

**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 RECONSTRUCTION OF  
THE YWCA MAIN BUILDING, 601 SOUTH JEFFERSON DAVIS PKWY.  
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 YWCA of New Orleans (YWCA) 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) to demolish and replace the YWCA facilities (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*” 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 shown in Attachment 1 is the block bounded by South Jefferson Davis Parkway, Tulane Avenue, South Clark Street, and D’Hemecourt Street, and in consultation with SHPO, has determined that the YWCA Main Building located within the APE at 601 South Jefferson Davis Parkway is listed on the National Register of Historic Places (NRHP) as a contributing property to the Mid-City National Register Historic District (Mid-City NRHD) shown in Attachment 2; and

**WHEREAS**, FEMA consulted data provided by the Louisiana Department of Culture, Recreation, and Tourism, Office of Cultural Development, Louisiana Division of Archaeology (Louisiana Division of Archaeology) and determined that no known archaeological sites are located within 0.5 miles of the APE. FEMA examined the 1878 Hardee, the 1883 Robinson, and the 1908 and 1940 Sanborn maps. By 1908 the block was fully developed with several residential buildings. By 1940, The American Brewing Company had acquired the majority of the dwellings on the block and converted them to storage, and by 1951 no residential buildings remained and the block had been converted entirely to commercial properties. FEMA, in consultation with SHPO, determined that there is a potential that the Undertaking may uncover archaeological properties that may be eligible for inclusion in the NRHP; and

**WHEREAS**, FEMA consulted with SHPO and SHPO concurred, in a letter dated September 17, 2008, with FEMA's determination that the demolition and replacement of the YWCA Main Building will adversely affect historic properties; 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 April 1, 2009, that it will participate in the consultation to develop a Memorandum of Agreement (MOA) to avoid, minimize, and mitigate the adverse effects of this Undertaking; and

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

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

**WHEREAS**, FEMA notified the Alabama Coushatta Tribe of Texas (ACTT), Chitimacha Tribe of Louisiana, Choctaw Nation of Oklahoma (CNO), Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida, and Tunica Biloxi Tribe of Louisiana (collectively referenced as "Tribes") and provided information regarding identified historic properties in the APE, information regarding the history and topography of the APE, and afforded the Tribes an opportunity to participate in the consultation, and the CNO declined to participate in a letter dated April 2, 2009 but requests that FEMA contact it immediately if construction exposes buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, or uncover evidence of buried historic building materials such as rock foundations, brick, or hand-poured concrete; and

**WHEREAS**, ACTT participated in this consultation and is invited by FEMA to execute this MOA as a Concurring Party; and

**WHEREAS**, FEMA notified the City of New Orleans Historic District Landmarks Commission; the National Trust for Historic Preservation (NTHP); the Preservation Resource Center (PRC); the New Orleans Chapter of DOCOMOMO (Documentation and Conservation of Buildings, Sites and Neighborhoods of the Modern Movement); the Louisiana Landmarks Society; the Mid-City Neighborhood Organization (MCNO); the Tulane/Jefferson Davis Streetscape Project; Common Knowledge/Squandered Heritage; the Faubourg St. John Neighborhood Association; the Friends of the Lafitte Corridor; Phoenix of New Orleans; the Tulane/Canal Neighborhood Development Corp.; 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 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 comments; and

**WHEREAS**, PRC, a non-profit organization dedicated to promoting the preservation, restoration, and revitalization of New Orleans' historic architecture and neighborhoods; and MCNO representing residents of the neighborhood surrounding 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, GOHSEP, YWCA, ACTT, PRC, and MCNO 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**, 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 YWCA 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 the ACHP, SHPO, GOHSEP, YWCA, ACTT, PRC, and MCNO, FEMA will require that the following measures are implemented:

