

Other:

Apalachee Talimali Band of Louisiana

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Governor's Office of Indian Affairs

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*** Contact Person(s)**

APPENDIX D

LIST OF CONSULTING PARTIES

Consulting Parties Lafitte

Name

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Marie Marcal
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Sign-in Consulting Parties Lafitte

Robert Tannen	DNIA Housing Committee
Ehcene Ben	Benroe Housing Initiatives
Michael Lane	Shields Mott Land LLP
Patricia Gay	Preservation Resource Center
Walter Gallas	National Trust
James Dugan	LA Landmarks
Thomas Kelly	AFL CIO Investment Trust
Lamj Hirst	REAL, CJ Peete
L. Worlfis	Self & Scutting
Sharon Jasper	Resident St. Bernard

APPENDIX E
HANO RESPONSE TO PUBLIC COMMENTS

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

FOLLOWING GENERAL COMMENTS APPLY TO ALL 4 PROJECTS

Advisory Council on Historic Preservation (ACHP), letter dated 2/28/07: Agency official.

- Federal funding sources for these projects are 1) CDBG disaster funds from State of LA/Office of Community Development (OCD) Road Home Program (Piggyback program with GO Zone Low Income Housing Tax Credits), and 2) Public Housing Capital Funds to HANO. OCD is the responsible entity (RE) per 24 CFR 58.4 for the CDBG funds, and HANO has designated the City of New Orleans as the RE for the Capital Funds (in accordance with 24 CFR 58.1(b)(6)). OCD and the City chose not to designate a lead agency. Therefore, both OCD and the City are the agency officials for the purposes of Section 106 compliance.

ACHP: Identification and involvement of consulting parties.

- Besides newspaper legal ads, HANO used a list of potential consulting parties provided by SHPO to send out invitations to the public meetings. At the public meetings, individuals and organizations were encouraged either to sign up to be consulting parties or to write HANO with consulting party requests. HANO is currently in the process of coordinating, in consultation with SHPO, who to recognize as consulting parties, based on requests received to date. Developers, once selected by HANO, will be consulting parties. RFPs contain criteria related to required Section 106 experience, as ACHP recommended back in Oct 2006. Developer responsibilities will be spelled out in the contracts as well as in the MOAs, once they are finalized. City is an RE and will be a consulting party/signatory.

ACHP: Tribal consultation.

- Per SHPO direction, HANO invited 5 Indian tribes to the public meeting and to be consulting parties. To date, only the Mississippi Band of Choctaw has replied. Copies of all correspondence will be forwarded. HANO has not yet received written comments from any tribes.

ACHP: Definition of the APEs.

- HANO is in the process of considering public and written comments regarding the APEs and will consult further with SHPO before recommending APE boundaries.

ACHP: Identification and evaluation of historic properties.

- HANO will take your recommendation under consideration. Initial surveys of properties in the proposed APEs and vicinities were conducted, and HANO will consider doing additional survey work based on further consultation.

ACHP: Assessment of effects at each project site.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- HANO intends to consult with consulting parties over the effects at each site. It also intends to provide adequate documentation per §800.11(e) at the appropriate time.

ACHP: Consultation to resolve adverse effects.

- HANO and HUD intend to expedite consultation by submitting multiple findings/determinations to SHPO and consulting parties in one package per project, at the appropriate time. These 4 submissions will each reflect consultation and public participation up to that date with the intent of moving the process to MOA negotiations as quickly as possible, in order to meet project deadlines.

ACHP: Public participation.

- HANO will email copies of transcripts of the public meetings held in Jan and Feb to ACHP. HANO is working to involve dislocated families. Meetings were held during the weeks of March 12, and March 19, 2007, for out-of-town residents at which Section 106 information was provided and additional public comments solicited.

ACHP: Adequacy of documentation per §800.11(e).

- HANO will provide additional documentation, per your comments, as the consultation process moves forward.

ACHP: Neighborhood character and effects.

- HANO will take these recommendations under consideration as the consultation process moves forward.

ACHP: Consideration of alternatives.

- Alternatives analysis reports for each site will be provided and discussed at future consultation meetings.

ACHP: General information not provided.

- RFQs set criteria for developers to have experience with Section 106 issues. How the City and HDLC will administratively oversee the 4 projects is to be determined.
- HANO is considering phased redevelopment at the request of Congress and other parties.
- Each housing complex will be addressed on its own merits, with separate studies and analyses performed. Each redevelopment project will have its own set of consultation meetings to ensure each site is given adequate, individual analysis.
- Scattered site housing will be developed with HANO and its chosen developer over time. CDBG money from the city is not anticipated at this time.
- HUD has verified the hazards and contaminants on site and documented in HANO's environmental assessment.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- HANO considers the 2002 CJ Peete MOA expired. The project did not go forward because HANO terminated the developer. There are no other Section 106 agreements in place for the other 3 complexes.

State Historic Preservation Officer (SHPO), letter dated 2/13/07: Does HANO intend to invite ACHP to participate in MOA consultation?

- HANO, on behalf of OCD and the City, will formally invite ACHP to participate at the appropriate time.

SHPO: Consult with us to identify additional consulting parties (individuals and organizations).

- HANO plans to contact SHPO regarding identification and recognition of consulting parties.

SHPO: Need for alternatives to be brought to the table.

- An alternatives analysis for each project will be available for review and comment.

SHPO: 1) Lafitte housing project should include Vieux Carre district and other historic props, 2)

- HANO disagrees with including Vieux Carre in the APE for Lafitte. HANO feels there will be no temporary or permanent effects to the Vieux Carre due to redevelopment actions. An elevated portion of I-10 and the lower Treme are located between Lafitte and the VC. The Vieux Carre is a mile away. See also the APE justifications.

SHPO: Need for archaeology before demolition and additional testing after demo/prior to initiation of construction

- HANO intends to do targeted archaeological testing, based on further consultation with SHPO and others.

SHPO: Clarify which Indian tribes with whom you will consult

- HANO has contacted various tribes by letter, based on information provided by SHPO. See correspondence.

National Trust for Historic Preservation (NTHP), letter dated 2/24/07: Public notice and location of public meetings were inadequate.

- HANO published notice in the Times-Picayune 2 weeks prior to the meetings. The meeting location was the only space HANO had available at the time. For future meetings, HANO will make every attempt to hold them near the public housing complexes.

NTHP: Failure to notify consulting parties.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- Since the public meetings were the first time HANO reached out to consulting parties and public on these projects, it is learning who to invite. Based on previous guidance from SHPO, HANO sent individual letters to a number of preservation organizations and interested parties. See correspondence.

NTHP: Failure to make documentation reasonably available to the public.

- As an initial step to start the public participation process, HANO hosted meetings to introduce the proposed projects to the public and interested parties. Materials on the projects were made available at hano.org for download, and hardcopies were available for pick up at HANO headquarters on Touro St. HANO made a presentation to the parish-wide resident advisory council (RAB) and presidents of the individual public housing projects on the 106 process. Information available on HANO website and printed copies available for pick-up at the HANO offices. HANO will continue this and also explore how to make copies available at other public facilities, i.e. public libraries.

NTHP: Failure to notify the ACHP.

- HANO has consulted with ACHP since Oct 17, 2006, when it hosted a site visit of all 4 sites for HUD and ACHP. ACHP has been involved in several phone conversations with HANO and has verbally said it wants to participate. ACHP was invited to attend the meetings but was unable to travel.

NTHP: Failure to engage in consultation.

- The public meetings were intended to introduce the proposed projects to the public and allow initial public comment. HANO fully intends to engage in consultation at the appropriate time in the process.

NTHP: APEs are inadequate

- See SHPO comment above.

NTHP: Failure to identify historic properties.

- HANO will define the APEs in consultation with SHPO, and will identify historic properties within the APEs during consultation set forth at §800.4. HANO has not reached that point yet.

NTHP: NT disagrees with implied "No Adverse Effect" determinations.

- HANO has not made any determinations of effect yet. That will be done in consultation with consulting parties during §800.5.

NTHP: Inadequate consideration of alternatives to demolition.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- See response above.

NTHP: Selection of a developer prior to Section 106 consultation could foreclose the ACHP's opportunity to comment.

