



DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT
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October 20, 2020

Operations Division
Central Evaluation Section

Kristin Sanders, SHPO
LA State Historic Preservation Officer
P.O. Box 44247
Baton Rouge, LA 70804-4241

RE: Section 106 Review Consultation

Undertaking: Bayou Lafourche Fresh Water District, Bayou Lafourche
Mississippi River Re-Introduction and Pumping Capacity
Improvement Project, Ascension Parish, Louisiana (Project ID #
MVN-2017-00684-CO).

Determination: **Adverse Effect to Historic Properties**

Dear Ms. Sanders:

The U.S. Army Corps of Engineers (USACE), New Orleans District (CEMVN), Regulatory Branch, has received a permit request from Delta Coast Consultants, LLC, on the behalf of (obo) Bayou Lafourche Fresh Water District (BLFWD; Project ID # MVN-2017-00684-CO) to construct the Bayou Lafourche Mississippi River Re-Introduction and Pumping Capacity Improvement Project (BLMRRPCIP) at Donaldsonville, in Ascension Parish, Louisiana. BLFWD proposes to significantly expand the pumping capacity in this area to increase the supply of fresh water into Bayou Lafourche to benefit costal marshes and protect against salt intrusion in the bayou's historical flow area and to meet the long-term water supply need of the communities along the Bayou Lafourche corridor.

In partial fulfillment of CEMVN's responsibilities under Executive Order 13175, the National Environmental Policy Act, as amended (42 U.S.C. § 4321 et seq.), Section 106 of the National Historic Preservation Act (NHPA), as amended (54 U.S.C. § 306108), and its implementing regulations, 36 Code of Federal Regulations [CFR] Part 800, and Section 110 of the NHPA, that requires each Federal agency to assume responsibility for the preservation of historic properties or resources that fall under the agency's jurisdiction and that such properties are maintained and managed in a way that considers the preservation of their historic, archaeological, architectural, and cultural values. In compliance with Section 106, the CEMVN offers you the opportunity to review and comment on the potential of the proposed Undertaking described in this letter to adversely affect properties listed on or eligible for listing on the National Register of Historic Places (NRHP), protected tribal resources, tribal rights, or Native lands. Documentation in this letter is consistent with the requirements in 36 CFR § 800.11(e).

Authorities

CEMVN conducted a combined review of the individual permit request (Project ID # MVN-2017-00684-CO) in accordance with 33 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."

Description of the Undertaking

The BLMRRPCIP (Undertaking) project area (Figure 1) is located in the north-central portion of the town of Donaldsonville, on the right descending bank of the Mississippi River (MR), vicinity of River Mile 175, in Ascension Parish, Louisiana. Approximate geographic coordinates are: 30.108749; -90.990019. A 7.5' USGS map of the Undertaking location is presented in Figure 2. Plans for the proposed BLMRRPCIP project are attached (Attachments 1-4). All elevations in the description of the undertaking are referenced in NAVD 88 GEOID 12A (US Survey Feet).

The proposed improvements include a fresh water pump station that will result in an increased flow of 1000 cubic feet per second (CFS) from the MR into Bayou Lafourche (Attachment 1). The new pump station would be located along the MR Batture downstream of the existing pump station by approximately 100 feet (30.4 m). The new pump station will operate in conjunction with the current 450 CFS pump station located to the west of the proposed structure. The Scope of Work (SOW) indicates ground disturbing activities including the staging and construction of six (6) new 84-inch (213.3 cm) steel intake pipes each measuring 343 linear-feet (104 m) with six (6) steel pipe supports within the MR. For the installation of these pipes, a section of the existing USACE MR revetment, measuring approximately 100 x 200 feet (30.4 x 60.9 m), must also be removed and repaired in order to complete this work(Attachment 4). The intake pipes will then connect to the new pump station.

The new pump station includes a siphon discharge structure, standby power generation facilities, and an access platform with a bridge connecting the existing pump station to the new pump station. The maximum elevation of the proposed pump station is +85 feet. The pump station footprint will measure 145 x 107 feet (44.1 x 32.6 m) in order to accommodate the new intake and discharge pipes, electrical room, and pump access platform. The pump station will extend to a maximum height of 62 feet (18.8 m; +85 feet above ground surface). The maintenance access platform will be attached to the new pump station at a height of +35 feet. The height of the platform will ensure that the discharge pipes and maintenance access platform will remain above the MR flood stage. The main level of the pump station will have a height of +48 feet and is where the new pumps will be installed. The roof of the pump station will rise an additional 37 feet (11.2 m) to allow for the installation of lift system above the pumps. The lift system will be used to remove pumps when maintenance is needed. The new pump station also includes a 59.5 by 145 foot (18.1 x 44.1 m) concrete wet well set into the ground to an elevation of -20 feet. The intake pipes will convey water into the wet well and discharge by means of four (4) pumps. The pumps and controls will sit on top of a concrete slab at the top of the wet well. An auxiliary structure will be connected to the pump station for the discharge pipes to exit the pump station into Bayou Lafourche. Other construction work required for the new pump station includes two (2) new vehicle access ramps extending from LA Hwy 18 to the MR levee a concrete bridge measuring 215 by 22 feet (65.5 x 6.7 m) to access the pump station from the levee, drainage, sidewalks, and an aggregate driveway. The construction of the pump station also includes potential ground disturbing activities and effects to the surrounding viewshed resulting from the demolition and removal of the following two (2) buildings:

- Tastee-Freez – 75 Iberville St. (30.107591; -90.990658); and,
- American Legion Post 98 – 75 Mississippi St. (30.107831; -90.990137)

Heading north towards the MR from the pump station, six (6) 72 inch (182.8 cm) discharge pipes, each measuring 135 feet (41.1 m) in length, will be supported by six (6) steel-pile bents placed in the batture. The discharge pipes then will extend from the pump station to the south-southwest over the MR levee towards Bayou Lafourche supported by above ground concrete footings constructed on top of the levee for a length of 185 feet (56.3 m) for each pipe. The discharge pipes will then transition underground before reaching Louisiana Highway 18, crossing under, and then continuing underground until they reach a new discharge box where the water will discharge into Bayou Lafourche. To accomplish this work, the contractor will excavate a single trench to install both the intake and discharge pipes as is displayed in Attachment 1. The underground pipe run will be approx. 660 feet (201.1 m) for each pipe. In addition, approximately 211 feet (64.3 m) of sheet pile will be driven in the discharge box area to protect the bank on Bayou Lafourche from scour.

