

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, FACILITY
PLANNING AND CONTROL
AND THE LOUISIANA MILITARY DEPARTMENT
REGARDING
THE DEMOLITION OF BUILDINGS 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A,
REPAIR OF BUILDING 50-A,
PARTIAL RECONSTRUCTION OF EAST PERIMETER WALL AND
CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

WHEREAS, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security, pursuant to Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. §§5121-5206) and implementing regulations in Title 44 of the Code of Federal Regulations (44 CFR) Part 206, proposes to provide Public Assistance to the State of Louisiana, Division of Administration, Facility Planning and Control (FP&C), through the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), in response to damages to Buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A caused by Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA), and FP&C proposes to demolish buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A, repair Building 50-A, partially reconstruct the East perimeter wall, and construct a new Headquarters Building at Jackson Barracks, New Orleans, Orleans Parish, LA with this FEMA assistance (Undertaking); and

WHEREAS, FEMA consulted with the Louisiana State Historic Preservation Officer (SHPO) in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) (NHPA), its implementing regulations (36 CFR Part 800), and the "*Programmatic Agreement among FEMA, the Louisiana State Historic Preservation Officer (SHPO), the Louisiana Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), the Alabama-Coushatta Tribe of Texas, the Caddo Nation, the Chitimacha Tribe of Louisiana, the Choctaw Nation of Oklahoma, the Coushatta Tribe of Louisiana, the Jena Band of Choctaw Indians, the Mississippi Band of Choctaw Indians, the Quapaw Tribe of Oklahoma, the Seminole Nation of Oklahoma, the Seminole Tribe of Florida, the Tunica-Biloxi Tribe of Louisiana, and the Advisory Council on Historic Preservation*" that was executed August 17, 2009 (2009 Statewide PA); and

WHEREAS, FEMA, in consultation with SHPO, has determined the Area of Potential Effects (APE) for Standing Structures is shown on Attachment 1 and includes areas which will be indirectly affected by the proposed demolition; and

WHEREAS, FEMA, in consultation with SHPO, has determined the APE for Archaeological Resources measures approximately 351 m long by 50 m wide, or

approximately 3.9 acres, and includes most of the portion of area A-2 designated by Earth Search, Inc. (ESI) as the “Area of Sensitivity” as shown on Attachment 2; and

WHEREAS, the “Area of Sensitivity” contains Locus 1 which is a portion of an unmarked cemetery dating from the 1830’s – 1850’s; and

WHEREAS, the APE for Archaeological Resources is further divided into the two areas shown on Attachment 3: the Demo/Rebuild APE and the Demolish to Grade APE; and

WHEREAS, the two specific activities within the Demolish to Grade APE shown on Attachment 4 are: “Demolition Leave Slab for Parking” and “Demolition Left as Memorial Greenspace;” and

WHEREAS, the ground disturbing activities in the Demo/Rebuild APE shown on Attachment 4 are: the demolition of Buildings 58, 35A, 56, 57, and the North wing and a portion of the Central wing of Building 55; the construction of a new Headquarters Building; the construction of the driveway, curbs, parking area, and loading dock associated with the new Headquarters Building; the demolition/rebuild of the perimeter wall; the saw cuts to separate the foundation slabs from perimeter wall; and the proposed utility trenches to Building 50-A; and

WHEREAS, all structures proposed for demolition are located within the Jackson Barracks National Register Historic District (NRHD) listed on November 7, 1976, and Buildings 50-A, 51, 53, and 58 have been determined by FEMA, in consultation with SHPO, to be contributing to the NRHD. Buildings 35A, 52, 54, 55, 56, and 57 have been determined by FEMA, in consultation with SHPO, not to be contributing to the NRHD; and

WHEREAS, Locus 1, a portion of an unmarked cemetery, that is a locus within archaeological site 16OR212 (Jackson Barracks), is located within the APE for Archaeological Resources and was previously determined to be eligible for listing on the National Register of Historic Places as a contributing property to the NRHD; and

WHEREAS, FEMA consulted with SHPO and Indian tribes and determined that the demolition and replacement of Buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A (50-Series Buildings) and the construction of a new Headquarters Building may adversely affect historic properties, including the unmarked cemetery, and has identified measures in this Memorandum of Agreement (MOA) to avoid, minimize, and mitigate the adverse effects; and

WHEREAS, in accordance with Stipulation VIII.A of the 2009 *Statewide PA* and 36 CFR §800.6(a)(1), FEMA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination and the ACHP determined in a letter to FEMA dated November 17, 2009, that it will participate in the consultation; and

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

WHEREAS, FEMA consulted with FP&C, the Subgrantee, and in recognition that FP&C will assume responsibilities to perform various actions described by this MOA FEMA has invited FP&C to participate in this consultation and execute this MOA as an Invited Signatory as defined in 36 CFR §800.6(c)(2); and

WHEREAS, Louisiana Military Department (LAMMD), FP&C's tenant at Jackson Barracks, has been invited by FEMA to participate in this consultation and execute this MOA as an Invited Signatory as defined in 36 CFR §800.6(c)(2); and

WHEREAS, FEMA notified the Alabama Coushatta Tribe of Texas (ACTT), Chitimacha Tribe of Louisiana (CTL), Caddo Nation, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians (MBCI), Muscogee (Creek) Nation, Quapaw Tribe of Oklahoma, Seminole Nation of Oklahoma, Seminole Tribe of Florida (STOF), and Tunica Biloxi Tribe of Louisiana (collectively referenced as "Tribes") and provided information regarding identified historic properties in the APE, information regarding the history and topography of the APE, and afforded the Tribes an opportunity to participate in the consultation; and

WHEREAS, GOHSEP, Preservation Resource Center (PRC), Louisiana Landmarks Society (LLS), Governor's Office of Indian Affairs, MBCI, Muscogee (Creek) Nation, and STOF have requested Consulting Party status and are invited by FEMA to participate in this consultation and sign this MOA as Concurring Parties as defined in 36 CFR §800.6(c)(3); and

WHEREAS, the ACTT notified FEMA in a letter dated November 25, 2009 that it maintains an interest in the Undertaking, but acknowledged FEMA's efforts to consult with other Tribal Nations with a higher level of interest, and deferred their concerns to these Tribes and declined to participate in the development of the MOA; and

WHEREAS, the CTL participated in the consultation; and

WHEREAS, FEMA notified the City of New Orleans Historic District Landmarks Commission, the Old Arabi Neighborhood Association, the Holy Cross Neighborhood Association, and the New Orleans Chapter of the American Institute of Architects of the Undertaking and the opportunity to participate in this consultation; and

WHEREAS, FEMA provided information to websites maintained by the NTHP, PRC, and the City of New Orleans regarding the opportunity for the public to comment on the Department of Culture, Recreation, and Tourism (CRT) website or mail comments to FEMA, and FEMA received no comments; and

WHEREAS, FEMA, ACHP, SHPO, FP&C, GOHSEP, LAMD, PRC, LLS, Governor's Office of Indian Affairs, MBCI, Muscogee (Creek) Nation, and STOF constitute the Consulting Parties referenced in this MOA; and

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

WHEREAS, FEMA will provide all Concurring Parties with the opportunity to review and comment on various documents and reports under the terms of the MOA. Determinations or Reviews that have been completed by FEMA under the terms of this MOA prior to the signature of a Concurring Party will not be reconsidered because the Concurring Party did not have the opportunity to review and comment; and

WHEREAS, the term, "burial artifact," as used in this MOA, means any item of human manufacture or use that is in an unmarked burial site, and the term, "human skeletal remains," as used in this MOA, means any part of the body of a deceased human being in any stage of decomposition, as provided by RS 8:673, the Definition Section of the Louisiana Unmarked Human Burials Site Preservation Act; and

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

WHEREAS, the Secretary of CRT, under the authority of the Louisiana Unmarked Human Burial Sites Act, RS 8:671 *et seq*, recognizes the Stipulations in this MOA as a provisional permit as provided for in §676(C);

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

STIPULATIONS

To the extent of its legal authority and in coordination with ACHP, SHPO, FP&C, GOHSEP, LAMD, PRC, LLS, Governor's Office of Indian Affairs, MBCI, Muscogee (Creek) Nation, and STOF, FEMA will require that the following measures are implemented:

I. RECORDATION

- A. FP&C/LAMD will ensure that digital photographs are taken to record Buildings 50-A, 51, 53, and 58 prior to the demolition of Buildings 51, 53, and 58 and the rehabilitation of 50-A. This photographic recordation will be performed by or under the direct supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, Architecture, or Historic Architecture. These qualifications will be reviewed by FEMA and SHPO following the process set out in Stipulation I.G.
- B. At a minimum the photographs will include a view of each façade, an oblique view taken from both angles of the facade, at least two context photos for each building showing the adjacent buildings and setting, and at least four views of the building interior. These photographs are intended to reflect the current condition of the property, and no steps are required to clean the interiors prior to the photography.
- C. Four (4) archival photographic prints will be made of the drawings of Buildings 51, 53, 58, and 50-A such as those produced by Lyon & Hudson titled, "Hurricane Repair and Restoration of WPA Facilities Buildings 48 - 58 at Jackson Barracks," dated 5 February 2007. At a minimum, drawings should include North, South, East and West Elevations of exterior; exterior wall sections detailing construction methods and materials; and plan view. The Consulting Parties have determined that the following existing drawings produced by Lyon & Hudson fulfill the requirements of this Stipulation:
 1. Building 50-A
 - a. Floor Plans: Sheet A3.1.1
 - b. Elevations: Sheet A3.2.1
 - c. Wall Sections: Sheet A3.3.1
 2. Building 51
 - a. Floor Plans: Sheet A7, 8 of 25
 - b. Elevations and Wall Section: Sheet A9, 10 of 25 revised 25 March 10
 3. Building 53
 - a. Floor Plans: Sheet A6.1.1 (includes a roof plan)
 - b. Elevations: Sheet A6.2.1
 - c. Wall Sections: Sheet A6.3.1
 4. Building 58
 - a. Floor Plan, Elevations, and Wall Section: Sheet A24, 25 of 25 revised 25 March 10

