

**MEMORANDUM OF AGREEMENT  
AMONG  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
AND THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER  
REGARDING THE DEMOLITION AND REPLACEMENT OF  
BUILDINGS 17, 19, 22, 26, 28, 29, AND 32  
JACKSON BARRACKS  
NEW ORLEANS, LA**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security, pursuant to Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§5121-5206) and implementing regulations in Title 44 of the Code of Federal Regulations (44 CFR) Part 206, proposes to provide Public Assistance to the State of Louisiana, Division of Administration, Facility Planning and Control (FP&C), through the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP), in response to damages to Buildings 17, 19, 22, 26, 28, 29, and 32 caused by Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA), and FP&C proposes to demolish and replace these buildings with this FEMA assistance (Undertaking); and

**WHEREAS**, FEMA consulted with the Louisiana State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) (NHPA), its implementing regulations (36 CFR Part 800), and the “*Programmatic Agreement Among the FEMA, the SHPO, the Louisiana Office of Homeland Security and Emergency Preparedness, and the Advisory Council on Historic Preservation (ACHP)*” executed in December 2004 (*2004 Statewide PA*),

**WHEREAS**, FEMA, in consultation with SHPO, has determined that the Area of Potential Effect (APE) for the Undertaking includes all residential and support buildings located on Beauregard Drive, Building 1 at the north end of Beauregard Drive, and extends to the levee at the south end of Beauregard Drive. FEMA, in consultation with SHPO, has determined that Buildings 17, 19, 22, 26, 28, 29, and 32 are contributing elements to the Jackson Barracks National Register Historic District and Locus 7 of Archeological Site 16OR212 (Locus 7) is eligible for the National Register; and

**WHEREAS**, FEMA consulted with SHPO and determined that the demolition and replacement of Buildings 17, 19, 22, 26, 28, 29, and 32 will adversely affect historic properties and has identified measures in this Memorandum of Agreement (MOA) to avoid, minimize, and mitigate the adverse effects; and

**WHEREAS**, in accordance with Stipulation VIII.A. of the *2004 Statewide PA* and 36 CFR §800.6(a)(1), FEMA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and the ACHP determined in a letter to FEMA dated June 16, 2008, that it will participate in the consultation; and

**WHEREAS**, FEMA consulted with FP&C, the Subgrantee, and in recognition that FP&C will assume responsibilities to perform various actions described by this MOA FEMA has invited FP&C to participate in this consultation and execute this MOA as an Invited Signatory; and

**WHEREAS**, Louisiana Military Department (LAMMD), FP&C's tenant at Jackson Barracks, has been invited by FEMA to participate in this consultation and execute this MOA as a Concurring Party; and

**WHEREAS**, GOHSEP, the Grantee, has been invited by FEMA to participate in this consultation and execute this MOA as a Concurring Party; and

**WHEREAS**, FEMA and LAMMD consulted with the Indian tribes of the Louisiana Army National Guard's (LAARNG's) Native American Historical Initiative (NAHI) and affiliated Indian tribes having a cultural affiliation with Jackson Barracks regarding the proposed Undertaking at a meeting on May 22, 2008 and reached a written agreement regarding measures that must be carried out in order to avoid or minimize possible effects to unidentified historic properties and standing structures within the Jackson Barracks Historic District and these measures, as they apply to FEMA, are also incorporated into this MOA; and

**WHEREAS**, the National Trust for Historic Preservation (NTHP), a congressionally chartered non-profit organization dedicated to saving historic places; the Preservation Resource Center (PRC), a non-profit organization dedicated to promoting the preservation, restoration, and revitalization of New Orleans' historic architecture and neighborhoods; and the Holy Cross Neighborhood Association (HCNA) representing residents of a neighborhood adjacent to the Undertaking, have requested Consulting Party status and are invited by FEMA to participate in this consultation and sign this MOA as Concurring Parties; and

**WHEREAS**, FEMA, ACHP, SHPO, FP&C, GOHSEP, LAMMD, NTHP, PRC, and HCNA constitute the Consulting Parties referenced in this MOA; and

**WHEREAS**, a Consulting Party will be recognized by FEMA as a Concurring Party starting on the date the Consulting Party signs this MOA as a Concurring Party and provides FEMA with a record of this signature; and

