

1
2
3
4
5
6
7
8

**FINAL
MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION, AND
THE LOUISIANA DEPARTMENT OF EDUCATION THROUGH
ITS RECOVERY SCHOOL DISTRICT**

9
10
11
12
13

**REGARDING THE THOMY LAFON SCHOOL
2601 SEVENTH STREET, NEW ORLEANS
ORLEANS PARISH, LA**

14
15
16
17
18
19
20
21
22
23
24

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 Louisiana Department of Education, through its Recovery School District (RSD), through the Governor’s Office of Homeland Security and Emergency Preparedness (GOHSEP) in response to damages caused by Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA) in response to RSD’s proposal to implement the School Facilities Master Plan for Orleans Parish and demolish the Thomy Lafon School, 2601 Seventh Street, New Orleans, LA (Undertaking); and

25
26
27
28
29
30
31
32
33
34
35
36

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 FEMA, the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor’s Office of Homeland Security and Emergency Preparedness, the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation*” that was executed August 17, 2009 (2009 Statewide PA); and

37
38
39
40
41
42
43
44
45

WHEREAS, FEMA determined in Stipulation IX.B of the *Secondary Programmatic Agreement among Federal Emergency Management Agency, State of Louisiana Division of Administration Office of Community Development, Louisiana State Historic Preservation Officer, Advisory Council on Historic Preservation, Louisiana Department of Education through its Recovery School District, and Orleans Parish School Board Regarding Implementation of School Facilities Master Plan for Orleans Parish, New Orleans, Louisiana (2PA)* to address proposed adverse effects to the Thomy Lafon through the process set out in 36 CFR §800.6; and

46 **WHEREAS**, FEMA, in consultation with SHPO, has determined that the Area of
47 Potential Effects (APE) shown in Attachment 1 includes the site of the Thomy Lafon
48 School bounded by Magnolia Street, Seventh Street, Freret Street, and Sixth Street, and
49 any area or areas where there will be ground disturbance associated with the proposed
50 demolition and that will be used for staging when such areas are identified; and

51

52 **WHEREAS**, FEMA determined that the Main Classroom Building (Building C) and the
53 Administration Building (Building A) of the Thomy Lafon School are eligible for
54 inclusion in the National Register of Historic Places (NRHP) under Criterion A and C
55 and that the Library (Building D) and the Cafeteria-Auditorium (Building B) are not
56 eligible for inclusion in NRHP in a letter dated July 9, 2008 from FEMA to SHPO and
57 the SHPO concurred with FEMA's determinations in a letter to FEMA dated July 21,
58 2008; and

59

60 **WHEREAS**, FEMA plotted the latitudes and longitudes of the demolition location
61 against the locations of previously recorded archaeological sites and overlaid this
62 information onto historic maps. The Thomy Lafon Elementary School is located on the
63 site of the former Locust Grove Cemetery #1 and #2. Locust Grove Cemetery #1 opened
64 in 1859 and was located in the block bounded by Sixth, Seventh, Magnolia (now Freret
65 Street) and Locust (now S. Robertson Street). Locust Grove Cemetery #2 was opened in
66 1877 and closed in 1879. It was located on the block bounded by Sixth, Harmony,
67 Locust, and Magnolia Streets. While certain records indicate that the cemeteries may
68 have been demolished prior to or as part of the construction of the second Lafon School
69 in 1905, historic photographs showing the construction of the third Lafon School in 1952
70 and Orleans Parish School Board (OPSB) records from a construction project in 1984 -
71 1985 document that not all burials were removed and relocated in the early 20th Century;
72 and

73

74 **WHEREAS**, FEMA consulted with SHPO in a letter dated June 16, 2009 and SHPO
75 concurred, in a letter dated June 18, 2009, with FEMA's determination that the
76 demolition of the Thomy Lafon School will adversely affect historic properties; and

77

78 **WHEREAS**, in accordance with Stipulation VIII.A of the *2009 Statewide PA* and 36
79 CFR §800.6(a)(1), FEMA notified the Advisory Council on Historic Preservation
80 (ACHP) of its adverse effect determination in a letter dated June 16, 2009 and the ACHP
81 determined in a letter to FEMA dated June 30, 2009, that it will participate in the
82 consultation to develop a Memorandum of Agreement (MOA) to avoid, minimize, and
83 mitigate the adverse effects of this Undertaking; and

84

85 **WHEREAS**, FEMA, ACHP, and SHPO are the Signatories to the MOA as defined in 36
86 CFR §800.6(c)(1); and

87

88 **WHEREAS**, FEMA consulted with GOHSEP, the Grantee, and RSD, the Subgrantee,
89 that by virtue of Acts 2005, 1st Ex.Sess., No. 35, §1, (La. R.S. 17:1990) of the Louisiana
90 Legislature, assumed all the rights and responsibilities of ownership regarding all land,
91 building, facilities, and other property of many public school in Orleans Parish, and in

92 recognition that GOHSEP and RSD will assume responsibilities to perform various
93 actions described by this MOA, FEMA has invited GOHSEP and RSD to participate in
94 this consultation and execute this MOA as an Invited Signatories as defined in 36 CFR
95 §800.6(c)(2); and

96
97 **WHEREAS**, FEMA notified the Orleans Parish School Board (OPSB), formerly
98 responsible for the Lafon School; the City of New Orleans Historic District Landmarks
99 Commission; the National Trust for Historic Preservation (NTHP); the Preservation
100 Resource Center (PRC); the Louisiana Landmarks Society (LLS); Urban Strategies, Inc.,
101 Harmony Oaks Neighborhood Association, formerly known as the C.J. Peete Residents
102 Association (HONA); McCormack Barron Salazar; the Louisiana Chapter of
103 Documentation and Conservation of Building Sites and Neighbourhoods of the Modern
104 Movement US (DOCOMOMO/NOLA); American Institute of Architects - New Orleans
105 (AIA New Orleans); and Central City Partners about the Undertaking and the opportunity
106 to participate in this consultation; and

107
108 **WHEREAS**, the Housing Authority of New Orleans (HANO) requested consulting party
109 status as a result of notification by other consulting parties; and

110
111 **WHEREAS**, FEMA notified the Alabama Coushatta Tribe of Texas, Chitimacha Tribe
112 of Louisiana, Choctaw Nation of Oklahoma, Coushatta Tribe of Louisiana, Jena Band of
113 Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma,
114 Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica Biloxi Tribe of
115 Louisiana (collectively referenced as “Tribes”) and provided information regarding
116 identified historic properties in the APE, information regarding the history and
117 topography of the APE, and afforded the Tribes an opportunity to participate in the
118 consultation; and

119
120 **WHEREAS**, FEMA held a public meeting on September 23, 2009 to provide an
121 opportunity for the public to comment on the Undertaking; to describe the Section 106
122 review process and explain the opportunities to become involved in the Section 106
123 review; and to notify the public of the opportunity to provide comments on the
124 Department of Culture Recreation, and Tourism (CRT) website; and

