

PROGRAMMATIC AGREEMENT

APPENDIX 2:

FINDINGS OF ADVERSE EFFECTS



DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

September 9, 2008

Don L. Klima, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office
1100 Pennsylvania Ave., NW, Suite 809
Washington, D.C. 20004

RE: Repair or Replacement of Healthcare Facilities Comprising the Veterans Affairs Medical Center (VAMC) that were Damaged by Hurricanes Katrina and Rita, New Orleans, LA
Determination: Adverse Effects

Dear Mr. Klima: *DK*

The U.S. Department of Veterans Affairs (VA) and the Federal Emergency Management Agency (FEMA) notified the Advisory Council on Historic Preservation (ACHP) on July 2, 2008 that they have determined to fulfill their responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for their individual Undertakings to repair or replace the healthcare facilities comprising the Veterans Affairs Medical Center (VAMC) located in New Orleans, Louisiana that were damaged by Hurricanes Katrina and Rita. The ACHP is participating in this consultation. The Undertaking is phased to facilitate the full consideration of all potential effects as project details are developed, in accordance to the requirements outlined in 36 CFR §800.5(a)(3), and the Section 106 Programmatic Agreement (PA) will include provisions for revisiting the issue of adverse effect after the current phase, Site Selection, is completed and future effects are better defined. This letter describes anticipated adverse effects that may be identified through phased application of the Criteria of Effect and Adverse Effect for each Alternative.

Definition of the Undertaking

VA intends to replace the healthcare facilities comprising the Veterans Affairs Medical Center (VAMC) located in New Orleans, LA (Undertaking). As a part of this Undertaking, VA intends to replace the existing campus in one of four geographic locations. The course of action is dependent on completion of Section 106 review for site selection.

Area of Potential Effect (APE)

Currently, four alternatives are under consideration for the VAMC portion of this undertaking: rebuild a new facility in the current VA Hospital location; rebuild a new facility at a site adjacent to Ochsner Hospital; rebuild a new facility in the RPC site bounded by South Rocheblave Street, South Galvez Street, Tulane Avenue, and Canal Street; and rebuild a new facility at the current Lindy Boggs Hospital location. The Lindy Boggs site has been added to consideration only recently; therefore, the letter regarding possible adverse effects to those historic properties within the Lindy Boggs Area of Potential Effect will follow at a future date. The Areas of Potential Effect (APEs) for the other alternatives have previously been sent to the ACHP. For clarification, maps outlining the APEs are attached.

Identification of Historic Properties

VA consulted with State Historic Preservation Office (SHPO) to identify historic districts and buildings within the APEs for each Alternative. VA's letter to SHPO, dated July 17, 2008, identifies both historic and non-historic districts and buildings within the APEs.

Consultation with the SHPO on the identification and evaluation of historic standing structures was completed by a side-by-side photo and data review by the Federal agencies. The SHPO and Federal agencies made determinations of eligibility based on information collected in the summer of 2006 and winter of 2007 by teams of architectural historians who met Secretary of the Interior standards. Teams collected a minimum of four digital photographs of each building; the photographs met National Park Service minimum standards for quality. Building data was collected on hand-held GPS computers, and information collected included type, style, integrity of materials, workmanship, location, setting, and design, and whether it retained the qualities of significance as defined by 36 CFR part 800. The photos, digital determinations of eligibility and information were linked by GIS. Properties that retained the elements of integrity and significance as contributing elements to the National Register Historic District were determined to be eligible in consultation with SHPO.

The consultation did not include buildings that may meet or exceed the threshold for individual listing in the National Register of Historic Places. Subsequent research has identified nine properties that possess the qualities of significance required for individual listing: Falstaff Brewery at 2600 Gravier Street; Dixie Brewery at 2401 Tulane Avenue; Deutsches Haus at 200 South Galvez Street; St. Joseph's Church at 1802 Tulane Avenue; McDonogh School No. 11 at 2001 Palmyra Street; Orleans House at 1800 Canal Street; McDonogh School No. 30 at 2228 Gravier Street; Pumping Station No. 15 at 2431 Palmyra Street; and St. John's Evangelical Lutheran / Grace United Methodist Church at 2001 Iberville Street. VA is currently consulting with SHPO regarding the eligibility of these properties.