**WHEREAS**, FEMA will provide all Concurring Parties with the opportunity to review and comment on Schematic Designs for the replacement buildings under the terms of the MOA, but any determinations or reviews that were conducted by FEMA under the terms of this MOA prior to the signature of a Concurring Party will not be reconsidered because the Concurring Party did not have the opportunity to review and comment; and

**WHEREAS**, FEMA notified the City of New Orleans Historic District Landmarks Commission, Old Arabi Neighborhood Association, Louisiana Landmarks Society, and

the New Orleans Chapter of the American Institute of Architects of the Undertaking and the opportunity to participate in this consultation; and

**WHEREAS**, FEMA published notice of the proposed Undertaking in the *Times-Picayune* newspaper on June 12, 2008, and provided information to the NTHP's, PRC's and the City of New Orleans' websites regarding the opportunity for the public to comment on the Department of Culture, Recreation, and Tourism website or mail comments to FEMA and FEMA received no responsive comments; and

**WHEREAS**, all references to time periods in this MOA are in calendar days and notices and other written communications may be submitted by e-mail; and

**NOW THEREFORE**, FEMA, SHPO, ACHP, and FP&C agree that the Undertaking will be implemented in accordance with the following Stipulations to take into account the effects of the Undertaking on historic properties and to satisfy FEMA's Section 106 responsibilities for the Undertaking.

### **STIPULATIONS**

To the extent of its legal authority and in coordination with ACHP, SHPO, FP&C, LAMD, GOHSEP, NTHP, PRC, and HCNA, FEMA will require that the following measures are implemented:

#### **I. RECORDATION TREATMENT MEASURE**

- A. Prior to implementing the Undertaking FEMA will require that Buildings 17, 19, 22, 26, 28, 29, and 32 are recorded. FP&C, in cooperation with LAMD will take the photographs recording these buildings within 30 calendar days following the execution of this MOA. The photographic recordation will be performed by or under the direct supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, Architecture, or Historic Architecture.
- B. FEMA will require that digital photographs are taken of Buildings 17, 19, 22, 26, 28, 29, and 32. At a minimum the photographs will include a view of the principal façade, an oblique view, two contextual views, and close-ups of any unique architectural features, the context and setting of Beauregard Drive. The digital photography must comply with the requirements from the Proposed Update Photographic Policy National Register of Historic Places (revised March 2008) including the National Archives and Records Administration's (NARA's) guidance to supplement requirements in 36 CFR §1228.270 for transferring permanent electronic records to NARA.
  1. Image files must be saved as JPEG files using high quality compression settings at a minimum. These files must be transferred as

first generation JPEG files that have not been degraded in quality by multiple revisions and re-saving. The image files must be saved on archival quality CD-R media.

2. Digital camera files must be captured as 6 megapixel files or greater with a minimum pixel array of 3,000 pixels by 2,000 pixels.

3. Color images must be produced in RGB (Red Green Blue) color mode as 24-bit or 48-bit color files.

C. Photographic prints must comply with the Proposed Update Photographic Policy National Register of Historic Places (revised March 2008) requirements:

[http://www.nps.gov/history/nr/publications/bulletins/photopolicy/photo\\_policy.htm](http://www.nps.gov/history/nr/publications/bulletins/photopolicy/photo_policy.htm)

1. The photographs must meet the NPS Photo Expansion Policy 75-year permanence standard.

2. Paper prints must follow the "Acceptable Ink and Paper Combinations for Digital Images" guidelines in the Photo Expansion Policy.

3. Printed photographs must include:

a. A view of each façade, an oblique view, two contextual views, and close-ups of any unique exterior or interior architectural features for each Building;

b. At least 50 different black-and-white archival photographs will be printed from the digital photographs taken of the seven (7) buildings;

c. Labels that state the address including the Parish and State where the building is located; date of photograph; description of view including direction of camera; and name of photographer; and

d. Scanned images of the floor plans prepared by LAMD.

D. LAMD will forward the Scope of Work (SOW) for the photographs to FEMA and SHPO for 14 calendar day review and comment period. The SOW will include a list of at least fifty (50) photographs that will be taken of the Buildings 17, 19, 22, 26, 28, 29, and 32, their context and their setting. LAMD will consider FEMA's and SHPO's comments when it finalizes the SOW for the photographs.