125
126 **WHEREAS**, FEMA provided information to websites maintained by the NTHP, PRC,
127 and the City of New Orleans regarding the opportunity for the public to comment on the
128 Department of Culture, Recreation, and Tourism website or mail comments to FEMA and
129 59 responsive comments presenting a variety of opinions were posted on the website and
130 reviewed by FEMA; and

131
132 **WHEREAS**, PRC; Urban Strategies, Inc.; HONA; DOCOMOMO/Louisiana; AIA New
133 Orleans; Central City Partners, LLS, Housing Authority of New Orleans (HANO) have
134 requested Consulting Party status, and each organization was invited by FEMA to
135 participate in this consultation and sign this MOA as a Concurring Party as defined in 36
136 CFR §800.6(c)(3); and

137

138 **WHEREAS**, FEMA; SHPO; ACHP, RSD; GOHSEP; PRC; Urban Strategies, Inc.;
139 HONA; DOCOMOMO/ Louisiana; AIA New Orleans; Central City Partners, LLS, and
140 HANO constitute the Consulting Parties as defined in 36 CFR §800.2(c) that are
141 referenced in this MOA; and

142
143 **WHEREAS**, FEMA held a second public meeting on October 21, 2010 to provide an
144 opportunity for the public to comment on the interpretive memorial proposed for the site
145 of the Thomy Lafon School; and

146
147 **NOW THEREFORE**, FEMA, SHPO, ACHP, RSD, GOHSEP, PRC, Urban Strategies,
148 Inc., HONA, DOCOMOMO/ Louisiana, AIA New Orleans, Central City Partners, LLS,
149 and HANO agree that the Undertaking will be implemented in accordance with the
150 following Stipulations to take into account the effects of the Undertaking on historic
151 properties and to satisfy FEMA’s Section 106 responsibilities for the Undertaking.

152
153 STIPULATIONS
154

155 To the extent of its legal authority and in coordination with the SHPO, ACHP, RSD,
156 OPSB, GOHSEP, Urban Strategies, Inc., HONA, DOCOMOMO/NOLA, AIA New
157 Orleans, Central City Partners, LLS, and HANO, FEMA will require that the following
158 measures are implemented:

159
160 **I. GENERAL PROVISIONS**
161

- 162 A. A Consulting Party will be recognized by FEMA as a Signatory, Invited
163 Signatory, or a Concurring Party starting on the date the Consulting Party signs
164 this MOA as a Signatory, Invited Signatory, or Concurring Party and provides
165 FEMA with a record of this signature.
166
- 167 B. FEMA will provide all Concurring Parties with the opportunity to review and
168 comment on various documents and reports under the terms of the MOA.
169 Determinations or Reviews that have been completed by FEMA under the terms
170 of this MOA prior to the signature of a Concurring Party will not be reconsidered
171 because the Concurring Party did not have the opportunity to review and
172 comment.
173
- 174 C. The term, "burial artifact," as used in this MOA, means any item of human
175 manufacture or use that is in an unmarked burial site, and the term, "human
176 skeletal remains," as used in this MOA, means any part of the body of a deceased
177 human being in any stage of decomposition, as provided by La. R.S. 8:673, the
178 Definition Section of the Louisiana Unmarked Human Burials Site Preservation
179 Act.
180
- 181 D. The Secretary of CRT, under the authority of the Louisiana Unmarked Human
182 Burial Site Preservation Act, La. R.S. 8:671 *et seq.* (Burial Act), recognizes the
183 Stipulations in this MOA as a provisional permit as provided for in §676(C).

184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229

- E. All references to time periods in this MOA are in calendar days and notices and other written communications may be submitted by e-mail. If a review period included in this MOA ends on a Saturday, Sunday, or Federal holiday, the review period will be extended until the first business day following the Saturday, Sunday, or Federal holiday. Any electronic communication sent to FEMA or SHPO after 4:00 pm Central Time will be deemed to have been received on the next day. Comments by Signatories, Invited Signatories, or Concurring Parties on any plans or documents submitted for review under this MOA are timely if they are received by FEMA at any time on the last day of a review period.

II. CONSIDERATION OF FEASIBLE ALTERNATIVES TO DEMOLITION

The Consulting Parties considered the following three alternatives to demolition and determined that there are no feasible alternatives that will avoid or minimize the proposed adverse effect of demolition:

- A. Cooperative Endeavor Agreement (CEA): As part of the Section 106 Consultation, the Consulting Parties requested that RSD provide Urban Strategies, Inc. with the opportunity to pursue a CEA to reuse the Lafon School building for an alternative use. Urban Strategies, Inc. has determined that it would not pursue a CEA and the Consulting Parties have determined that this Alternative is not feasible and RSD has no further responsibilities to consider this option.
- B. Sale of Lafon School to a third party for rehabilitation and reuse: As part of the Section 106 Consultation, the Consulting Parties have determined that the Louisiana Cemetery Act, La. R.S.:8, effectively limits the potential to rehabilitate and reuse any of the buildings at the Lafon School since it requires all reuses to be consistent with cemetery use. The Consulting Parties also determined that the City of New Orleans Comprehensive Zoning Ordinance and the proposed New Orleans Master Plan limit the uses of the Lafon School property to residential and park uses and that the existing buildings are not suitable for these uses.
- C. Relocation of Lafon School building to an alternate location: Based on information provided by Shaw E&I, RSD has determined that the deconstruction of the Main Classroom Building (Bldg. C) and/or the Administration Building (Bldg. A) at the Lafon School and their reconstruction on another site is not feasible based on the likely effects to the historic building materials; the constraints of relocating these comparatively large structures within a densely built urban area; and the likely costs of deconstruction; relocation and reconstruction. The Consulting Parties have reviewed these findings and agree with the conclusions.