Determinations of Effect

The current effects determination for each Alternative relates to anticipated effects, since the assessment of the full range of effects of future phases is not possible. Adverse effects determination will be revisited at future phases, including design, site preparation, and construction, in order to ensure that all direct and indirect effects will be identified and efforts to avoid or minimize any potential adverse effects will be considered.

1st Alternative: Replace Existing VAMC Facilities on the Existing Site

This alternative will require the demolition of VA Hospital, and the construction of a new facility/facilities in that geographic location. The result would be a direct adverse effect to VA Hospital, as well as to the New Orleans Medical District, of which VA Hospital is a landmark element. This effort would constitute a direct adverse effect as defined by 36 CFR §800.5(a)(2)(i). The construction of a replacement facility on this site may cause indirect adverse effects to other historic properties within the APE through the introduction of visual, atmospheric or audible elements that diminish their integrity (36 CFR §800.5(a)(2)(v)). If this Alternative is selected, VA will apply the Criteria of Adverse Effect at subsequent phases of the project including design, site preparation, and construction, to determine whether additional direct and indirect adverse effects are identified in order to ensure that options are avoid or minimize those adverse effects will be considered.

2nd Alternative: Construct Replacement Facilities at the Ochsner Site

This Alternative includes the construction of a new hospital facility/facilities in the site adjacent to Ochsner Medical Center (Main Campus) located at 1514 Jefferson Highway. No historic properties have been identified within the APE for this alternative; therefore, no direct or indirect effects have been identified.

A warehouse in this Alternative houses a National Register listed steam locomotive. If the Ochsner Site is chosen, the warehouse will no longer be a suitable location for its storage. To avoid direct effects to this property, VA will be sure to allow the owner of the locomotive ample time to find a new facility for the storage of the locomotive.

3rd Alternative: Construct Replacement Facilities at the RPC Site

This Alternative will require the demolition of properties that contribute to the significance of the Mid-City National Register Historic District (NRHD) and are located within the project area. All of the twelve blocks fall entirely inside the boundaries of the Mid-City NRHD. Consequently, both the Mid-City National Register District and the individual properties that contribute to that district may meet the definition of adverse effect set out in 36 CFR §800.5(a)(2)(i), for direct effects if future phases are unable to avoid or minimize effects. Although it may be possible to minimize or mitigate the adverse effect through the relocation of some contributing buildings or

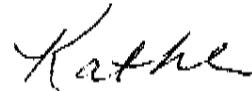
to the retention of certain historic buildings, these actions also have the potential to meet the adverse effect criteria because they would result in the removal of a property from its historic location (36 CFR §800.5(a)(2)(iv)). This Alternative will introduce visual, atmospheric and audible elements that may diminish the integrity of the Mid-City NRHD (36 CFR §800.5(a)(2)(v)). Should FEMA and its applicant, the Louisiana Division of Administration, Office of Facility Planning and Control, choose to construct a new medical center on the adjacent 15-block parcel below South Galvez Street, additional Adverse Effects to the Mid-City NRHD will occur. If this Alternative is selected, VA will apply the Criteria of Adverse Effect at subsequent phases of the project including design, site preparation, and construction, to determine whether additional direct and indirect adverse effects are identified in order to ensure that options are avoid or minimize those adverse effects will be considered.

In addition to those direct effects noted above, the selection of Alternative #3, to construct replacement facility/facilities in the RPC Site, could result in the existing VAMC hospital no longer operating as a hospital. Since one of the criteria under which it has been determined eligible is as a contributing element to the New Orleans Medical Historic District, such a change in the use of the building could constitute an adverse effect, as noted in by 36 CFR §800.5(a)(2)(iv), "change of the character of the property's use...that contribute to its historical significance."

VA looks forward to receiving the ACHP's comments on VA's determinations of effect for each Alternative outlined in this letter and any advice on any additional steps that VA should take to identify and evaluate historic standing structures and assess the potential effects of each alternative on these historic properties. We appreciate your interest in this Undertaking and the active role that you and other members of the ACHP staff have taken in the consultation meetings to date.

Please contact me at (202) 461-8254 or Kathleen.Schamel2@va.gov if you have any questions or need additional information.

