Inventory (LHRI)
 1207 forms were completed for each evaluated resource and are publicly available through the LRHI
 1208 online database (LHRI 2019). The survey found that the Donaldsonville NRHD maintains its
 1209 eligibility, with one non-contributing building recommended as now considered contributing and
 1210 no contributing resources downgraded to non-contributing. The Lemann Store likewise
 1211 maintains its NRHP eligibility. Of the resources not previously listed, the Creole cottage at 305
 1212 Lafourche Street (LHRI # 03-00317) is recommended eligible under Criterion C: Architecture;
 1213 the existing Walter Lemann, Sr. Pumping Station (LHRI # 03-00787) is recommended eligible
 1214 under Criterion A: Event; and the U.S. Post Office at 301 Iberville Street (LHRI # 03-00875) and
 1215 Donaldsonville Rice Mill at 215 2nd Street (LHRI # 03-00918) are both recommended eligible
 1216 under Criterion A: Event and Criterion C: Architecture (Patterson 2020).
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1218 Of the evaluated resources, the Louisiana SHPO concurred with the NRHP eligibility
 1219 recommendations; that 11 resources within the existing Donaldsonville NRHD will experience
 1220 adverse visual effects; the NHRP-eligible Walter Lemann, Sr. Pumping Station will experience
 1221 adverse visual effects; and the NRHP-eligible Creole cottage at 305 Lafourche Street, U.S. Post
 1222 Office, and Donaldsonville Rice Mill will experience no adverse effects. The evaluated resources
 1223 that are recommended ineligible for the NRHP will experience no effects resulting from the
 1224 proposed Undertaking (see Figure 3, Table 1).
 1225

1226 Table 1. NRHP-listed or eligible resources that will experience an adverse visual effect as a
 1227 result of the Undertaking.

LHRI Number	Resource	NRHP Status
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LHRI Number	Resource	NRHP Status
03-00366	113 Chetimatches St.	Contributing to NRHD
03-00367	107 Chetimatches St.	Contributing to NRHD
03-00368; 03-00738	Bel House, 100 Chetimatches St.	Contributing to NRHD
03-00867	202 Mississippi St.	Contributing to NRHD
03-00872	105 Iberville St.	Contributing to NRHD
03-00881	107 Lafourche St.	Contributing to NRHD
03-00882	207 Lafourche St.	Contributing to NRHD
03-00889	Crescent Park	Contributing to NRHD
03-00890	102 Crescent Park	Contributing to NRHD
03-00891	106 Crescent Park	Contributing to NRHD
03-00892	108 Crescent Park	Contributing to NRHD
03-00909	Walter Lemann, Sr. Pumping Station	Individually eligible

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To minimize and mitigate the adverse effects created by the BLMRRPCIP, BLFWD proposes to construct an outdoor park and walking trail at the site of the pumping stations. Components of this park, including the landscape design and interpretative panels, will be used to address the adverse effects to the 11 resources within the Donaldsonville NRHD and the Walter Lemann, Sr. Pumping Station, as well as archaeological site 16AN36. These Treatment Measures are proposed with the understanding that it has been previously determined by a study conducted by the BLFWD that there are no feasible options for avoidance, and the nature and use of the BLMRRPCIP limit changes to its geographic location and design. These Treatment Measures shall be carried out by the BLFWD or by TerraX on behalf of the BLFWD. In addition to addressing the adverse effects, they are intended to address the material, viewshed, and auditory concerns expressed by stakeholders.

BLFWD proposes a Landscape Plan designed by a qualified Landscape Architect, in consultation with stakeholders, to visually shield the pumping station from the NRHD resources and create the park and walking trail layout. To be considered qualified, the landscape architect must have a bachelor's or master's degree in landscape architecture from an accredited university. The Landscape Plan will be designed to be ADA-compliant. The 30% Landscape Plan design shall be provided to stakeholders for a 30-day review. Following the 30-day review, BLFWD shall address all comments received and produce a 60% Landscape Plan design. BLFWD shall provide the 60% Landscape Plan design to stakeholders for a 30-day review. Following the 30-day review, BLFWD shall address all comments received and produce a final Landscape Plan design. The final set of plans shall be provided to stakeholders for a 30-day review. Thereafter, BLFWD shall execute the Landscape Plan as agreed with stakeholders. Following the completion of construction, BLFWD shall conduct a final site inspection with stakeholders and resolve any remaining issues. Each of the below elements will be components of the Landscape Plan execution. Successful completion of all components represents the completion of this Treatment Measure:

1256
1257 Interpretative panels: TerraX, on behalf of BLFWD, will contract with a third party to
1258 create interpretative panels that match the design and size of the existing “Fort Butler”
1259 panel present on the pumping station property. Based on stakeholder input, four to six
1260 panels new will be created to highlight the history of Donaldsonville and the NRHD, Fort
1261 Butler, African American contributions to Fort Butler and the potential refugee camp, the
1262 history of the Bayou Lafourche and Walter Lemann, Sr. Pumping Station, and findings
1263 from the mitigation of Site 16AN36. Additionally, wayfinding markers and a revision of
1264 the existing Fort Butler panel may be included. The language and images used on the
1265 panels will be geared to the general public. These panels will be placed within the park
1266 and walking trail and incorporated into the Landscape Plan. Panel design and topic
1267 details will be included for stakeholder review and feedback as part of the Landscape
1268 Plan. Installation of the panels represents the completion of this component of the
1269 Treatment Measure;

1270
1271 Genset/Tank Farm facility and fencing: BLFWD shall move the Genset/Tank Farm
1272 facility to the area between the proposed Levee Access Road and the proposed
1273 discharge pipes. This will allow the earthen embankment of the access road to help
1274 shield the facility from the view of the NHRD. Additionally, an aesthetically pleasing and
1275 historically appropriate fencing will be chosen in consultation with stakeholders to
1276 encompass this facility. The fencing shall be incorporated into the Landscape Plan.
1277 BLFWD will construct the fence, or cause the fence to be constructed, as agreed in the
1278 Landscape Plan. Successful installation of the fence as laid out in the Landscape Plan
1279 represents the completion of this component of the Treatment Measure;

1280
1281 Walking trail: BLFWD shall ensure that the Levee Access Road will be finished with a
1282 surface suitable for pedestrians to walk down the levee and be a continuation of the
1283 existing levee-top walk path as per the Landscape Plan. The successful construction of
1284 the Levee Access Road as provided for in the Landscape Plan represents the
1285 completion of this component of the Treatment Measure;

1286
1287 Tree removal: BLFWD will assure the tree that is in the location of the proposed intake
1288 pipes will be removed. This is currently causing a viewshed impediment of the
1289 Mississippi River. Removing this tree with the proposed pumping station in place will
1290 enhance the current view of the river. The removal of the tree represents the completion
1291 of this component of the Treatment Measure.

1292
1293 **PERSONNEL**

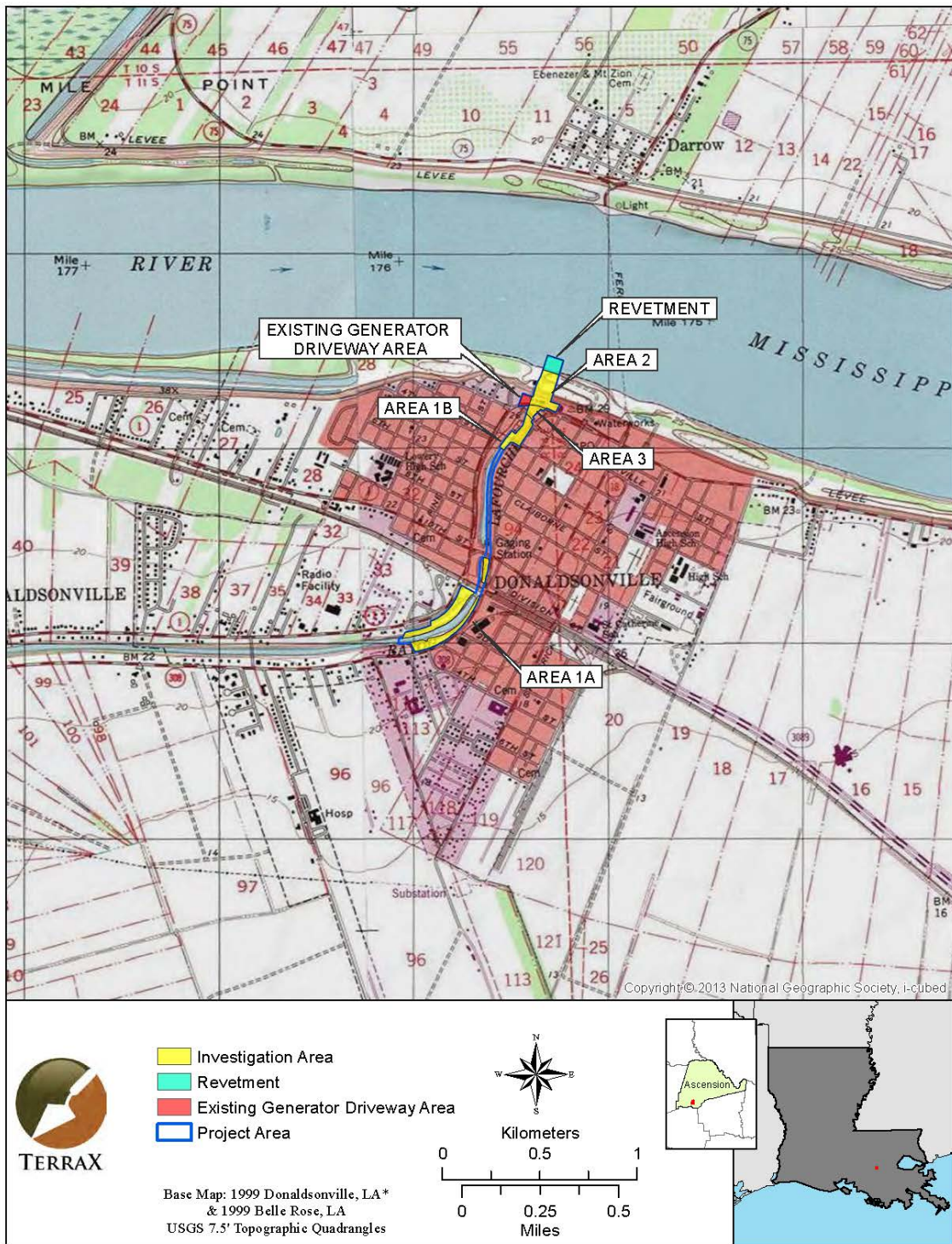
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1295 TerraX key personnel for this project will include Paul D. Jackson serving as Principal
1296 Investigator/Project Archaeologist, Lauren Patterson serving as Architectural Historian, and