III. RECORDATION

- A. RSD has digitally photographed the Thomy Lafon School. The photographs

- 230 include the 37 photographs of the Main Classroom Building (Building C) and the
231 Administration Building (Building A) listed in Attachment 2.
232
- 233 B. The digital photography was performed by a person or persons who meet the
234 Secretary of the Interior's Professional Qualification Standards set out at 48 FR
235 44716, September 29, 1983, for History, Architectural History, or Historic
236 Architecture.
237
- 238 C. FEMA has reviewed a copy of the digital photographs and provided RSD
239 feedback. RSD has modified the recordation materials in response to FEMA's
240 comments and provided a copy of the photos for review before they are printed on
241 archival materials.
242
- 243 D. FEMA has reviewed the final copies of the digital photography and determined it
244 complies with the following requirements, from the National Archives and
245 Records Administration's (NARA's) guidance to supplement requirements in 36
246 CFR § 1228.270 for transferring permanent electronic records to NARA.
247
- 248 1. Image files must be saved as JPEG files using high quality compression
249 settings at a minimum. These files must be transferred as first generation
250 JPEG files that have not been degraded in quality by multiple revisions and
251 re-saving. The image files must be saved on archival quality CD-R media.
 - 252 2. Digital camera files must be captured as 6 megapixel files or greater with a
253 minimum pixel array of 3,000 pixels by 2,000 pixels.
 - 254 3. Color images must be produced in RGB (Red Green Blue) color mode as 24-
255 bit or 48-bit color files.
- 256 E. The archival photographic prints must comply with the requirements from the
257 National Register Photo Policy Fact Sheet:
258 http://www.nps.gov/history/nr/publications/guidance/Photo_Policy_final.doc .
259
- 260 1. The photographs must meet the "Acceptable Ink and Paper Combinations for
261 Digital Images" guidelines and the 75-year permanence standard in the NPS
262 Photo Expansion Policy and will be printed on 8" x 10" paper.
 - 263 2. Images must include the following information printed directly on the
264 photographs using archival quality ink:
 - 265 a. Name of the School and Address;
 - 266 b. Latitude/longitude in NAD83;
 - 267 c. Parish and state where the School is located;
 - 268 d. Date of photograph;
 - 269 e. Description of view including direction of camera; and
 - 270 f. Name of photographer.

- 271 F. The recordation materials will include a short narrative history of the 1952 Lafon
272 School. This history will include the types of information required in Historic
273 American Building Survey (HABS) Historical Reports: Outline form. A
274 Graduate Student of the Tulane Architecture Department, representing
275 DOCOMOMO, has prepared a draft National Register nomination for the Lafon
276 School that includes an architectural description and a narrative history. FEMA
277 will ensure the description and narrative will be further developed and finalized to
278 meet the requirements of the HABS Historical Reports: Short form by or under
279 the direct supervision of an individual who meets the Secretary of the Interior's
280 Professional Qualification Standards set out at 48 FR 44716, September 29, 1983,
281 for History, Architectural History, or Historic Architecture.
282
- 283 G. A Student of the Tulane Architecture Department, representing DOCOMOMO
284 has conducted research and located certain historic drawings of the 1952 Thomy
285 Lafon School at the University of New Orleans Library, including floor plans and
286 elevations. FEMA will ensure three (3) archival photographic copies will be
287 made of the existing drawings of Classroom Building (Building C) and the
288 Administration Building (Building A). A list of these existing drawings is
289 attached in Attachment 3.
290
- 291 H. FEMA will ensure three (3) archival photographic copies will be made of the
292 historic photographs listed in Attachment 4, provided that it is feasible to obtain
293 copyright or licensing to copy and archive the photos.
294
- 295 I. RSD will provide three (3) copies of the original March 1954 *LIFE Magazine* to
296 be archived with the other recordation materials.
297
- 298 J. FEMA will review the final archival copies of the recordation materials to ensure
299 that they include three (3) copies of the 37 photograph prints, CDs containing the
300 37 digital photographs, 18 historic drawings, and the historic photographs and
301 conform to the requirements in Stipulation II.A, B, C, D, and E. FEMA will
302 notify GOHSEP and RSD by e-mail within seven (7) days following FEMA's
303 receipt of the final archival copies of the recordation materials if the materials do
304 not conform to the approved SOW
305
- 306 K. FEMA shall forward two (2) archival copies of the recordation materials to
307 SHPO, and SHPO will forward one (1) copy to the State Library and one (1) copy
308 to the State Archives. FEMA shall submit one (1) archival copy to the University
309 of New Orleans, Orleans Earl K. Long Library, and Louisiana Special Collections
310 in New Orleans, LA. FEMA will include copies of materials developed during
311 the Section 106 consultation to develop this MOA with the recordation materials
312 provided to UNO. These additional materials will also include recordings of the
313 Section 106 consultation meetings, comment logs, and Section 106 consultation
314 meeting minutes.
315
316

317 **IV. DEMOLITION APPROACH**

318

319 **A. Comprehensive Demolition Plan**

320

321 1. RSD will require the demolition contractor to prepare a comprehensive
322 demolition document that is designed to avoid damage to the archaeological
323 site beneath the buildings. The comprehensive demolition document will
324 include the following measures to protect the burials within the APE (see
325 Attachment 1).

326 a. A minimum of 6 inches of clean sand fill will be placed across all
327 green space at the site prior to initiating demolition activities. The
328 purpose in raising the grade is to confine demolition activity to
329 imported fill material.

330 b. Demolition must be designed to insure that the roof and structural
331 collapse does not penetrate the original subsurface.

332 c. The Lower Impact Demolition Stipulations (LIDS) set out in
333 Stipulation IV.B.

334 2. RSD will provide the demolition contractor with a copy of this MOA prior
335 to the preparation of the final comprehensive demolition document.

336 3. RSD will schedule a briefing with the demolition contractor, prior to
337 commencement of demolition, for FEMA to discuss the terms of the MOA.

338 4. Should an archaeological discovery occur during the demolition activities,
339 RSD must stop all work within the vicinity of the finding until it has been
340 assessed, as set out in Stipulation VI and VII. RSD's demolition contractor
341 may continue demolition activities outside of the area of a discovery as long
342 as a qualified Archaeological Monitor is present (as this term is defined in
343 Stipulation V.A.).

344 5. RSD will provide a copy of the final comprehensive demolition document to
345 GOHSEP and FEMA by e-mail prior to RSD's approval of the final
346 comprehensive demolition document.

347 a. FEMA will forward the final comprehensive demolition document to
348 SHPO for a 15-day review and comment period. FEMA will review
349 SHPO's comments, if any, and determine if revisions to the final
350 comprehensive demolition document are needed to avoid potential
351 adverse effects to the archaeological site 16OR565 (Locust Grove
352 Cemetery/Thomy Lafon School Site).

353 b. FEMA will provide comments, taking into account SHPO's
354 comments, if any, to RSD and will require that the approved final
355 comprehensive demolition document is revised to adequately address
356 the comments.