- D. The digital photography must comply with the requirements from the National Register Photo Policy Fact Sheet:
http://www.nps.gov/history/nr/publications/guidance/Photo_Policy_final.doc
including the National Archives and Records Administration's (NARA) guidance to supplement requirements in 36 CFR §1228.270 for transferring permanent electronic records to NARA: <http://www.archives.gov/records-mgmt/initiatives/digital-photo-records.html>.
1. Image files must be saved as JPEG files using high quality compression settings at a minimum. These files must be transferred as first generation JPEG files that have not been degraded in quality by multiple revisions and re-saving. The image files must be saved on archival quality CD-R media.
 2. Digital camera files must be captured as 6 megapixel files or greater with a minimum pixel array of 3,000 pixels by 2,000 pixels.
 3. Color images must be produced in RGB (Red Green Blue) color mode as 24-bit or 48-bit color files.
- E. The black-and-white photographs must comply with the requirements of the National Register Photo Policy Fact Sheet:
http://www.nps.gov/history/nr/publications/guidance/Photo_Policy_final.doc
and will be printed on 8" x 10" paper.
1. Paper prints must follow the "Acceptable Ink and Paper Combinations for Digital Images" guidelines in the National Register Photo Policy Fact Sheet.
 2. Printed photographs must include:
 - a. At least twelve (12) different black-and-white archival photographs of Buildings 51, 53, 58, and 50-A for a total of at least 48 different photographs;
 - b. The address including the Parish and State where the building is located; date of photograph; description of view including direction of camera; and name of photographer must be printed on the photographs; and
 - c. Copies of the drawings for Buildings 51, 53, 58, and 50-A by Lyon & Hudson titled, "Hurricane Repair and Restoration of WPA Facilities Buildings 48 - 58 at Jackson Barracks," dated 5 February 2007.
- F. The recordation will include a short narrative history of the structures. This history will include the types of information required in Historic American Building Survey (HABS) Historical Reports: Short form. The narrative history will be prepared by or under the direct supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, or Historic Architecture. FEMA will provide SHPO with the opportunity to review and

comment on these qualifications as part of the review of the SOW described in Stipulation I.G below.

- G. A Preliminary Scope of Work (SOW) for the 48 different photographs is included in Attachment 5. FP&C/LAMD will consult with FEMA and SHPO to finalize the SOW for the photographs following FP&C's selection of the photographer. As part of this consultation, FP&C/LAMD will forward the final SOW to include the list of photographs to GOHSEP and FEMA by e-mail, and FEMA will forward this list to SHPO for a 7-day review and comment period. The final SOW will include a list of at least 48 photographs that will be taken of Buildings 51, 53, 58, and 50-A. The SOW will also include the resumes of the individuals who will perform or supervise the performance of the photographic recordation and that will prepare or supervise the preparation of the narrative history. FEMA will review SHPO's comments, if any, and determine if revisions to the SOW are needed. If FEMA notifies FP&C that the individuals selected to perform the photographic recordation and short narrative history do not meet the Secretary of the Interior's Professional Qualification Standards as required in Stipulation I.A and/or that final SOW is not consistent with the terms of this Stipulation, FP&C will revise the SOW and/or select qualified professionals to complete the photography and narrative history in response to FEMA and/or SHPO's comments. If FEMA does not provide comments to FP&C on the SOW within 10-days following FP&C's e-mail forwarding the SOW, FP&C may implement the submitted SOW and take all required steps to complete the recordation required by this Stipulation.
- H. FP&C will prepare four (4) archival copies of the recordation materials and transmit all four (4) copies to FEMA. FEMA will review the final archival copies of the recordation materials to ensure that they include copies of the Lyon & Hudson drawings and conform to the approved SOW, including any revisions to the SOW made by FEMA in response to SHPO's comments. FEMA will notify GOHSEP and FP&C by e-mail within 7 days following FEMA's receipt of the final archival copies of the recordation materials if the materials do not conform to the approved SOW. If FP&C/LAMD requests, GOHSEP will assist FP&C to complete the required recordation and submit it to FEMA.
- I. FEMA shall forward two (2) copies to SHPO, and SHPO will forward one (1) copy to the State Library and one (1) copy to the State Archives. FEMA shall submit one (1) copy to the University of New Orleans, Orleans Earl K. Long Library, and Louisiana Special Collections in New Orleans, LA. FEMA shall submit one (1) copy to LAMD.
- J. The MOA among FEMA, the ACHP, and the SHPO regarding the demolition and replacement of Buildings 17, 19, 22, 26, 28, 29, and 32 at Jackson Barracks, New Orleans, LA executed by the ACHP on November 21, 2008 (Beauregard Houses MOA) requires FEMA to update the information on the condition of the

NRHD by revising the text for Section 7 (Description) and Section 10 (Geographical Data) of the 1976 National Register nomination. These revisions are intended to identify and describe the surviving contributing structures (exterior and interior) and the non-contributing structures (exterior only), setting and grounds to include any significant landscape features, and the boundaries of the historic district. The revision will include a brief description, organized by important timeframes at Jackson Barracks, of significant buildings or groups of buildings that are no longer extant. The revisions are required to include a description of archaeological sites based on the Phase II Cultural Resources Survey (EarthSearch, Inc., April 2007). A revised count and identification of contributing and non-contributing properties in Section 5 and 7 will be completed with an associated sketch map. Section 6 will be revised to reflect these updates. Information from the short narrative history that will accompany the photographs documenting the 50-series building and data from the archaeological investigations required by this MOA will also be included in the revised National Register nomination already required in the Beauregard Houses MOA. Additionally, Sections 8 (Statement of Significance) and 9 (Major Bibliographical References) will be completed. These Sections, in conjunction with Section 5, 6, 7, and 10 will reflect the physical changes to the NRHD since the 1976 nomination. The revised nomination will address the effect, if any, the demolition of buildings damaged by Hurricanes Katrina and Rita, and other demolitions and new construction, and the archaeological identification and evaluation efforts have had on the NRHD, particularly its period of significance.

II. RECOUP ARCHITECTURAL ELEMENTS

- A. FP&C/LAMD will work with GOHSEP and FEMA to ensure that the demolition contract complies with FEMA's Directorate Policy 9525.12, Disposition of Equipment, Supplies and Salvageable Materials (July 14, 2008).
- B. FEMA in consultation with SHPO has identified interior and exterior architectural elements at NRHD contributing Buildings 51, 53, and 58 that may be suitable for recoupment, provided that the item is reasonably accessible, safe to retrieve, and reusable. In addition, Buildings 52, 54, 55, and 57 contain historic interior and exterior architectural elements that may be suitable for recoupment. These building elements are:
 - 1. Bldg. 51
Windows/frames/sills/aprons
Doors/frames
Transoms/frames
 - 2. Bldg. 52
Brick cladding

3. Bldg. 53
 Windows/frames
 Doors/frames
 Front door transom
 Flooring/oversize floor joists
4. Bldg. 54
 Windows/frames
 Doors/frames
 Oversize floor sills and joists
5. Bldg. 55
 Windows/frames
 Doors/frames
 Oversize rafters
 Exterior metal light posts
6. Bldg. 57
 Doors/door frames
 Windows/window frames
 Note especially: Half-Crescent windows/frames
 Octagonal windows/frames
7. Bldg. 58
 Windows/frames
 Two front doors/frames

- C. FP&C/LAMD will require the demolition contractor to salvage or recoup, at a minimum, the identified architectural features. FP&C/LAMD will include a provision in the demolition contract that requires the demolition contractor to salvage at least 33% of the historic brick.
- D. FP&C/LAMD and/or its consultant will monitor the recoupment activities to ensure that the architectural elements identified above are salvaged or recouped as part of the process to demolish Buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A. In the event an item is determined by the demolition contractor to not be reasonably accessible, too unsafe to retrieve, not reusable, or unsalvageable, FP&C/LAMD, or its consultant, will photographically document the item and the reason it was not recouped. Within 2 months following the demolition of Buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A, a copy of the recoupment report prepared by FP&C/LAMD and/or its consultant will be submitted by FP&C/LAMD to GOHSEP and FEMA, and FEMA will forward an electronic copy to SHPO, ACHP, PRC, and LLS. SHPO, ACHP, PRC, and/or LLS will forward any questions or comments on the recoupment report to FEMA within 14 days, and FEMA will notify FP&C/LAMD within 21-days if additional

information is required or if the submitted recoupment report satisfies the requirements of this Stipulation.

- E. FP&C/LAMD intends to reuse salvaged bricks in the reconstruction of the perimeter wall and various building repairs and other construction projects throughout Jackson Barracks. FP&C/LAMD may select other recouped architectural elements for use at Jackson Barracks or other historic facilities owned by FP&C. The parties to this MOA acknowledge that the demolition contractor may take possession of the remaining architectural elements and the demolition contractor may sell or reuse the architectural elements at its sole discretion. Once the recouped architectural features are removed by the demolition contractor from Jackson Barracks, FP&C and/or LAMD have no further obligations regarding these recouped features beyond preparing and finalizing the records described in Stipulation II.D above.