Additional work items captured under this Regulatory Permit Request include:

- Driving approximately 106 feet (32.3 m) of sheet pile to a tip elevation of -58 feet (17.7 m) to control erosion surrounding the Marchand Road Bridge located approximately 0.7 miles (1.1 km) downstream on Bayou Lafourche. The sheet pile wall will be a combination-wall, consisting of HZ MA I beam piles driven to a tip elevation of -58 feet and AZ 19-700 Sheet piles driven to an elevation of -41 feet. The wall will alternate 1 sheet pile pair, then 1 I beam and so on for approximately 106 feet. This will tie into the existing sheet pile wall at Marchand Bridge that DOTD constructed in 2000. The sheet piling will flare out from the bridge at all four (4) corners, and riprap will be placed in this location. An existing sediment trap in this area will be expanded to accommodate the increased flow resulting from the new pump station, and;
- The installation of a removable 10 inch (25.4 cm) High Density Poly Ethylene (HDPE) dredge pipe to allow for the flow of dredged material from an area within Bayou Lafourche used as a sediment trap and into the MR (Attachment 3). The dredge pipe will be submerged and anchored to the east bank of the bayou using a series of 4 x 4 inch (10.16 x 10.16 cm) timbers driven along the bank of the bayou. This work includes the permanent installation of a 36 inch (0.9 m) casing under LA Hwy 18 and also in the location of the levee crossing. Two (2) pits will be excavated to bore the casing under the highway. The levee crossing will require the installation of a permanent concrete pipe saddle, grading, and placement of geotextile and compacted fill over the crossing.

Individual Permit Revision Request

On March 26, 2020, CEMVN received an additional request from Delta Coast Consultants, LLC, obo BLFWD to revise the individual permit request (Project ID # MVN-2017-00684-CO) to add a new water intake facility for drinking water to the existing pump station permit request (Attachment 3). The proposed water intake is needed because the existing water intake managed by People's Water of Donaldsonville will be displaced by the construction of the new pump station discharge. The proposed water intake will be designed and built by Ascension Parish. The proposed water intake facility includes the construction of a new equipment building

that will house a vacuum prime system and vacuum pumps which will draw water to the existing water tower through a new water line. The dimensions of the proposed equipment building are 21 feet in length by 17 feet – 4 inches wide by 16 feet in height. The new section of intake line will run from the bottom of the Bayou Lafourche channel, over the proposed sheet pile wall (Attachment 3), along the east bank of Bayou Lafourche bank, and then run approximately 1,000 linear feet (304.8 m) within the existing Lafourche Street Right of Way (ROW), prior to connecting with the existing pipe which runs along the north side of LA Hwy 18. The water line will be a 12 inch (0.3 m) diameter line and will be buried and average of 3 feet (0.9 m) below surface. The excavated material will be backfilled into the excavated trench. Excavation of the slope of Bayou Lafourche would be also be required at the water intake site. The slope of Bayou Lafourche would need to be stepped to provide a flat surface for a small concrete pad that three (3) new self-priming pumps will rest upon. The water intake project will result in the disturbance of approximately 30 cubic yards (22.9 m³) of soil within the project footprint. The project will balance cut and fill. The deepest cut will be 18 inches (0.4 m) below surface and the deepest fill will be about the same. All excavated material would be re-used onsite in non-wet locations. Furthermore, the construction of the water intake also includes potential ground disturbing activities and effects to the surrounding viewshed resulting from the demolition and removal of the following building:

- Private Residence – 220 Lafourche St. (30.106246; -90.991318).

The proposed water intake construction can be seen in the plan included as Attachment 3.

Area of Potential Effects (APE)

In accordance with 36 CFR § 800.16(d), on June 27, 2019, the APE for both the standing structures and archaeology were developed in coordination with the Louisiana State Historic Preservation Officer of the Department of Culture, Recreation and Tourism (SHPO) and affected Tribes (Alabama-Coushatta Tribe of Texas (ACTT), Chitimacha Tribe of Louisiana (CTL), Choctaw Nation of Oklahoma (CNO), Coushatta Tribe of Louisiana (CT), Mississippi Band of Choctaw Indians (MBCI), Muscogee (Creek) Nation (MCN), Seminole Nation of Oklahoma (SNO), Seminole Tribe of Florida (STF), and the Tunica-Biloxi Tribe of Louisiana (TBTL)) to assist BLFWD in the development of their research design for a Phase I Standing Structures/ Archaeological survey. The Archaeological APE for BLMRRPCIP is based on the design plans submitted by the Requestor and accounts for all ground disturbing activities including access, staging, and construction and measures 26.97 acres (10.9 hectares). The Standing Structures APE (visual) is larger and includes the footprints of both the existing and proposed pumping stations and the surrounding view-shed and measures 171.92 acres (69.5 hectares). SHPO concurrence with the Standing Structures APE was received on June 28, 2019, and SHPO concurrence with the Archaeological APE was received on July 1, 2019. Additionally, on July 12, 2019, during a regularly scheduled Tribal Consultation Meeting, the participating Tribal representatives were briefed on the undertaking and asked if the APE was sufficient. Both the MBCI and JBCI found the APE to be generally acceptable. No other comments were received. A 7.5' USGS Topographic Quadrangle Map depicting both APE locations is included as Figure 2.

Historic Property Identification and Evaluation Efforts

In February, 2019, CEMVN plotted the latitudes and longitudes of the BLMRRPCIP Work Items against various data sets: the NRHP database, the *Louisiana Cultural Resources Map* provided

by the Louisiana State Historic Preservation Officer (SHPO), the U.S. Department of Agriculture (USDA) Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov>), U.S. Geological Survey (USGS) Quadrangle Maps (<http://nationalmap.gov/historical>), and other available historic maps on file with CEMVN. Additional background information consulted included the Louisiana Cultural Resources Management (CRM) Bibliography (LDOA Website), SHPO Site Forms, pertinent site and survey reports regarding previous investigations within 1-mile (1.6 km) of the APE (Figure 3), aerial photography, and a Phase I Archaeological/Standing Structures survey conducted at the request of CEMVN between September 15 and December 5, 2019, by TerraXplorations, Inc. (TerraX; Seeber 2020 (Attachment 5) and Patterson 2020 (Attachment 6)). This data was evaluated by CEMVN using the NRHP Criteria.