#### **I. DESIGN OF NEW FACILITY AND SITE PLAN**

- A. The exterior design, massing, materials, and the site plan of the new YWCA will be responsive to the *Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards)*, in particular, Standards #9 and #10 set out at: [http://www.nps.gov/history/hps/tps/standguide/rehab/rehab\\_standards.htm](http://www.nps.gov/history/hps/tps/standguide/rehab/rehab_standards.htm). New construction will not destroy the spatial relationships that characterize the Mid-City NRHD and will be compatible with the historic materials, features, size, scale and proportion, and massing of other historic properties located within the Historic District. Design for the new facility may be contemporary or may reference design motifs from other historic buildings in the Mid-City NRHD and will be compatible in terms of mass, materials, relationship of solids to voids, and color as provided in the Guidelines to the *SOI Standards*, [http://www.nps.gov/history/hps/tps/standguide/rehab/rehab\\_approach.htm](http://www.nps.gov/history/hps/tps/standguide/rehab/rehab_approach.htm).

- B. The design for the site plan for the new YWCA will consider the historic character of the setting of South Jefferson Davis Parkway and, to the extent feasible, retain and preserve the setting of the historic streetscape, including the 3 existing street trees, and maintain the average setback of other buildings on the block. The YWCA will develop alternatives through the process described in Stipulation II that may allow it to retain the street trees and avoid constructing off-street parking in front of the façade facing South Jefferson Davis Parkway.
- C. The YWCA will provide a copy of this MOA to the architectural and engineering (A&E) firm selected by the YWCA to develop the site and building plans for the new YWCA facility on the South Jefferson Davis Parkway site.
- D. The YWCA will notify FEMA and GOHSEP as soon as practicable after it has selected and contracted with an A&E firm to develop the site and building plans for the new YWCA facility. FEMA will arrange a meeting with the Signatories, the Invited Signatory, the Concurring Parties, and the YWCA's A&E firm as soon as practicable after it receives this notice from the YWCA. This meeting will be scheduled prior to the A&E firm's development of the Schematic Designs and will provide the Signatories and the Concurring Parties with the opportunity to further discuss historic preservation concerns, particularly concerns about the retention of the 3 street trees and the setback on South Jefferson Davis Parkway, with the A&E firm and the YWCA. FEMA and SHPO will also explain to the A&E firm and the YWCA the requirements of Stipulation IV to monitor, test for, evaluate, and mitigate National Register eligible archaeological properties if any are present on the project site. FEMA and SHPO will describe the timing of these investigations and suggest ways that the A&E firm and YWCA can schedule demolition of the existing improvements, site preparation, and new construction to accommodate the archaeological investigations and not delay construction.
- E. The YWCA will work with FEMA and GOHSEP to prepare a Project Worksheet for archaeological services to carry out the monitoring and field investigations described in Stipulation IV. Archaeological monitoring and field investigations will be conducted by a qualified archaeologist as defined in the Secretary of the Interior's (SOI) Standards and Guidelines for Archeology and Historic Preservation, [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm), (48 FR 44716, Sept. 1983). A list dated August 4, 2009 of archaeological consultants that are currently active in the State of Louisiana can be found at: <http://www.crt.state.la.us/archaeology/homepage/ConArchList.doc>. The YWCA will provide FEMA with the resume of the selected archaeologist prior to any archaeological monitoring or field investigations by the selected archaeologist.

## **II. DEVELOPMENT OF SITE PLAN ALTERNATIVES**

- A. If the YWCA determines, after consulting with the A&E firm that it is feasible to retain the average setback of the other buildings on the block and retain the 3 street trees and meet its program needs and it directs the A&E firm to proceed with the development of such a site plan, the YWCA is not required to develop a written description supporting this site plan selection.

- B. If the YWCA determines, after consulting with the A&E firm, that its program needs cannot be met by a site plan that will maintain the average setback of the other buildings on the block and/or retain any or all of the 3 street trees, the YWCA will develop a short written description that explains how the program requirements for the new facility and configuration of the site preclude a site plan that maintains the setback and/or any or all of the 3 trees. This written description will include sketches and photographs that illustrate the site constraints and will be included with the Schematic Design and provided to GOHSEP and FEMA as described in Stipulation III. A.
- C. If the YWCA determines, after consulting with the A&E firm, that it will not select a feasible alternative that will maintain the average setback of the other buildings on the block and/or retain any or all of the 3 trees, the YWCA will develop a short written description explaining why it selected an alternative site plan. The written description will be included with the Schematic Design and provided to GOHSEP and FEMA as described in Stipulation III.A.