E. FEMA will ensure that FP&C in cooperation with LAMD prepares four (4) archival copies of the recordation materials. FP&C shall forward two (2) copies to SHPO, and SHPO will forward one (1) copy to the State

Library and one (1) copy to the State Archives. FP&C shall submit one copy (1) to the University of New Orleans, Orleans Earl K. Long Library, Louisiana Special Collections in New Orleans, LA and one (1) copy to the Jackson Barracks Military Library, Building 718 E Street, Camp Beauregard, Pineville, LA 71360.

## **II. REVISE JACKSON BARRACKS NATIONAL REGISTER NOMINATION**

- A. FEMA will revise text for Section 7 (Description) and Section 10 (Geographical Data) of the 1976 National Register nomination of Jackson Barracks Historic District for the purpose of updating the condition of the property. The revisions will identify and describe both the contributing structures (exterior and interior) and the non-contributing structures (exterior only), setting and grounds to include any significant landscape features, and the boundaries of the historic district. It will include a description of archaeological sites based on the Phase II Cultural Resources Survey (EarthSearch, Inc., April 2007). A revised count and identification of contributing and non-contributing resources in Section 5 and 7 will be completed, with an associated sketch map; Section 6 will be revised to reflect these updates. Revisions will be made on National Register Continuation Sheets and will include an explanation of the amendment. The revisions will be consistent with the guidance in National Register Bulletin #16A, How to Complete the National Register Registration Form, which includes the “Guidelines for Amending Forms”.
- B. FEMA will provide its proposed revision to SHPO for 30 calendar day review and comment. FEMA will consider SHPO’s comments and provide an electronic copy of the proposed revision to the LAMD. LAMD will coordinate with FP&C to provide the revised nomination to the SHPO for certification and final submittal to the National Park Service no later than the expiration date of this MOA as outlined in Stipulation VIII.

## **III. DESIGN REVIEW PROCESS**

- A. FP&C, in cooperation with LAMD, proposes to replace Buildings 17, 19, 22, 26, 28, 29, and 32 with similar single family residences. The replacement houses will have a similar footprint, scale, and massing, and be constructed with cementitious, horizontal siding. The Consulting Parties agree that the construction of the replacement houses conforming to this guidance will not cause additional adverse effects to the Jackson Barracks Historic District.
- B. FP&C and LAMD have modified the site plan for the reconstruction of the replacement houses to avoid Locus 7 as shown on Appendix A. FP&C will include any revisions to this plan with the Schematic Designs.

- C. FP&C will provide an electronic copy of the Schematic Designs, including a site plan, for each replacement house to FEMA and FEMA will forward a copy to SHPO and each Concurring Party. FEMA, SHPO, and the Concurring Parties will review the Schematic Designs to ensure that the plans for the replacement houses have a similar footprint, scale, and massing as the historic houses and will not cause additional adverse effects.
- D. SHPO and the Concurring Parties will provide comments, if any, to FEMA on the proposed Schematic Designs within 14 calendar days. The 14 calendar day review period starts on the day that FEMA sends an electronic copy of the Schematic Designs to SHPO and the Concurring Parties by e-mail. FEMA will provide a copy of the Schematic Designs to any Consulting Party that signs as a Concurring Party during the 14 calendar day review period for review and comment, but the entry of such party as a Concurring Party will not extend the comment period. FEMA will review all comments submitted within the 14 calendar day review period and notify GOHSEP, FP&C, and LAMD within 7 calendar days if the proposed designs for the replacement houses will cause additional adverse effects. If no comments are submitted by FEMA to FP&C and LAMD within 28 days of receipt of Schematic Designs, FP&C and LAMD may finalize the proposed design.
- E. If FEMA determines that the proposed designs for the reconstruction of the houses will cause additional adverse effects to historic properties, FEMA will notify ACHP, SHPO, FP&C, and the Concurring Parties by e-mail within 28 days and clearly describe the issues that must be addressed to avoid the additional adverse effects. FEMA's notice will include any comments submitted by FEMA, the Signatories, and Concurring Parties regarding the additional adverse effects and any recommendations by these parties regarding alternatives that may avoid or minimize the additional adverse effects. If FP&C and LAMD determine that it is not feasible to revise the proposed designs in response to FEMA's notification, FP&C will notify FEMA, and FEMA will forward this information to ACHP, SHPO, and the Concurring Parties. FEMA may request a meeting with ACHP, FP&C, SHPO, and the Concurring Parties if FP&C and LAMD are not able to take steps to minimize or avoid the additional adverse effects. If FEMA does not request a meeting to discuss FP&C's response within 4 calendar days of the email detailing the additional adverse effects, FP&C and LAMD may finalize the proposed design.