- Based on advice from ACHP, HANO put together RFPs for developers that clearly set criteria for knowledge of Section 106 matters and historic preservation requirements. Selection of developers by HANO is subject to established procurement requirements.

Michael Lane (ML), letter dated 2/14/07: Inadequate public notification.

- See response above.

ML: Poor choice of meeting location.

- See response above.

ML: Failure of HANO to reach out to dislocated residents.

- See response above.

ML: HANO unclear about period of time to submit comments and when responses would be available.

- HANO stated that public comment would be taken verbally at the public meetings, and that written comments could be submitted by Feb 16. HANO later extended the public comment period for written comments to Feb 23. Both email and mailing addresses were provided. Comments are still being accepted from relocated residents.

ML: Why did HANO not respond to verbal comments at public meetings?

- The public meetings were held to introduce the proposed projects to the public and to get initial comments. To maximize time for public comment, HANO decided in advance to respond in writing to the comments received by a later established date.

ML: Public comment period is woefully inadequate.

- HANO has just initiated Section 106 review and will provide additional opportunities for consulting parties and the public to comment.

ML: What are the next steps?

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- HANO, in consultation with HUD and SHPO, are determining how to proceed and coordinate Section 106 reviews for these projects. Consulting parties will be contacted at the appropriate time.

ML: Sect 106 documentation inadequate.

- See response above.

ML: Need to consider alternatives, make alternatives known.

- See response above.

ML: HANO has not made available any cultural resource information it has undertaken.

- HANO has only performed initial historic property searches at SHPO and "reconnaissance" surveys of the project areas, results of which are in the Section 106 documents. No archaeology has been done. Additional survey work will be negotiated with consulting parties.

ML: HANO misrepresented the facts on the conditions of the public housing complexes.

- HANO disagrees; the presentations were based on its studies and assessments.

ML: HANO has not adequately responded to ML's FOIA request.

- FOIA requests are handled according to established procedure.

ML: Inadequate notice to consulting parties.

- See response above and correspondence.

ML: Inviting Indian tribes to be consulting parties is "troubling."

- As required by the NHPA and 36 CFR 800, Indian tribes with a known interest in Orleans Parish were invited to be consulting parties.

ML: Objects to HANO handling the 4 projects as separate projects; HANO has failed to consider each project on its own merits.

- HANO, in consultation with SHPO, decided to handle these as 4 separate projects, due primarily to the fact that different players will be involved in each. HANO disagrees with the latter statement.

ML: Objects to HANO's descriptions of properties. New low-density will introduce suburban context to city.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- Planned densities are not suburban densities.

ML: HANO's selection of a developer for Lafitte and lack of an alternatives analysis violates Section 106.

- See responses above.

ML: Consultation should occur throughout the decision-making process.

- HANO agrees and intends to consult with consulting parties before a final decision is made.

ML: Disagrees with HANO's assessment of buildings, cites MIT professor's report.

- Again, HANO stands by its assessment.

ML: Objects to using mold as a reason to shut down projects.

- HANO stands by its assessment.

ML: Objects to US Risk Management's structural stability comments in the Section 106 documents.

- HANO stands by its consultant's assessment.

ML: What is the status of archaeological investigations? Also reiterates concerns about inviting Indian tribes to consult.

- See response above.

ML: Wants specifics about HABS survey.

- HABS documentation is a standard mitigation measure performed prior to demolition of historic buildings. HANO is considering HABS as possible mitigation and will discuss this further with consulting parties at the appropriate time.

ML: Wants clarification of cost analysis.

- Cost analyses to be provided in future.

ML: HANO needs to consider additional long-term direct and indirect effects.

- Through further consultation, HANO will consider additional effects.

ML: APEs are inadequately defined.

HANO RESPONSE TO COMMENTS RELEVANT TO SECTION 106 REQUIREMENTS

- See response above.

ML: HANO's consultation efforts to date are inadequate.

- See response above.

ML: HANO has done Section 106 process backwards.

- HANO disagrees. The process has just started and no final decisions have been made.



MITCHELL J. LANDRIEU
LIEUTENANT GOVERNOR

State of Louisiana
OFFICE OF THE LIEUTENANT GOVERNOR
DEPARTMENT OF CULTURE, RECREATION & TOURISM
OFFICE OF CULTURAL DEVELOPMENT
DIVISION OF HISTORIC PRESERVATION

ANGÈLE DAVIS
SECRETARY

PAM BREAU
ASSISTANT SECRETARY

February 13, 2007

Ms. Judith Moran
Housing Authority of New Orleans
4100 Touro Street
New Orleans, LA 70122

Re: Section 106 Comments on the
Redevelopment of the Lafitte,
St. Bernard, C.J. Peete, and
B.W. Cooper Housing Projects
New Orleans, Orleans Parish, LA

Dear Ms. Moran:

Thank you for inviting our office to participate in the public meetings held on January 30 and February 1, 2007 concerning the redevelopment of the above-referenced housing projects. As a follow-up to your request for public comment, we wish to offer our comments for the proposed demolition and redevelopment of the Lafitte, St. Bernard, C.J. Peete, and B.W. Cooper Housing Projects:

- To date we have not received any formal notice of the Advisory Council on Historic Preservation's (Advisory Council) role in the Memorandum of Agreement (MOA) consultation for the four projects. Though Ms. Charlene Vaughn, Assistant Director, Federal Permitting, Licensing, & Assistance Section of the Advisory Council has participated informally in most of our MOA consultation, as recently as last week she informed us that HANO-HUD has not formally invited the Advisory Council to participate in the MOA consultation process per 36 CFR 800.6(1). Does HANO-HUD intend to formally invite the Advisory Council to participate in the MOA consultation?
- Based on our observation of the public comments that were made in last week's meetings, we recommend that HANO-HUD consult with our office on identifying additional individuals and organizations that have a vested interest in the preservation of the four developments. These parties should be invited to serve as consulting parties to any MOA that is developed for the four housing projects.

- To date HANO-HUD has not offered any alternatives to its proposed demolition of the four housing projects. As stated in 36 CFR 800.1(a) "The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties. In the spirit of historic preservation, we feel that alternatives that avoid or minimize the adverse effects that may occur from the redevelopment of these properties should be brought to the table.
- On November 20, 2006 our office received a letter from the W.D. Scott Group, Inc. representing HANO requesting that we identify historic properties within the Areas of Potential Effects for each of the four housing projects. The APE boundaries were not identified. Only descriptions of the roadways that bounded each of the projects were given. Based on those road boundaries, we identified several historic districts and individual properties including the C.J. Peete Housing project that were listed in the National Register of Historic Places (National Register). Recently, HANO-HUD provided our office with a defined APE for each of the referenced projects. Based on the current APEs, we recommend that HANO-HUD include the following historic properties in the consultation process:
 1. Lafitte Housing Project APE - National Historic Landmark Vieux Carre Historic District, and the National Register-listed Mid-City, Parkview, Esplanade Ridge, New Marigny and Faubourg Marigny Historic Districts, General Laundry Building, Congo Square, St. Louis Cemetery No. 1, St. Louis Cemetery No. 2, Sanger Theatre, and Perseverance Hall.
 2. B. W. Cooper Housing Project APE - Central City Historic District and Booker T. Washington High School and Auditorium.
 3. C.J. Peete Housing Project APE - Central City Historic District, C.J. Peete Housing Development, and Flint-Goodridge Hospital.
 4. St. Bernard Project APE - National Register-eligible New Orleans City Park.
- Based on the information supplied on your website and at the public meetings, our office believes that a large portion of the archaeological investigations at these four housing projects should be conducted prior to demolition. Additional testing will need to be conducted after demolition and prior to any redevelopment activities at these housing project sites.

Ms. Judith Moran
February 13, 2007
Page 3

- Neither the documents supplied on your website, nor the information given at the public meetings identified the Native American Tribes who were contacted. The website documents reference an appendix containing the Native American consultation letters, yet this appendix is labeled incorrectly or not included at all.

We look forward to working with HANO-HUD and all interested parties in restoring public housing to New Orleans and in seeking ways to avoid, minimize, or mitigate any adverse effects that result from their redevelopment. If you have any questions, please contact Mike Varnado in the Division of Historic Preservation at (225) 342-8160 or Cheraki Williams in the Division of Archaeology at (225) 342-8170.