357

358

359 B. Lower Impact Demolitions Stipulations
360

- 361 1. RSD is responsible for ensuring that the demolition contractor adheres to the
362 “Lower-Impact Demolition Stipulations” (LIDS) as prescribed by this MOA
363 and the approved comprehensive demolition plan.
- 364 2. RSD shall ensure that LIDS are made explicit in contract documents.
365 Failure to comply with LIDS may jeopardize RSD’s receipt of FEMA
366 funding.
- 367 3. RSD will identify a Point-of-Contact (POC) that FEMA and SHPO
368 representatives may contact with questions regarding the work or requests to
369 access the site.
- 370 4. General Approach to LIDS:
- 371 a. All ground disturbing activities will be monitored by an
372 Archaeological Monitor(s) as described Stipulation VII.
- 373 b. Major demolition activities, including placement of equipment, shall
374 be confined to paved areas.
- 375 c. When heavy equipment is not in use, it will be staged on paved
376 surfaces.
- 377 d. RSD will require that the demolition contract does not permit
378 demolition work to go more than 6 inches below grade level (*i.e.* is
379 confined to the clean sand fill), unless otherwise specified in this
380 MOA.
- 381 e. Structural features will be sheared off at the ground-surface so that soil
382 disturbance is minimized. Subsurface foundations, pile caps, and grade
383 beams will be left in place. Where necessary, hand removal of
384 fragments may be required to prevent unnecessary soil disturbance.
- 385 f. There shall be no salvage or recoument of architectural materials
386 from below-grade.
- 387 g. During pickup and removal of material from the surface, the contractor
388 will not cut into or scrape the surface; where necessary, hand removal
389 of materials or the use of light equipment (*e.g.*, small bobcats, hand
390 tools, etc.) will be required to avoid effects.
- 391 h. Excavation of on-site materials and burial of debris are not permitted.
- 392 i. If necessary, site grading is limited to clean fill.
- 393 j. RSD will disconnect and cap all underground utilities: water, sanitary
394 sewer, storm lines, and connection to buildings. All disconnected
395 utilities must be properly capped, and no work can go below grade. In
396 cases where there are no shut-off valves, limited excavation within the
397 utility rights-of-way shall be required to cap these service lines. To
398 limit unnecessary ground disturbance, excavation shall be limited to
399 the existing utility right-of-way to the greatest extent feasible and will

400 be monitored by the Archaeological Monitor(s) and, if requested,
401 FEMA, and SHPO monitors.

402
403
404

V. ARCHAEOLOGICAL MONITORING: QUALIFICATIONS, ROLES AND RESPONSIBILITIES

405 A. FEMA will ensure that the archaeological monitoring and fieldwork will be
406 performed and/or observed by an archaeologist or archaeologists who qualify
407 under the Secretary of the Interior's Professional Qualification Standards (48 FR
408 44716, Sept. 1983) previously published at 36 CFR Part 61 for archaeology or
409 work directly under the supervision of an individual who meets the Standards
410 for Archaeology. At least one member of the archaeological team will be a
411 physical anthropologist/bioarchaeologist or equivalent. FEMA will provide
412 SHPO with the opportunity to review and comment on the qualifications of the
413 selected archaeologist(s) prior to the commencement of fieldwork.

414
415 B. FEMA will ensure that an Archaeological Monitor(s) is present during all
416 ground disturbing activities and demolition activities that have a potential to
417 result in ground disturbance. FEMA's Archaeological Monitor(s) is not required
418 to be present during the selective demolition/abatement of lead and asbestos.

419
420 C. FEMA's Archaeological Monitor(s) will generate daily field notes recording the
421 type of activity that occurred each day, what areas were worked in, and what, if
422 any discoveries occurred.

423
424 D. FEMA and SHPO representatives may elect to observe ground-disturbing
425 activities. RSD is not required to delay demolition, ground disturbance, or
426 construction activities if a FEMA or a SHPO representative is not present,
427 unless specific arrangements have been made by FEMA and/or SHPO. FEMA
428 and/or SHPO representatives will notify the POC in advance to request access
429 to the site to observe demolition or archaeological excavations. Notice to
430 RSD's POC may be requested by e-mail, by telephone, or in person. RSD's
431 POC will not deny a reasonable request by FEMA and/or SHPO to be present
432 on the project site at any point during demolition. FEMA and/or SHPO may
433 observe demolition activities from the public rights-of-ways at any time with no
434 notice to RSD.

435
436 1. RSD and/or their demolition contractor will provide information to FEMA
437 and SHPO representatives regarding any safety equipment, such as boots,
438 hard hats, safety vests, and safety glasses that are required to gain access
439 to the job site.

440 2. RSD will ensure that that all known and assumed asbestos containing
441 buildings materials (regulated asbestos containing materials) are removed
442 from the buildings prior to the physical demolition of the structures.
443 RSD's POC will notify all parties that will observe ground-disturbing
444 activities associated with the demolition of the Lafon School if any of the

445 buildings proposed for demolition are discovered to contain additional
446 asbestos materials.

447 E. If during archaeological monitoring, FEMA's Archaeological Monitor observe
448 violation(s) of LIDS, FEMA's Archaeological Monitor shall request that the
449 RSD's on-site official cease demolition until the effects of the violation can be
450 assessed. If FEMA and/or SHPO representatives observe a violation(s) of LIDS
451 they shall notify FEMA's Archaeological Monitor onsite and request steps be
452 taken immediately to cease demolition until the effects of the violation can be
453 assessed. RSD will ensure that the demolition contractors shall cease
454 demolition upon request from FEMA's Archaeological Monitor to the RSD on-
455 site official.

456
457 F. If during the course of work, FEMA's Archaeological Monitor and/or a FEMA
458 or SHPO representative(s) observes archaeological deposits, human skeletal
459 remains, or burial artifacts as a result of activities associated with the
460 Undertaking, FEMA's Archaeological Monitor shall request that the RSD's on-
461 site official cease demolition and require a findings assessment will be required
462 as set forth in Stipulation VII.

463
464 G. The purpose of the archaeological monitoring in the Archaeological APE is to
465 avoid effects to any burials or non-burial archaeological deposits located in the
466 APE. Although the investigations will attempt to avoid or minimize potential
467 effects to archaeological resources, FEMA's Archaeological Monitor(s) are to
468 identify and evaluate archaeological properties that may be exposed or affected
469 by demolition activities or during the installation of the memorial (see
470 Stipulation VII).

471
472 **VI. COORDINATION WITH LOUISIANA UNMARKED HUMAN BURIAL**
473 **SITE ACT, La. RS 8:671 et seq (Burial Act)**
474

475 A. Archaeological reporting on monitoring and/or investigations and consultation
476 described in Stipulations VII, and VIII, respectively, will meet the requirements
477 of the Burial Act and the standard CRT, Division of Archaeology, Unmarked
478 Human Burial Sites Permit particularly with regard to defining the scope for
479 Disinterment, Study of Remains, and Reinternment.

480
481 B. The designation of City Squares 360 and 363 as cemeteries by Acts of New
482 Orleans City Council and subsequent inadvertent discovery of human skeletal
483 remains in 1952 and 1984 established these two city blocks as an unmarked
484 cemetery.

485
486 C. The Louisiana Attorney General's Opinion 08-0135 dated November 30, 2009,
487 holds that an unmarked cemetery is under the regulatory authority of the
488 Louisiana Division of Archaeology by virtue of the Burial Act and was cited in
489 the Louisiana Attorney General's Office letter to FEMA dated March 19, 2010,
490 Opinion 10-0018, included as Attachment 5 to specifically address FEMA's

491 concerns regarding the treatment of the Lafon School and the surrounding
492 property.

493
494 D. FEMA will notify the State Archeologist prior to the commencement of
495 structural demolition, and the State Archaeologist, representing the Louisiana
496 Division of Archaeology, shall provide notification to the New Orleans Police
497 Department and the Orleans Parish Coroner’s Office. This notice will be
498 consistent with the process for reporting the discovery of human skeletal
499 remains in La. R.S. 8:680.