#### **IV. PROTECTION OF ARCHAEOLOGICAL PROPERTIES**

- A. FEMA, in consultation with SHPO, has determined that Locus 7 of Archaeological Site 16OR212 as described in "Draft Phase II Cultural

Resources Survey of Jackson Barracks, Orleans Parish, Louisiana (16OR212)” dated June 2007 is eligible for the National Register. In order to minimize or avoid effects to this historic property, FP&C will require that the Lower Impact Demolition Stipulations (LIDS) attached as Appendix B and incorporated herein by reference be part of the demolition contract documents for Building 26. LIDS requires that an archaeological monitor be on-site during all ground disturbing activities

- B. On May 22, 2008 LAMD entered into a written agreement with NAHI and affiliated Indian Tribes having a cultural affiliation with Jackson Barracks regarding the treatment of Locus 7 during the demolition of Building 26. This agreement requires the LAMD to provide an archaeological monitor during the foundation removal and all ground disturbing activities at Building 26 and for the archaeological monitor to prepare a monitoring report, meeting the Louisiana Division of Archaeology’s report standards, (<http://www.crt.state.la.us/archaeology/homepage/report.shtml>), and submit 2 copies of this report to FEMA for review and submittal to SHPO and the Jackson Barracks Military Library.
- C. FP&C and LAMD have considered feasible measures to site the replacement houses to avoid Locus 7 and have redesigned the site plan so no new construction will occur on Locus 7 as shown in Appendix A. Following the demolition of Building 26, FP&C will cap the disturbed areas beneath and immediately surrounding the former location of Building 26 with non-native soil to establish a level surface for grass and to otherwise protect Locus 7.

## **V. DISCOVERIES AND UNFORESEEN EFFECTS**

- A. FEMA has provided FP&C with an electronic copy of “Louisiana Archaeology Illustrated” (April 2006). FP&C will ensure that copies of this publication are provided to any contractor for this Undertaking that will be involved with ground disturbing activities to assist the contractor with the identification of archaeological deposits.
- B. If, in the course of the Undertaking, archaeological deposits are uncovered, FP&C shall ensure that its contractor immediately stops work in the vicinity of the discovery and takes all reasonable measures to avoid or minimize harm to the finds as described in Paragraph 3 of the LIDS attached as Appendix B. FP&C shall ensure that the archaeological findings are secured and access to the area of the discovery is restricted.
- C. FP&C will notify FEMA, GOHSEP, and LAMD of discoveries or unforeseen effects as soon as practicable, and will e-mail digital photographs of the discovery or unforeseen effect with the notification.

FEMA will notify and consult with the SHPO and others, as necessary, following Paragraph 3 of the LIDS attached as Appendix B.

## **VI. ANTICIPATORY DEMOLITION**

FEMA will not grant assistance to FP&C should it, with intent to avoid the requirements of this MOA or Section 106 of the NHPA, significantly adversely affect a historic property to which the assistance would relate, or having legal power to prevent it, allow such significant adverse effect to occur. After consultation with SHPO and ACHP, FEMA may determine that circumstances justify granting such assistance despite an adverse effect created or permitted by FP&C, and will complete consultation pursuant to 36 CFR §800.9(c).