Sincerely,



Kathleen Schamel
Federal Preservation Officer
U.S. Department of Veterans Affairs

Enclosures

cc: Ms. Katry Harris, ACHP
Mr. Howard Bush, FEMA

1st Alternative: Replace Existing VAMC Facilities on the Existing Site



2nd Alternative: Construct Replacement Facilities at the Ochsner Site



3rd Alternative: Construct Replacement Facilities at the RPC Site





DEPARTMENT OF VETERANS AFFAIRS
Office of Construction & Facilities Management
Washington DC 20420

September 9, 2008

Don L. Klima, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office
1100 Pennsylvania Ave., NW, Suite 809
Washington, D.C. 20004

RE: Repair or Replacement of Healthcare Facilities Comprising the Veterans Affairs Medical Center (VAMC) that were Damaged by Hurricanes Katrina and Rita, New Orleans, LA
Determination: No Direct Adverse Effects

Dear Mr. Klima:

The U.S. Department of Veterans Affairs (VA) notified the Advisory Council on Historic Preservation (ACHP) on July 2, 2008 that they have determined to fulfill their responsibilities under Section 106 of the National Historic Preservation Act (NHPA) for the Undertaking to repair or replace Healthcare Facilities in New Orleans, LA that were damaged by Hurricanes Katrina and Rita through the development and implementation of a Programmatic Agreement (Section 106 PA). The ACHP is participating in this consultation. The Undertaking is phased to facilitate the full consideration of all potential effects as project details are developed, in accordance to the requirements outlined in 36 CFR §800.5(a)(3), and the Section 106 PA will include provisions for revisiting the issue of adverse effect after the current phase, Site Selection, is completed and future effects are better defined. This letter describes anticipated adverse effects that may be identified through phased application of the Criteria of Effect and Adverse Effect for the Lindy Boggs Alternative.

Definition of the Undertaking

As a result of damages from Hurricanes Katrina and Rita, the Department of Veterans Affairs will replace the healthcare facilities comprising the Veterans Affairs Medical Center (VAMC) located in New Orleans, LA. The replacement of healthcare facilities is viewed as vital to the city and region's overall recovery and improvement because of the central role this hospital plays in the health and safety of all area residents.

Area of Potential Effect (APE)

Currently, the VA is considering three alternatives for the VAMC Undertaking: 1st Alternative: Construct Replacement Facilities at the Ochsner Site; 2nd Alternative: Construct Replacement Facilities at the RPC site; and 3rd Alternative: Construct Replacement Facilities at the Lindy Boggs site. The Area of Potential Effect (APEs) for the Lindy Boggs Alternative, previously sent to the ACHP, is attached to this letter.

Identification of Historic Properties

VA consulted with the SHPO to identify historic districts and buildings within the APE for the Lindy Boggs Alternative. VA's letter to SHPO identifies both historic and non-historic districts and buildings within the Lindy Boggs APE. As part of FEMA's Section 106 responsibilities for another undertaking, FEMA deployed teams of architectural historians who met Secretary of the Interior's Professional Qualifications Standards to survey and evaluate all buildings within the existing boundaries of the Mid-City Historic District in late 2007 and the Parkview National Register District in the summer and fall of 2006. FEMA, VA and SHPO reviewed photographs and information collected by those surveyors to determine whether the buildings retained enough integrity and significance to contribute to the Mid-City or Parkview Historic Districts.

This consultation did not include buildings or area that may meet or exceed the threshold for individual listing in the National Register of Historic Places. Subsequent research has identified one property that possesses the qualities of significance required for individual listing: Bayou St. John / Carondelet Canal. VA is currently consulting with SHPO regarding the eligibility of this property.

Determinations of Effect

The current effects determination for the Lindy Boggs Alternative relates anticipated effects, since assessment of the full range of effects of future phases is not possible. Adverse effects determination will be revisited at future phases, including design, site preparation, and construction, in order to ensure that all direct and indirect effects will be identified, and efforts to avoid or minimize any potential adverse effects will be considered.