500
501 E. The disposition of unmarked burial sites, human skeletal remains, and burial
502 artifacts shall follow the priorities in conformance with the Burial Act.

503
504 F. FEMA shall require that the guidelines contained in the ACHP’s 2007 “Policy
505 Statement Regarding Burial Sites, Human Remains, and Funerary Objects” are
506 followed.

507
508 **VII. DISCOVERIES AND UNFORSEEN EFFECTS: ARCHAEOLOGICAL**
509 **IDENTIFICATION, EVALUATION, AND CONSULTATION**

510
511 A. Human Skeletal Remains and/or Burial Artifacts in the Archaeological APE

512
513 1. If, in the course of demolition or site work to include installation of a
514 memorial, human skeletal remains and/or burial artifacts are uncovered,
515 FEMA will notify GOHSEP, and State Archaeologist as soon as
516 possible, but no later than 24 hours, following the identification of
517 human skeletal remains and/or burial artifacts. FEMA will forward this
518 notice to the Signatories, Invited Signatories, and Indian tribes that may
519 have concerns about human skeletal remains and/or burial artifacts no
520 later than 72-hours after the discovery.

521 2. FEMA’s Archaeological Monitor will notify RSD’s onsite official to cease
522 demolition or other ground disturbing work in the general vicinity of the
523 human skeletal remains and/or burial artifacts immediately. Using
524 standard, non-destructive, archaeological practice, FEMA’s
525 Archaeological Monitor will determine intactness and ethnic affinity, if
526 possible.

527
528 3. RSD shall ensure that its on-site official takes all reasonable measures to
529 avoid or minimize harm to the human skeletal remains and/or burial
530 artifacts.

531 4. **Isolated Human Skeletal Remains:** If FEMA’s Archaeological
532 Monitor determines that the bone represents an isolated human skeletal
533 remain, it will be collected and the location and context of the find
534 recorded.

- 535
536
537
538
539
540
541
542
5. All bone materials recovered from the site will be analyzed at FEMA’s archaeological monitor’s laboratory at the end of every day where it will be washed and identified by a physical anthropologist/bioarchaeologist or equivalent. This analysis will be limited to non-destructive means unless the Signatories, Invited Signatories, and Indian tribes, that may have concerns about the human skeletal remains and/or burial artifacts, determine through the consultation described that it is appropriate to perform additional analysis.
- 543
544
545
546
547
548
549
550
551
6. **Human Skeletal Remains, Primary Burials:** If, upon investigation, FEMA’s Archaeological Monitor determines that the human skeletal remains may represent a primary human burial(s), FEMA will initiate consultation with the Signatories, Invited Signatories, and Indian tribes that may have concerns about the human skeletal remains and/or burial artifacts to consider if the Demolition Plan can be modified to avoid the unmarked human burial(s); or, if the human skeletal remains may be reinterred within the New Orleans City Squares 360 and 363, in accordance with the Burial Act.
- 552
553
554
555
556
7. If through consultation it is determined that the human skeletal remains cannot be avoided and will need to be removed and reinterred, FEMA’s Archaeological Monitor will produce a detailed research plan that identifies the excavation strategies, analytical methods, temporary storage practices, and final disposition for the remains.
- 557
558
559
8. FEMA will forward copies of the draft research plan for comment to the Signatories, Invited Signatories, and Indian tribes that may have concerns about the human skeletal remains and/or burial artifacts.
- 560
561
9. FEMA will take the necessary steps to ensure that the finalized research plan is implemented.
- 562
563
- B. Non-Burial Archaeological Deposits in the Archaeological APE
- 564
565
566
567
568
569
1. If, in the course of demolition or site work to include installation of a memorial, non-burial archaeological deposits (*i.e.* concentrations of historic glass, ceramics, bricks, etc.) are discovered or identified, FEMA’s Archaeological Monitor will notify the RSD’s on-site official to stop mechanical work in the area of the discovery and FEMA’s Archaeological Monitor will record and sample the deposits.
- 570
571
572
573
574
575
576
2. Following the documentation of the archaeological discovery, FEMA’s Archaeological Monitor will work with RSD’s onsite official to determine if the archaeological discovery can be avoided during additional demolition and site work. If FEMA’s Archaeological Monitor determines that effects to the discovery may be avoided, the archaeologist will document the steps taken to avoid the discovery within the Monitoring Report.

- 577 3. If FEMA’s Archaeological Monitor recommends that the archaeological
578 discovery may be affected by the proposed construction or site work, the
579 archaeologist will evaluate the deposit for NRHP eligibility following
580 the Louisiana Division of Archaeology’s Phase II field standards.
- 581 4. If FEMA’s Archaeological Monitor determines that the non-burial
582 archaeological deposit is not eligible for the NRHP, then mechanical
583 demolition or site work may continue in this location.
- 584 5. If FEMA’s Archaeological Monitor recommends that the non-burial
585 archaeological discovery is eligible for the NRHP, FEMA and SHPO
586 will notify SHPO by e-mail with review this recommendation and any
587 necessary supporting documentation. FEMA in coordination with the
588 SHPO will develop a draft data recovery plan, within seven (7) days, if
589 feasible.
- 590 6. FEMA will take the necessary steps to ensure the finalized data recovery
591 plan is implemented in order to resolve adverse effects to NRHP eligible
592 archaeological properties.
- 593 7. All collected non-burial artifacts will be retained at FEMA’s
594 Archaeological Monitor’s laboratory where they will be washed,
595 analyzed, and prepared for curation according to the Louisiana Division
596 of Archaeology’s Field and Report Standards.
- 597 C. No Human Skeletal Remains, Burial Artifacts, or Non-Burial Archaeological
598 Deposits Identified during Demolition/Restoration Activities
599
- 600 1. If no human skeletal remains, burial artifacts, or non-burial
601 archaeological deposits are encountered during the demolition and site
602 work FEMA will follow the standard reporting guidelines as described
603 in Stipulation VIII.

604
605 **VIII. ARCHAEOLOGICAL MONITORING: REPORTING AND FINAL**
606 **CONSULTATION**
607

- 608 A. FEMA shall ensure that draft and final reports resulting from actions pursuant to
609 this MOA will meet professional standards set forth by the Secretary of the
610 Interior’s Standards for Archaeological Documentation (48 FR 44734-37) and
611 will be prepared in accordance with the Louisiana Division of Archaeology
612 Section 106 Investigations and Report Standards
613 (<http://www.crt.state.la.us/archaeology/homepage/report.shtml>), and, if
614 appropriate, will also follow the reporting requirements of the Louisiana
615 Unmarked Human Burial Sites Preservation Act, in accordance with Stipulation
616 VII.A. FEMA’s Archaeological Monitor will also submit a site update form
617 that reports the results of the investigations to the Division of Archaeology.
618
- 619 B. FEMA will ensure two paper copies and one digital copy of the Draft Report is
620 sent to the SHPO and Indian tribes, for a 30-day review and comment period.