## **VII. DISPUTE RESOLUTION**

- A. Should any Signatory, Invited Signatory, or Concurring Party object to FEMA within the timeframes provided by this MOA to any plans, specifications, or actions provided for review, FEMA shall notify FP&C and consult further with the objecting party and FP&C to seek resolution.
- B. If FEMA determines that the dispute cannot be resolved, FEMA shall forward FEMA's proposed resolution of the dispute and all relevant documentation to the ACHP. Within 7 calendar days after receipt of the documentation, the ACHP will:
  1. Advise FEMA that it concurs with FEMA's resolution of the dispute; or
  2. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the dispute; or
  3. Notify FEMA that it shall comment pursuant to 36 CFR §800.7(c), and proceed to comment. Any comment provided shall be taken into account by FEMA in accordance with 36 CFR §800.7(c)(4) with reference to the subject of the dispute.
- C. If the ACHP does not provide FEMA with comments or recommendations within 7 calendar days, FEMA may assume that the ACHP does not object to its recommended approach and it shall proceed accordingly.
- D. Any recommendation or comment provided by ACHP shall be understood to pertain only to the subject of the dispute, and FEMA's responsibilities to fulfill all actions that are not subject of the dispute shall remain unchanged.
- E. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).



## **VIII. AMENDMENTS, TERMINATION, AND NONCOMPLIANCE**

- A. If FP&C determines that it is not feasible to complete the Undertaking or fulfill the requirements of this MOA, FP&C will immediately notify FEMA, GOHSEP, and LAMD in writing of this determination. Within 21 calendar days of the notice, FEMA will meet with the other Signatories, Invited Signatories, and Concurring Parties, in person or by telephone, to determine if the MOA must be amended or terminated, and proceed accordingly.
- B. Any Signatory or Invited Signatory may request in writing that the MOA be amended or terminated. Within 21 calendar days of such a request, FEMA will convene a meeting of the Signatories, Invited Signatories, and Concurring Parties to consider this request. The Parties will make a good faith effort to amend the MOA prior to any Party taking steps to terminate it. The MOA may be amended only upon the written agreement of the Signatories, and the process will comply with 36 CFR §800.6(c)(7).
- C. If the MOA is not amended, the Signatories or Invited Signatory may terminate the MOA by providing a 30 calendar day written notice to the other Signatories, Invited Signatories, and Concurring Parties. These parties will cooperate in good faith to seek amendments or other actions that would prevent termination during this 30 calendar day time frame. Should consultation fail, FEMA will promptly notify the Consulting Parties in writing of termination. Termination of the MOA will require FEMA to comply with the *2004 Statewide PA*. This MOA may be terminated without further consultation by execution of a subsequent agreement that explicitly terminates or supersedes this MOA.
- D. FP&C will not initiate demolition or construction activities before complying with applicable terms of this MOA. FP&C may take actions to remove hazardous materials once the Recordation required by Stipulation I. is completed. Failure by FP&C to fulfill its responsibilities of this MOA will jeopardize FEMA assistance for this Undertaking.

## **IX. DURATION**

Unless amended or terminated in accordance with Stipulation VIII., this MOA will remain in effect through December 31, 2012, or until FEMA determines that it has been satisfactorily fulfilled. FP&C will notify GOHSEP and FEMA when the Undertaking is completed, and FEMA will notify the Consulting Parties by e-mail when it determines that this MOA has been fulfilled.

**X. EFFECTIVE DATE AND IMPLEMENTATION OF MOA**

This MOA shall become effective immediately upon signature by the Signatory Parties. FEMA shall provide each Signatory, Invited Signatory, and Concurring Party with a complete copy of the MOA including all executed signature pages.


**EXECUTION AND IMPLEMENTATION** of this Memorandum of Agreement evidences that FEMA has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that FEMA has taken into account the effects of the Undertaking on historic properties, and that FEMA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations.

SIGNATORY PARTIES:

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

  
\_\_\_\_\_  
Date: 10/27/08  
Marc Roy  
Environmental Liaison Officer  
Louisiana Transitional Recovery Office

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

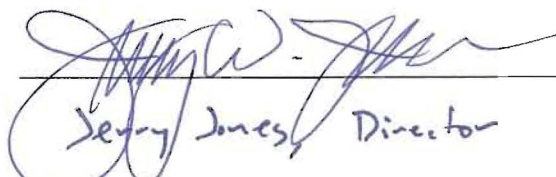
  
\_\_\_\_\_  
Date: 11/24/08  
John M. Fowler  
Executive Director

**LOUISIANA STATE HISTORIC PRESERVATION OFFICER**

  
\_\_\_\_\_  
Date: 11/24/08  
Scott Hutcheson  
State Historic Preservation Officer