III. DEMOLITION APPROACH: COMPREHENSIVE DEMOLITION DOCUMENT; LOWER IMPACT DEMOLITION STIPULATIONS (LIDS); AND ARCHAEOLOGICAL MONITORING

A. COMPREHENSIVE DEMOLITION DOCUMENT:

1. FP&C/LAMD will require the demolition contractor to prepare a comprehensive demolition document that is designed to avoid damage to the neighboring residential properties as well as the archaeological site beneath the buildings. The comprehensive demolition document will include measures to protect the five existing live oak trees located within the APE in the parade field due west of Locus 1 as shown on Attachment 6. At a minimum the comprehensive demolition document will require the contractor to install snow fencing at the drip line of the five live oak trees to prevent damage to the root system from heavy equipment and will require that the contractor avoid operating heavy equipment in the areas protected by the snow fencing.
2. FP&C/LAMD will provide the demolition contractor with a copy of this MOA prior to the preparation of the comprehensive demolition document. The comprehensive demolition document will include all measures required by the “Lower-Impact Demolition Stipulations” set out in Stipulation III.B below.
3. FP&C/LAMD will provide a copy of the demolition document to GOHSEP and FEMA by e-mail prior to FP&C/LAMD’s approval of the demolition document. FEMA will forward this demolition document to SHPO for a 15-day review and comment period. FEMA will review SHPO’s comments, if any, and determine if revisions to the demolition document are needed to avoid potential adverse effects to the archaeological site. FP&C/LAMD will require that the demolition

document is revised in order to avoid any potential adverse effects to the archaeological site. If FEMA does not provide comments to FP&C/LAMD on the comprehensive demolition document within 20-days of its receipt from FP&C/LAMD, FP&C/LAMD may finalize and implement the requirements of the submitted demolition document.

4. FP&C/LAMD will require that the comprehensive demolition document does not permit demolition work to go more than 3 inches below grade level, unless otherwise specified in this MOA. The document will also require the demolition contractor to use vibration monitors over the course of demolition and removal work. Buildings 56, 55, 54, and 52 are incorporated into the Barrack's existing perimeter wall and they must be demolished and cut from the wall with care to prevent a collapse and damage to the adjacent property located to the East. The perimeter wall will be reconstructed to match the existing wall. The third section of these structures closest to the Barracks brick perimeter wall will be demolished by hand.
5. Demolition must be designed to ensure that the roof collapses inward to avoid any debris from falling on neighboring homes or adjacent property. Only the exposed portion of the support piers from grade level to bottom of floor joist will be removed. FP&C/LAMD will disconnect and cap all underground utilities: water, sanitary sewer, storm lines, and connection to buildings. All disconnected utilities must be properly capped, and no work can go below grade. In cases where there are no shut-off valves, limited excavation within the utility rights-of-way shall be required to cap these service lines. To limit unnecessary ground disturbance, excavation shall be limited to the existing Right-of-Way to the greatest extent feasible and will be monitored by FP&C/LAMD's Archaeological Monitor, as this term is defined in Stipulation III.C.1 and, if requested, FEMA, SHPO, and Tribal monitors.
6. FP&C will also disconnect and remove overhead electrical lines, utility pole and service panels, disconnect and remove existing air conditioning compressors, supply and return lines, electrical connects and concrete support slabs. Any ramps, stairs, landings, porches, and railings will also be removed.

B. LOWER IMPACT DEMOLITION STIPULATIONS

1. FP&C/LAMD is responsible for ensuring that the demolition contractor adheres to the "Lower-Impact Demolition Stipulations" (LIDS) as prescribed by this MOA and the approved comprehensive demolition document.

2. FP&C shall ensure that LIDS are made explicit in contract documents. Failure to comply with LIDS may jeopardize FP&C's receipt of FEMA funding.
3. In addition to the FP&C/LAMD Archaeological Monitor described in Stipulation III.C.1 and/or SHPO, Concurring Party, and Tribal monitors, FEMA may conduct random oversight inspections during the demolition of any of the 50-Series Buildings to verify compliance with LIDS.
4. General Approach to LIDS:
 - a. Major demolition activities, including placement of equipment, shall be confined to paved areas or areas protected by pads.
 - b. When heavy equipment is not in use, it will be staged on paved surfaces.
 - c. All ground disturbance and/or demolition activities that may result in ground disturbance must be monitored and/or performed by FP&C/LAMD's Archaeological Monitor described in Stipulation III.C.1 or FP&C/LAMD's Archaeologist described in Stipulation IV.B.
 - d. Structural features will be sheared off at the ground-surface so that further soil disturbance is minimized. Piers will be sheared at or just below surface and any subsurface slabs may be left in place. If it is absolutely necessary to remove footings and piers to ensure public health and safety, the soil disturbance caused by these activities should be carried out by hand. . Soil disturbance associated with the removal of concrete slabs will be at a depth no greater than six (6) inches below grade. Piers will be cut off by hand and soil disturbance associated with the removal of the piers will be limited to six (6) inches below grade.
 - e. Subsurface foundation removal will only occur in areas proposed for new construction.
 - f. Slabs shall not be removed through excavation. Lifting the broken fragments will avoid any impact to the ground surface below the slab deeper than 6 inches. Where necessary, hand removal of fragments will be required to avoid impacts. LAMD, in cooperation with FP&C, will ensure that its contractors will make every effort to limit any soil disturbance necessary to facilitate this process.
 - g. If subsurface removal of piers or chain walls is required, excavation should be carried out by hand. This action must be monitored and/or performed by FP&C/LAMD's Archaeological Monitor.
 - h. There shall be no salvage, recoument or excavation of architectural materials from below-grade and burial of debris is not permitted.
 - i. Pickup and removal of material from the surface shall not result in cuts or scrape the surface; and where necessary, hand removal of

materials will be required to avoid cuts, scrapes, or other impacts to the surface.

- j. Site grading is limited to within the first three (3) inches of the existing surface elevation (e.g., side walk level, driveway level, slab level, etc.). LAMD, in cooperation with FP&C, will ensure that its contractors will use light equipment (e.g., small bobcats, hand tools, etc.) to complete final site clean-up.
5. Compliance Violations: If during archaeological monitoring, the FP&C/LAMD's Archaeological Monitor observes violations of the LIDS, he or she shall request that FP&C/LAMD's on-site official cease demolition until the effects of the Undertaking can be assessed. If monitors representing one of the Signatories, Concurring Parties, or other Indian tribes observes violations of LIDS he or she shall notify the FP&C/LAMD Archaeological Monitor and request steps be taken immediately to cease demolition until the effects of the Undertaking can be assessed. FP&C/LAMD will ensure that requests by its Archaeological Monitor to cease demolition as a result of a violation of the LIDS must be honored by the demolition contractor. FP&C/LAMD will require the demolition contractor to correct the violation as recommended by the Archeological Monitor before work can resume.

C. ARCHAEOLOGICAL MONITORING:

1. FP&C/LAMD will ensure that it provides an Archaeological Monitor or Monitors who will be present during all ground disturbing demolition and ground disturbing construction activities. Archaeological Monitors must be qualified under the [Secretary of the Interior's Professional Qualification Standards](#) (48 FR 44716, Sept. 1983), also published at 36 CFR Part 61, for archaeology or work directly under the supervision of an individual who meets the Standards for archaeology (Archaeological Monitor). FP&C/LAMD's Archaeological Monitor may or may not be the same qualified personnel described as Archaeologists in Stipulation IV.B Any Signatory or Concurring Party may review and comment on the qualifications of FP&C/LAMD's Archaeological Monitor, and, if requested, FP&C/LAMD will provide such Party with a copy of the résumé of the Archaeological Monitor or Monitors who will monitor the ground disturbance.
2. The FP&C/LAMC Archaeological Monitor is not required to be present during the demolition of the above-ground portions of the 50-Series Buildings, such as the recouplement of selected architectural features described in Stipulation II, provided that the demolition will not cause ground disturbance and follows the procedures called out in LIDS.
3. FEMA will provide written notifications, to include e-mail, to Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts about the opportunity to

observe ground disturbing activities associated with the demolition of the 50-Series Buildings, and the construction of a new Headquarters Building. The Signatories, Concurring Parties, and other Indian tribes will respond to FEMA's notice, to include e-mail, to request that they be provided with FP&C/LAMD's updates on the demolition, ground disturbance, and construction schedules and/or if they will monitor these activities. The Signatories, Concurring Parties, and other Indian tribes may include information in their response to FEMA that details aspects of the proposed demolition or new construction that are of special interest to the Signatory, Concurring Party, or Indian tribe.

4. Signatories, Concurring Parties, and other Indian tribes that request to be kept up-to-date on the demolition, ground disturbance, and construction schedule will provide FEMA with contact information as part of this request. FEMA will notify FP&C and LAMD within 5-days after receiving a request from a Signatory, Concurring Party, or other Indian tribes and forward the names and contact information for each Signatory, Concurring Party, or other Indian tribes that may have concerns about the human skeletal remains and/or burial artifacts and that has requested to monitor some or all of the demolition, ground disturbance, or new construction.
5. FP&C and/or LAMD will provide information regarding any safety equipment, such as boots, hard hats, safety vests, and safety glasses that monitors must provide as a condition to gain access to the job site. FP&C and/or LAMD may also notify monitors about any safety equipment that FP&C, LAMD, or their contractors, will make available to monitors at the job site. FP&C and/or LAMD will provide FEMA, SHPO, and other parties who requested information about the demolition, ground disturbance, and construction schedule with a written demolition and construction schedule and will update this schedule as required. FP&C and/or LAMD will identify a Point-of-Contact (POC) that monitors may contact with questions regarding the work or request to access the site.
6. FEMA, SHPO, any Concurring Party, or other Indian tribe that may have concerns about the human skeletal remains and/or burial artifacts may elect to monitor ground-disturbing activities, including shovel tests or stripping operations. FP&C/LAMD is not required to delay demolition, ground disturbance, or construction activities if a FEMA, SHPO, Concurring Party, or Tribal monitor is not present unless specific arrangements have been made.
7. FEMA, SHPO, or Tribal monitors will notify the POC in advance to request access to the site to observe demolition, shovel testing, stripping and/or construction activities. FP&C/LAMD will not deny a reasonable request by a Signatory, Concurring Party, or other Indian tribe that may have concerns about the human skeletal remains and/or burial artifacts, to be present at any point during demolition, shovel testing, and stripping, or ground disturbing activities in connection with the construction of the

Headquarters building, the reconstruction of the perimeter wall, or work to repair or upgrade or construct utilities trenches within the Archaeological APE.