Sincerely,



Pam Breaux
State Historic Preservation Office

PB:MV:s



Preserving America's Heritage

February 28, 2007

Mr. Jeffrey Riddel
Acting Executive Administrator
Housing Authority of New Orleans
4100 Touro St.
New Orleans, LA 70122

*RE: Redevelopment of C.J. Peete, St. Bernard, Lafitte, and B.W. Cooper Public Housing Sites
Using Funding from the U.S. Department of Housing and Urban Development (HUD)
New Orleans, Louisiana*

Dear Mr. Riddel:

We are in receipt of your correspondence, dated January 17, 2007, regarding the initiation of Section 106 review for the referenced undertakings and the public meetings that HANO hosted to begin its consultation efforts. Although HANO has not yet made an official effect finding, we feel that the importance of these undertakings dictate that we participate at this juncture. Nevertheless, when the Louisiana Office of Community Development (OCD)/HANO has made an official determination regarding adverse effects, you should notify us accordingly.

Agency Official

We understand that funding for the redevelopment of C.J. Peete, St. Bernard, Lafitte, and B.W. Cooper is being provided in part by OCD through Community Development Block Grant funds in the Road Home program. Please clarify if OCD will serve as the responsible entity for HUD's environmental review process and the agency official for this undertaking pursuant to HUD's regulations at 24 CFR Part 58. What coordination has taken place between HANO and OCD for Section 106 consultation to date? Also, please clarify whether there will be any other federal involvement in these undertakings.

Identification and Involvement of Consulting Parties

HANO has sent letters inviting the participation of several consulting parties and also asked those who wish to be consulting parties to indicate their desire at the recent public meetings held concerning these undertakings. The ACHP has been copied on correspondence from several organizations that wish to be involved in consultation. Please inform us which consulting parties HANO has invited to participate. Also, please inform us if sub-recipients (such as developers applying for Low Income Housing Tax Credits in connection with the redevelopment of these sites) will carry out any project activities on HANO's behalf and, if so, what specific responsibilities they will be assigned. Information about the City of New Orleans' (City's) role in these projects and a point of contact at the City will be helpful since, pursuant to Section 800.2 of our regulations, "Protection of Historic Properties" (36 CFR Part 800), local governments are entitled to participate as consulting parties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Tribal Consultation

HANO states in the draft Section 106 reports that it has sent letters inviting the participation of Indian tribes who may attach religious and cultural significance to properties that may be affected by the undertakings. Regrettably, copies of this correspondence are missing from Appendix C in the reports. Have any tribes indicated their desire to participate in consultation to date? How will HUD fulfill its government-to-government responsibilities if it is not directly involved? Please provide copies or summaries of any comments provided to date by tribes or Tribal Historic Preservation Officers (THPOs).

Definition of the Area of Potential Effects (APE)

Based on any comments received from the public and the Louisiana State Historic Preservation Office (SHPO), the designation of the APEs for each undertaking has yet to be resolved. We are particularly concerned about how HANO will address indirect and cumulative effects on adjacent properties listed on or eligible for listing on the National Register of Historic Places (National Register). It also would be useful to know how HANO will handle the creation of replacement housing required under HUD's guidelines.

Identification and Evaluation of Historic Properties

HANO should describe how all historic properties within all APEs will be identified and evaluated, recognizing that the passage of time may warrant the reevaluation of certain historic properties or their previous evaluation of significance.

Assessment of Effects at Each Project Site

The unique effects at each of the sites needs to be examined in detail so that all consulting parties will understand the consequences the proposed actions will have to the characteristics that qualify these properties for listing on the National Register. This level of detail is also necessary to assess options for avoiding, minimizing, or mitigating adverse effects.

Once HANO has evaluated the effects of the undertaking on historic properties within the APEs in consultation with the SHPO and Indian tribes, it should notify the ACHP and all consulting parties of any findings of adverse effect and provide the documentation included in 36 CFR Part 800.11(e). This information should be available to the public. Clearly defining the proposed undertaking and its effects on historic properties in complete documentation will also ease communication and understanding among the large number of consulting parties anticipated to be a part of the resolution of adverse effects.

Consultation to Resolve Adverse Effects

We understand that HANO has requested expediting consultation with the Louisiana SHPO pursuant to 36 CFR 800.3(g). Expediting the consultation process does not presume that limits can be put on exploring the resolution of adverse effects. Given the diversity and number of consulting parties, the Section 106 consultation should allow adequate opportunities for parties to exchange information and share their views. Please share any conclusions concerning how this expedited consultation process will be structured and how other consulting parties and the public will be afforded an opportunity to express their views within the timeframes agreed upon by HANO and the SHPO.

Public Participation

We are pleased that HANO is beginning its Section 106 consultation with public outreach in the form of a series of public meetings. We regret that we were not able to participate in the meetings scheduled for January 30 and February 1. We would appreciate receipt of any transcripts that were developed from the meetings. We also recommend that HANO determine how best to solicit the views of parties that remain dislocated and are geographically removed from New Orleans.

With regard to the information posted on HANO's website for the undertakings, we offer the following observations:

Adequacy of Documentation per 800.11(e)

The background information included in the draft reports does not meet the requirements outlined in Section 800.11(e) of the ACHP's regulations. Specifically, the following additional information should be included in each of the four reports:

- information about all historic properties located within the APEs,
- maps showing the location of historic properties in relationship to planned project activities, including the location of demolitions and new construction.
- maps showing the location of or a description of the site selection plan for scattered site housing.
- copies or summaries of any views provided by consulting parties and the public,
- copies of HANO's request for proposals to redevelop each site, and
- the Lafitte graphics, including the map of the APE, were not available on the website this date.

Neighborhood Character and Effects

We recommend that HANO characterize the neighborhoods surrounding each site and discuss the effects of the change in density and land ownership on historic neighborhoods that will accompany the transition from a traditional public housing development to mixed-income, partially owner-occupied units. What economic development impact will such broad plans have on the community in general and historic preservation in particular? HANO should also discuss and provide the views of consulting parties on the relevance of the *Louisiana Speaks* pattern book to the historic character of those historic neighborhoods present within the APEs and the design of new development.

Consideration of Alternatives

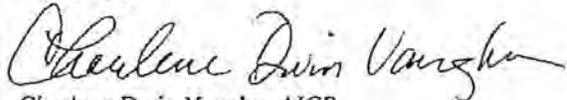
The four reports present cost differentials between rehabilitation of all the buildings on each site and demolition and reconstruction of all the buildings on each site. Please describe how HANO has considered other alternatives, including partial rehabilitation of the total number of buildings on a site and phased redevelopment.

General Information Not Provided

- Does the request for qualifications (RFQ) require developers to have historic preservation experience? Will the redevelopment be considered under local administrative review processes such as local historic district commission review?
- Has HANO explored phased redevelopment that will allow parts of the complex or select projects to be rehabilitated rather than complete clearance given the need for affordable housing?
- How will HANO ensure that each complex is addressed as a unique resource rather than a part of a group of complexes?
- How will HANO approach site selection for scattered site housing? Will the City have a role in this program through its CDBG program?
- HANO has indicated that it must address remediation of hazardous conditions at the complexes. Has the City or HUD verified the level of contamination?
- Please advise the ACHP of the status of HANO's compliance with any existing Section 106 agreement documents for activities involving these public housing complexes executed before Hurricanes Katrina and Rita, including the 2002 Memorandum of Agreement concerning C.J. Peete.

We look forward to working with you in your efforts to ensure compliance with Section 106. If you have any questions, please contact me at 202-606-8533 or via email at cvaughn@achp.gov, or Blythe Semmer, the ACHP's HUD Liaison, at 202-606-8552 or via e-mail at bsemmer@achp.gov.

Sincerely,

A handwritten signature in cursive script that reads "Charlene Dwin Vaughn". The signature is written in black ink and is positioned above the typed name.

Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs



NATIONAL TRUST
for HISTORIC PRESERVATION*

February 24, 2007

Ms. Judith Moran
Housing Authority of New Orleans
4100 Touro Street
New Orleans, LA 70122

Re: Proposed Demolition of Lafitte, C. J. Peete, B. W. Cooper, and St. Bernard Housing Developments

Dear Ms. Moran:

This letter summarizes the comments of the National Trust for Historic Preservation regarding the public meetings convened by the Housing Authority of New Orleans (HANO) on January 30 and February 1, 2007 regarding HANO's proposal to demolish four historic public housing developments – Lafitte, C.J. Peete, B.W. Cooper, and St. Bernard. The National Trust was represented at the meetings by Walter Gallas,

The newspaper notices for the public meetings referenced Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. § 470f, and HANO prepared four documents entitled "Section 106 Review and Documentation," available only on HANO's web-site. However, the meetings and the documents do not conform to Section 106 requirements, and Section 106 consultation has not yet been properly initiated.

Public Notice and Location of the Meetings Were Inadequate. A legal notice announcing the four meetings was placed in the Times-Picayune on January 16, 2007, just two weeks before the first meeting. The location, in the Fischer Community Center, was nowhere near the four housing developments being discussed, inconvenient to any public transit, and at a time of day when rush hour traffic made it nearly impossible for anyone to be on time. The combined effect of these circumstances appears calculated to minimize, not maximize, public participation. It is essential that future meetings be held at a time and place when interested members of the public can conveniently attend. In addition, since many former public housing residents do not live in the immediate New Orleans area, special efforts are necessary to reach out to these groups. Newspaper notice is not sufficient.

Failure to Notify Consulting Parties. Walter Gallas, Director of the National Trust's New Orleans Field Office, sent written requests to you on two occasions asking to participate as a consulting party on behalf of the National Trust in the Section 106 consultation process for these proposed demolition and redevelopment projects. The first request was sent on December 11, 2006, via email, and the second was sent on December

Protecting the Irreplaceable



14, 2006, via regular mail. Yet the Trust received no notice of the January 31 and February 1 public meetings. Nor did the Trust receive any acknowledgement or follow-up to this consulting party request. We learned of the public meetings by word-of-mouth.

Failure to Make Documentation Reasonably Available to the Public. No printed materials other than the evening's agenda were provided at the meeting. No complete printed copies of the draft reports on each of the developments were available either for distribution or even for viewing. The only medium by which individuals could access the reports was through the HANO web site, and the documents were posted on the web-site only a few days before the public meetings.¹ For many of the displaced former residents of these housing projects, who are crucial stakeholders in the review process, accessing a web-site and printing out hundreds of pages of documents is virtually impossible.

Failure to Notify the Advisory Council on Historic Preservation. Since HUD and HANO have acknowledged that each of the four public housing developments proposed for demolition is eligible for or listed on the National Register of Historic Places, and thus would be adversely affected by demolition, the Section 106 regulations specifically require the agency to notify the Advisory Council of the adverse effect determination and provide documentation to the Council. 36 C.F.R. § 800.6(a)(1). This requirement has not been satisfied.

Failure to Engage in Consultation. "Consultation" is defined in the Section 106 regulations as the process of "seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process." 36 C.F.R. § 800.16(f). In contrast to this definition, the public meetings did not include "consultation." After a powerpoint presentation for each of the developments, members of the public attending the meetings were invited to present comments (limited to just a few minutes), and to await a response on the HANO web site. HUD and HANO refused to answer any questions or respond to any comments at the meeting. This was not consultation.

The Area of Potential Effects (APE) is Inadequate. In all four cases, the proposed Area of Potential Effects (APE) is limited essentially to the boundaries of the historic public housing development itself. A few of the adjacent properties are also included in the proposed APE, but only with respect to potential construction impacts.² The long-term secondary and cumulative effects of the redevelopment projects were not considered when developing the APE. The APE is required by the Section 106 regulations to include all areas

¹ Even though the web-site characterizes the documents as being dated January 17, 2007 (or in one case, January 22), they were not posted until several days before the public meetings.

² The Lafitte report does not include a map of the APE (*see* p.24), but the text of the report (at 9-10) suggests that a very similar approach is proposed.

“within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties . . .” 36 C.F.R. § 800.16(d) (emphasis added). It is important to keep in mind that adverse effects under Section 106 include “reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” *Id.* § 800.5(a)(1). One of the fundamental goals of these projects is to develop new mixed-income, mixed-use neighborhoods. The effects of these new developments would by no means be limited to the construction sites themselves. By their very nature these redevelopment projects are intended to encourage and generate economic revitalization through additional private and public investment in the surrounding communities. Those reasonably foreseeable development activities may well include the demolition of other properties, many of which are historic. The APE for each of the projects needs to be expanded to take into account these indirect, secondary, and cumulative effects.³ Specifically, we believe the APEs should be expanded to include, at the very least, the following:

- C.J. Peete: Uptown Historic District and Central City Historic District
- Lafitte: Esplanade Ridge Historic District
- B.W. Cooper: Central City Historic District (0.2 mile, or 1056 feet away)

Failure to Identify Historic Properties. Each of the four reports states that a number of structures over 50 years old, which may be National Register-eligible, were observed adjacent to the historic public housing developments (Cooper report at 12; Lafitte report at 10; Peete report at 15-16; St. Bernard report at 10). Some of these are included within the APEs; others are not. These properties (within an expanded APE, as discussed above), need to be evaluated for their National Register eligibility in consultation with the State Historic Preservation Office (SHPO), pursuant to 36 C.F.R. § 800.4(c). In addition, the 1930 General Laundry Building, which is located just 200 feet northwest of the Lafitte development, is one of only three surviving Art Deco/Aztec buildings in New Orleans. The façade portion of the building (approximately 20 feet deep) was listed on the National Register in 1974. (Lafitte report at 9.) Given the passage of time (more than 30 years), and the current policy against listing only portions of buildings on the National Register, this property should be specifically reevaluated to determine whether the National Register boundaries should be expanded. *Id.* § 800.4(c)(1).

The National Trust Disagrees With Implied “No Adverse Effect” Determinations. For two of the projects – Lafitte and C.J. Peete – the draft reports include within the proposed APE portions of existing historic districts and properties surrounding the public housing developments. However, the reports both state that the effects of the redevelopment

³ Since the Section 106 regulations allow different APEs for different kinds of effects, 36 C.F.R. § 800.16(d), it may make sense to develop a second APE for each project, which would relate specifically to the indirect and cumulative effects.

projects on the immediately adjacent historic districts will be "limited" and "clearly temporary" (Lafitte report at 10; Peete report at 15).⁴ It is not clear whether "limited" is considered "adverse" or not. To the extent that "limited" and "clearly temporary" may be construed to mean the substantial equivalent of "no adverse effect," the National Trust disagrees. As described in more detail above, we believe these projects will have indirect and cumulative effects that may adversely affect historic properties in the surrounding communities. In addition, all four of the reports state that "No impact to zoning or land use is expected from the proposed project." (B.W. Cooper report at 16; Lafitte report at 14; Peete report at 20; St. Bernard report at 14.) Again, we disagree. These conclusions are all listed under "Direct Impacts," and do not even purport to take into account indirect impacts on land use.

Inadequate Consideration of Alternatives to Demolition. The Section 106 regulations require consultation to develop and evaluate alternatives or modifications to the proposed redevelopment projects that could avoid, minimize, and mitigate the adverse effects on historic properties. 36 C.F.R. § 800.6(a). Once consultation under Section 106 is properly initiated, we expect that the subject of alternatives that would avoid and minimize demolition will be the crucial issue for the consultation process. In order to resolve those adverse effects, credible information will need to be developed to evaluate the conditions and rehabilitation costs for each of the public housing developments. The information contained in the web-site reports lacks credibility. For example, the reports suggest serious damage to the buildings. However, testimony at the public meetings made it clear that the buildings are structurally sound and suffered relatively minor damage, (which was exacerbated by HANO's own neglect after the hurricane). The cost estimates for rehabilitation described in the reports also lack credibility, and are contradicted by earlier estimates discussed in the newspaper. The claim in the reports that "modernization" or rehabilitation would cost about 25% more than demolition and new construction lacks credibility and needs to be studied in more detail.