### **III. DESIGN REVIEW PROCESS: EFFECTS ON STANDING STRUCTURES**

- A. The YWCA will provide an electronic copy of the Schematic Design of the exterior elevations of the new YWCA facility, the site plan, the written descriptions regarding site plan alternatives, if any, as required by Stipulation II above to GOHSEP and 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 ascertain if:
  - 1. the proposed designs have the same scale, massing, and average set-back as other nearby historic buildings within the Mid-City NRHD;
  - 2. the proposed designs include measures that will be used if it is feasible to retain any or all of the 3 existing street trees to protect the trees and their root systems during construction; and
  - 3. the construction of the new YWCA will not cause additional adverse effects to the Mid-City NRHD.
- B. SHPO and the Concurring Parties will provide comments, if any, to FEMA on the proposed Schematic Design and site plan within 15-days. The 15-day review period starts on the day that FEMA sends an electronic copy of the Schematic Design and site plan to the Signatories and the Concurring Parties by e-mail. FEMA will provide a copy of the Schematic Design and site plan to any Consulting Party that signs as a Concurring Party during the 15-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 15-day review period and notify GOHSEP and the YWCA within 7-days if the proposed design for the new YWCA conforms to the guidance in the *SOI Standards* or if it will cause additional adverse effects.

- C. If, after reviewing the comments, if any, of the Signatories and Concurring Parties, FEMA determines that the proposed Schematic Design or site plan for the new YWCA will cause additional adverse effects to historic properties, FEMA will notify ACHP, SHPO, YWCA, GOHSEP, and the Concurring Parties by e-mail 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, or the Concurring Parties regarding the additional adverse effects and any recommendations by these parties regarding alternatives that may avoid or minimize the additional adverse effects.
- D. FEMA may request a meeting with ACHP, YWCA, SHPO, and the Concurring Parties to look for ways to avoid or minimize the additional adverse effects that may result from the proposed Schematic Design or site plan.
- E. FEMA will notify the YWCA and GOHSEP by e-mail within 28-days if additional steps, including a meeting, must be taken to avoid or minimize the additional adverse effects or if the design review required by this MOA is completed.
- F. If FEMA requests that the YWCA take additional steps to avoid or minimize additional adverse effects, the YWCA will respond to FEMA and GOHSEP in writing, to include e-mail, within 30-days of FEMA's notice and explain if it will take any of the additional steps recommended by FEMA to minimize or avoid the additional adverse effects or if the YWCA has decided that it is not feasible to revise the proposed elevations or site plan in response to FEMA's notice. FEMA will forward this information to ACHP, SHPO, and the Concurring Parties and will describe if FEMA will consult under Stipulation IX, Dispute Resolution, to resolve any remaining issues.
- G. If FEMA does not submit comments to GOHSEP and the YWCA within 28-days of FEMA's receipt of Schematic Design and site plan from the YWCA, the design review required by this MOA is completed.

#### **IV. IDENTIFICATION AND TREATMENT OF POTENTIAL ARCHAEOLOGICAL RESOURCES**

- A. The YWCA's archaeological contractor will monitor the removal of all building foundations and/or slabs and all other parking surfaces to identify archaeological resources that may be uncovered by the removal of these features. Archaeological monitoring will be limited to the removal of the slabs and paving and is not required during the demolition the above-ground improvements located on the project site.
- B. Immediately following demolition of the foundations and/or slabs of the YWCA Main Building and Classroom Building, and the associated asphalt parking lot, the YWCA's archaeological contractor will take steps to determine if archaeological resources may be present on the YWCA's property encompassing the half of the block bounded by South Jefferson Davis Parkway, South Clark Street, and D'Hemecourt Street and to evaluate if any identified archaeological resources are eligible for inclusion on the NRHP (Phase I/II archaeological investigations).