Archaeology

Based on the results of CEMVN's desktop review it was recognized that the BLMRRPCIP as proposed had the potential affect portions of Site 16AN36 (Fort Butler; Seeber 2020: Figure 4.2). The north western portion of the BLMRRPCIP APE partially overlaps with the recorded footprint of Fort Butler. Fort Butler was constructed by the Union Army during the winter of 1862-1863. Encompassing roughly 48,000 square feet (4459.35 m²) and measuring approximately 240 feet (73.15 m) from east to west and 200 feet (60.96 m) from north to south, the fort was constructed primarily of earth and logs, had three (3) star-shaped bastions on the south side and two (2) near the levee, and was surrounded by a brick-lined moat measuring approximately 12 feet (3.66 m) deep and 16 feet (4.88 m) wide. Wooden structures and a brick powder magazine were present within the interior of the fort (Hayes 1998). In addition, the fort was armed with six (6) 24-pound siege guns there was a detached bastion on the southeast side of the fort (Hayes 1998; Casey 1983; Speciale 1997). In 1902 portions of the fort were impacted during the construction of the dam at the head of Bayou Lafourche and subsequently the remaining portions of the fort were buried with the USACE construction of the extant MR levees during the 1930s.

Fort Butler was investigated by the National Park Service (NPS), Department of the Interior (DOI), through the LDOA from 1996 to 1999 (Hays 1996-1999). Archaeological investigations of two (2) areas (A and B) revealed that the site contains numerous intact structural remains (primarily foundations), features, and *in-situ* middens. During investigations, the original powder magazine of the fort was located as well as brick features including "walkways, a diamond-shaped brick feature, and portions of a brick foundation (Hays 1997)." Many of the features identified are associated with the Civil War-era use of the fort, but also to the post-war/late-nineteenth century use of the fort is also represented. Based on these investigations, Hays (1997) surmised that other portions of the site not investigated probably also contain intact features and midden associated with the fort; potentially making it one of the only Civil War-era sites with intact foundations, intact features, and cultural middens left in the region (Seeber 2020:9). A portion of the fort was listed on the NRHP on January 4, 1999, under Criterion D "because it contains well preserved structures, features, and intact middens that would enable researchers to address important research issues, including information about Union construction techniques and the daily life of soldiers (Hays 1997)." The NRHP nomination (Hays 1998) lists the Period of Significance as 1862-1865 and provides that:

The fort was commanded by Col. Richard C. Holcomb of the Federal 1st Louisiana Volunteers (Casey 1983). One major battle took place at Fort Butler. At 2 a.m. on June 23, 1863, General Thomas Green and about 1000 Confederate

troops from Texas attacked the fort. At that time, the fort was occupied by about 180-200 men including several companies of the 28th Maine Regiment commanded by Major Joseph D. Bullen and black troops from Louisiana who were convalescing in the fort after repeated sieges on Port Hudson (Speciale 1997:13). Despite their overwhelming numbers, the Confederate troops were soundly defeated by 6 a.m., in large part because of faulty intelligence from their scouts. Casualties of the battle were buried in a mass grave north of the fort along the Mississippi River (Smith 1906).

Also of note is that the role African-Americans played in the battle remains a topic of inquiry (Bauer et al. 2004). In part, this is because Major Bullen was murdered the day following the battle before he could write a formal report. However, there is strong evidence that African-Americans had a significant role in the construction and operation of the fort and recent archaeological work conducted at the site by Seeber (2020) attributes midden deposits identified as likely belonging to a “contraband” camp surrounding Fort Butler that would have been a center of operations for African-Americans seeking refuge from slavery and to join the Union Army. Seeber (2020:33-34) elaborates:

As it became known that the Union had taken the town and surrounding plantations, enslaved people fleeing bondage began flocking to Donaldsonville for refuge, as was common occurrence at Union forts across the south. Reasoning that these individuals were contraband of war, General Butler, the commander in charge of New Orleans and the fort’s namesake, forced them into service, sometimes paying wages, (a sort of semi-free legal status) (Fort Butler Foundation 2016). Living in nearby wooden or tent huts, they served as fort builders, nurses, and cooks (Berry 1967)... These are often referred to as “Contraband Camps” and frequently developed into Black communities after the war ended.... General Butler paid some enslaved people to return to their Union-occupied plantations to continue cultivating sugar (Smith 1906). Others he allowed to join the army, justifying it under the Confiscation Acts (Berry 1967). It’s not a stretch to assume the large free Black community that sprung up around the fort was integral to the Union operations in the area.

Furthermore, the NPS, American Battlefield Protection Program (ABPP; 54 U.S.C. 380101-380103), Civil War Sites Advisory Commission (CWSAC; Public Law 101-628), examined the threat to Civil War battlefields and made its recommendations for action in the *Report on the Nation’s Civil War Battlefields* (CWSAC 1993). The Technical Volume to the ABPP Commission’s report contains historical summaries of the 384 principal Civil War battles that the Commission studied in preparing its report. Also available is Technical Volume I: *Appendices*, which contains supporting documentation for the Commission’s report, as well as additional information (including maps) found at: <https://www.nps.gov/abpp/battles/bystate.htm>. As a result, CWSAC has assigned Preservation Priorities for two (2) individual battlefields located within the project area:

- (1) Donaldsonville I (CWSAC Reference #: LA004; Class D (Preservation Priority: IV.2);
- (2) Donaldsonville II [Fort Butler] (CWSAC Reference #: LA013; Class D (Preservation Priority: IV.2).

Because of the “Class D” ranking (having a limited influence on the outcome of their campaign or operation but achieving or affecting important local objectives) the Commission identifies that these battlefields are more aligned with state or local significance rather than national interest and that the sites are of interest and responsibility to state and local governments or private entities. Additionally, both battlefields are assigned a Preservation Priority of IV.2 meaning that they have lost integrity as an intact historic landscape; they have changed beyond the ability of a participant in the battle to recognize the site. Furthermore, an October, 2010, update to the Commission’s Report (U.S. DOI 2010) states that “much of the landscape has been altered and fragmented, leaving some essential features” and that “archeological investigations may uncover important subsurface battle features, and protected but isolated features.” However, CWSAC (1993) notes that “our evaluation of battlefields deals only with military significance and does not limit the potential for a site to be significant in additional thematic areas, or preclude the battlefields with less than national significance from National Register [NR] eligibility [and] like the NR, ABPP will review against established criteria any appeals for reclassification of specific sites.”

In addition to the aforementioned Civil War era components, the area was considered to possess a high probability of containing additional unrecorded cultural resources, both prehistoric and historic (also see: Seeber 2020: Chapter 3; *Cultural and Developmental History*). Furthermore, Tribal stakeholders identified the general project area as being the potential location of a Native American village site; although no Native American related deposits have been identified within the current APE area to-date.

Standing Structures

The Standing Structures APE encompasses portions of the Donaldsonville National Register Historic District (NRHD) and an area to the north and west of the district. Listed in 1983, the Donaldsonville Historic District includes 635 contributing resources significant at the state level under Criterion A in the area of Community Planning and Criterion C in the area of Architecture. The period of significance for the district begins in 1806, the date William Donaldson, the town’s founder, hired Bartholomew Lafon to create the street grid, and ends in 1933, the 50-year cutoff date utilized by the NR at the time the nomination was completed.