Construct Replacement Facilities at the Lindy Boggs Alternative

This Alternative will *Not Adversely Affect* historic properties within the APE because buildings that are subject to direct adverse effects are not historic properties. It is unlikely that this Alternative will affect archaeological properties. If this Alternative is selected, VA will apply the Criteria of Adverse Effect at subsequent phases of the project including design, site preparation and construction, to determine whether additional direct

and indirect adverse effects are identified in order to ensure that options to avoid or minimize those adverse effects will be considered.

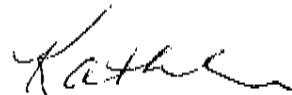
The construction of a replacement facility on this site may cause indirect adverse effects to historic properties within the APE though the introduction of visual, atmospheric or audible elements that diminish their integrity (36 CFR §800.5(a)(2)(v)). If this Alternative is selected, VA will apply the Criteria of Adverse Effect at subsequent phases of the project including design, site preparation, and construction, to determine whether additional direct and indirect adverse effects are identified in order to ensure that options are avoid or minimize those adverse effects will be considered.

In addition to those direct effects noted above, the selection of Alternative #3, to construct replacement facility/facilities in the RPC Site, could result in the existing VAMC hospital no longer operating as a hospital. Since one of the criteria under which it has been determined eligible is as a contributing element to the New Orleans Medical Historic District, such a change in the use of the building could constitute an adverse effect, as noted in by 36 CFR §800.5(a)(2)(iv), "change of the character of the property's use...that contribute to its historical significance."

VA looks forward to receiving the ACHP's comments on VA's determinations of effect for the Alternative outlined in this letter and any advice on any additional steps that VA should take at this phase to identify and evaluate historic standing structures and assess the potential effects of each alternative on these historic properties. We appreciate your interest in this Undertaking and the active role that you and other members of the ACHP staff have taken in the consultation meetings to date.

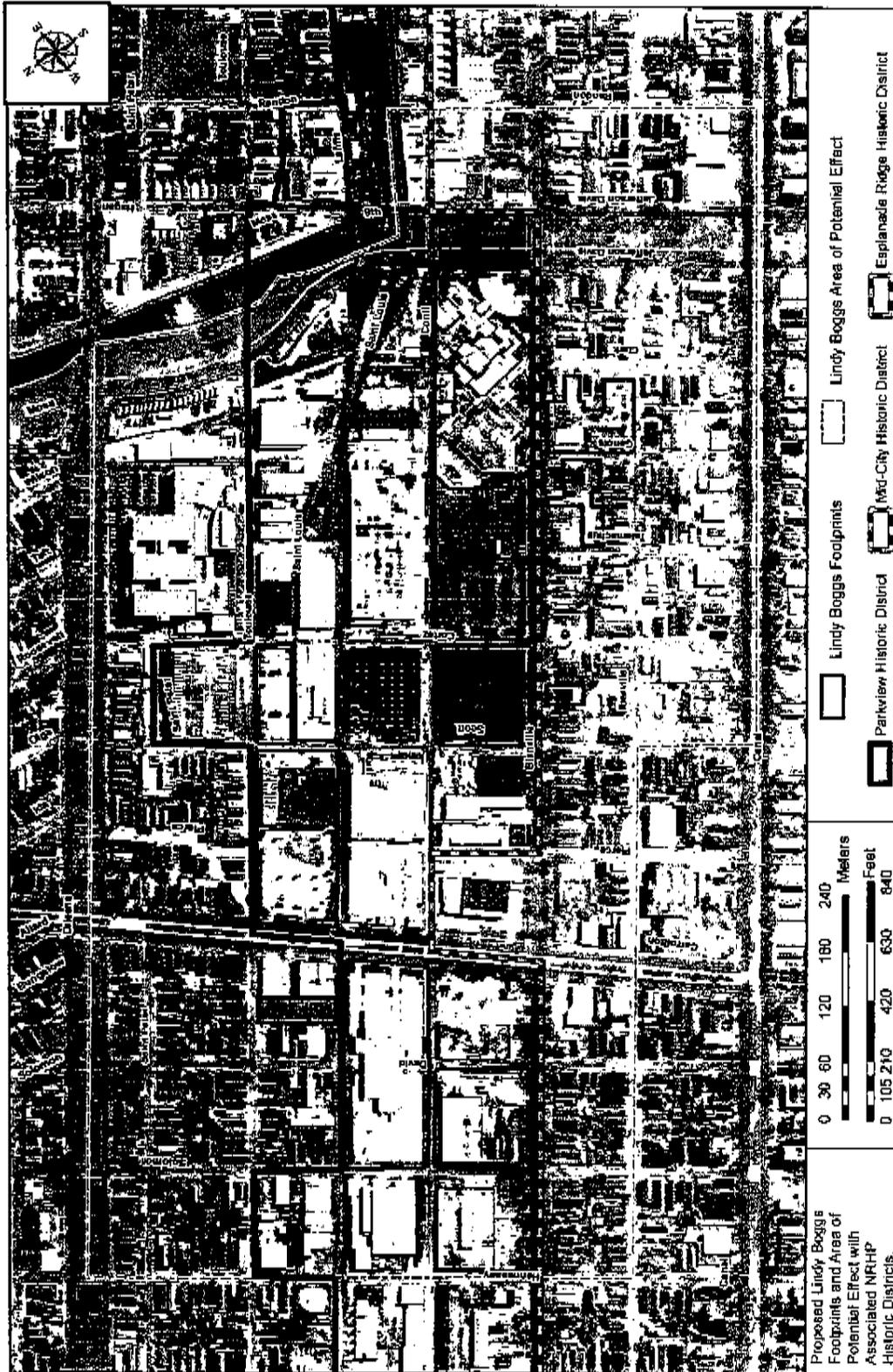
Please contact me at (202) 461-8254 or Kathleen.Schamel2@va.gov if you have any questions or need additional information.