- C. Archaeological field investigations will consist of shovel tests conducted in a five meter grid across the project site and may include, as determined by FEMA in consultation with SHPO, the excavation of test units or trenches to develop recommendations regarding the eligibility of archaeological resources for inclusion on the NRHP. This fieldwork will be carried out following the Louisiana Division of Archaeology's Field Standards. The Phase I/II archaeological investigation will be completed within 15-days after the archaeological contractor is given full access to the site following the demolition of the foundations and/or slabs and paving.
- D. The YWCA's archaeological contractor will submit four (4) copies of a management summary to FEMA/Historic Preservation within 20-days following of the completion of the fieldwork. The management summary will meet the Louisiana Division of Archaeology's report standards and include details of both the monitoring and subsurface testing. It will also include all required recommendations, and a map or maps that clearly depict the location and limits of any archaeological site loci that are located on the project site and may be eligible for inclusion on the NRHP.
- E. FEMA will forward two copies of the management summary with FEMA's determinations if any identified loci are eligible for inclusion on the NRHP to SHPO for review and comment. Upon receipt of the management summary, SHPO will have 15-days to review and comment on FEMA's NRHP eligibility determinations.
- F. If NRHP eligible archaeological properties are identified on the YWCA project site, FEMA and SHPO will immediately consult to finalize a research design/mitigation plan to resolve adverse effects that may occur to NRHP eligible archaeological properties by the construction of the new YWCA facility. FEMA will notify GOHSEP and the YWCA and others, as appropriate, regarding this consultation.
- G. GOHSEP and the YWCA will take the necessary steps to implement the research design/mitigation plan developed to resolve adverse effects to NRHP eligible archaeological properties.

**V. CHANGES TO THE SCOPE OF WORK**

- A. The YWCA will notify GOHSEP and FEMA by e-mail as soon as practicable of any substantial change, such as the reorientation of the building, a change in massing or exterior materials, or an increase of the building height that is greater than one story from the height shown on the Schematic Designs that were reviewed by FEMA, SHPO, ACHP, and other Concurring Parties pursuant to Stipulation III above.
- B. FEMA will review the revised plans, and if FEMA determines that the changes will result in additional adverse effects to historic properties, it will notify the Signatories, Invited Signatory and Concurring Parties by e-mail within 7 days of receiving the notice of the substantial change and take steps to consult with SHPO, ACHP, and other Concurring Parties to determine if there are feasible alternatives that may avoid or minimize the

additional adverse effects. The Signatories and Concurring Parties agree to cooperate with FEMA and the YWCA to discuss the feasibility of alternatives that may avoid or minimize the additional adverse effects within the time frame identified by the YWCA. If the YWCA is unwilling to revise the plans to incorporate alternatives identified during this consultation with the Signatories and Concurring Parties that may avoid or minimize additional adverse effects caused by the substantial change, FEMA will consult under Stipulation IX, Dispute Resolution, to resolve any remaining issues.