Archaeological/Standing Structures Phase I Survey Research Design

Based on the results of CEMVN’s aforementioned desktop review, CEMVN determined that previous investigations provided only limited information regarding the extent and integrity of Site 16AN36 and the potential for additional previously unrecorded archaeological sites within the project APE, and that the Undertaking, as proposed, includes ground disturbing activities with the potential to adversely affect archaeological resources listed or eligible for listing on the 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 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 2020: *Appendix C*) and proceeded to coordinate the APEs to be used for the surveys with SHPO/Tribes as referenced above.

On July 22, 2019, CEMVN informed BLFFWD that the SHPO/Tribal reviews of the APEs was complete (Seeber 2020: *Appendix C*). BLFWD then contracted with TerraXplorations, Inc., to

develop a Phase I Research Design (Standing Structures/Archaeology). The Archaeological Phase I Research Design incorporated the guidelines recommended by the Louisiana Division of Archaeology (LDOA) and included the field methods requested by Dr. Chip McGimsey, Louisiana State Archeologist, during consultation between BLFWD and SHPO on July 1, 2019(Attachment 7). The field methodologies included a combination of backhoe trenching, pedestrian survey, shovel testing, and/or auger testing (Seeber 2020: Figures 5.1 and 5.2). On August 13, 2019, CEMVN coordinated the Requestor's document entitled: *Research Design to Conduct a Phase I Cultural Resource Survey for the Donaldsonville Pump Station Project, Ascension Parish, Louisiana* (Seeber 2020: Appendix A), for sufficiency with SHPO and affected Tribes.

Following this consultation, on August 30, 2019, CEMVN submitted a letter to BLFWD entitled: *Consolidated USACE, SHPO, and Tribal comments regarding: Donaldsonville Pump Station – Historic Property Identification (Phase I Archaeological Survey and Standing Structures NRHP assessment) Research Design Review sufficiency review to BLFWD* (Attachment 8). In this letter, CEMVN stated that it would conduct a second sufficiency review and coordinate the revised Phase I Research Design with stakeholders once the comments in the aforementioned letter were addressed. No additional drafts were received and the Requestor commenced with fieldwork on September 15, 2019.

Notification of Human Remains

On October 04, 2019, while conducting mechanically-assisted archaeological field investigations in an area located to the south of LA Hwy 18 in close proximity to Site 16AN36 and the Tastee-Freeze building that is to be demolished (Attachment 1), TerraX encountered a dense layer of brick rubble. A series of hand excavated block and test units were then conducted to further assess the nature of these deposits. During this process, a discrete soil horizon containing dense layer of disarticulated bone was identified (Seeber 2020: Figure 7.3) along with dark green wine bottle fragments, numerous whole and broken bricks, and one (1) Civil War-era Minié ball. Although much of the bone was unidentifiable, TerraX was able to preliminarily identify larger pieces of bone in-situ that appeared to have some identifying characteristics consistent with human bone. Upon recognizing these potential human remains, TerraX then ceased all excavation within the vicinity of the finding and provided notification to local law enforcement, CEMVN, and SHPO in accordance with the Louisiana Unmarked Human Burial Sites Preservation Act (La. R.S. 8:671 et seq.) and the Louisiana Cemetery Law (La. R.S. 8). As the remains were identified on privately-owned lands or lands owned by a state or local governmental entity, and were determined by local law enforcement to not be a recent crime scene, the remains then fell under SHPO's jurisdiction in accordance with La. R.S. 8:671 et seq.

Accordingly, on October 05, 2019, SHPO consulted with Tribes with a stated interest in Ascension Parish to determine a proper next course of action. No responses were received. Furthermore, on October 9, 2019, CEMVN provided a secondary notification to the affected Tribes summarizing the LA State Archaeologist's reporting of the identification of potential human remains. On October 10, 2019, the MBCI deferred to SHPO until such time that anything American Indian was identified. No other responses were received.

Due to the limited amount of excavations conducted to date and the poor state of preservation of the identified remains, it was not possible for TerraX to determine the total extent of the remains or make a conclusive determination if the remains were human or not in the field and

the remains were sent to TerraX’s laboratory for further analysis. The laboratory analysis conducted by TerraX was ultimately inconclusive in regards to if the identified remains were human or not. Subsequently, the Office of Attorney General Jeff Landry, Lands & Natural Resources Section, Civil Division (LA AG’s Office), conducted an independent analysis of the remains and on September 22, 2020, determined “that there are no human remains in the sample.”

Expanded Phase I Research Design

Along with CEMVN’s October 9, 2019, notice submitted to stakeholders regarding the identification of potential human remains, CEMVN also forwarded TerraX’s document entitled: *Expanded Phase I Management Summary* (Seeber 2020: *Appendix B*) containing recommendations for expanding the Phase I Archaeological Survey in four (4) areas to include the collection of sufficient data to make NRHP recommendations (Seeber 2020: *Appendix B*: Figures 4-5) and requesting comments by October 11, 2019. No additional comments were received from stakeholders and because of the unknown aspects of the remains, SHPO and the LA AG’s Office concurred that Terra X should proceed with implementing the field investigations in accordance with the Expanded Phase I Survey (Seeber 2020: *Appendix B*) without a burial permit. After coordination was complete, on October 14, 2019, TerraX resumed field investigations while continuing to coordinate with SHPO, LA AG’s Office, and CEMVN.

Results of Phase I and Expanded Phase I Archaeological Investigations

Some of the areas within the 26.97 acre (10.9 hectare) Archaeological APE (Figure 1 and 2) possessing a high potential for previously unrecorded cultural deposits were not surveyed at the time of the Phase I or Expanded Phase I field investigations because they fell within areas covered in existing hardscape (i.e., LA Hwy 18, Iberville Road, and USACE MR Revetments (Table 1) and will require additional investigations concurrent with construction. Other areas within the Archaeological APE were determined by TerraX (Seeber 2020) as having little potential to contain any intact NRHP-eligible deposits due to extensive previous disturbance (e.g., previous road, parking, sewage, water intake, and building construction). Table 1 (below) provides a summary of survey areas within the APE, acreage, status of survey, and notes summarizing TerraX’s recommendations regarding future compliance actions.