1297 Brad Lanning serving as Osteologist. The field crew will be drawn from our pool of qualified
1298 archaeological field technicians.
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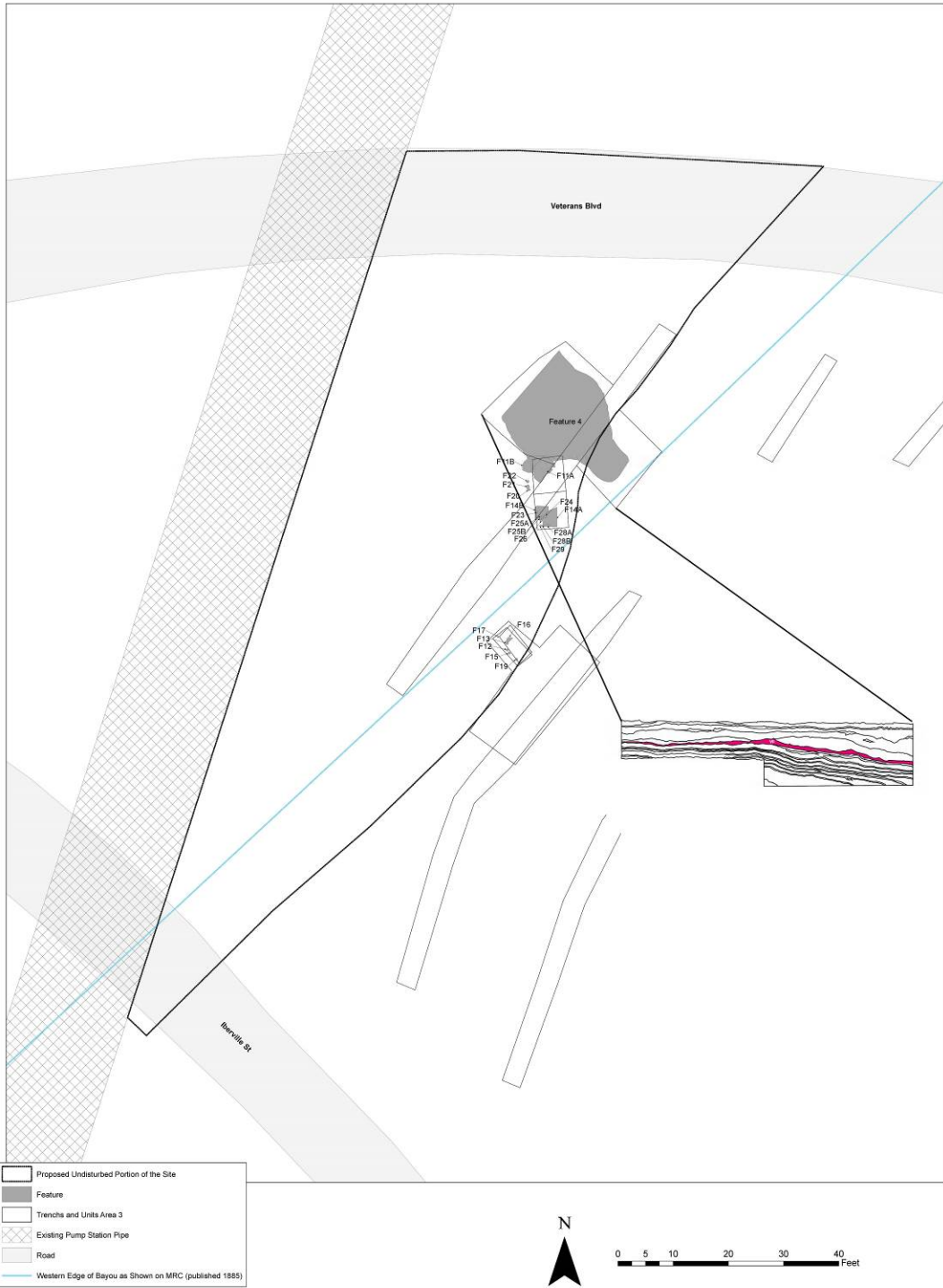
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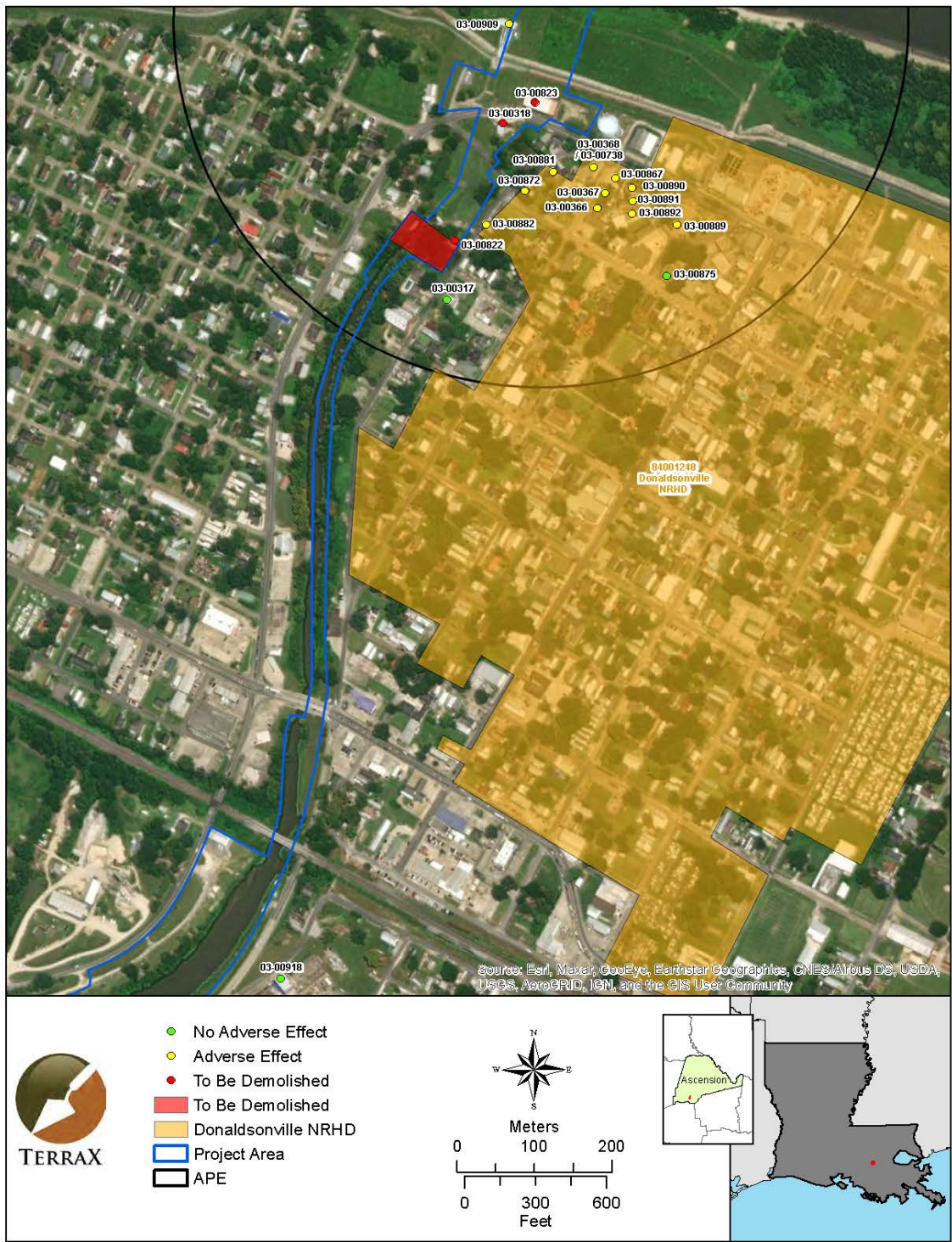