8. Asbestos Demolitions: FP&C/LAMD have informed the Consulting Parties that based on the Memorandum for Record dated January 22, 2007 and signed by Joseph A. Bennett III, Captain, Louisiana Army National Guard, State Environmental Specialist, the State of Louisiana did remove all known and assumed asbestos containing buildings materials from all buildings located at Jackson Barracks under State of Louisiana Contracts # LA06-C-040, LA06-C-057, and LA06-C-113 and that FP&C/LAMD do not anticipate the need to require FP&C/LAMD's Archaeological Monitor, or the FEMA, SHPO, Concurring Party, or Tribal monitors to take protective measures to prevent exposure to asbestos during demolition. FP&C/LAMD's POC will notify all parties that have requested to observe ground-disturbing activities associated with the demolition of the 50-Series Buildings as described in Stipulation III.C if any of the buildings proposed for demolition are discovered to contain asbestos materials and if FP&C/LAMD will require the FEMA, SHPO, Concurring Party, or Tribal monitors to take additional protective measures.

IV. GENERAL PROVISIONS: ARCHAEOLOGICAL INVESTIGATIONS

- A. FP&C/LAMD is responsible for performing the archaeological investigations. These investigations will be scheduled by FP&C/LAMD to allow sufficient time to perform the field work; complete any consultations required by this MOA with Signatories, Invited Signatories, Concurring Parties, and other Indian tribes that may have concerns about the human skeletal remains and/or burial artifacts that are identified during archaeological monitoring or investigations; and to complete the requirements of any other Federal or state law not specifically addressed by this MOA.
- B. The archaeological investigations must be performed and/or observed by an archaeologist or archaeologists who qualify under the [Secretary of the Interior's Professional Qualification Standards](#) (48 FR 44716, Sept. 1983) previously published at 36 CFR Part 61 for archaeology or work directly under the supervision of an individual who meets the Standards for Archaeology. Archaeological fieldwork will be carried out following the Louisiana Division of Archaeology's Field and Report Standards, <http://www.crt.state.la.us/archaeology/REVIEW/IntroNew.shtml>. Any Signatory or Concurring Party may review and comment on the qualifications of FP&C/LAMD's Archaeologist(s), and FP&C/LAMD will provide such Party with a copy of the résumé of the archaeologist or archaeologists who will perform or supervise these investigations.

- C. All collected human skeletal remains and potential burial artifacts must be treated according to the requirements of the Louisiana Unmarked Burial Sites Preservation Act and the Louisiana Division of Archaeology's Field and Report Standards.
- D. FEMA shall require that the guidelines contained in the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" are followed.
- E. All collected non-burial artifacts will be retained at FP&C/LAMD's Archaeologists' laboratory where they will be washed, analyzed, and prepared for curation.

V. **DEMO/REBUILD APE: IDENTIFICATION, EVALUATION, CONSULTATION, AND TREATMENT**

- A. The purpose of the archaeological investigations in the Demo/Rebuild APE is to identify if burials are located in the Demo/Rebuild APE. These investigations are also intended to identify and evaluate if other types of archaeological properties that are likely to be destroyed by the construction of the Headquarters Building and associated improvements may be located in its footprint.
- B. Archaeological identification efforts in the Demo/Rebuild APE will begin as soon as feasible following the demolition of Buildings 58, 57, 56, 35A, the North wing and portions of the central wing of Building 55 and the removal of construction debris, foundations, and associated paving. This archaeological identification is necessary before FP&C/LAMD finalizes the decision on the siting of the new Headquarters building.
- C. Identification - Shovel Tests to Identify Human Burials and Archaeological Deposits in Demo/Rebuild APE:
 - 1. FP&C/LAMD will require the FP&C/LAMD Archaeologists to perform systematic shovel testing at 5 m intervals in all areas in the Demo/Rebuild APE: Buildings 58, 35A, 56, 57, and portions of Building 55; the perimeter wall, if feasible; the area immediately adjacent to the perimeter wall that must be excavated to allow for the demolition and reconstruction of the perimeter wall; and the proposed utility corridors to Building 50-A.
 - 2. If the FP&C/LAMD Archaeologist identifies human skeletal remains and/or burial artifacts in a shovel test, they will be documented, flagged, and brought to FP&C/LAMD's Archaeologists' laboratory for analysis pending completion of the investigations in the Demo/Rebuild APE. These flagged locations will be the focus of the hand/mechanical excavations.

3. Since access to the project site is limited, the Consulting Parties have determined that it is not necessary to fill the shovel test pits at the end of each day. FP&C/LAMD's Archaeologist will flag and fill a shovel test pit if, in his or her professional judgment, the shovel test has revealed human skeletal remains that will not be removed for analysis.
4. All bone materials will be analyzed at the FP&C/LAMD's Archaeologists' laboratory at the end of every day where they will be washed and identified by a human osteologist, or equivalent. This analysis will be limited to non-destructive means unless the Consulting Parties determine through the consultation described in Stipulation V.D.6.g that it is appropriate to perform additional analysis.
5. FP&C/LAMD will notify GOHSEP, FEMA, and the State Archaeologist as soon as possible, but no later than 24 hours, following the identification of human skeletal remains and/or burial artifacts during shovel testing, and FEMA will forward this notice and any submitted documentation to the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts as soon as possible, but no later than 72-hours after receipt of the notice from FP&C/LAMD. The State Archaeologist will notify the appropriate local law enforcement officials and the Orleans Parish Coroner's Office as required by Stipulation VIII, if in his professional judgment, the human skeletal remains potentially represent a crime scene or are less than 50 years old.
6. If non-burial archaeological materials are discovered during shovel testing, FP&C/LAMD's Archaeologist will follow the provisions in Stipulation V.D.7.
7. FEMA will notify the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts after shovel testing is completed.
8. Within 14-days following the completion of the shovel testing, FP&C/LAMD's Archaeologist will complete a management summary (Summary of Findings and Recommendations with research design). The FP&C/LAMD's Archaeologist will submit a pdf copy of the management summary on a CD and ten (10) copies of the management summary to FEMA. The management summary will include details of the subsurface testing, a map or maps that clearly depict the location and limits of any archaeological site loci including human skeletal remains that are located within the Demo/Rebuild APE. If NRHP eligibility can be determined, it will also include all required recommendations including a research design and treatment plan for the NRHP eligible loci of archaeological site 16OR212.

9. FEMA will forward copies of the management summary with FEMA's NRHP eligibility determinations, if any, for each of the identified loci to Signatories, Concurring Parties,, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts for review and comment. Upon receipt of the management summary, Signatories, Concurring Parties and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts will have 15-days to review and comment on FEMA's NRHP eligibility determinations.
10. If human skeletal remains and/or burial artifacts are identified during shovel testing, FEMA will initiate consultation with the Signatories, Invited Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts to consider if the proposed location of the new Headquarters Building should be reassessed by FP&C/LAMD and if additional archaeological investigations, such as stripping, are required.

D. Evaluation - Hand or Mechanical Excavation (Stripping) to Identify Human Burials and Archaeological Sites in Demo/Rebuild APE:

1. FP&C/LAMD will require careful, controlled mechanical and/or hand stripping of the overburden to sterile soil unless human skeletal remains or burial artifacts are encountered. The depth of the controlled mechanical stripping and/or hand stripping will stop safely, based on the judgment of FP&C/LAMD's Archaeological Monitor or Archaeologist, above any depth where human skeletal remains or archaeological deposits are located. Where there are no known archaeological deposits or human skeletal remains, the evaluation will follow the provisions in Stipulation V.D. 8.
2. Hand or mechanical excavation will be performed to remove the overburden to sterile soil and to identify, evaluate, avoid, and/or mitigate human skeletal remains, burial artifacts, and non-burial artifacts prior to the final decision regarding the site of the new Headquarters Building. This will include standard archaeological methodologies such as 1 x 1 m test units to collect a sample of archaeological deposits and/or determine the intactness of human skeletal remains. Backdirt from stripping operations may be screened based upon the judgment of the FP&C/LAMD Archaeological Monitor and any FEMA, SHPO, or Tribal monitors that are present.
3. Hand and mechanical excavations in the areas that will be disturbed by the reconstruction of the perimeter wall and the new utilities corridors will be limited only to swaths where this work is proposed. The remaining areas will be fenced off as non-work areas.