Table 1. Archaeological Survey Summary

Survey Area	Acreage	Phase I Survey Completed	Notes
Archaeological Phase I Survey Area	17.3 ac	Yes	Unlikely to yield additional significant data beyond that collected during Phase I/Expanded Phase I survey excepting those locations falling within “Area 3” (Seeber 2020:8) as specified below (Hwy 18 and Iberville Rd. Areas)
USACE Revetment Area	1.54 ac	No	High potential for additional unrecorded cultural deposits; requires Phase I level archaeological investigation once USACE MR Revetment removed and coffer dam in-place
Highway 18 Area	0.16 ac	No	Falls within Area 3: High potential for additional unrecorded deposits; requires archaeological monitoring during road removal
Iberville Road Area	0.06 ac	No	Falls within Area 3: High potential for additional unrecorded deposits; requires archaeological monitoring during road removal
Sediment Return Pipeline Area	1.02 ac	No	Low probability of intact NRHP-eligible deposits
Other Disturbed Areas	6.89 ac	No	Unlikely to yield significant data

The expanded Phase I survey focused only on the locations shown during the initial Phase I to have potential for intact cultural deposits. The results of Phase I and Expanded Phase I Archaeological Investigations are described by Seeber (2020:75) in terms of three (3) specific Areas of Interest (Figure 3). These consist of: Area 1, a linear portion of the APE that runs adjacent to Bayou Lafourche and includes four (4) laydown areas; Area 2, which consists of an area that begins on the north of Veterans Boulevard and extends to the MR; and Area 3, which falls between Areas 1 and 2 and includes a section of land between Veterans Boulevard (Highway 18) and Iberville Street. The following sections adapted from Seeber (2020) provide a brief summary of the findings for Areas 1-3 (Figure 3):

Area 1

Area 1 roughly corresponds to the historic (former) channel of Bayou Lafourche and appears to have served as an opportunistic area to deposit trash during both historic and modern times. Cultural materials consisted primarily of modern (twentieth century) trash deposits intermixed with various flood deposits originating from both the historic channel of Bayou Lafourche and the MR. Most of the objects encountered were glass bottles, which were modern. Area 1 is not anticipated to yield additional significant data beyond that gained from the present investigations and no further work is recommended within Area 1 by TerraX (Seeber 2020:179).

Area 2

Within Area 2, the present investigations identified the foundation of a previously unidentified mid-twentieth century private residence and a late-nineteenth century to early-twentieth century buried telegraph line (Site 16AN130). The artifacts associated with the house foundation dated from the mid-/late-twentieth century; including 1959 and 1981 coinage. TerraX recommended Site 16AN13 as ineligible for listing on the NRHP under Criterion A through D (Seeber 2020: 179). Furthermore, Terra X recommended that Area 2 is not anticipated to yield additional significant data beyond that gained from the present investigations and no further work is recommended within Area 2 by TerraX (Seeber 2020:179).

Note: Area 2 (Figure 3; Table 1) is adjacent to the 1.54 acre (0.623 ha) USACE MR revetment area that still possesses a high potential for additional unrecorded cultural deposits and requires Phase I level archaeological investigation once the revetment is removed and a coffer dam is in place.

Area 3

Based on geo-referenced historic maps of Fort Butler plotted against the Archaeological APE by TerraX, it was determined that exterior portions of Fort Butler (exterior battery and moat) likely fell within Area 3 (see: Seeber 2020: Figures 6.5 and 6.6). Furthermore, a review of background information conducted by TerraX indicated the potential for heavy disturbance due to previous episodes of construction within Area 3 (Seeber 2020:114; 133) as well as areas that potentially would have fallen within the previous course of Bayou Lafourche. However, during field investigations, it became apparent that there are intact historic layers along the perimeter of Fort Butler between the fortification embankment and former boundary of Bayou Lafourche. Mechanical trenching in Area 3 revealed extensive cultural materials (e.g., Civil War era Minié balls, kaolin pipe bowls and stems, metal and shell buttons, high ratios of dark olive green wine bottle fragments, clear glass vessel fragments, some pearlware, and large amounts of whiteware and ironstone vessel fragments), many originating from intact deposits, leading to additional hand-excavated block and unit excavations (Expanded Phase I; Seeber 2020:

Appendix B). Notably, the cultural material recovered from this area dated to the early- to mid-nineteenth centuries and only a single feature within Area 3 contained modern materials. Furthermore, the combination of a dense shell and brick strata containing shallow post holes arranged in a semi-linear pattern suggest that this may represent a prepared floor surface for a temporary structure dating from the early- to mid-nineteenth century. Associated with these deposits was a soil lens extending across an entire 4 x 6 meter (1.22 x 1.83 ft) block containing dense bone (Seeber 2020: Figure 7.3; note: this bone was examined by the LA AG's Office to establish a firm clarification of the material; also see: *Notification of Human Remains* above). The faunal analysis of the bone scatter is indicative of food preparation due to the high numbers of large mammal remains including cow and pig; with some presence of butcher and processing marks appearing on pieces that remained intact. Furthermore, an intact hearth base, associated charcoal and ash lens, and an additional series of shallow small posts were identified in this area.

Based on the available historic documentation and cultural material recovered, Seeber (2020:176) concluded that the largely intact deposits described above represent a historically documented Civil War era "Contraband Camp" (also see: *Archaeology*; above) that was erected around the fort (Seeber 2020: Figure 7.5.) and offers physical evidence of a so far, archaeologically undocumented community. Additionally, it is probable that this area was once used as a temporary food preparation area, not necessarily within a living space, but instead for bulk food preparation and cooking in a tent kitchen with brick hearth. The lack of large deposits of kitchen vessels seems to support a temporary encampment with people coming to receive food and eat elsewhere. Furthermore, the shallow posts identified throughout Area 3 further support the interpretation that other temporary structures were located throughout the area, and if present, likely expanded beyond the limits of the present Expanded Phase I Investigations. Because of these findings, TerraX (Seeber 2020) recommend the site boundary of Site 16AN36 be expanded into the project ROW (Figure 2) and this portion of the site be considered eligible for listing in the NRHP under Criterion A and D (i.e., the property contributes to a major pattern of American history and may be likely to yield additional information important to prehistory or history).

Results of Phase I Standing Structures Evaluation

TerraX surveyed and evaluated a total of 143 built resources 50 years of age and older within the indirect APE. The resources surveyed included 64 buildings and two (2) landscape features within the Donaldsonville NRHD, and 75 buildings and two (2) structures located outside the NRHD. The area outside the District, and south of the Fort Butler Historic Site, was originally used for military housing and administrative needs in the mid-to-late-nineteenth century. This area was not recommended as a district due to significant loss of integrity from incompatible infill development and design and material changes.