## **VI. DISCOVERIES AND UNEXPECTED EFFECTS**

- A. FEMA will provide the YWCA with an electronic copy of “Louisiana Archaeology Illustrated” (April 2006). The YWCA 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 or unforeseen effects occur, the YWCA shall ensure that its contractor immediately stops work in the general vicinity of the discovery or unforeseen effect and takes all reasonable measures to avoid or minimize harm to the finds and/or to avoid or minimize further unforeseen effects. The YWCA shall ensure that the archaeological findings are secured and access to the area of the discovery is restricted.
- C. The YWCA will notify FEMA and GOHSEP of discoveries or unforeseen effects as soon as practicable, but no later than 3 days following the discovery or unforeseen effect. FEMA will also notify the CNO of any discoveries as requested in the CNO’s letter to FEMA dated April 2, 2009. FEMA will notify and consult with the SHPO and others, as appropriate, including Tribes, to determine if further steps to evaluate the National Register eligibility and treatment of the property are necessary. FEMA may, in consultation with the SHPO, assume that a newly discovered property is eligible for the National Register for purposes of this MOA. FEMA and the SHPO and others, as appropriate, will conclude this consultation if the discovery does not contain human remains and FEMA and the SHPO and others, as appropriate, determine that the discovery is not eligible for the National Register or FEMA and the SHPO and others, as appropriate, determine that the unforeseen effect will not adversely affect a historic property, and FEMA will notify the YWCA that work may be resumed in the area of the discovery or unforeseen effect.
- D. If FEMA and the SHPO and others, as appropriate, determine that further steps are necessary to evaluate or treat the unforeseen effect of the newly discovered property and it does not contain human remains, FEMA shall work with SHPO, YWCA, GOHSEP, and others, as appropriate, to agree on timeframes and determine ways to avoid, minimize, or mitigate any adverse effects that may result from the discovery. Any party included in the discovery consultation may request an on-site meeting to review the situation. Archaeological discoveries are the property of the landowner, unless state laws provide otherwise, and FEMA, SHPO, GOHSEP, and others will provide the landowner with the opportunity to curate and interpret the archaeological discovery or to donate the archaeological discovery to an appropriate curation facility as part of the consultation to determine the appropriate treatment of the discovery. At the conclusion of this



consultation, FEMA will provide all parties that participated in the discovery consultation with a written summary of the consultation and its resolution. This summary may be transmitted to the participants via e-mail.

- E. If human skeletal remains are uncovered during the Undertaking, the YWCA shall immediately notify GOHSEP, FEMA, the New Orleans Police Department, and the Orleans Parish Coroner's Office. The local law enforcement officials shall assess the nature and age of the human skeletal remains. The YWCA 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 the Department of Culture, Recreation and Tourism (CRT) or the Secretary's designee by contacting the Louisiana Division of Archeology at 225-342-8170 within seventy-two (72) hours of the discovery. If the coroner determines that the human skeletal remains are older than 50 years of age, the Secretary, CRT has jurisdiction over the remains. FEMA shall work with the SHPO, Tribes, the Louisiana Division of Archaeology, the YWCA, and GOHSEP to ensure compliance with this State law, other applicable laws, and 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.

## **VII. RECORDATION**

- A. Within 90 calendar days following the execution of this MOA and prior to demolishing or otherwise altering the YWCA Main Building, 601 South Jefferson Davis Parkway FEMA will require the YWCA to take digital photographs recording the YWCA Main Building. 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. At a minimum the photographs will include a view of each façade, an oblique view taken of the South Jefferson Parkway and D'Hemecourt Street facades, five views showing the context and setting of the Main Building, and five views of the interior. 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. At least 15 different black-and-white archival photographs will be printed from the digital photographs taken of the Main Building;
    - b. Labels that state the address including the Parish and State where the building is located; date of photograph; description of view including compass direction of camera; and name of photographer;
- D. YWCA will prepare a short narrative history of the YWCA Main Building and the YWCA of Greater New Orleans. This history will include the types of information required in Historic American Building Survey (HABS) Historical Reports: Short form. The narrative history will be prepared 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, or Historic Architecture.
- E. YWCA will forward the Scope of Work (SOW) for the photographs and the narrative history to FEMA and SHPO for 15-day review and comment period. The SOW will include a list of at least fifteen (15) photographs that will be taken of the YWCA Main Building, its context and setting. The SOW will also include the resumes of the individuals that will perform or supervise the performance of the photographic recordation and that will prepare or supervise the preparation of the narrative history. The YWCA will revise the SOW in response to FEMA and SHPO's comments.
- F. FEMA will ensure that the YWCA prepares three (3) archival copies of the recordation materials. FEMA 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. FEMA shall submit one copy (1) to the University of New Orleans, Orleans Earl K. Long Library, Louisiana Special Collections in New Orleans, LA.

## **VIII. ANTICIPATORY DEMOLITION**

FEMA will not grant assistance to the YWCA 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 the YWCA, and will complete consultation pursuant to 36 CFR §800.9(c).

## **IX. 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 the YWCA and GOHSEP and consult further with the objecting party, the YWCA, and GOHSEP 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-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-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).