INVITED SIGNATORY:

**DIVISION OF ADMINISTRATION, FACILITY PLANNING & CONTROL**

  
\_\_\_\_\_  
Date: 10/24/08  
Jerry Jones, Director

CONCURRING PARTIES:

**GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY  
PREPAREDNESS**

Tom Kerhastack  
State Coordinating Officer  
**LOUISIANA MILITARY DEPARTMENT**

Date: 10/23/08

Timothy N. Chastain  
Timothy N. Chastain  
LTC, Louisiana State Guard  
State Facilities Program Manager

Date: 28 OCT 08

**NATIONAL TRUST FOR HISTORIC PRESERVATION**

\_\_\_\_\_

Date: \_\_\_\_\_

**PRESERVATION RESOURCE CENTER**

W. Kimball

Date: 10/30/08

**HOLY CROSS NEIGHBORHOOD ASSOCIATION**

Pam Dashiell  
Pam Dashiell  
Board Chair

Date: 10/28/08

**APPENDIX A**

***Site Plan for Reconstruction of Buildings on Beauregard Drive, Jackson Barracks***



## APPENDIX B

### *Lower-Impact Demolition Stipulations*

FEMA and SHPO have agreed that LAMD is responsible for ensuring that their demolition contractor adheres to the “Lower-Impact Demolition Stipulations” (work restrictions) as prescribed by FEMA and SHPO. This will partially fulfill FEMA requirements to comply with the National Historic Preservation Act (NHPA) for demolitions funded by FEMA. Compliance with Lower Impact Demolition Stipulations (LIDS) expedites project review and reduces costs as the stipulations are designed to avoid impacts to archaeological resources.

FP&C shall ensure that LIDS are made explicit in contract documents. Failure to comply with LIDS may jeopardize FP&C’s receipt of Federal funding.

FEMA may conduct random oversight inspections during the demolition of Building 26 to verify compliance with LIDS.

#### **1. General Approach:**

a. Major demolition activities, including placement of equipment, shall be confined to areas where soils have been previously disturbed by activities, such as site development, construction, surface grading, landscaping, utility trenching, etc. LAMD, in cooperation with FP&C, shall identify areas of obvious soil disturbance and direct the contractor to work within these areas.

b. When heavy equipment is not in use, it will be staged on hard or firm surfaces where equipment is not susceptible to sinking. Paved surfaces shall be used to the fullest extent possible.

c. Tracked vehicles and/or large-tired equipment will be used whenever possible to reduce the depth of soil disturbance and minimize soil compaction **to a depth of six (6) inches or less.**

d. LAMD, in cooperation with FP&C, will ensure that its contractors will not operate heavy equipment on wet soils if the equipment begins to sink **more than six (6) inches below the current ground surface.** Heavy equipment may be operated in the rain, but LAMD, in cooperation with FP&C, will ensure that the contractors pay special attention to equipment sinkage, as noted above.

e. Shearing off structural features at the ground-surface is strongly encouraged so that further soil disturbance is minimized.

f. There shall be no salvage of architectural materials from below-grade.

g. Excavation of on-site materials and burial of debris are not permitted.

#### **2. Activity Specific Guidelines:**

a. Treatment of Utilities: Utility lines shall be disconnected and capped. Extraction of utility lines is not an eligible FEMA cost. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way shall be required to cap these service lines. To limit unnecessary ground disturbance, excavation shall be limited to the existing ROW to the greatest extent feasible.

b. Footing and Pier Removal: If it is absolutely necessary to remove footings and piers to ensure public health and safety, the soil disturbance caused by these activities should be limited to a depth no greater than six (6) inches below the footing or pier to be extracted. The excavation shall not exceed a 3-foot lateral width from the footing or pier being extracted.

c. Slab Removal: The slab shall not be removed through excavation. The slab will be broken into sections and hoisted off the lot, and LAMD, in cooperation with FP&C, will ensure that its contractors will make every effort to limit any soil disturbance necessary to facilitate this process.

d. Surface Grading and Site Clean-Up: LAMD, in cooperation with FP&C, will ensure that its contractors will limit site grading to within the first six (6) inches of the existing surface elevation (e.g., side walk level, driveway level, slab level, etc.). LAMD, in cooperation with FP&C, will ensure that its contractors will use light equipment (e.g., small bobcats, hand tools, etc.) to complete final site clean-up.