4. Mechanical excavation should be performed by a machine operator with experience working on sites that may contain archaeological resources.
5. FP&C/LAMD's Archaeological Monitor or Archaeologist will consult with any monitors representing a Signatory, Concurring Party, or Indian tribe present on site regarding the depth of the excavations.
6. Human Skeletal Remains and/or Burial Artifacts in Demo/Rebuild APE
 - a. If, in the course of stripping, human skeletal remains and/or burial artifacts are uncovered, FP&C/LAMD shall ensure that stripping and any other ground disturbing work in the general vicinity of the human skeletal remains and/or burial artifacts is immediately stopped. Using standard, non-destructive, archaeological practice, FP&C/LAMD's Archaeologist will determine intactness and ethnic affinity, if possible.
 - b. FP&C/LAMD shall ensure that all reasonable measures are taken to avoid or minimize harm to the human skeletal remains and/or burial artifacts. FP&C/LAMD shall ensure that the human skeletal remains and/or burial artifacts are secured and access to the area is restricted.
 - c. FP&C/LAMD will notify GOHSEP, FEMA, and State Archaeologist as soon as possible, but no later than 24 hours, following the identification of human skeletal remains and/or burial artifacts. FEMA will forward this notice to the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts as soon as possible, but no later than 72-hours after receipt for the notice from FP&C/LAMD.
 - d. FP&C/LAMD's Archaeologist will provide information regarding the intactness and ethnic affinity, if possible, of the human skeletal remains and/or burial artifacts by e-mail.
 - e. FEMA will initiate consultation with the Signatories, Invited Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts to consider if the proposed Headquarters building can be redesigned to avoid the unmarked human burial(s); the location of the new Headquarters Building should be reassessed; or, the human skeletal remains may be relocated. A site visit will be scheduled as a part of this consultation.
 - f. If through consultation it is determined that the human skeletal remains may be relocated, a detailed research proposal that identifies the excavation strategies, analytical methods, temporary storage practices, and final disposition for the remains shall be produced by FP&C/LAMD's Archaeologist.

- g. FEMA will forward copies of the draft research proposal to the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts regarding the opportunity to immediately consult to finalize a research proposal. FEMA will notify and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts.
 - h. FP&C/LAMD will take the necessary steps to ensure that the finalized research proposal is implemented.
7. Non-Burial Archaeological Deposits in Demo/Rebuild APE
- a. If, in the course of stripping, non-burial archaeological deposits are discovered or identified, FP&C/LAMD's Archaeologist will stop mechanical excavation in the area of the discovery and evaluate the deposit for NRHP eligibility using standard archaeological practices.
 - b. If FP&C/LAMD's Archaeologist decides that the non-burial archaeological deposit is not eligible for the NRHP, then hand or mechanical excavation (Stripping) may continue.
 - c. If FP&C/LAMD's Archaeologist decides that the non-burial archaeological deposit is eligible for the NRHP, FP&C/LAMD's Archaeologist will notify FEMA by e-mail with any necessary supporting documentation and if feasible, a draft data recovery plan, within four (4) days.
 - d. FEMA will forward copies of the e-mail and any supporting documentation and draft data recovery plan to Signatories and Concurring Parties regarding the opportunity to immediately consult to finalize a research design/mitigation plan to resolve adverse effects that may occur to NRHP eligible archaeological properties.
 - e. FP&C/LAMD will take the necessary steps to ensure that the finalized research design/mitigation plan is implemented in order to resolve adverse effects to NRHP eligible archaeological properties.
8. No Human Skeletal Remains, Burial Artifacts, or Non-Burial Archaeological Deposits in Demo/Rebuild APE
- a. If **no** human skeletal remains, burial artifacts, or non-burial archaeological deposits are encountered in Demo/Rebuild APE by FP&C/LAMD's Archaeologist during the course of conducting the hand or mechanical excavation to sterile sub-soil, FP&C/LAMD's Archaeologist will notify FEMA by e-mail with any necessary supporting documentation within three (3) days of completion of the hand or mechanical excavation (stripping).
 - b. FEMA will forward copies of the e-mail and any supporting documentation with FEMA's no adverse affect determination to

Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts.

- c. Upon receipt of the e-mail, Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts will have seven (7) days to review and comment on FEMA's no adverse affect determination.
- d. Any party may, during the seven (7) day review and comment period, request a site visit to inspect the stripped area.
- e. If no written objections to FEMA's no adverse affect determination are received within seven (7) days, FEMA will notify GOHSEP, FP&C, and LAMD that this review is completed.

VI. DEMOLISH TO GRADE APE: IDENTIFICATION AND TREATMENT

- A. The purpose of the archaeological investigations in the Demolish to Grade APE is to guide FP&C/LAMD, the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts to select the site of the permanent memorial described in Stipulation X.B. In addition, these investigations may assist FP&C/LAMD to determine boundaries of the unmarked cemetery. These archaeological investigations will occur within Locus 1 which was previously determined to be a contributing feature to the NRHD. FEMA may assume that all newly-discovered properties that are identified through these investigations are eligible for inclusion in the National Register and FEMA is not required to take steps to evaluate these properties.
- B. Identification - Shovel Tests to Identify Human Burials and Archaeological Sites in Demolish to Grade APE:
 1. Following the demolition of Buildings 50, 51, 52, 53, 54, and the southern portions of Building 55, FP&C/LAMD will require that Archaeologists perform systematic shovel testing, where feasible, at 5 m intervals. Shovel testing will not be performed in the areas were previously recorded human burials are located or where existing paving will be left in place.
 2. Since access to the project site is limited, the Consulting Parties have determined that the shovel test pits will not be filled at the end of each day and will not be filled until any artifacts and human skeletal remains obtained from the shovel test pit have been identified by the FP&C/LAMD's Archeologists' laboratory.
 3. If no human skeletal remains are identified by FP&C/LAMD's Archeologists' laboratory in the screened materials removed from a shovel test, the shovel test pit may be backfilled with screened dirt or clean fill.

- C. Treatment of Human Skeletal Remains, Burial Artifacts, and National Register eligible non-burial archaeological properties in Demolish to Grade APE:
1. If human skeletal remains or burial artifacts are identified by the laboratory in the screened materials removed from a shovel test, the human skeletal remains and/or burial artifacts will be bagged and returned to the test pit following limited analysis to photograph and measure the human skeletal remains and/or burial artifacts.
 2. The test pit will be refilled with screened dirt or clean fill and may be flagged to assist the Consulting Parties to identify a location for the memorial described in Stipulation X.B. FEMA is not required to consult with the Consulting Parties before FP&C/LAMD returns the human skeletal remains and/or burial artifacts to the test pit.

VII. FINAL REPORTING ON ARCHAEOLOGICAL INVESTIGATIONS

- A. FP&C/LAMD's Archaeologist will prepare a Draft Report on all demolition activities, shovel testing, and Phase I and Phase II activities in the entire archaeological APE. If a research design/mitigation plan is implemented in order to address adverse effects to human skeletal remains, burial artifacts, and NRHP eligible archaeological properties, these activities and the resulting data will be included in the Draft Report. This report will meet the Louisiana Division of Archaeology's report standards, (<http://www.crt.state.la.us/archaeology/homepage/report.shtml>).
- B. The FP&C/LAMD's Archaeologist will submit a pdf copy of the Draft Report on a CD and ten (10) copies of the Draft Report to FEMA. FEMA will forward copies of the Draft Report to, Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts for review and comments.
- C. FEMA will forward any comments received within 30-days to FP&C/LAMD's Archaeologist and request that FP&C/LAMD's Archaeologist incorporate the comments and finalize the Report.
- D. FP&C/LAMD's Archaeologist will finalize the Report within 30-days and submit a pdf copy of the Final Report on a CD and ten (10) copies to FEMA, and FEMA will forward a copy of the Final Report to SHPO, STOF, CTL, Muscogee (Creek) Nation, MBCI, other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts, and the Jackson Barracks Military Library.

VIII. COORDINATION WITH LOUISIANA UNMARKED HUMAN BURIAL SITE PRESERVATION ACT

- A. The proposed archaeological investigations, reporting and consultation requirements described in Stipulations IV - VII meet the terms and requires for defining the scope for Disinterment, Study of Remains, and Reinternment as required under the standard CRT, Division of Archaeology, Unmarked Human Burial Sites Preservation Act Permit and, therefore, this MOA serves as that permit.
- B. Based on the inadvertent discovery of human skeletal remains on January 17, 2005 beneath Building 54 and subsequent field work under a January, 2005 Louisiana Unmarked Human Burial Sites Preservation Act Permit, it is well established that this is an unmarked cemetery.
- C. Louisiana Attorney General's Opinion 08-0135 dated November 30, 2009, holds that unmarked cemeteries are under the regulatory authority of the Louisiana Division of Archaeology.
- D. The State Archeologist, representing the Louisiana Division of Archaeology, shall provide notification to the law enforcement agency of the jurisdiction where the human skeletal remains are located and the Orleans Parish Coroner's Office prior to initiating archaeological field work.
- E. The State Archaeologist shall notify the appropriate local law enforcement officials and the Orleans Parish Coroner's Office should any human skeletal remains be encountered that potentially represent crime scene or are less than 50 years old. This determination shall be based on the professional judgment of the State Archaeologist. After notification, the appropriate law enforcement officials and the Orleans Parish Coroner's Office shall assess the nature and age of the human skeletal remains.
- F. The disposition of unmarked burial sites, human skeletal remains, and burial artifacts shall follow the priorities in conformance with RS 8 §681.

IX. CURATION

Following completion of all analyses and the acceptance of the final report, all artifacts, records, photographs, and field notes will be curated with: State of Louisiana, Department of Culture, Recreation and Tourism – Division of Archaeology, P.O. Box 44247, Baton Rouge, LA 70804 [(225) 342-8170] in the curation facility at: Galvez Building, Room B-023, 602 N. Fifth St., Baton Rouge, LA 70802 [(225) 342-4475]. A copy of the written materials will also be provided to LAMD for curation.

X. TREATMENT OF UNDEVELOPED PORTIONS OF APE

- A. Following demolition and removal of building debris and brick piers, FP&C/LAMD will cap the undeveloped portions of the Archaeological APE with new top soil (Non-Native Soil) and take the necessary steps to ensure erosion control through the planting of grass. Any regrading of the site for drainage will be limited to non-native soil. All fill or borrow material must be sourced from areas that do not contain any buried cultural materials, such as building debris. The highest bench mark elevations will be set along the back wall (brick fence) and the site will be sloped towards the existing asphalt driveway (lowest elevation).
- B. FP&C/LAMD will consult with the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts to develop and implement an Interpretive Plan for a permanent memorial to be placed within the Demolish to Grade APE. This memorial will commemorate the role of Jackson Barracks during the Trail of Tears and the WPA's role in the redevelopment of Jackson Barracks. The Interpretive Plan will include a process that provides the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts with an opportunity to review and comment on the design and content of the memorial.

