DEPARTMENT OF THE ARMY
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS
P.O. BOX 60267
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO
ATTENTION OF:

December 3, 2007

Planning, Programs, and
Project Management Division
Environmental Planning
and Compliance Branch
Attn: CEMVN-PM-RN

Enoch Kelley Haney, Principal Chief
Seminole Nation of Oklahoma
Wewoka Agency
P.O. Box 1498
Wewoka, OK 74884

RE: Request to Continue Consultation Under Section 106 of the National Historic Preservation Act for the Lake Ponchartrain and Vicinity Hurricane Protection Project, Jefferson East Bank, Individual Environmental Report #3, Jefferson Parish, Louisiana.

Dear Principal Chief Haney:

The U.S. Army Corps of Engineers, Mississippi Valley Division, New Orleans District (CEMVN), is planning to raise the height of 9.5 miles of levee, place offshore stone breakwaters, upgrade foreshore protection, replace two floodgates, and complete fronting protection modifications to four existing pump stations within the Lake Ponchartrain and Vicinity Hurricane Protection Project, Jefferson East Bank, Jefferson Parish, Louisiana.

This improvement project is currently being studied under the emergency alternative arrangements approved by the Council on Environmental Quality for the Lake Ponchartrain and Vicinity Hurricane Protection Project, Individual Environmental Report (IER) #3. Additional information of the Emergency Alternative Arrangements and IER's can be found on web page HTTP://www.nolaenvironmental.gov.

In a letter dated April 9, 2007, CEMVN initiated Section 106 consultation for the Lake Ponchartrain and Vicinity Hurricane Protection Project. A copy of this letter is attached herein. Upon the request of the Advisory Council on Historic Preservation, CEMVN initiated the development of a Programmatic Agreement (PA) to tailor Section 106 consultation for the IERs. CEMVN is following standard Section 106 consultation procedures for the IER's until the PA is executed.

Pursuant to Section 106 of the National Historic Preservation Act (NHPA), the District, in consultation with the State Historic Preservation Officer (SHPO) and Indian Tribes, will determine if the area of potential effects (APE) established for the IER #3 project area contains historic properties. The APE extends along the existing levee alignment from the Duncan Canal at the St. Charles/Jefferson Parish line east to the Jefferson/Orleans Parish line at the Metairie Outfall Canal. The APE measures approximately 9.5 miles long by 1130 feet wide and contains approximately 1300 acres. The APE extends approximately 130 feet south from the levee center line, which is in the existing project right of way, and approximately 1000 feet north into Lake Ponchartrain. A map showing the APE boundary is attached herein.

In accordance with the scopes of work provided as an attachment to our April 9, 2007 letter, the District contracted R.C. Christopher Goodwin & Associates, Inc. to conduct reconnaissance, Phase 1 terrestrial, and Phase 1 submerged remote sensing surveys of the IER #3 APE (Heller and others 2007). The study area for this investigation is larger than the current APE and includes an area that extends 500 feet south and 1250 feet north of the levee center line. A copy of the management summary of this investigation is attached herein. In this study, researchers utilized background research, previous cultural resource investigations review, soil and topographic analyses, field reconnaissance and survey data, and submerged remote sensing data to locate cultural resources along the lake shoreline, assess historic structures and identify high potential areas for archaeological resources on the protected side of the levee, and locate targets exhibiting cultural resources characteristics in the submerged portion of the APE in Lake Ponchartrain. The results of this research are summarized below.

Background research identified one previous cultural resource investigation conducted in the IER #3 APE. In this investigation, researchers completed a terrestrial survey within the reach of the current APE along the lake side of the levee between the northern levee toe and the water's edge and an offshore remote sensing survey of two proposed borrow pit locations (New World Research, Inc. 1983). The two proposed borrow pits are located outside of the APE. One previously recorded archaeological site and no historic structures were identified in the IER #3 reach. Site 16JE04 (Indian Beach) was originally recorded by Saucier and Gagliano in 1952 as a linear shell midden measuring approximately 1050 feet by 750 feet in extent. The 1983 investigation describes the site thirty one years later as a much smaller and badly eroded surface beach deposit with very light artifact density exposed primarily at low tide. Because the site was severely impacted by shell dredging in 1934, possibly impacted by seawall construction in 1952, and continuously subjected to severe wave erosion, researchers determined the site was not eligible for listing on the National Register of Historic Places.