### **3. Treatment of New Discoveries**

a. Archaeological Materials: If demolition activities disturb moderate amounts of archaeological artifacts (e.g. old bricks, ceramic pieces, historic bottle glass or cans, coins, beads, stones in the form of tools [arrow heads], pieces of crude clay pottery, etc) or archaeological features (e.g. grave markers, house foundations, cisterns, etc.), LAMD, in cooperation with FP&C, will ensure that the Contractor immediately stops work in the vicinity of the discovery and takes all reasonable measures to avoid or minimize harm to the finds. In such cases, LAMD will immediately inform FEMA of the discovery and FEMA will deploy a professional archaeologist to conduct a site assessment. LAMD, in cooperation with FP&C, will ensure that the Contractor does not proceed with work until FEMA staff has completed consultation with the SHPO and other interested parties, as necessary.

b. Human Remains: If human skeletal remains are uncovered during ground disturbing activities, LAMD, in cooperation with FP&C, will direct the Contractor to stop work immediately in the vicinity of the discovery. Within 24-hours following the discovery, LAMD will notify FEMA, FP&C, GOHSEP, the New Orleans Police Department, and the Orleans Parish Coroner's Office of the discovery. The Coroner's Office will assess the nature and age of the human skeletal remains, without disturbing their archaeological context, if at all possible. If the Coroner determines that the human skeletal remains are older than 50 years of age, the Secretary of Department of Culture, Recreation and Tourism (CRT) has jurisdiction over the remains. LAMD shall ensure that the notice of the discovery required by Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 *et seq*) is given to the Secretary of CRT or the Secretary's designee by contacting the Louisiana Division of Archeology at 225-342-8170 within seventy-two hours of the discovery. FEMA shall take the lead in working with the SHPO, Indian tribes, the Louisiana Division of Archeology, FP&C, LAMD and GOHSEP to ensure compliance with this MOA. In addition, FEMA shall require that the guidelines contained in the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this MOA are followed.

#### **4. Protocol for working with Archaeological Monitors**

a. Archaeological Monitoring – Compliance Violations: If during spot checks, FEMA Historic Preservation Specialists/Archaeologists (qualified archaeologists) observe violations of the LIDS, they shall request that LAMD’s official on site cease demolition until the effects of the Undertaking can be assessed through intensive visual inspection. If adverse effects are observed, FEMA shall consult with SHPO and other consulting parties, as necessary.

b. Archaeological Monitoring – Findings Assessment: If during the course of work, FEMA archaeological monitors (qualified archaeologists) observe significant or potentially significant findings as a result of activities associated with the Undertaking a findings assessment will be required. If the FEMA archaeological monitors (qualified archaeologists) determine that a findings assessment will require a discontinuation of work greater than one hour in duration, the archaeological monitor (qualified archaeologist) is responsible for promptly notifying the official on-site regarding the delay. If after the initial one hour findings assessment, the archaeologist determines more evaluation time will be necessary at the location, the archaeologist shall promptly convey this to the official on site.

c. Archaeological Monitoring – Asbestos Demolitions: LAMD/FP&C contractors shall establish a safety perimeter beyond which archaeological monitors will not be permitted to cross without first obtaining the appropriate training and personal protective equipment (PPE). Archaeologists shall have formal asbestos training, a pulmonary fitness examination, and may be required to wear a full respirator and a Tyvek suit. If an archaeological monitor needs to cross the safety perimeter, she/he shall approach LAMD’s official on site and notify them of the need to access the demolition site. LAMD’s official on site shall have all equipment inside the work zone stop so that the archaeologist may conduct a brief inspection. Once the archaeological monitor has completed work, she/he shall leave the restricted zone and the work may resume. This procedure applies not only to field inspections, but also to monitoring of known archaeological sites and investigations of inadvertent discoveries.