XI. ESTABLISH SITING OF NEW HEADQUARTERS BUILDING

- A. If FP&C and LAMD determine, following the archaeological investigations performed pursuant to Stipulation V that the new Headquarters Building will be constructed in the area within the APE that is north of the site of Building 55, FP&C and LAMD will follow the design review process described in Stipulations XIII - XV. FP&C/LAMD will notify GOHSEP and FEMA regarding this decision and FEMA will forward this notice by e-mail to the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts.
- B. If FP&C and LAMD determine, following the archaeological investigations performed pursuant to Stipulation V, that the new Headquarters Building will be constructed on property north of St. Claude Avenue, no design review for the new Headquarters Building is required under the terms of this MOA. FP&C/LAMD will notify GOHSEP and FEMA regarding this decision and FEMA will forward this notice by e-mail to the Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts.

XII. REHABILITATION OF BUILDING 50A AND RECONSTRUCTION OF PERIMETER WALL

- A. The repairs to Building 50A and reconstruction of the perimeter wall will conform, to the extent feasible, to the *Secretary of the Interior's Standards for the Treatment of Historic Properties (SOI Standards)*:
http://www.nps.gov/history/hps/tps/standguide/rehab/rehab_standards.htm.
- B. FP&C/LAMD will follow the design review process described in Stipulations XIII – XV for these actions.

XIII. DESIGN REVIEW OF SCHEMATIC DESIGNS: EFFECTS ON STANDING STRUCTURES

- A. FEMA provided an electronic copy of the Schematic Designs for the proposed Headquarters Building to the Consulting Parties and requested their 15-day review on March 25, 2010. LLS requested additional information on March 26, 2010 and the ACHP submitted questions regarding the design on April 7, 2010. FEMA forwarded a revised version of the Schematic Designs to the Consulting Parties and requested their 15-day review on April 8, 2010. FEMA received no additional comments, requests, or questions, and the 15-day review period closed on April 22, 2010. The purpose of this review of the Schematic Designs was to ascertain if:
 - 1. the proposed designs conform to the *SOI Standards*; and
 - 2. the proposed scale, exterior design, massing, and materials of the new Headquarters Building considers the historic character of the setting of the Jackson Barracks NRHD; or
 - 3. the proposed exterior design, scale, massing, materials, and/or site plan may adversely affect the Jackson Barracks NRHD.
- B. FP&C/LAMD will follow the same design review process for the new Headquarters Building; the repairs to Building 50A; and reconstruction of the perimeter wall. These reviews are independent and FP&C/LAMD will determine if plan reviews will be combined or submitted separately.
- C. FEMA will provide an electronic copy of the Schematic Designs for the repairs to Building 50A and reconstruction of the perimeter wall. SHPO and the Concurring Parties will provide comments, if any, to FEMA on the proposed repairs to Building 50A and reconstruction of the perimeter wall within 15-days following receipt of these Schematic Designs and FEMA's request for review and comments. The purpose of the review is to determine if the proposed designs conform to the *SOI Standards*. FEMA will review comments submitted within the 15-day review period and notify GOHSEP, FP&C, and LAMD

within 7-days following the end of the 15-day review period if the proposed design for the Undertaking conforms to the guidance in the *SOI Standards* or if it will cause adverse effects.

- D. If FEMA determines that the proposed Schematic Design will cause adverse effects to historic properties, FEMA will notify GOHSEP, FP&C, and LAMD and provide a written description of the identified adverse effects. GOHSEP, FP&C and/or LAMD may request to meet with FEMA to identify alternatives that may avoid the identified adverse effects. If GOHSEP, FP&C and/or LAMD do not request a meeting with FEMA within 5-days of FEMA's notice, FEMA will notify the Signatories, Invited Signatories, and Concurring Parties by e-mail and clearly describe the issues that must be addressed to avoid the adverse effects. FEMA's notice will include any comments regarding the adverse effects and any recommendations by the Signatories, Invited Signatories, and/or Concurring Parties regarding alternatives that may avoid or minimize the adverse effects.
- E. Any Signatory or Invited Signatory may request a meeting of the Signatories, Invited Signatories, and Concurring Parties to look for ways to avoid or minimize the adverse effects that may result from the proposed Schematic Design.

XIV. DESIGN REVIEW OF DESIGN DEVELOPMENT DRAWINGS: EFFECTS ON STANDING STRUCTURES

- A. FP&C/LAMD notified GOHSEP and FEMA that the Design Development Drawings are complete on June 3, 2010. In addition FP&C/LAMD informed GOHSEP and FEMA that an electronic copy of the Design Development Drawings was posted on an ftp web site and provided instructions to access the site. FEMA forwarded a copy of FP&C/LAMD's notice to the Signatories and Concurring Parties within 3-days and requested their review of the Design Development Drawings. The purpose of this review was to ascertain if the Design Development Drawings conform to the *SOI Standards* and if they incorporated comments, if any, provided by Signatories and Concurring Parties on the Schematic Design to avoid adverse effects.
- B. The Signatories and Concurring Parties provided no substantive comments, if any, to FEMA on the proposed Design Development Plans within the 7-days following FEMA's request for their review.
- C. FP&C/LAMD will notify GOHSEP and FEMA when the Design Development Drawings for the repairs to Building 50A and the reconstruction of the perimeter wall are completed. FP&C/LAMD will e-mail copies of the Design Development Drawings to GOHSEP and FEMA as a part of this notice or may inform GOHSEP and FEMA that it has posted an electronic copy of the Design Development Drawings on an ftp web site and provide instructions to access the

site. FEMA will forward a copy of FP&C/LAMD's notice to the Signatories and Concurring Parties within 3-days and request their review of the Design Development Drawings. The Signatories and Concurring Parties will review the Design Development Drawings to ascertain if the Design Development Drawings conform to the *SOI Standards* and if they incorporated comments, if any, provided by Signatories and Concurring Parties on the Schematic Design to avoid adverse effects.

- D. The Signatories and Concurring Parties will provide comments, if any, to FEMA on the proposed Design Development Plans within 7-days following the receipt of FEMA's request for their review. FEMA will review the comments submitted within the 7-day review period and notify GOHSEP, FP&C, and LAMD within 14-days following FEMA's receipt of FP&C/LAMD's notice regarding the availability of the Design Development Plans if the Design Development Plans for the Undertaking conform to the guidance in the *SOI Standards* or if they will cause adverse effects.
- E. If FEMA determines that the proposed Design Development Plans will cause adverse effects to historic properties, FEMA will notify GOHSEP, FP&C, and LAMD and provide a written description of the identified adverse effects. GOHSEP, FP&C and/or LAMD may request to meet with FEMA to identify alternatives that may avoid the identified adverse effects. If GOHSEP, FP&C and/or LAMD do not request a meeting with FEMA within 5-days of FEMA's notice, FEMA will notify the Signatories, Invited Signatories, and Concurring Parties by e-mail and clearly describe the issues that must be addressed to avoid the adverse effects. FEMA's notice will include any submitted comments regarding Design Development Plans and any recommendations regarding alternatives that may avoid or minimize the adverse effects.
- F. Any Signatory or Invited Signatory may request a meeting with the Signatories, Invited Signatories, and Concurring Parties to look for ways to avoid or minimize the adverse effects that may result from the proposed Design Development Drawings.

XV. DESIGN REVIEW OF CONSTRUCTION DOCUMENTS: EFFECTS ON STANDING STRUCTURES

- A. FP&C/LAMD will notify GOHSEP and FEMA when the Construction Documents are completed. FP&C/LAMD will e-mail copies of the Construction Documents to GOHSEP and FEMA as a part of this notice or may inform GOHSEP and FEMA that it has posted an electronic copy of the Construction Documents on an ftp web site and provide instructions to access the site. FEMA will forward a copy of FP&C/LAMD's notice to the Signatories and Concurring Parties within 3-days and request the review of the Construction Documents. The Signatories and Concurring Parties will review the Construction Documents to ascertain if the Construction Documents

conform to the *SOI Standards* and incorporate any comments provided by Signatories and Concurring Parties on the Design Development Drawings to avoid adverse effects.

- B. The Signatories and Concurring Parties will provide comments, if any, to FEMA on the proposed Construction Documents within 7-days following the receipt of FEMA's request for review. Comments on the design of the new Headquarters building will be limited to its exterior design, scale, massing, materials, and site plan. FEMA will review the comments submitted within the 7-day review period and notify GOHSEP, FP&C, and LAMD within 14-days following FEMA's receipt of FP&C/LAMD's notice regarding the availability of the Construction Documents if the Construction Documents for the Undertaking conform to the guidance in the *SOI Standards* or if they will cause adverse effects.
- C. If, after reviewing the comments, FEMA determines that the proposed Construction Documents will cause adverse effects to historic properties, FEMA will notify GOHSEP, FP&C, and LAMD and provide a written description of the identified adverse effects. GOHSEP, FP&C and/or LAMD may request to meet with FEMA to identify alternatives that may avoid the identified adverse effects. If GOHSEP, FP&C and/or LAMD do not request a meeting with FEMA within 5-days of FEMA's notice, FEMA will notify the Signatories, Invited Signatories, and Concurring Parties by e-mail and clearly describe the issues that must be addressed to avoid the adverse effects. FEMA's notice will include any comments submitted by FEMA or SHPO regarding the adverse effects and any recommendations by FEMA or SHPO regarding alternatives that may avoid or minimize the adverse effects.
- D. Any Signatory or Invited Signatory may request a meeting of the Signatories, Invited Signatories, and Concurring Parties to look for ways to avoid or minimize the adverse effects that may result from the proposed Construction Documents.
- E. FEMA will notify FP&C, LAMD, and GOHSEP by e-mail within 14-days following FEMA's receipt of FP&C/LAMD's notice regarding the availability of the Construction Documents if additional steps, including a meeting, must be taken to avoid, minimize, or mitigate adverse effects or if the design review required by this MOA is completed and the requirements of Stipulations XIII – XV are fully satisfied.
- F. If FEMA does not submit comments to FP&C, LAMD, and GOHSEP within 14-days following FEMA's receipt of FP&C/LAMD's notice regarding the availability of the Construction Documents, the design review required by this MOA is complete and the requirements of Stipulations XIII – XV are fully satisfied.