Three previously recorded sites are documented within the APE and include 1) Site 16JE04 (Indian Beach) noted above, 2) Site 16JE05 (Bayou Tchoupitoulas), and 3) Site 16JE40 (West End Site). Site 16JE05 (Bayou Tchoupitoulas) was originally recorded by Saucier and Gagliano in 1952 as a small shell midden located on both sides of a distributary canal of Bayou

Metairie. No objects other than shell were reported from the site. Records indicate Site 16JE05 was destroyed by grading and filling during road construction. Site 16JE40 (West End Site) was initially documented as an accumulation of shell and artifacts located two hundred feet north of the Lake Ponchartrain shoreline on a mud flat (Saucier 1952). Based on the poor preservation of archaeological deposits noted by researchers in 1983, the site was considered not eligible for listing on the National Register of Historic Places.

The shoreline area located in the APE between the north levee toe and the water's edge was investigated a second time by R. Christopher Goodwin & Associates, Inc. in 2007 (Heller and others 2007). One single locus designated Locus IER 3-01 was identified. Although prehistoric and historic period artifacts have been collected from this locus in the recent past, researchers found no artifacts on the surface and suggest that the origin of the previously collected material came from an eroded archaeological site once located offshore and possibly associated with the reported location of Site 16JE04. Attempts to relocate sites 16JE04 (Indian Beach), 16JE05 (Bayou Tchoupitoulas) and 16JE40 (West End Site) were unsuccessful. These recorded site locations have been subjected to severe wave action erosion, shoreline construction activities, and basin dredging.

Researchers conducted a Phase 1 marine remote sensing survey in the Lake Ponchartrain portion of the APE (Heller and others 2007). The survey was designed to identify specific magnetic, acoustic, and sub-bottom anomalies that might represent significant submerged cultural resources. This investigation identified two magnetic anomaly clusters exhibiting shipwreck characteristics. Target #1, located in survey Block 15, contains two magnetic anomalies designated M506 and M536. Target #2 is located in survey Block 16 and contains three magnetic anomalies designated M600, M601 and M602. No acoustic signatures exhibiting cultural resources characteristics were identified. Sub-bottom profiler data revealed no submerged geographic features adjacent to the reported site locations at 16JE04, 16JE05 and 16JE40.

Researchers utilized background research and reconnaissance field data to identify high probability areas for archaeological sites, and to conduct preliminary assessments of historic buildings and potential historic districts located within the 500 foot wide study area on the protected side of the levee. Sixty-six high probability areas for archaeological sites and several historic structures were identified in this area.

Based on a review of the information summarized above, it is our view that the proposed project will have no impact on significant terrestrial cultural resources. Three previously recorded archaeological sites (16JE04, 16JE05 and 16JE40) and one locus (IER 3-01) were assessed by either New World Research (1983) and/or Heller (2007) and determined to be destroyed, outside the APE, or recommended ineligible for listing on the National Register of Historic Places.

Subsequent to the research conducted by R. Christopher Goodwin & Associates Inc. (Heller and others 2007), the New Orleans District determined that no proposed construction activity will extend beyond the existing authorized project right of way located on the protected side of the levee. This existing project right of way extends approximately 130 feet south from the levee center line and has been subjected to previous levee construction activity. No high probability areas, historic structures, or potential historic districts are located in this existing authorized project area. No further cultural resources investigations are recommended.

Proposed construction activities, including the placement of foreshore protection, wave berms, and/or breakwaters on the lake side of the levee could adversely impact Target #1 and Target #2. However, it is our opinion that measures can be taken to ensure that impacts to these two potentially significant anomaly clusters can be minimized or avoided by placing a 350 foot radius no work zone around the center of each target.

Please review the enclosed project documentation and provide this office with your opinion regarding our "no adverse effect" finding within 30 days of receipt of this letter. In the event that cultural resources are encountered during construction activities, work will be halted and your office will be contacted for further consultation. Any resources encountered will be recorded and documented, and state archaeological site forms will be provided. If you have any questions and/or concerns, please contact Mr. Michael Swanda at (504) 862-2036.

Sincerely,

Elizabeth Wiggins
Chief, Environmental Planning
and Compliance Branch

Enclosures

CF: Pare Bowlegs, Seminole Nation of Oklahoma

References Cited

Heller, Nathanael, Troy Nowack, Robert Lackowicz and Alice Ivas

2007 *Management Summary: Phase 1A Cultural Resources Records Review, Field Reconnaissance and Remote Sensing Program Performed for Lake Ponchartrain and Vicinity Project, Individual Environmental Report Area 3 (IER #3): Jefferson Parish, Louisiana.* R. Christopher Goodwin & Associates, Inc., New Orleans. Prepared for the U.S. Army Corps of Engineers, New Orleans District under Contract W91P8-07-D-0042, Delivery Orders 002/003.

New World Research, Inc.

1983 *Cultural Resources Survey of Terrestrial and Off-Shore Locations, Lake Ponchartrain and Vicinity Hurricane Protection Project, Louisiana.* Report on File, Louisiana Division of Archaeology, Baton Rouge.