621 C. Following receipt of comments from SHPO and Tribes, regarding the treatment
622 of human skeletal remains, FEMA will finalize the report and forward two (2)
623 bound copies and one (1) digital copy of the Final Report to SHPO.
624

625 **IX. CURATION**

626
627 A. Following completion of all analyses and the acceptance of the final report,
628 FEMA will curate all artifacts, records, photographs, and field notes with: State
629 of Louisiana, Department of Culture, Recreation and Tourism – Division of
630 Archaeology, P.O. Box 44247, Baton Rouge, LA 70804 [(225) 342-8170] in the
631 curation facility at: Galvez Building, Room B-023, 602 N. Fifth St., Baton
632 Rouge, LA 70802 [(225) 342-4475].
633
634 B. Disposition of Human Skeletal Remains will be in accordance with the Burial
635 Act (see Stipulation VI). It is anticipated that disposition will be in an on-site
636 memorial.
637
638 C. FEMA will also provide a copy of the Monitoring Report to the University of
639 New Orleans, Orleans Earl K. Long Library, and Louisiana Special Collections
640 in New Orleans, LA for curation.
641

642 **X. TREATMENT OF LAFON SCHOOL SITE**

643
644 A. RSD and FEMA have invited the consulting parties to participate in working
645 group meetings to develop an Interpretive Plan for a permanent memorial to be
646 placed on the site of the Thomy Lafon School. RSD has determined it is
647 feasible to retain the existing sculpture commemorating Thomy Lafon as part of
648 the permanent memorial and will implement a stabilization plan for the
649 sculpture. The permanent memorial will commemorate the existing Curtis and
650 Davis School, Thomy Lafon, the history of the previous two schools that were
651 constructed on or near the site, and the Locust Grove Cemetery. The
652 Interpretive Plan was presented at a community meeting on October 14, 2010.
653 Feedback from the consulting parties and the community meeting will influence
654 the memorial at the site.
655
656 B. FEMA has requested the opinion of the Louisiana Attorney General regarding
657 the proposed permanent memorial in a letter dated October 22, 2010. RSD will
658 ensure that its decision regarding the treatment of the Lafon School site will
659 meet the requirements and guidance contained in the Louisiana Attorney
660 General's response.
661
662 C. FEMA will provide the Signatories, Invited Signatories and Concurring Parties
663 with the opportunity to review and comment on the plans for the permanent
664 memorial and any reasonably foreseeable plans for the future use of the site
665 immediately following demolition of the Thomy Lafon School. The Signatories
666 and Concurring Parties will review these plans to determine if they may cause

667 additional adverse effects to historic properties, particularly the human remains
668 that may still be interred on the school site. The Consulting Parties recognize
669 that future uses of the Lafon School site will be limited by the Louisiana
670 Cemetery Act and local zoning and that FEMA has no ongoing responsibility
671 under Section 106 regarding the future use of the site once the compliance
672 review described by this stipulation is completed.
673

674 **XI. ANTICIPATORY DEMOLITION**
675

676 FEMA will not grant assistance to RSD should it, with intent to avoid the
677 requirements of this MOA or Section 106 of the NHPA, significantly adversely affect
678 a historic property to which the assistance would relate, or having legal power to
679 prevent it, allow such significant adverse effect to occur. After consultation with
680 SHPO and ACHP, FEMA may determine that circumstances justify granting such
681 assistance despite an adverse effect created or permitted by RSD, and will complete
682 consultation pursuant to 36 CFR §800.9(c).
683

684 **XII. DISPUTE RESOLUTION**
685

- 686 A. Should any Signatory, Invited Signatory, or Concurring Party object to FEMA
687 within the timeframes provided by this MOA to any plans, specifications, or
688 actions provided for review, FEMA shall notify RSD and GOHSEP and consult
689 further with the objecting party, RSD, and GOHSEP to seek resolution.
690
- 691 B. If FEMA determines that the dispute cannot be resolved, FEMA shall forward
692 FEMA's proposed resolution of the dispute and all relevant documentation to the
693 ACHP. Within seven (7) days after receipt of the documentation, the ACHP will:
- 694 1. Advise FEMA that it concurs with FEMA's resolution of the dispute; or
695
696 2. Provide FEMA with recommendations, which FEMA shall take into account
in reaching a final decision regarding the dispute; or
- 697 3. Notify FEMA that it shall comment pursuant to 36 CFR §800.7(c), and
698 proceed to comment. Any comment provided shall be taken into account by
699 FEMA in accordance with 36 CFR §800.7(c)(4) with reference to the subject of
700 the dispute.
- 701 C. If the ACHP does not provide FEMA with comments or recommendations within
702 14-days, FEMA may assume that the ACHP does not object to its recommended
703 approach and it shall proceed accordingly.
704
- 705 D. Any recommendation or comment provided by ACHP shall be understood to
706 pertain only to the subject of the dispute, and FEMA's responsibilities to fulfill all
707 actions that are not subject of the dispute shall remain unchanged.
- 708 E. Any dispute regarding National Register eligibility that is not resolved pursuant to
709 this Stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).

710 **XIII. PUBLIC OBJECTIONS**

- 711
- 712 A. Should a member of the public object in writing to FEMA regarding the
- 713 implementation of this MOA or a historic preservation issue pertaining to the
- 714 undertaking, at any time during implementation of Stipulations III to X in this
- 715 MOA, FEMA shall notify the RSD, GOHSEP, and SHPO of the objection, and
- 716 consult with the objecting party, SHPO, RSD, and GOHSEP to resolve the
- 717 objection. RSD is not required to cease work on activities unrelated to the
- 718 objection while the objection is being reviewed and resolved.
- 719
- 720 B. If FEMA determines that the objection cannot be resolved within a reasonable
- 721 time frame, as determined by FEMA, FEMA will seek guidance from the ACHP
- 722 to resolve the objection. FEMA will forward all documentation relevant to the
- 723 dispute, including FEMA’s proposed resolution to the objection, and request the
- 724 recommendations of the ACHP.
- 725
- 726 C. The ACHP may advise FEMA that it concurs with FEMA’s resolution of the
- 727 objection or provide FEMA with recommendations, which FEMA shall take into
- 728 account in reaching a final decision regarding the dispute. Any recommendation
- 729 provided by ACHP shall be understood to pertain only to the subject of the
- 730 dispute, and FEMA’s responsibilities to fulfill all actions that are not subject of
- 731 the dispute shall remain unchanged. If the ACHP does not respond to FEMA’s
- 732 request within 14-days, FEMA may assume that the ACHP does not object to its
- 733 proposed resolution to the objection and it shall proceed accordingly.
- 734