XVI. CHANGES TO THE SCOPE OF WORK

- A. FP&C/LAMD will notify GOHSEP and FEMA by e-mail as soon as practicable of any substantial change, from the Construction Documents that were reviewed pursuant to Stipulation XV above. For purposes of this MOA a substantial change is a change in the location, height, massing, or materials of the proposed Headquarters Building or a change in the proposed masonry repairs or window treatments associated with the repairs to Building 50A and reconstruction of the perimeter wall.
- B. FEMA will review the revised plans, and if FEMA determines that the changes will result in adverse effects to historic properties, it will notify the Signatories and Concurring Parties by e-mail within 7-days of receiving the notice of the substantial change and take steps to consult with the Signatories, Invited Signatories, and Concurring Parties to determine if there are feasible alternatives that may avoid or minimize the additional adverse effects. The Signatories and Concurring Parties agree to cooperate with FEMA and FP&C/LAMD to discuss the feasibility of alternatives that may avoid or minimize adverse effects and the parties will agree on a reasonable time frame for determining alternates in order prevent a delay in the Undertaking. If the Signatories and Invited Signatories cannot agree on an acceptable resolution that would revise the Construction Documents, to incorporate alternatives identified during this consultation to avoid or minimize adverse effects caused by the substantial change, then FEMA will consult under Stipulation XIX, Dispute Resolution, to resolve any remaining issues.

XVII. RESOLUTION OF UNFORESEEN EFFECTS

- A. If, unforeseen effects occur during the implementation of the Undertaking, FP&C/LAMD shall ensure that its contractor immediately stops work in the general vicinity of the unforeseen effect and takes all reasonable measures to avoid or minimize harm to historic properties.
- B. FP&C/LAMD will notify GOHSEP and FEMA as soon as possible, but no later than 24 hours, following the unforeseen effect, and will also inform GOHSEP and FEMA of any unavoidable time constraints that must be considered in the consultations to identify measures to avoid, minimize, or mitigate adverse effects to any historic property.
- C. FEMA will notify and consult with the SHPO and others, as appropriate, and determine if further steps to evaluate National Register eligibility and treatment of the property are necessary.
- D. If FEMA, SHPO and others, as appropriate, determine that further steps are necessary to evaluate or treat the unforeseen effects. FEMA will take the necessary steps to notify the Signatories, Invited Signatories, Concurring Parties and other Indian tribes that may have concerns about human skeletal remains

and/or burial artifacts that may be affected by the unforeseen effect and to call a meeting and initiate consultation to address the unforeseen effect.

- E. FEMA, SHPO and others, as appropriate, will be responsive to FP&C/LAMD's time constraints during this consultation. FEMA will notify the FP&C/LAMD when work may be resumed in the area of the unforeseen effect and of any additional steps that must be taken to avoid or minimize adverse effects.
- F. As part of this consultation, FEMA, SHPO, and others, as appropriate, will determine if the MOA can be implemented without revisions or if it is necessary to amend this MOA as provided by Stipulation XX in response to changed conditions.
- G. At the conclusion of this consultation, FEMA will provide all parties that participated in the consultation with a written summary of the consultation and its resolution. This summary may be provided by e-mail.

XVIII. ANTICIPATORY DEMOLITION

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

XIX. DISPUTE RESOLUTION

- A. Should any Signatory, Invited Signatory, Concurring Party or other Indian tribe that may have concerns about human skeletal remains and/or burial artifacts object to FEMA within the timeframes provided by this MOA to any plans, specifications, or actions provided for review, FEMA shall notify FP&C/LAMD and GOHSEP and consult further with the objecting party, FP&C, LAMD, GOHSEP, SHPO, and others, as determined by FEMA, to seek resolution.
- B. If FEMA determines that the dispute cannot be resolved, FEMA shall forward FEMA's proposed resolution of the dispute and all relevant documentation to the ACHP. Within 7-days after receipt of the documentation, the ACHP will:
 - 1. Advise FEMA that it concurs with FEMA's resolution of the dispute; or
 - 2. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the dispute; or
 - 3. Notify FEMA that it shall comment pursuant to 36 CFR §800.7(c), and proceed to comment. Any comment provided shall be taken into account by FEMA in accordance with 36 CFR §800.7(c)(4) with reference to the

subject of the dispute.

- C. If the ACHP does not provide FEMA with comments or recommendations within 7-days, FEMA may assume that the ACHP does not object to its recommended approach and it shall proceed accordingly.
- D. Any recommendation or comment provided by ACHP shall be understood to pertain only to the subject of the dispute, and FEMA's responsibilities to fulfill all actions that are not subject of the dispute shall remain unchanged.
- E. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).

XX. AMENDMENTS, TERMINATION, AND NONCOMPLIANCE

- A. If FP&C determines that it is not feasible to complete the Undertaking or fulfill the requirements of this MOA, FP&C will immediately notify FEMA and GOHSEP in writing, to include e-mail, of this determination. Within 21-days of receiving this notice, FEMA will call a meeting with the Signatories, the Invited Signatories, Concurring Parties, and other Indian tribes that have may have concerns about human skeletal remains and/or burial artifacts, in person or by telephone, to determine if the MOA must be amended or terminated, and proceed accordingly.
- B. Any Signatory or Invited Signatory may request in writing that the MOA be amended or terminated. Within 21-days of such a request, FEMA will convene a meeting of the Signatories, Invited Signatory, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts in person or by telephone to consider this request. The Parties will make a good faith effort to amend the MOA prior any Party taking steps to terminate it. The MOA may be amended upon the written agreement of the Signatories and Invited Signatory, and the process will comply with 36 CFR §800.6(c)(7).
- C. If the MOA is not amended, the Signatories or Invited Signatory may terminate the MOA by providing a 30-day written notice to the other Signatories, Invited Signatory, and Concurring Parties. FEMA will inform other Indian tribes that have notified FEMA regarding their concerns about human skeletal remains and/or burial artifacts at Jackson Barracks that FEMA has received a request to terminate the MOA. The Signatories, Invited Signatory, and Concurring Parties will cooperate in good faith to seek amendments or other actions that would prevent termination during this 30-day time frame. Other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts at Jackson Barracks may participate in this consultation to prevent termination. Should consultation fail, FEMA will promptly notify the Signatories, Invited Signatory, Concurring Parties, and any other Indian tribes that has known concerns about human skeletal remains and/or burial artifacts in writing of termination.

Termination of the MOA will require FEMA to comply with the Statewide Programmatic Agreement in effect on the date of the termination. This MOA may be terminated without further consultation by execution of a subsequent agreement that explicitly terminates or supersedes this MOA.

XXI. DURATION

Unless amended or terminated in accordance with Stipulation XX, this MOA will remain in effect through December 31, 2013 or until FEMA determines that it has been satisfactorily fulfilled. FP&C/LAMD will notify GOHSEP and FEMA when the Undertaking is completed, and FEMA will notify the Signatories, Invited Signatories, Concurring Parties, and other Indian tribes that may have concerns about human skeletal remains and/or burial artifacts by e-mail when it determines that the recordation required by Stipulation I; the recoupment of the architectural elements required by Stipulation II; the archaeological investigations required by Stipulations IV - VI; the report required by Stipulation VII; the interpretive plan and construction of the memorial required by Stipulation X; the rehabilitation of Building 50A and reconstruction of the perimeter wall required by Stipulation XII; the design review required by Stipulations XIII – XV; and the construction of the new facility is completed and opportunities for changes to the scope of work described in Stipulation XVI or unforeseen effects described in Stipulation XVII are unlikely, thereby fulfilling the terms of this MOA.

XXII. EFFECTIVE DATE AND IMPLEMENTATION OF MOA

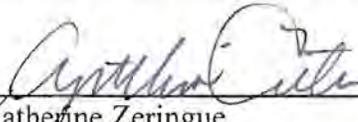
This MOA shall become effective immediately upon signature by the Signatories and Invited Signatory. FEMA shall provide each Signatory, Invited Signatory, and Concurring Party with a complete copy of the MOA including all executed signature pages.

EXECUTION AND IMPLEMENTATION of this Memorandum of Agreement evidences that FEMA has afforded ACHP a reasonable opportunity to comment on the undertaking to demolish buildings 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A, repair Building 50-A, partially reconstruct the East perimeter wall, and construct a new Headquarters Building with this FEMA assistance and its effects on historic properties,

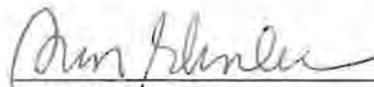
that FEMA has taken into account the effects of the undertaking on historic properties, and that FEMA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations.