Selection of a Developer Prior to Section 106 Consultation Could Foreclose the Advisory Council's Opportunity to Comment. The Lafitte report states that a developer (Providence/Enterprise) has already been selected for the Lafitte project and has very specific plans (see pp.1-2). This violates the requirement in the Section 106 regulations that consultation must be initiated early enough "so that a broad range of alternatives may be considered during the planning process" for the project. 36 C.F.R. § 800.1(c). We are very concerned that the premature selection of the developer will unduly "restrict the subsequent

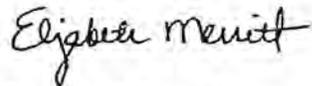
⁴ The Peete report also includes the National Register-listed Flint-Goodridge Hospital within the APE (see pp.13-14), but makes no comment or determination regarding potential effects. In addition, the Lafitte report includes the National Register-listed General Laundry Building within the APE (see p.9), but similarly makes no comment or determination regarding potential effects.

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February 24, 2007
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consideration of alternatives" to avoid or minimize harm to the Lafitte development, in violation of the section 106 regulations. *Id.*

Thank you for considering the views of the National Trust. We look forward to moving into the consultation process under Section 106, and we encourage HANO and HUD to initiate Section 106 consultation soon.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

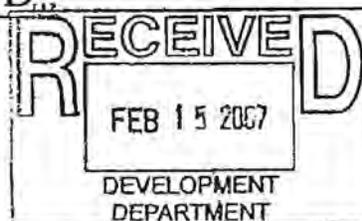
cc: Walter Gallas, Director, New Orleans Field Office,
National Trust for Historic Preservation
David G. Blick, Deputy Federal Preservation Officer,
U.S. Department of Housing and Urban Development
Charlene Vaughn, Advisory Council on Historic Preservation
Blythe Semmer, HUD Liaison, Advisory Council on Historic Preservation
Pamela A. Breaux, Louisiana State Historic Preservation Officer
Robert Collins, Deputy SHPO, Louisiana
Ann Herring, Louisiana Office of Community Development



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ATTORNEYS AND COUNSELLORS AT LAW

MICHAEL D. LANE
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February 14, 2007

VIA TELECOPY
AND U. S. MAIL

Mr. Donald Babers
Housing Authority of New Orleans
4100 Touro Street
New Orleans, Louisiana 70122

Re: HUD/HANO Section 106 Process
Our Ref.: 90300-01

Dear Mr. Babers:

I am writing to express my concerns and those voiced by others in the historic preservation community with HUD/HANO's attempt to comply with Section 106 of the National Historic Preservation Act ("NHPA"). Many of the concerns discussed below were expressed at the public hearings on January 30 and February 1, 2007, held at the Fischer Community Center on the Westbank. Additionally, the concerns listed below relate specifically to Section 106 and not to any other compliance-related matters. I would request that these comments be included in the public record for the four housing developments proposed for demolition.

My predominant concern relates to HUD/HANO's perception of the consultation process under the NHPA. Section 106 requires a federal agency to elicit public participation in the consultation process. I am concerned that HUD/HANO has failed to properly comply with this aspect of Section 106. The following is a list of problems that I see with HUD/HANO's efforts related to the consultation and public participation process:

- Notice of public hearings was inadequate because it was provided only two weeks prior to the hearings when typically notice should be given thirty days in advance of the hearings, considering the nature and scope of the undertaking. Additionally, the notice posted in the newspaper was difficult to locate and not readily visible to the casual reader.
- The public hearings were held at Fischer Community Center on the Westbank, whereas all four housing developments are located on the east bank of the river. The choice of location and times for the hearings made it difficult for anyone who wanted to attend to do so. Particularly, former residents of the four housing developments would have experienced significant difficulties in attending the hearings, not only due to the time and

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- location of the hearings, but also because of the difficulty of using public transportation to get to the Westbank (e.g., two or three transfers would have been necessary).
- HUD/HANO has failed to reach out to the former residents of the four housing developments that may not be living in the city due to Hurricane Katrina and the closure of the housing developments. The former residents have a vested interest in the historic value of the properties under Section 106 process and are also indispensable to the cultural resources survey which HUD/HANO stated is currently underway.
 - HUD/HANO stated at the presentation that persons who wished to make their comments on the proposed action could do so orally at the hearings or in writing and that responses from HUD/HANO would be forthcoming on February 16, 2007. Coincidentally, that is the same date that HUD/HANO stated that it would provide answers to the questions and comments made during the public comment period, leaving no opportunity for the public to make further comments on HUD/HANO's responses.
 - Considering that HUD/HANO does not intend to respond to the questions and comments on the Section 106 process until February 16, 2007, it is even more troubling that HUD/HANO representatives refused to respond to any questions or comments during the public hearings.
 - The so-called public comment period is scheduled to last approximately two weeks, from the date of the first hearing on January 30 through February 16, 2007. The short two-week public comment period is woefully insufficient under Section 106.
 - HUD/HANO provided no illumination on how it plans to continue the Section 106 process following the close of public comment period on February 16, 2007. HUD/HANO representatives only vaguely mentioned that the consulting process would continue beyond the public comment period, but did not provide any details.

In addition to the failure to provide adequate notice of the hearings or elicit public participation in a meaningful way, HUD/HANO has failed to provide documentation that should be made available to the public for review and comment:

- During the presentation, HUD/HANO repeatedly referred to documents that could be located on the HANO website. Many of the documents HUD/HANO stated would be available on the website are simply not there. Moreover, many people have had difficulty locating the documents referenced by HUD/HANO and have experienced problems with downloading from the website.
- Additionally, HUD/HANO did not make its Section 106 documentation available on its website until approximately one week before the hearings, which provided a very limited amount of time for persons interested in the process to review the documentation in advance of the hearings.

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- Moreover, many former residents of the housing developments do not have access to the Internet and, therefore, do not have an opportunity to review the documents made available on HANO's website. HUD/HANO has failed to make the subject documentation available in printed form at any location, such as public libraries or HANO's offices, that would allow persons without access to the Internet to review the documentation.
- As of today's date, HUD/HANO has still failed to make available proposed alternatives, plans, or other documentation on the alternatives to demolition. It is impossible to analyze the potential alternatives to demolition without this documentation.
- HUD/HANO has failed to make available any information or documentation on the cultural resources survey, Historic American Buildings Survey ("HABS"), the archeological survey, or any other surveys it is conducting in its attempt to comply with Section 106.
- During its presentation, HUD/HANO made repeated misrepresentations of facts related to each of the housing developments and offered no documentary support. For example, in the presentation it was stated that the four developments were substantially damaged by Hurricane Katrina and the flood. However, as many of the persons who spoke at the hearings pointed out, the four housing developments were probably the safest places in the city and sustained minimal damage in comparison to the other housing structures in the city.
- In addition to failing to provide documentation of the foregoing matters for public review and comment, both HUD and HANO have not adequately responded to my office's requests for public records under the Freedom of Information Act ("FOIA") and Louisiana Public Records Request Act ("LPRRA") made on December 22, 2006.
 - In response to my FOIA request, HUD failed to respond within twenty (20) days as required by law. After I sent a follow-up letter demanding a response, HUD finally contacted me (via voicemail) to let me know that the documents were being compiled. My follow-up phone calls have gone unanswered. As of the date of this letter, it has been fifty-three (53) days since the request and still no documents have been made available for review.
 - In response to my request under LPRRA, general counsel for HANO contacted me and told me that the request was overbroad and asked that I narrow my request. A follow-up letter narrowing the document request was sent on January 15, and I did not receive a response until last week. Only yesterday was I informed by HANO representatives that some documents are now ready for review, fifty-two (52) days since the request.

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Another major concern with HUD/HANO's attempts to comply with the Section 106 process is its actions (or inaction) related to consulting parties:

- Persons and entities that were listed as potential consulting parties by the State Historic Preservation Officer ("SHPO") on a list that was provided to HUD/HANO were not provided notice of the hearings. For instance, Jim Logan, a New Orleans attorney with experience with Section 106, was listed as a potential consulting party but never received notice of the hearings or an invitation to be a consulting party.
- Additionally, entities with an interest in the Section 106 process, such as the National Trust for Historic Preservation, requested to be a consulting party but have yet to receive a response from HUD/HANO.
- HUD/HANO stated in its presentation that five Indian tribes were invited to be consulting parties. The fact that there may be no Indian tribes living anywhere in the area of the four housing developments and have been invited as consulting parties, when interested historic preservation entities have not been invited, is troubling.