735 **XIV. AMENDMENTS, TERMINATION, AND NONCOMPLIANCE**

- 736
- 737 A. If RSD determines that it is not feasible to complete the Undertaking or fulfill the
- 738 requirements of this MOA, RSD will immediately notify FEMA and GOHSEP in
- 739 writing, to include e-mail, of this determination. Within 21-days of receiving this
- 740 notice, FEMA will meet with the Signatories, Invited Signatories, and Concurring
- 741 Parties, in person or by telephone, to determine if the MOA must be amended or
- 742 terminated, and proceed accordingly.
- 743
- 744 B. Any Signatory or Invited Signatory may request in writing that the MOA be
- 745 amended or terminated. Within 21-days of such a request, FEMA will convene a
- 746 meeting of the Signatories, Invited Signatories, and Concurring Parties to consider
- 747 this request. The Parties will make a good faith effort to amend the MOA prior
- 748 any Party taking steps to terminate it. The MOA may be amended upon the
- 749 written agreement of the Signatories and Invited Signatories, and the process will
- 750 comply with 36 CFR §800.6(c)(7).
- 751
- 752 C. If the MOA is not amended, a Signatory or Invited Signatory may terminate the
- 753 MOA by providing a 30-day written notice to the other Signatories, Invited
- 754 Signatories, and Concurring Parties. The Signatories, Invited Signatories, and
- 755 Concurring Parties will cooperate in good faith to seek amendments or other

756 actions that would prevent termination during this 30-day time frame. Should
757 consultation fail, FEMA will promptly notify the Signatories, Invited Signatories,
758 and Concurring Parties in writing of termination. Termination of the MOA will
759 require FEMA to comply with the 2009 Statewide PA in effect on the date of the
760 termination. This MOA may be terminated without further consultation by
761 execution of a subsequent agreement that explicitly terminates or supersedes this
762 MOA.

763
764 **XV. DURATION**

765
766 Unless amended or terminated in accordance with Stipulation XIII., this MOA will
767 remain in effect through August 31, 2014 or until FEMA determines that it has been
768 satisfactorily fulfilled. RSD will notify GOHSEP and FEMA when the Undertaking is
769 completed, and FEMA will notify the Signatories, Invited Signatories, and Concurring
770 Parties by e-mail when it determines that the requirements of the MOA are met.


771
772 **XVI. EFFECTIVE DATE AND IMPLEMENTATION OF MOA**

773
774 This MOA shall become effective immediately upon its signature by the Signatories and
775 Invited Signatories. FEMA shall provide each Signatory, Invited Signatory, and
776 Concurring Party with a complete copy of the MOA including all executed signature
777 pages.

778
779 **EXECUTION AND IMPLEMENTATION** of this Memorandum of Agreement
780 evidences that FEMA has afforded ACHP a reasonable opportunity to comment on the
781 proposed Undertaking to demolish the Thomy Lafon School and its effects on historic
782 properties, that FEMA has taken into account the effects of the undertaking on historic
783 properties, and that FEMA has satisfied its responsibilities under Section 106 of the
784 National Historic Preservation Act and its implementing regulations.

785
786
787 SIGNATORY PARTIES:

788
789 **FEDERAL EMERGENCY MANAGEMENT AGENCY**

790
791
792  Date: 12-14-10
793 Katherine Zeringue
794 Environmental Liaison Officer
795 Louisiana Recovery Office

796
797
798
799
800
801

802 **LOUISIANA STATE HISTORIC PRESERVATION OFFICER**

803

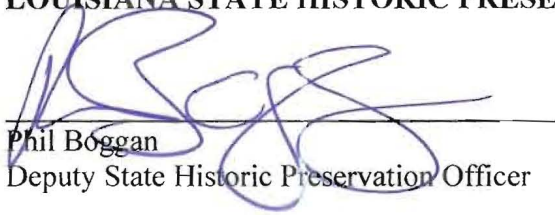
804

805

806

807

808



Phil Boggan
Deputy State Historic Preservation Officer

Date: _____

809 **ADVISORY COUNCIL ON HISTORIC PRESERVATION**

810

811

812


813

814

815

816

817



John M. Fowler
Executive Director

Date: 12/2/10

818 INVITED SIGNATORIES

819

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

821

PREPAREDNESS

822

823

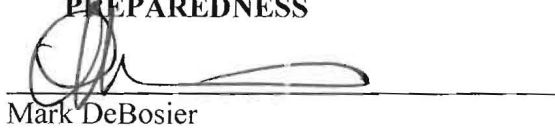
824

825

826

827

828



Mark DeBosier
Assistant Deputy Director
Governor's Office of Homeland Security and Emergency Preparedness

Date: Dec 3, 2010

829 **LOUISIANA DEPARTMENT OF EDUCATION, through its RECOVERY**

830

SCHOOL DISTRICT

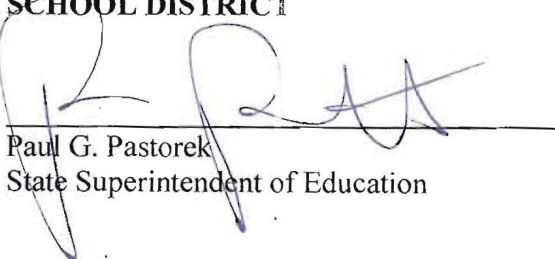
831

832

833

834

835



Paul G. Pastorek
State Superintendent of Education

Date: 12/9/10

836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871

CONCURRING PARTIES:

PRESERVATION RESOURCE CENTER

Wimbball Date: 12.16.10

URBAN STRATEGIES, INC.

[Signature] Date: 12/9/10

HARMONY OAKS NEIGHBORHOOD ASSOCIATION

[Signature] Date: 12/8/10

DOCOMOMO/NOLA

_____ Date: _____

AIA NEW ORLEANS

_____ Date: _____

CENTRAL CITY PARTNERS

[Signature] Date: 12/9/10

LOUISIANA LANDMARKS SOCIETY

_____ Date: _____

HOUSING AUTHORITY OF NEW ORLEANS

_____ Date: _____

Attachment 1

872
873
874
875
876
877
878
879
880
881
882

U.S. Department of Homeland Security
Federal Emergency Management Agency
Section 106 Review: Area of Potential Effect & Aerial View Location Map

Historic Property: **Thomy Lafon Elementary School**

Address: **2601 7th St. New Orleans, LA**

Coordinates: **29.561733 N; -90.053803 W**



883

Attachment 2

List of Photographs of Thomy Lafon Elementary School

RSD has digitally photographed the historic features of the School that may be demolished or altered by the Undertaking. The photographs shall include the 37 photographs of the Main Classroom Building (Building C) and the Administration Building (Building A) listed below.