It is anticipated that three (3) of the 75 buildings located outside the Donaldsonville NRHD are to be demolished as part of this proposed project. These buildings are the former Tastee-Freez located at 75 Iberville St. (03-00818), a ca. 1920-1939 bungalow located at 220 Lafourche St. (03-00822), and the American Legion Post 98 located at 75 Mississippi St. (03-00823). The three (3) buildings proposed for demolition are not recommended individually NRHP eligible due to lack of historic significance and/or integrity.

Two (2) built resources outside the Donaldsonville NRHD are recommended as individually eligible for the NRHP. The house at 305 Lafourche St. (03-00317) is eligible at the local level under Criterion C for its Creole cottage design and Eastlake elements. Additionally, the Walter Lemann. Sr. Pumping Station (03-00787) is eligible at the local level under Criterion A for its role in community planning and development.

Assessment of Effects to Historic Properties

Based on the aforementioned Identification and Evaluation, CEMVN has determined that there is one (1) historic property as defined in 36 CFR 800.16(l) within the Archaeological APE (Site 16AN36; Fort Butler “Contraband Camp”). The proposed Undertaking includes ground disturbing activities that will affect the historic property in a way that will directly affect the characteristics that make the property eligible for the NRHP and per 36 CFR 800.6 constitute an adverse effect.

Furthermore, CEMVN has determined that there are four (4) historic properties as defined in 36 CFR 800.16(l) within the Standing Structures APE (Donaldsonville NRHD; Walter Lemann. Sr. Pumping Station (03-00787); 305 Lafourche St. (03-00317); The Lemann Store (03-00370/03-00742) (Patterson 2020; Attachment 6). Based on the results presented by Patterson (2020), CEMVN has determined that the proposed Undertaking will result in indirect adverse effects to the Donaldsonville NRHD and the Walter Lemann. Sr. Pumping Station (03-00787). The proposed pump station will have no effect on The Lemann Store (03-00370/03-00742) located at 312 Mississippi St due to its proximity to the Undertaking.

CEMVN has determined that the proposed Undertaking will create a significant new introduction to the viewshed of the Donaldsonville NRHD. A total of 11 contributing resources adversely affected are within the Donaldsonville NRHD, and are located on the northwest blocks closest to the proposed pump station site (Table 2). The proposed pump station will adversely affect the viewshed of the Donaldsonville NRHD due to its close proximity, the height of the pump access platform, planned demolition of the American Legion Post 98, and the flat topography of the area with minimal mature vegetation. The construction of the proposed pump station will diminish the district’s integrity of setting. Therefore, CEMVN has determined that the Undertaking will adversely affect the characteristics that make the Donaldsonville NRHD eligible for inclusion in the NRHP.

In addition, the construction of the proposed new pump station will have an adverse effect on the existing ca. 1955 Walter Lemann Sr. Pumping Station (03-00787). The pump station will be located directly adjacent to the existing station and connected via bridge, which results in an adverse effect to its integrity of setting and design. Further, the six (6) 72 inch discharge pipes of the proposed pump station will visually obscure the existing Walter Lemann Sr. Pumping Station. Therefore, CEMVN has determined that the Undertaking will adversely affect the integrity of setting and design that make the Walter Lemann Sr. Pumping Station individually eligible for inclusion in the NRHP and per 36 CFR 800.6 constitute an adverse effect.

CEMVN has determined that the construction of the proposed intake equipment building will not have an adverse effect on the Donaldsonville NRHD or the NRHP eligible Creole cottage located at 305 Lafourche St. (03-00317). Resource 03-00317 is significant under Criterion C for architecture; however the cottage has diminished integrity of setting due to the removal of the adjacent shotgun to its south, the incompatible mid-century changes made to the historic

resources to the north, south, and west, and the mid-century institutional building to its east. Therefore, with an already diminished integrity of setting, the proposed intake equipment building will have no adverse effect on 305 Lafourche St. (03-00317).

Although outside the Standing Structures APE, the Marchand Bridge sheet pile extensions will not adversely affect the viewshed of the Donaldsonville NRHD. The adjacent Square 21-B which is bounded by Marchand St., Williams St., Lafourche St., and Houmas St. is excluded from the NRHD boundary. Further, the portion of Square 20-C which faces Chetimatches St. and Williams St. and the western portion of Square 27 which faces Houmas St are also excluded from the NRHD boundary. Therefore, the proposed Marchand Bridge improvements will not be visible from the Donaldsonville NRHD or have an adverse effect on the Donaldsonville NRHD.

Table 2. Resources within the Donaldsonville NRHD Adversely Affected by the BLMRRCIP

LHRI #	Address	Construction Date	NRHP Status
03-00366	113 Chetimatches St.	ca. 1906	Contributing to the Donaldsonville NRHD
03-00367	107 Chetimatches St.	ca. 1880	Contributing to the Donaldsonville NRHD
03-00368/ 03-00738	100 Chetimatches St.	ca. 1860	Contributing to the Donaldsonville NRHD
03-00867	202 Mississippi St.	ca. 1920	Contributing to the Donaldsonville NRHD
03-00872	105 Iberville St.	ca. 1920	Contributing to the Donaldsonville NRHD
03-00881	107 Lafourche St.	ca. 1930	Contributing to the Donaldsonville NRHD
03-00882	207 Lafourche St.	ca. 1920	Contributing to the Donaldsonville NRHD
03-00889	Crescent Park	ca. 1806	Contributing to the Donaldsonville NRHD
03-00890	102 Crescent Park	ca. 1906	Contributing to the Donaldsonville NRHD
03-00891	106 Crescent Park	ca. 1906	Contributing to the Donaldsonville NRHD
03-00892	108 Crescent Park	ca. 1906	Contributing to the Donaldsonville NRHD

Therefore, CEMVN has determined a finding of **Historic Properties Adversely Affected** for this Undertaking and is submitting this Undertaking to you for your review and comment.