Sincerely,



Kathleen Schamel
Federal Preservation Officer
U.S. Department of Veterans Affairs

cc: John Ketchum, FEMA
Tish Rankin, FEMA
Robert Collins, Deputy State Historic Preservation Officer
Katy Harris, ACHP



U.S. Department of Homeland Security
Louisiana Transitional Recovery Office
One Seine Court
New Orleans, LA 70114
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FEMA

November 14, 2008

Don L. Klima, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
Old Post Office
1100 Pennsylvania Ave., NW, Suite 809
Washington, D.C. 20004

RE: FEMA Undertaking: Repair or Replacement of Healthcare Facilities Comprising the Medical Center of Louisiana at New Orleans (MCLNO) that were Damaged by Hurricanes Katrina and Rita, New Orleans, LA
FEMA Effect Determinations
Applicant: Louisiana Division of Administration, Office of Facility Planning and Control (FP&C)

Dear Mr. Klima:

The Federal Emergency Management Agency (FEMA), the U.S. Department of Veterans Affairs (VA) and the City of New Orleans (CNO) are consulting with the Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer of Louisiana (SHPO) to develop a Programmatic Agreement (Section 106 PA) for their Undertakings to repair or replace Healthcare Facilities in New Orleans, LA that were damaged by Hurricanes Katrina and Rita.

FEMA has applied the Criteria of Effect and Adverse Effect for the two Alternatives under consideration for the FEMA/MCLNO Undertaking. This letter notifies the ACHP of FEMA's determinations of effect for each Alternative and requests the ACHP's advice on any additional steps that FEMA should take at this time to identify and evaluate historic standing structures and assess the potential effects of each alternative on historic properties.

Area of Potential Effect (APE)

FEMA consulted with the SHPO to identify an APE for the three alternatives under consideration for the FEMA/MCLNO Undertaking: 1st Alternative: Repair in Place, 2nd Alternative: Replace MCLNO Facility on Site and 3rd Alternative: Construct Replacement Facilities in the area bounded by South Claiborne Avenue, South Galvez Street, Tulane Avenue,

and Canal Street.. Since that time, the alternative to replace the MCLNO facility on site has been determined to be infeasible and is no longer under consideration.