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

- A. If the YWCA determines that it is not feasible to complete the Undertaking or fulfill the requirements of this MOA, the YWCA will immediately notify FEMA and GOHSEP in writing, to include e-mail, of this determination. Within 21-days of receiving this notice, FEMA will meet with the Signatories, Invited Signatory, 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-days of such a request, FEMA will convene a meeting of the Signatories, Invited Signatory, and Concurring Parties to consider this request. The Parties will make a good faith effort to amend the MOA prior any Party taking steps to terminate

it. The MOA may be amended upon the written agreement of the Signatories and Invited Signatory, 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-day written notice to the other Signatories, Invited Signatory, and Concurring Parties. The Signatories, Invited Signatory, and Concurring Parties will cooperate in good faith to seek amendments or other actions that would prevent termination during this 30-day time frame. Should consultation fail, FEMA will promptly notify the Signatories, Invited Signatory, and Concurring Parties in writing of termination. Termination of the MOA will require FEMA to comply with the Statewide Programmatic Agreement in effect on the date of the termination. This MOA may be terminated without further consultation by execution of a subsequent agreement that explicitly terminates or supersedes this MOA.

## **XI. 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. The YWCA will notify GOHSEP and FEMA when the Undertaking is completed, and FEMA will notify the Signatories, Invited Signatories, and Concurring Parties by e-mail when it determines that the design review process described in Stipulations II, III, and IV; the recordation required by Stipulation VII; and construction of the new facility is completed and opportunities for discoveries or unexpected events described in Stipulation VI are unlikely, thereby fulfilling the terms of this MOA.

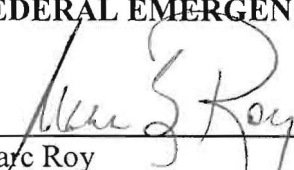
## **XII. EFFECTIVE DATE AND IMPLEMENTATION OF MOA**

This MOA shall become effective immediately upon signature by the Signatories and Invited Signatory. 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 to demolish and replace the YWCA Main Building at 601 South Jefferson Davis Parkway 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 its implementing regulations.


### SIGNATORY PARTIES:

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

  
\_\_\_\_\_  
Marc Roy  
Environmental Liaison Officer  
Louisiana Transitional Recovery Office

Date: 9/16/09

**ADVISORY COUNCIL ON HISTORIC PRESERVATION**

  
\_\_\_\_\_  
John M. Fowler  
Executive Director

Date: 10/2/09

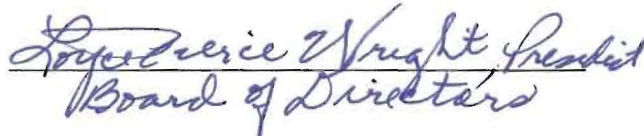
**LOUISIANA STATE HISTORIC PRESERVATION OFFICER**

  
\_\_\_\_\_  
Scott Hutcheson  
State Historic Preservation Officer

Date: 9-14-09

INVITED SIGNATORY:


**YWCA OF NEW ORLEANS**

  
\_\_\_\_\_  
Suzanne Wright, President  
Board of Directors

Date: 9/15/09

CONCURRING PARTIES:

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

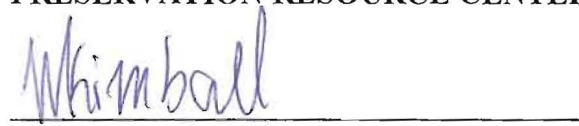
  
\_\_\_\_\_

Date: 9-14-09

**ALABAMA COUSHATTA TRIBE OF TEXAS**

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

**PRESERVATION RESOURCE CENTER**

  
\_\_\_\_\_

Date: 1-29-10

**MID-CITY NEIGHBORHOOD ORGANIZATION**

  
\_\_\_\_\_

Date: Nov 10, 2009



## Attachment 1.

Resource Name: **YWCA of Greater New Orleans**

Resource Address: **601 S. Jefferson Davis Parkway, New Orleans LA**

Resource Coordinates: **29.575756 N; -90.055338 W**



**Attachment 1: Aerial photograph of block and historic structures APE**