Resolution of Adverse Effects

CEMVN has requested that BLFWD consider ways to revise the SOW to substantially conform to the standards, and/or avoid or minimize adverse effects for National Register listed or eligible traditional cultural properties and/or archaeological properties. A written description of feasible alternatives considered by BLFWD is attached to this letter (Attachment 9). As a result of this analysis, BLFWD determined that the design and location cannot be changed due to the geographic constraints of the MR and Bayou Lafourche; the six (6) pipes carrying water cannot be buried under the levee because they would compromise its structural integrity. Furthermore, the existing pump station will provide the benefit of redundancy in the system. During construction of the proposed pump station, the existing pump station will continue to pump and during periodic maintenance of the proposed pump station, the old pump station can be utilized. BLFWD further determined that upgrading the existing pump station was not a viable option,

since the existing pump station is neither large enough, nor structurally sufficient to support the addition of pumps to achieve the required flow rate for the project. Also the existing discharge pipes are not large enough to achieve the required flow rate. When the alternatives were compared, BLFWD determined that the best option was to allow the existing pump station to remain and build a new pump station nearby. Therefore, due to the demonstrated presence of intact cultural deposits and exceptional significance of the deposits identified within the expanded boundary of Site 16AN36, as well as the indirect adverse effects to the Donaldsonville NRHD and the Walter Lemann Sr. Pumping Station (03-00787), CEMVN feels that it is a prudent and necessary approach to seek ways to avoid, minimize, and/or mitigate the Adverse Effects of the Undertaking through the development of a Memorandum of Agreement (MOA) in consultation with stakeholders. CEMVN will facilitate the development of the MOA. The MOA shall contain an Archaeological Research Design developed by BLFWD to avoid, minimize, and/or mitigate the adverse effects of the Undertaking to archaeological properties (Site 16AN36). The Archaeological Research Design shall also provide for Archaeological Phase I Survey within the USACE Revetment Area and address those portions of Site 16AN36 falling within Area 3 (Figure 3); including the Hwy 18 and Iberville Road Areas (Table 1). Furthermore, the MOA shall contain a Treatment Plan to resolve the adverse effects of the Undertaking to built-environment properties (Donaldsonville NRHD; Walter Lemann. Sr. Pumping Station (03-00787).

CEMVN will include stipulations in the MOA that provide for the treatment of unanticipated discoveries and human burials.

Furthermore, CEMVN requires the completion of the Phase I Archaeological/Standing Structures Survey reports to SHPO standards and final acceptance prior to the execution of the MOA and issuance of the Regulatory Permits/408 Permissions and requests your organizations comments regarding these reports at this time.

Copies or Summaries of Views by Consulting Parties and the Public

CEMVN is also forwarding this letter and the attached documentation to the National Park Service, River Road African American Museum, interested Certified Local Governments, and other identified local historic/district organizations/historical societies and interested parties. for their review and comments as required by 36 CFR §800.4(d)(1), and we request that these potential consulting parties provide comments and express their interest in participating in this consultation to avoid, minimize, and/or mitigate the Adverse Effects of the Undertaking within the 30 days.

CEMVN will also post a notice on the following Regulatory/Section 408 websites: (<https://www.mvn.usace.army.mil/Missions/Section-408/Public-Notices/> and <https://www.mvn.usace.army.mil/Missions//Public-Notices/>) describing this Undertaking, its effects on historic properties, and CEMVN's proposed treatment to avoid, minimize, and/or mitigate effects.

Conclusion

CEMVN requests your comments within 30 days. To summarize, CEMVN requests your review and comments regarding:

- Your organization's comments regarding the Phase I Archaeological and Standing Structures reports;

- CEMVN's efforts to identify and evaluate historic properties within the APE;
- CEMVN's determination that the BLMRRPCIP project will result in an Adverse Effect to Historic Properties;
- CEMVN's proposal to address the effects on 16AN36 (Fort Butler) and the Donaldsonville NRHD and Walter Lemann, Sr. Pumping Station (03-00787)) through the development of an MOA; and
- Your organization's interest in continuing to participate in this consultation to develop an MOA.

A date and time for the initial Section 106 consultation meeting has not been set. The purpose of the initial meeting will be to discuss the proposed Undertaking, the historic properties, BLFWD's analysis of alternatives, and to determine the appropriate steps to avoid, minimize, and mitigate the adverse effects. CEMVN will notify the SHPO and other likely Consulting Parties regarding the meeting as soon as possible and forward information regarding the meeting location, a conference call-in number, and the Agenda.

CEMVN proposes to send future notices, draft agreements, and other background information to the by e-mail to minimize communication delays and expedite the development of the MOA. Please let CEMVN know if this is impractical, so we can make alternative arrangements.

CEMVN looks forward to your concurrence with this determination. Should you have any questions or need additional information regarding this Undertaking, please contact Jill Enersen, Architectural Historian at Jill.A.Enersen@usace.army.mil or (504) 862-1741, or, Jeremiah Kaplan, Archaeologist at Jeremiah.H.Kaplan@usace.army.mil or (504) 862-2004, or, Jason A. Emery, Tribal Liaison at (504) 862-2364 or jason.a.emery@usace.army.mil.

Sincerely,

Martin S. Mayer
Chief, Regulatory Branch

CC: File

LA SHPO

An electronic copy of this letter with enclosures will be provided to the Section 106 Inbox, section106@crt.la.gov.

References:

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- 2004 Eyewitness Report on the Battle of Fort Butler, Donaldsonville, La., June 27-28, 1863, and a Review of African-American Participation in the Fight. *Louisiana History: The Journal of the Louisiana Historical Association* 45(2): 201-208.

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Patterson, Lauren

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

Seeber, Katherine, Paul Jackson, Abigail Peeples, and Lauren Patterson

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Speciale, William A.

- 1997 *Fort Butler 1863 Donaldsonville, Louisiana*. Baton Rouge, Louisiana.

U.S. Department of the Interior, National Park Service, and American Battlefield Protection Program

- 2010 *Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields: State of Louisiana*. Washington D.C., U.S. Department of the Interior.