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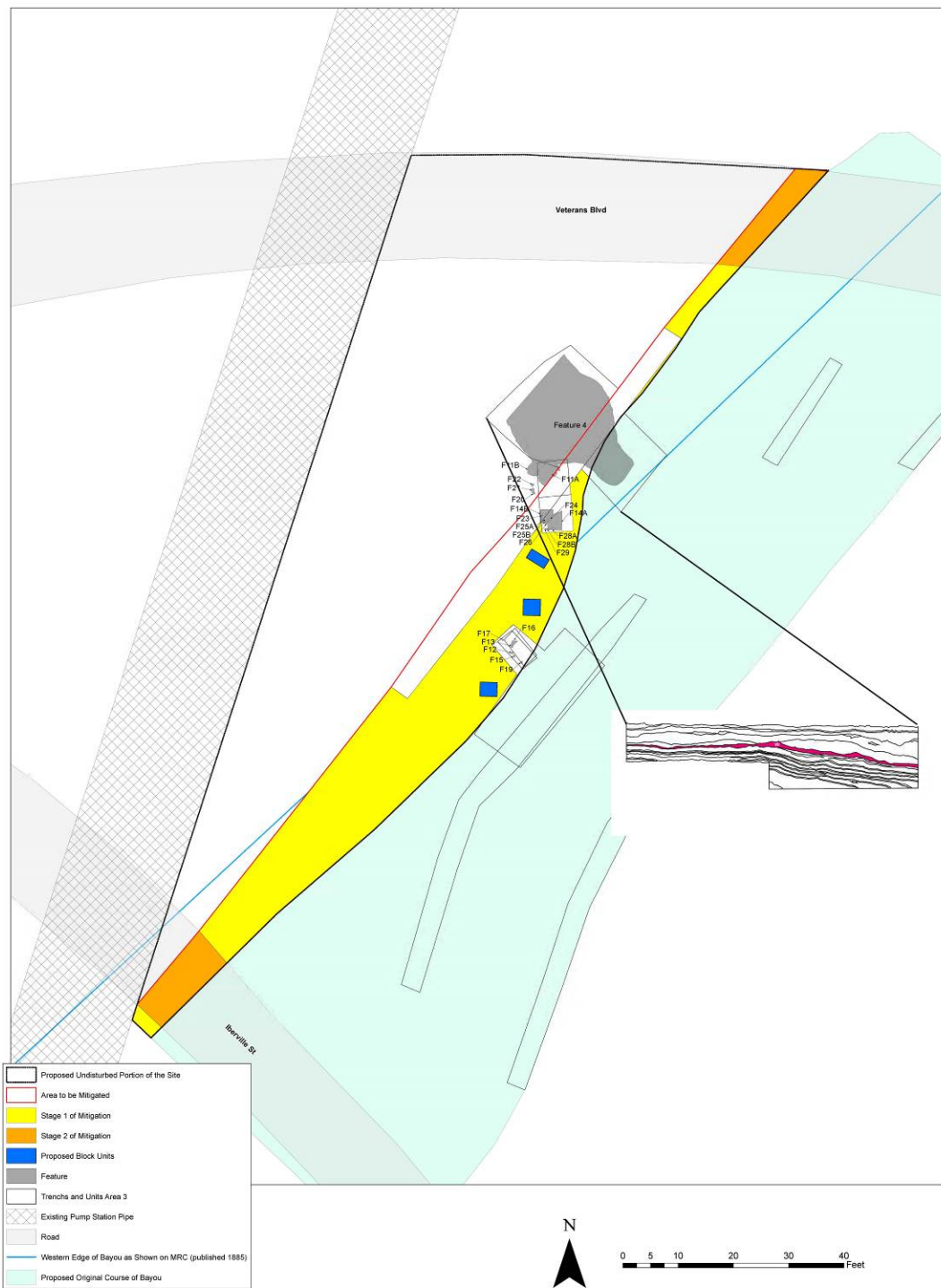
1389
1390 Figure 1.



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