While the foregoing is addressed specifically to the Section 106 process and the public hearings, I would also like to address the draft Section 106 reports recently made available by HUD/HANO on its website:

- A review of the report on all four developments would lead to the conclusion that they are essentially identical in many respects. Even though each development has its own characteristics, the report leads one to believe that HUD/HANO has failed to consider each housing development on its own merits. Considering HUD/HANO's request to the SHPO that each of the developments be treated individually rather than as a group (under a programmatic agreement), this is especially distressing.
- In Section 2.1, entitled Project Description, HUD/HANO states that the housing developments suffer from high density, overpopulated units, deteriorated buildings and infrastructure, obsolete building components, hazardous building materials, and building envelopes that are not energy efficient. Many of these claims are unfounded. For example, the housing developments do not suffer from high density, overpopulated units. In fact, these units have relatively low levels of density compared to other housing developments in comparable cities. HUD/HANO's plan for mixed-income housing would convert the current developments into low-density, suburb-like neighborhoods which would house many fewer residents than the current developments. Furthermore, the infrastructure is not deteriorated, but only needs proper maintenance and some rehabilitation to be 100% ready for occupancy. Additionally, the reference to "obsolete building components" is overly broad, to say the least, because cities in other areas of the country are now using the same model to construct new housing developments.

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- Also under Section 2.1, it states that construction activities will include the demolition of existing structures and the removal of existing infrastructures. Additionally, HUD/HANO has already selected a developer with a plan to redevelop the Lafitte housing development. As will be discussed below, HUD/HANO's decision to move forward with its demolition plan without proper consideration of alternatives is a violation of the Section 106 process. There can be no proper consultation with the public and consideration of viable alternatives if the agency has already decided on which course of action it intends to take.
- Under Section 2.2, entitled Methodology, HUD/HANO states that it has consulted with the SHPO, the Advisory Council on Historic Preservation, and the National Register of Historic Places to identify historic properties located in the defined Area of Potential Effect ("APE"). The reports also state that HUD/HANO has retained U.S. Risk Management to complete "all research required for the completion of the Section 106 review." At the end of that section, it states "HUD/HANO to provide additional information concerning public meetings and additional consultation will be added later." Under Section 106, consultation should occur throughout the course of the decision-making process, not once the plan to demolish and rebuild has been finalized.
- Section 3.3, entitled Hurricane Katrina, delineates the damages sustained by the housing developments from Hurricane Katrina and the resulting flood. HUD/HANO outlines the various damages sustained by the buildings and makes it seem as if these buildings suffered significant structural damage as a result of the hurricane. However, as was stated at the public hearings, an architect/engineer from MIT has already performed an evaluation of the structural integrity of the developments and found that they were structurally sound and suffered insignificant damage from the storm.
- Also under Section 3.3, HUD/HANO cites mold growth as a problem that needs to be addressed. However, this would not be the case if HUD/HANO had moved quickly after the hurricane to properly maintain the buildings rather than leaving them idle for a year and a half. Furthermore, there is photographic evidence from a New York Times photographer that shows the lack of mold in the units, which evidence is currently on display at the Ogden Museum of Southern Art.
- Despite making numerous claims that the buildings are structurally deficient of the under Section 3.3.2, HUD/HANO states that U.S. Risk Management "did not perform structural evaluations of the buildings." HUD/HANO's reliance on the position that the buildings suffered significant structural damage without conducting an adequate survey of the structural integrity of the buildings is disturbing.
- Section 4.3, entitled Archeological Resources, states that the SHPO informed HUD/HANO of the potential for intact archeological deposits to be encountered during redevelopment. HUD/HANO states that it has authorized Earth Search, Inc. to conduct a Phase I cultural resources survey. However, no further details are given.

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- Section 4.4, entitled Native American/Indian Tribes, states that, according to SHPO, five Native American Tribes were identified for possible archeological consultation on the proposed redevelopment. HUD/HANO also states that it has invited each of the tribes to be consulting parties to the Section 106 process. Again, it is worth reiterating the incongruity of inviting these Native American tribes but not local historic preservation concerns that have either been provided to HUD/HANO as potential consulting parties or who have specifically requested in writing to be a consulting party.
- Under Section 5.1, entitled Demolition, HUD/HANO discusses the use of a HABS survey, but provides no specifics on the documentation process other than stating that HUD/HANO will gather historic pictures/drawings of the properties and prepare written documentation such as narratives, statements of significance, etc.
- Under Section 5.3, entitled Economic Impact, HUD/HANO states that it has retained ECM Consultants, Inc. to prepare three cost estimates to determine the most cost-effective option to improve the housing developments. The first cost estimate would involve improving the development to its condition before the hurricane and addressing immediate needs. The second process would involve demolishing the inside and roofs of the buildings and to improve the buildings so they meet current building codes. This process is entitled "modernization." The third estimate involves demolition of the entire development and constructing an entirely new development.
 - As an example, the "modernization" cost estimate for Lafitte is quoted at \$154.4 million dollars. This includes the complete demolition of the interiors of buildings, as well as the roofs of the majority of the buildings. The third cost estimate, for demolition and new construction at Lafitte, would be \$124 million dollars, approximately 24.4% higher than the cost of "modernization." The amount quoted for "modernization" for each development exceeds the cost estimate for demolition and rebuilding.
 - Despite these numbers, HUD/HANO has provided no other documentation of how these costs were derived and has not made any of the estimates available to the public for review. It is difficult to comprehend how the demolition of the entire building and the construction of a new building is 25% cheaper than rehabilitation, considering that previous estimates, discussed in local newspapers, put the cost of demolition and reconstruction substantially higher than rehabilitation.
- Under Section 6.0, entitled Indirect Impacts, HUD/HANO addresses issues that would arise due to the demolition and reconstruction of the four developments, including visual impact, air quality concerns, vibration concerns, construction traffic vibrations, noise pollution, and traffic problems. However, these short-term effects should not be the only indirect impacts considered. Section 106 requires the federal agency to also take into consideration the long-term indirect and direct effects of the proposed action, and it appears that HUD/HANO has failed to meet this requirement.

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- Section 7.0, entitled Area of Potential Effect, is three sentences. HUD/HANO states that the APE "should encompass the geographic area within which an undertaking may directly or indirectly result in alterations of character or use of historic properties." Based on this information, HUD/HANO has created an APE that is roughly two blocks in circumference around each development. As stated by Walter Gallas of the National Trust at the public hearings last week, these APEs are woefully inadequate and are the smallest APEs we have seen. Additionally, HUD/HANO has failed to explain how it derived each APE other than drawing a rough circle around each development. The determination of an APE should be a much more intensive process that should be conducted in concert with public comment and participation.
- Under Section 8.0, entitled Consulting Parties, HUD/HANO's mismanagement of the Section 106 process is plainly evident. HUD/HANO states that consultation took place with HANO, HUD, the Advisory Council, and the SHPO in meetings and conference calls in November and December 2006. It also states "include information after consulting parties are identified." Despite HUD/HANO's representations at the public hearings, no significant efforts have been made to contact consulting parties and to respond to those who have requested to be consulting parties. Considering that the public comment period will end in a week, this is a serious problem.

All of the above problems have caused many in the historic preservation community to be extremely concerned with HUD/HANO's handling of the Section 106 process. From the information presented at the public hearings and the documents that HUD/HANO has made available, it appears that HUD/HANO has seriously underestimated its responsibilities in eliciting public participation and consultation.

As I stated at all four hearings, it appears that HUD/HANO has performed the entire Section 106 process backwards. After making its determination to demolish and rebuild, HUD/HANO is now seeking public comment on those plans. The process has been abused. If HUD/HANO wishes to properly comply with Section 106, it will make available alternatives to demolition that may be reviewed and commented on by the public and it will also seek more public consultation with regard to the development of its plans.

We hope that the foregoing outline of our concerns will help to ensure that HUD/HANO properly complies with Section 106. In addition to compliance with the NHPA, many in the historic preservation community are also concerned that HUD/HANO has decided to do an environmental assessment rather than an environmental impact statement under the National Environmental Policy Act ("NEPA"). HUD/HANO can avoid many of the problems it has encountered in the Section 106 process if it begins to include the public now in its efforts to comply with NEPA, particularly the proper evaluation of alternatives to demolition and the Environmental Justice aspect of the statute.