Identification of Historic Properties

FEMA consulted with SHPO in a letter dated July 17, 2008 to identify and evaluate historic districts and buildings within each of the APEs. At that time FEMA and VA were in the process of assessing the National Register eligibility of buildings within the APEs that may be individually eligible for the National Register of Historic Places. FEMA has determined that the following eight properties possess the qualities of significance required for individual listing in the National Register of Historic Places: Falstaff Brewery, 2600 Gravier St.; Dixie Brewery, 2401 Tulane Ave., Deutsches Haus, 200 S. Galvez St.; St. Joseph's Church, 1802 Tulane Ave.; McDonogh School No. 11, 2001 Palmyra St.; Orleans House, 1800 Canal St.; McDonogh School No. 30, 2228 Gravier St.; and St. John's Evangelical Lutheran/Grace United Methodist Church, 2001 Iberville St. FEMA is currently consulting with SHPO regarding this eligibility determination.

FEMA and VA propose to include provisions in the Section 106 PA that will describe the steps that FEMA and the VA will take to identify and evaluate archaeological properties in the APEs after the project sites are selected.

FEMA Determinations of Effects for Site Selection

1st Alternative: Repair MCLNO in Place

This Alternative will *Not Adversely Affect* historic properties within the APE if repairs to character-defining features of these properties conform to the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (SOI Standards). It will not require a change in use and will not introduce elements that will diminish the integrity or historic significance of properties in the Area of Potential Effect. It is unlikely that this Alternative will affect archaeological properties, but information about staging areas and areas of potential ground disturbance will be necessary to complete the effects analysis. If the State selects this Alternative, FEMA will ensure that treatment measures are carried out as outlined in the Section 106 PA.

2nd Alternative: Construct Replacement Facilities in the area bounded by South Claiborne Avenue, South Galvez Street, Tulane Avenue, and Canal Street

Implementation of this alternative will require the demolition of up to 42 properties that contribute to the significance of the Mid-City National Register Historic District (NRHD). This represents 1.1% of the 3,710 contributing buildings within the Mid-City NRHD. While these demolitions will *Adversely Affect* the Mid-City NRHD (36 CFR §800.5(a)(2)(i)), the demolitions will not cause a significant loss of integrity to the historic property. This Alternative may require the demolition of three properties that FEMA has determined are eligible for individual listing in the National Register of Historic Places: the Deutsches Haus, the Charles Orleans House and McDonough 11 School. If these demolitions cannot be

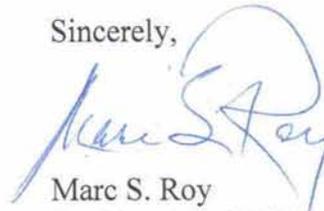
Mr. Don L. Klima
November 14, 2008
Page 3

avoided, the historic properties will be *Adversely Affected* (36 CFR §800.5(a)(2)(i)). This Alternative will introduce visual, atmospheric and audible elements that may diminish the integrity of the Mid-City NRHD (36 CFR §800.5(a)(2)(v)). In the event that FP&C fails to secure and ventilate the existing MCLNO buildings adverse effects may occur through neglect while the State seeks alternative uses for the facilities (36 CFR §800.5(a)(2)(vi)). It is possible that Adverse Effects could result from future uses of the MCLNO buildings if such uses change their character and historic use (36 CFR §800.5(a)(2)(iv)). This alternative will *Adversely Affect* historic archeological properties that occur in the location of ground-disturbing activities associated with construction of the new facility (36 CFR §800.5(a)(2)(i)). Should the VA choose to construct a new medical center on the adjacent Regional Planning Commission site, additional Adverse Effects to the Mid-City NRHD may occur. If the State selects this Alternative, FEMA will ensure that treatment measures are carried out as outlined in the Section 106 PA.

We appreciate your interest in this Undertaking and the active role that you and other members of the ACHP staff have taken in the consultation meetings. FEMA looks forward to receiving any comments or advice on additional steps that FEMA should take to identify and evaluate historic standing structures and assess the potential effects on historic properties.

Please contact Tish Rankin at (337) 281-5637 or Tish.Rankin@associates.dhs.gov if you have any questions or need additional information regarding this Undertaking.

Sincerely,



Marc S. Roy
Environmental Liaison Officer
Federal Emergency Management Agency

cc: Pam Perkins, Facility Planning and Control
Scott Hutcheson, State Historic Preservation Officer, State of Louisiana
Jeff Durbin, Advisory Council on Historic Preservation
Kathleen Schamel, US Department of Veterans Affairs
Brenda Breaux, City of New Orleans
Ken Carleton, Mississippi Band of Choctaw Indians