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

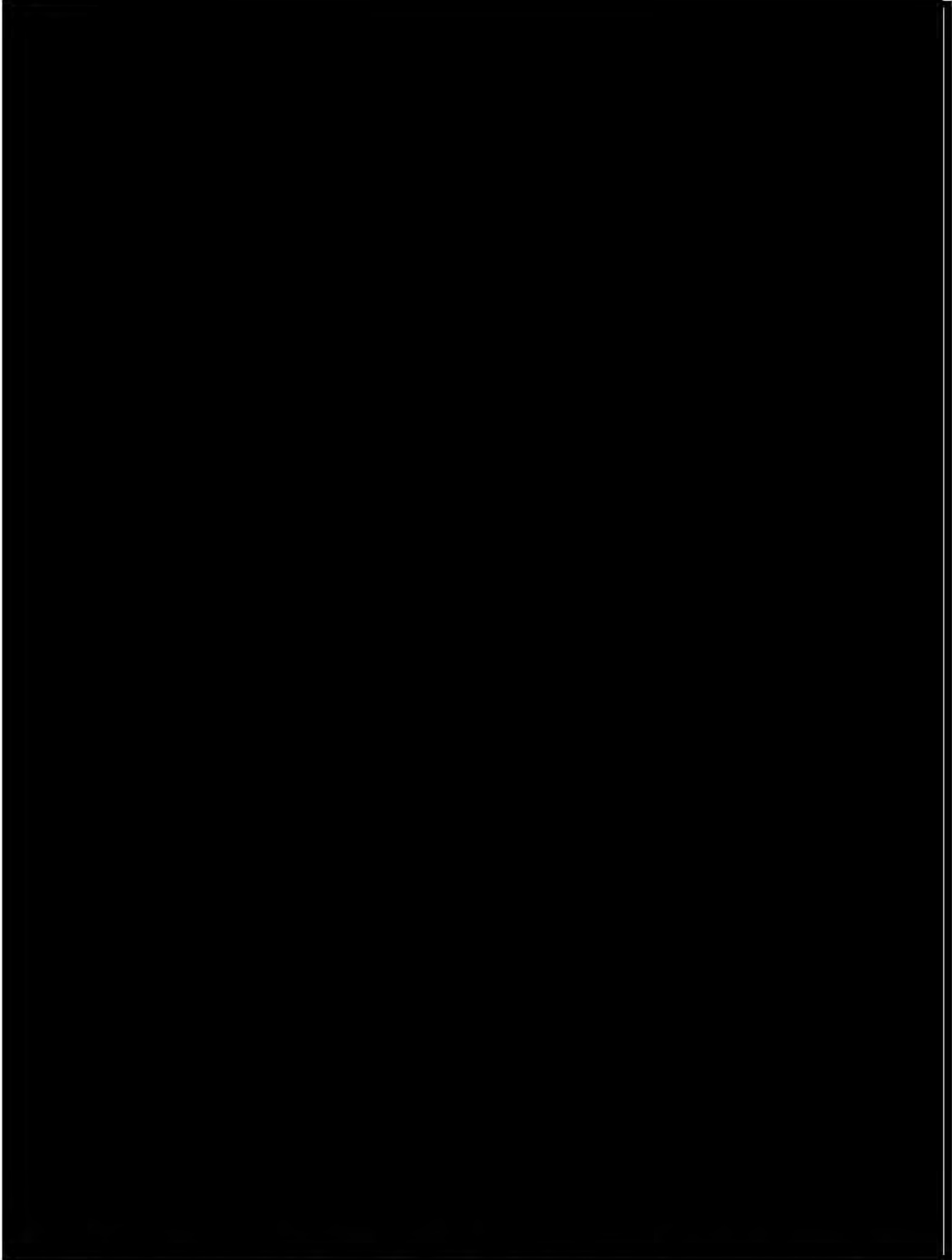


Figure 2. USGS *Donaldsonville, LA*, 1:24,000. 7.5 Minute Series Quadrangle map displaying APE location with existing LA SHPO survey data, site polygons, and NRHP Data.

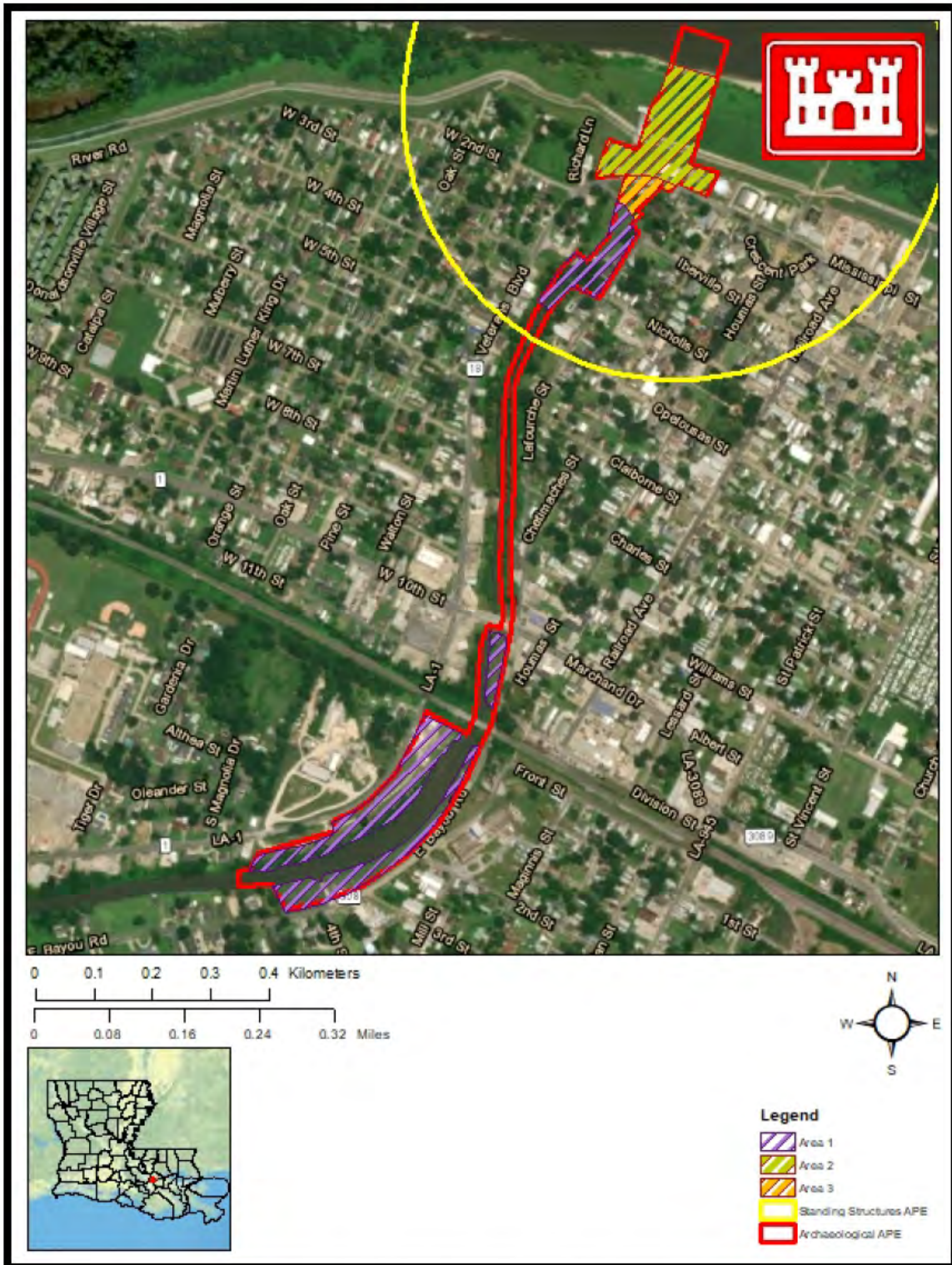


Figure 3. Aerial imagery displaying APE locations with TerraX Areas of Interest 1-3; adapted from Seeber (2020:75).