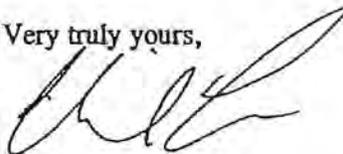
SHIELDS MOTT LUND LLP

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As was made clear at the public hearings, the preliminary hearings and public comment period should not be the end of the Section 106 process, but hopefully only the beginning.

With best regards, I am,

Very truly yours,



Michael D. Lane

MDL:elm

cc: Senate Homeland Security and Governmental Affairs Committee
Senate Disaster Recovery Subcommittee
House Committee on Financial Services
House Subcommittee on Housing and Community Opportunity
Senator Mary Landrieu
Senator David Vitter
Congressman Bill Jefferson
Mr. Alphonso Jackson, U.S. Department of Housing and Urban Development
Ms. Tina Powell, U.S. Department of Housing and Urban Development
Mr. Dirk Kempthorne, U.S. Department of the Interior
Mr. Stephen L. Johnson, Environmental Protection Agency
Mr. James L. Connaughton, Council on Environmental Quality
Mr. John M. Fowler, Advisory Council on Historic Preservation
Mayor C. Ray Nagin
Ms. Judith Moran, Housing Authority of New Orleans
Ms. Suzie Elkins, Louisiana Office of Community Development
Ms. Ann Herring, Louisiana Office of Community Development
Mr. Mike McDaniel, Louisiana Department of Environmental Quality
Mr. Milton Bailey, Louisiana Housing Finance Agency
Ms. Pam Breaux, Louisiana State Historic Preservation Office
Mr. Robert Collins, Louisiana State Historic Preservation Office
Mr. Peter Brink, National Trust for Historic Preservation
Ms. Betsy Merritt, National Trust for Historic Preservation
Mr. Walter Gallas, National Trust for Historic Preservation
Mr. Jim Logan, Logan and Soileau
Mr. Jim Dugan, Louisiana Landmarks Society
Ms. Patricia Gay, Preservation Resource Center
Mr. David Marcello, Tulane University Law Clinic
Mr. Tom O'Malley, AFL-CIO Gulf Coast Revitalization Program
Mr. Saul Schapiro, Rosenberg and Schapiro
Ms. Diane Yentel, National Low-Income Housing Coalition
Mr. Nicolai Ouroussoff, New York Times
Mr. David Marcello, Tulane Law School Clinic



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Comments on the Section 106 Process

Who Are We?

Smart, Inc. is a for profit business corporation that was incorporated with the Secretary of State for the State of Louisiana on the 17th of February 1993. C. Knox LaSister III has led the company over the past 12 years as the sole shareholder and CEO of Smart, Inc. The primary business activity is real estate advisory services. We specialize in the development of affordable housing and the promotion of community-based solutions to economic development. The mission of Smart, Inc. is to distinguish itself in the real estate industry through developing technologically enhanced housing and commercial facilities for low and moderate-income families and small business entrepreneurs.

Comments:

The wealth of experience of knowledge that Smart has concerning Public Housing in HA's throughout the United States affords us the ability to believe that redevelopment in those areas would be essential to the growth and redevelopment of New Orleans. Mixed-Use development would be an area for the city to explore, however we caution on having somewhere for the people of this "Great City" to return home to. The city must look at the "Big Picture" and how the decisions they make today will effect us tomorrow. Just simply returning residents to these housing authorities without plans of developing more viable solutions may not be in the best interest of the city. Another suggestion is the revitalization of the units possible looking at condominium situations, that will allow the residents to be able to invest in the property and produce pride of where they are living. There must be somewhere to return residents home as soon as possible (as a temporary housing solution), as well as a plan in place that can relocate those residents to more modern, safe and vital neighborhoods. One project in which Smart, Inc. We are currently engaged as Developer for the Alexandria Housing Authority. Services include development of a vacancy reduction and asset management plan for a 481 unit public housing community. With the approval of the plans accomplished, Smart is now structuring project financing, assembling the development team and beginning the revitalization effort. The revitalization of the entire site includes a combination of demolition, conversion of unit sizes, and minor and major renovation. The goal is to create a neighborhood that gives each resident a sense of place and a sense of homeownership. This may be an avenue for the city to explore at those development sites.



What Do We Do?

We provide Real Estate Management Services; Real Estate Financing Services; Neighborhood Revitalization Services, Master Planning Services; Public Housing Operations Management; Property Maintenance and Management; and Training and Technical Assistance. Our specialties include: Public Housing Administration; Section 8 Program Administration; Mixed Use Commercial Development; and Mixed Income Residential Development

For over a decade, Smart, Inc. has provided real estate services to the government. Through our engagements, we have helped acquire, design, develop, finance, implement, revitalize, manage, sell and transfer residential and commercial projects throughout the United States and the Caribbean. Acknowledged for our work in affordable housing, community development, and public housing initiatives, we continue to deliver successful solutions for our clients.

Smart, Inc. has been engaged by the U.S. Department of Housing and Urban Development to provide SEMAP Technical Assistance and training and support services to several Housing Authorities depending on level of HUD identified need. For those engagements we provided on-site SEMAP Assessments, developed Corrective Action Plans, and provided technical assistance and training services.

Our training and technical assistance services included but not limited to: developing, tracking and monitoring systems for Corrective Action Plan implementation; executive and management staff training; implementation of approved Corrective Action Plans; serving as communications liaison between HUD, the PHA, residents and property owners; quality control sampling methodology development and monitoring; evaluations of payment standard, rent reasonableness and utility allowance determinations; and development of occupancy, tenant selection, waiting list, computation of income and rents, and rent calculation policies and procedures; HQS inspections of units and HQS enforcement; program accounting; family self-sufficiency programs and program marketing.

Our Implementation Project Team is comprised of professionals and technicians with proven "hands-on" experience. We are singularly committed to achieving excellent outcomes for each and every engagement. Our approach is time and cost sensitive, while supporting a level of services designed to achieve the highest level of quality and success.

The point of contact is Lisa McClinton, email address lmclinton@smartinc1.com.

Housing Authority of New Orleans
Department of Procurement & Contracts

Disadvantaged Business Enterprise Program



Housing Authority of New Orleans

Certification Application Form

Housing Authority of New Orleans

4100 Touro Street

New Orleans, LA 70122

504-670-3247



HOUSING AUTHORITY OF NEW ORLEANS
DISADVANTAGED BUSINESS ENTERPRISE PROGRAM

CERTIFICATION APPLICATION FORM

The undersigned does hereby swear that the statements contained in the application and all attachments, which have been provided in support of this application, are true, accurate, and complete, and include all material information necessary to identify and explain the ownership and operation of:

SMART, INC.
(Insert Full Name of Business)

The undersigned agrees that, as part of the certification procedure, HANO may freely contact any person or organization named in the application to verify statements made in the application. Any material misrepresentations will be grounds for immediate rejection of the application for certification, termination of any contract which may be awarded, and for initiating action under Federal and State laws concerning fraudulent statements.

If after filing this application, and before work is completed on a contract covered by this program, there is any significant change in the information submitted, the undersigned agrees to inform HANO of the change either directly or through the prime contractor, as applicable.

Name: LISA M. McCINTON
Title: Business Development Manager
Signature: [Signature]
Date: February 23, 2007

Affix Corporate Seal (where applicable)

If Corporate Seal is not affixed, this document must be notarized.

Subscribed and sworn to Bobbie C. Smith (Notary Public Seal)
before me this 23 day of February, 20 07
My Commission expires: My commission is for life
Date Signed by Applicant: 23 Feb 2007

BOBBIE C. SMITH
ATTORNEY AT LAW
NOTARY PUBLIC
#81019
[Signature]

SECTION 1: GENERAL INFORMATION

Business Name: SMART, INC.
Business Owner/President: C. Knox LaSister
Contact Person: Lisa McCinton Title: Business Development Manager
Business Address: 833 Howard Ave. Ste. 301
New Orleans, La. 70113

Business Telephone: (504) 566-0900 Fax: (504) 566-0080
 Email Address: www.smartinc1.com Fed Tax ID: 72-1264929

SECTION 2: BUSINESS TYPE

Indicate the products and/or services that you provide. Check all applicable boxes.