SIGNATORIES:

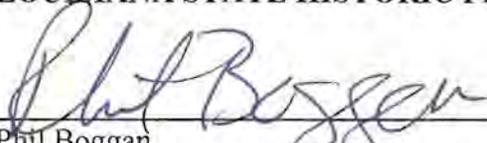
FEDERAL EMERGENCY MANAGEMENT AGENCY

for  _____ Date: 22 June 10
Katherine Zeringue
Section Chief for Environment and Historic Preservation
Louisiana Recovery Office

ADVISORY COUNCIL ON HISTORIC PRESERVATION

Fw  _____ Date: 6-24-10
John M. Fowler
Executive Director

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

 _____ Date: 6-16-10
Phil Boggan
Deputy State Historic Preservation Officer

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, FACILITY
PLANNING AND CONTROL
AND THE LOUISIANA MILITARY DEPARTMENT
REGARDING
THE DEMOLITION OF BUILDINGS 50, 51, 52, 53, 54, 55, 56, 57, 58, and 35A,
REPAIR OF BUILDING 50-A,
PARTIAL RECONSTRUCTION OF EAST PERIMETER WALL AND
CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

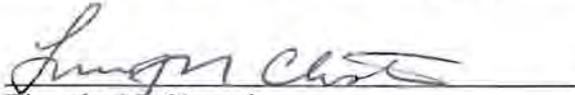
INVITED SIGNATORIES:

DIVISION OF ADMINISTRATION, FACILITY PLANNING & CONTROL



Date: 6/17/10

LOUISIANA MILITARY DEPARTMENT



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

Date: 22 Jun 10

CONCURRING PARTIES:

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



Mark J. DeBoiser
Deputy Director, Disaster Recovery

Date: 6.16.10

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
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THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, FACILITY
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CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

CONCURRING PARTIES:

PRESERVATION RESOURCE CENTER

Kimball

Date: 6.24.10

LOUISIANA LANDMARKS SOCIETY

Date: _____

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, FACILITY
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CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

CONCURRING PARTY:

MISSISSIPPI BAND OF CHOCTAW INDIANS

Beasley Denson, Miko

Date: _____

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AMONG
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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
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JACKSON BARRACKS, NEW ORLEANS, LA**

CONCURRING PARTY:

MUSCOGEE (CREEK) NATION

Date: _____

**MEMORANDUM OF AGREEMENT
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THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
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CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

CONCURRING PARTY:

SEMINOLE TRIBE OF FLORIDA

_____ Date: _____

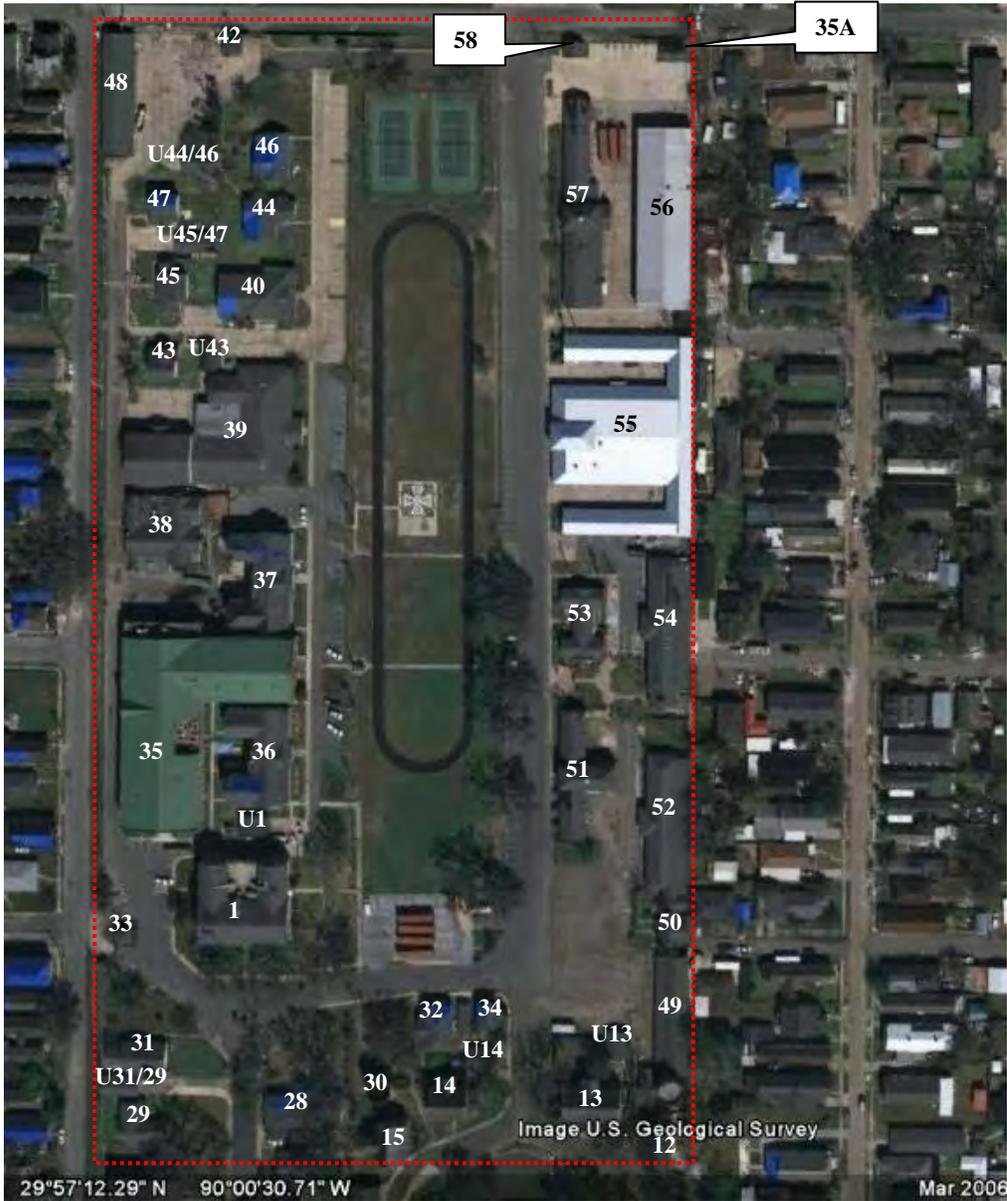
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THE STATE OF LOUISIANA, DIVISION OF ADMINISTRATION, FACILITY
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CONSTRUCTION OF A NEW HEADQUARTERS BUILDING
JACKSON BARRACKS, NEW ORLEANS, LA**

CONCURRING PARTY:

GOVERNOR'S OFFICE OF INDIAN AFFAIRS

_____ Date: _____

ATTACHMENT 1. Aerial photograph showing the Standing Structures Area of Potential Effects (APE) (outlined in red) within Jackson Barracks.



ATTACHMENT 2. Shows the boundaries of the Jackson Barracks National Register Historic District and Areas A-1 and A-2.



ATTACHMENT 3. Archaeological APE showing the Demo/Rebuild APE and the Demolish to Grade APE.



ATTACHMENT 4: Aerial photograph showing the Archaeological Area of Potential Effects (APE) within Area A-2 of Jackson Barracks and the proposed site of the Post Command Headquarters Building; Locus 1; the Demo/Rebuild Area; the Demolition leave Slab for Parking Area; the Demolition to Grad Area; the Demolition Left as Memorial Greenspace Area; the Proposed Utility line; the Demolish Rebuild Perimeter Wall Area; and the Asphalt overlay on Existing Asphalt and Gravel Road/Parking Area. .



Attachment 5: Preliminary Scope of Work for Photographic Recordation required by Stipulation I – This list will be finalized by FP&C/LAMD, FEMA, and SHPO following FP&C’s selection of the photographer.

Building 50-A

1. South façade
2. West façade
3. North façade
4. East façade/Perimeter Wall
5. Overall (Perspective/45°) of Northeast corner
6. Overall (Perspective/45°) of Northwest corner
7. Close-up of West porch
8. Interior
9. Interior
10. Interior showing roof rafters
11. Detail of Perimeter wall as it attaches to the south façade of Building 50A

Building 51

12. South façade
13. West façade
14. North façade
15. East façade
16. Detail of West Entrance
17. Detail of Cupola
18. Overall (Perspective/45°) of Northwest corner, view from South facing Northeast
19. Overall (Perspective/45°) of Northeast corner, view from East facing West
20. Interior
21. Interior
22. Interior

Building 53

23. South façade
24. West façade
25. North façade
26. East facade
27. Overall (Perspective/45°) of Northwest corner, view from South facing North
28. Overall (Perspective/45°) of Northeast corner, view from East facing West
29. Detail of doorway on east façade
30. Detail of window from exterior showing shutters
31. Detail of Perimeter wall as it attaches to the north façade of Building 53
32. Interior
33. Interior

Building 58

34. South façade
35. West façade
36. North façade
37. East façade
38. Overall (Perspective/45°) of Northwest corner, view from South facing North
39. Overall (Perspective/45°) of Northeast corner, view from East facing West
40. Detail of front doors/frames
41. Detail of window from exterior
42. Interior
43. Interior

Historic District Context Photos – these views must include photographs of the Area of Potential Effects

44. View from parade ground taken from the North
45. View from parade ground taken from the South
46. View across parade ground
47. View across parade ground
48. View from north end of APE

ATTACHMENT 6. The comprehensive demolition document required by Stipulation III.A will include measures to protect the five existing live oak trees shown below that are located within the APE in the parade field due west of Locus. Immediately east of the trees is parking spaces that will serve as a buffer preventing any heavy equipment getting anywhere near the trees or the roots under the pavement. Located across from buildings 55 and 56 on the parade field there are some more small oak trees that will not be affected by the Undertaking. The remaining trees and shrubs in the APE are not historic. The crepe myrtle trees in front of Bldg 57 and some shrubs in front of Bldgs. 53 and 51 will all be removed during demolition activities and replaced where feasible and appropriate upon completion of demolition, reconstruction, and repaving operations in the area.



Ca. 2006 aerial photograph depicting Phase II loci in Area A of Jackson Barracks (16OR212).