EXTERIOR:

Main Classroom Building – Building C

1. View from Northwest
2. View from North
3. View from East
4. Oblique view from Northeast
5. Oblique view from Southeast
6. Oblique view from Southwest taken from the ramp to replicate the LIFE Magazine photo
7. View at ground level from NE end looking South
8. View at ground level from South looking NW
9. View at North end of 2nd level looking South
10. View at South end of 2nd level looking North
11. View of both the exterior and interior of the original stairwell

Ramp to 2nd Level Main Classroom Building and Sculpture

12. View from South
13. View from West
14. View from East
15. Sculpture from Southeast
16. Sculpture from Southwest
17. Sculpture from South
18. Sculpture from Northwest
19. Sculpture from the Southwest taken from the ramp to replicate the angle in the LIFE Magazine photo

Administration Building – Building A

20. View from Northwest
21. View from west
22. Oblique view from Southwest
23. View of the patio area looking East
24. Detail of tothing and concrete shelves on the north facing wall
25. View of patio looking North

Other

26. View of slate sidewalk leading underneath the main classroom building
27. View of brick walls in the play space under the main building
28. Detail of concrete planter, example in the green space on the Southwest corner of the site

INTERIOR:

Main Classroom Building – Building C

29. View of typical classroom interior

- 934 30. View of typical classroom interior facing the windows
935 31. Detail of original custodial sink
936
937 Administration Building – Building A
938 32. View of the intersecting hallway from the South
939 33. View of the intersecting hallway from the East
940 34. View of the old reading room capturing the windows on the North wall
941 35. View of the Vault/Safe
942 36. Detail including the name on the Vault/Safe
943 37. Detail of tothing, an example is in the old conference room in the north section of the
944 building

Attachment 3

List of Historic Drawings that will be included in recordation materials:

- i. Ground Floor Plan · Plot Plan · Landscaping, Area and Cubeage Indication, Preliminary Design Group 3, March 17, 1952, numbered “1” in upper right-hand corner.
- ii. Second Floor Plan, Area and Cubeage Indication, Group 2, March 3, 1952, numbered “2” in upper right-hand corner.
- iii. North Elevation · South Elevation · East Elevation · West Elevation, March 3, 1952, numbered “3” in upper right-hand corner.
- iv. Transverse · Section · at · Administrative · Area · & · Class Room; Logitudinal · Section · at · Kindergarten; Part · Elevation · at · Kindergarten; Part · Floor · Plan · at · Kindergarten; Typical · Wall · Section · at · Class · Room; Group 2, March 3, 1952, numbered “4” in upper right-hand corner.
- v. Typical Roof Framing; Typical Floor Framing; Typical Cafeteria Section; Typical Section; Section at Stairs; Detail “A”; Group 2, March 3, 1952, numbered “5” in upper right-hand corner.
- vi. Transverse · Section · at · Class · Room; April 2, 1952, numbered “6” in upper right-hand corner.
- vii. Incandescent Lighting; Classroom Fabricated Furniture, Equipment, Lighting; Elevation A; Elevation C; Preliminary Group 2, March 6, 1952, numbered “9” in upper right-hand corner.
- viii. Second Floor Plan; II D Roof Over 1 Story Part (no date), numbered “11” in upper right-hand corner.
- ix. Block Isometric, dated March 18, 1952, numbered “13” in upper right-hand corner.
- x. Unlabelled and Undated Freehand Isometric, numbered “14” in upper right-hand corner.
- xi. Unlabelled Freehand Isometric, March 25, 1952, numbered “15” in upper right-hand corner.
- xii. Unlabelled and Undated Freehand Isometric of Administration Building, numbered “16” in upper right-hand corner.
- xiii. Unlabelled and Undated Freehand Isometric, numbered “17” in upper right-hand corner.
- xiv. Administrative, Cafeteria Clinic Library, Multi Purpose Room Plan, April 9, 1952, unnumbered.
- xv. Exterior View of Library; Interior View of Reading Room, Lafon Library, Sicard-La Fleur and Associates Architects, undated.
- xvi. Framing · Plan · At · Administration · Area ; unnumbered and undated.

| | |
|------|----------------------------------------------------------------------------------------------------|
| 996 | |
| 997 | xvii. · Typical · Wall · Sections ·, · Section · At · Cafeteria ·, · Section · At · Infirmery ·, · |
| 998 | Section · At · Office ·, unnumbered and undated. |
| 999 | |
| 1000 | xviii. Proposed Library Addition to Thomy Lafon Elementary School, Sicard-La Fleur and |
| 1001 | Associates Architects, undated. |
| 1002 | |
| 1003 | |

Attachment 4

1004
1005
1006
1007
1008
1009
1010
1011
1012
1013
1014
1015
1016
1017
1018

List of Historic Photographs to be archived

FEMA will ensure three (3) archival photographic copies will be made of the historic photographs listed below, provided that it is feasible to obtain copyright or licensing to copy and archive the photos.

- A. The five unpublished LIFE Magazine photos associated with the March 1954 LIFE Magazine article entitled “A Reason for Smiles in ‘Back-of-Town’”.
- B. Five (5) historic photos provided by Central City Partners. These origins of these photos are still unknown.



JAMES D. "BUDDY" CATTWELL
ATTORNEY GENERAL

State of Louisiana
DEPARTMENT OF JUSTICE
P.O. BOX 94005
BATON ROUGE
70804-9005

MAR 18 2010
OPINION 10-0018

6-A-3 CEMETERIES

La. R.S. 8:1, 8:304-306, 8:671, *et seq.*
La. Atty. Gen. Op. No. 08-0135

There is no need to seek a judicial dedication of cemetery property when nonconforming uses are to be removed. However, any activity in or on property subject to the Louisiana Unmarked Human Burial Sites Act that may impact human burials is subject to the permitting and regulatory authority of the Louisiana Division of Archaeology. The Thomy Lafon School property is subject to the latter authority.

Mr. Mark H. Landry
Interim Director
Louisiana Transitional Recovery Office
Federal Emergency Management Agency
United States Department of Homeland Security
One Seine Court, Suite 1027
New Orleans, LA 70114

Dear Mr. Landry:

You have requested an opinion of this Office related to the interplay of certain provisions of general Louisiana cemetery law and the Louisiana Unmarked Human Burial Sites Preservation Act ("the Unmarked Burials Act"). Specifically, you have asked whether the demolition of a structure that is situated atop a cemetery site would be governed by the law related to the dedication of property to cemetery use ("the dedication provisions"),¹ the Unmarked Burials Act,² or some combination of both sets of law. In order to fully understand this question, a review of the factual context of your request is in order.

According to the information that you provided to this Office, the Federal Emergency Management Agency, along with several State and local partner entities, is currently faced with having to abate the Thomy Lafon School buildings in New Orleans – structures that were substantially damaged by Hurricane Katrina. The current Lafon School is the latest construction on top of the Locust Grove Cemetery #1 and Locust Grove Cemetery #2 sites.³ The Locust Grove cemeteries were nineteenth century potters' fields or indigent cemeteries that have since been replaced by Holt Cemetery and portions of other cemeteries located in the City. As you indicate, human remains, caskets, and grave goods were encountered at the site during the 1950s construction as well as during

¹ La. R.S. 8:304-306.

² La. R.S. 8:671, *et seq.*

³ The first school was constructed on top of these cemeteries in 1889 and the current structures were constructed in 1952.