- | | |
|---|--|
| <input checked="" type="checkbox"/> Construction | <input checked="" type="checkbox"/> Technology Consulting |
| <input checked="" type="checkbox"/> Construction Management | <input type="checkbox"/> Technology Supplies |
| <input checked="" type="checkbox"/> Demolition | <input type="checkbox"/> Human Resources |
| <input type="checkbox"/> Electrical Work | <input checked="" type="checkbox"/> Consulting |
| <input type="checkbox"/> Electrical Supplies | <input type="checkbox"/> Legal Services |
| <input type="checkbox"/> Plumbing Work | <input type="checkbox"/> Brokerage Services |
| <input type="checkbox"/> Plumbing Supplies | <input type="checkbox"/> Property Appraisals |
| <input checked="" type="checkbox"/> Property Management | <input type="checkbox"/> Messenger Services |
| <input type="checkbox"/> Office Supplies | <input type="checkbox"/> Janitorial Services |
| <input type="checkbox"/> Grass Cutting Services | <input checked="" type="checkbox"/> Other, Please Describe:
<u>Project Design and Implementation</u>
<u>Financial Consulting</u> |

SECTION 3: EVIDENCE OF CERTIFICATION

Indicate Louisiana Unified Certification Program certifying agency. Check all that apply. Attach current letter of certification from at least one of the agencies checked. If applying as a Resident Owned Business, Evidence of Certification is not required.

- | | |
|---|---|
| <input type="checkbox"/> Louisiana Department of Transportation | <input type="checkbox"/> Regional Transit Authority |
| <input type="checkbox"/> Louis Armstrong International Airport | <input type="checkbox"/> Orleans Levee District |
| <input type="checkbox"/> England Airpark Authority | <input type="checkbox"/> City of Shreveport |

SECTION 4: MBE/WBE MEMBERSHIP

It is the policy of the Housing Authority of New Orleans that Minority and Women Business Enterprises have the maximum opportunity to participate in the performance of contracts financed in whole or in part with federal funds. In order to monitor and report our success in this area, we ask you to voluntarily answer the following questions. This information is for statistical purposes of ownership only, and has no effect on whether or not you will be awarded a contract with HANO.

Please check one of the following which best describes the person or person(s) possessing the certification(s) identified in Section 3 above:

- | | | |
|--|-----------------------------------|---------------------------------|
| <input checked="" type="checkbox"/> African American | <input type="checkbox"/> Hispanic | <input type="checkbox"/> Asian |
| <input type="checkbox"/> Native American | <input type="checkbox"/> Woman | <input type="checkbox"/> Other: |

Company Name: SMART, Inc.
 (Please Print)

SECTION 5: SECTION 3/RESIDENT BUSINESS CERTIFICATION REQUIREMENTS

Business concerns seeking to certify as Section 3 and/or Resident Owned businesses must complete this section.

1. Qualifying individual ownership percentage: _____
2. Qualifying individual's address: _____

3. Attach a list of persons employed by your businesses. Identify each employee by name and title, and list the date of employment, home address, and beginning and ending salary.
4. Identify percentage of current subcontracts awarded to Section 3 businesses.

Name of Qualifying Subcontractor	Percent of dollar award of total contract
_____	_____
_____	_____
_____	_____
_____	_____

Company Name: Smart, Inc.
(Please Print)

To: Advisory council on Historic Preservation
Copy: Housing Authority of New Orleans
Subject: Redevelopment plans for Lafitte Housing Project in Tremé

To Whom It May Concern:

I am writing to express my support of Providence and Enterprise's joint partnership to redevelop the site of the Lafitte Public Housing Neighborhood, and to urge your approval of these plans.

I believe that focusing on preserving the buildings themselves, rather than the well-being of the residents themselves and the surrounding community as a whole, would be an unfortunate oversight on the part of the Advisory Council and it shows a lack of concern for people and their well-being. I believe that it would be a mistake to simply return these residents to the same problematic environment that existed in these developments before Katrina: large concentrations of poor residents in deteriorating, cramped conditions, which served to foster crime & drugs and often resulted in a pervasive feeling of hopelessness for the residents. Quality of Life is an important factor in rebuilding of New Orleans. Lafitte lacked a basic quality of life, and the New New Orleans will hopefully be a city that has a higher quality of life. This is the starting point for that to occur.

I believe that the plans to revive this neighborhood by rebuilding homes for a mixed income neighborhood, including both renters and home owners and meeting modern standards for housing, while at the same time allowing residents to return right away to a portion of the units as a part of a *phased* redevelopment, is the best way to respect the historic architectural character of the neighborhood while at the same time serving the best interest of both the residents and the people of the surrounding community and New Orleans as a whole.

As a citizen of New Orleans, I urge you to consider my opinion when deliberating your decision. I would also hope that you will not be influenced by outside activists who have no personal stake in the future of this community and whose focus seems to be directed at saving the structures themselves, which have limited historical value and have in fact become symbols of a failed social experiment to warehouse the poor and isolate them from the surrounding community.

Thank you for taking the time to hear my voice, and for all that you do for the welfare of this city and its citizens.

Signed,
Kawana Ripoll
2327 St Nick St
New Orleans, LA



**GREATER NEW ORLEANS
FOUNDATION**

For a vibrant region.

1055 St. Charles Avenue, Suite 100
New Orleans, Louisiana 70130
(504) 598-4663
(504) 598-4676 Fax
www.gnof.org

BOARD OF TRUSTEES April 2, 2007

M. Cleland Powell III
Chairman

Gregory Ben Johnson
President & CEO
Advisory Council on Historic Preservation
1100 Pennsylvania Ave. NW, Suite 809
Washington, DC 20004.

Myron E. Moorehead, M.D.
Vice Chairman

Dear Advisory Council:

Kim M. Boyle
Secretary

We are writing to indicate our support of the proposed phased redevelopment and new Homebuilding Plan proposed by Providence and Enterprise for Lafitte. We believe they have considered historic preservation opportunities when planning this redevelopment.

Gary N. Solomon
Treasurer

Frances G. Villere
Past Chairman

As you know, redevelopment of Lafitte is a key part of the Providence/Enterprise Homebuilding Plan. The practical, sentimental, and heritage value of the brick buildings has been raised by a number of people participating in the planning process, including residents who have strong memories of living in a place with good friends and a strong community. Despite that, most residents have indicated that they're ready for a change and are excited by the opportunity to live in more modern units, especially singles and doubles with yards and porches, as well as larger rooms. They support the phased approach to redevelopment that Providence is proposing, including enabling residents to come home now by opening a number of existing units at Lafitte temporarily, until the new units are ready.

Madlyn B. Bagneris
John D. Becker
Maria E. Bonilla
Edgar L. Chase III
Philip F. Cossich Jr.
Joseph Failla II
Ludovico Feoli
David Francis
Richard W. Freeman Jr.
Philip J. Gunn
Paul M. Haygood
Scott P. Howard
Robert E. Howson
Henry M. Lambert
J. Thomas Lewis
Lean O. Moses
Andrée K. Moss
Rajender K. Pannu
Michael O. Read
Anthony Recasner, Ph.D.
Robert D. Reily
Gloria Richard-Davis, M.D.
William H. Shane Jr.
Stephen L. Sontheimer
Phyllis M. Taylor
Cheryl R. Teamer
David R. Voelker
Joseph E. Williams

Providence and Enterprise have considered ways to preserve the existing buildings at Lafitte, and the best opportunity they see involves preserving the Management Building as a community facility that will become a place to celebrate and share the rich heritage of Lafitte. Preserving the apartment buildings is not consistent with the changes and improvements that residents have told Providence they want.

Sincerely,


Gregory Ben Johnson
President & CEO

From:
Sent: Tuesday, April 10, 2007 1:34 PM
To: 106Comments
Cc:
Subject: Lafitte Housing program

I support the proposed phased redevelopment of the Lafitte Housing Project and the new Homebuilding Plan. I particularly appreciate the way that Providence Community Housing and Enterprise Homes have considered historic preservation opportunities when planning the redevelopment of Lafitte, I believe that this project has been delayed for far too long and must move forward quickly if the City of New Orleans is going to be able to welcome its residents, particularly its poor residents home. I would appreciate your approving their application as soon as possible.