

**MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER,
AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE
KINGSLEY HOUSE ARCHAEOLOGICAL SITE (16OR221),
TEMPORARY HOUSING PROJECT OR-154, NEW ORLEANS, ORLEANS PARISH
LOUISIANA**

WHEREAS, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security proposed to administer federal funds pursuant to Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, (Stafford Act) as a result of Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA) respectively in August and September 2005 (Disasters) in the City of New Orleans for the construction of temporary housing at the Kingsley House, designated Temporary Housing Project OR-154 (Undertaking); and

WHEREAS, FEMA, the Louisiana Office of Homeland Security and Emergency Preparedness (LOHSEP), the Louisiana State Historic Preservation Officer (SHPO), and the Advisory Council on Historic Preservation (ACHP) executed a Programmatic Agreement (2004 PA) on December 3, 2004 to satisfy FEMA's responsibilities pursuant 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act of 1966, (16 U.S.C. 470f) (NHPA) as amended, for all FEMA funded undertakings as a result of such Disasters; and

WHEREAS, FEMA, in consultation with the SHPO and pursuant to the 2004 PA have established that the Undertaking's Area of Potential Effect (APE) consists of a 4.5-acre tract of land located at 1600 Constance Street, New Orleans, Louisiana; this area encompasses all of New Orleans City Square 111, bounded by Orange Street to the north, Annunciation Street to the east, Richard Street to the south, and Constance Street to the west, as well as a contiguous portion of City Square 146, the block bounded by Orange Street to the north, Constance Street to the east, Richard Street to the south, and Magazine Street to the west (Appendix A) and is located in the southeastern quadrant of the Lower Garden District, a National Register Historic District; and

WHEREAS, FEMA in consultation with the SHPO, determined that the Undertaking possessed a high potential for affecting undocumented National Register of Historic Places (NRHP) eligible historic properties in the APE, and accordingly, the SHPO concurred with FEMA's recommendation to locate the utilities primarily above-ground and to monitor the utility interconnects during mechanical excavations (letter dated January 18, 2006 Appendix B); and

WHEREAS, on March 10, 2006, the Undertaking was converted from an Expedited Group Site with above-ground utilities to a Group Site with subsurface utilities (FEMA Memorandum to File dated March 10, 2006, Appendix C), and based on subsequent review of the modified Undertaking, FEMA determined that the revised scope fell within the parameters of the original National Environmental Policy Act (NEPA) Categorical Exclusion dated January 28, 2006, (Appendix D) but did not consult with the SHPO regarding the change in scope pursuant to Section 106 of NHPA; and

WHEREAS, on March 28, 2006, mechanical excavations within a portion of the APE, City Square 111, exposed and truncated significant historic properties, including multiple structural foundations and associated features; initial observations of these properties indicated that the entire City Square (111), designated as archaeological site 16OR221 (the Kingsley House Site or Site), was eligible for the NRHP; and

WHEREAS, FEMA, in consultation with the SHPO and pursuant to the 2004 PA, has applied the criteria of adverse effect and has determined that the modified Undertaking has adversely affected a NRHP eligible historic property, and that continued project activities would result in the physical destruction of or damage to all or part of identified and unidentified archaeological resources in the APE; and

WHEREAS, FEMA, in consultation with SHPO, has determined that Site development shall cease and an alternate location shall be selected as a temporary housing site; and

WHEREAS, FEMA, in consultation with the SHPO, has determined that mitigation measures to treat the identified adverse effect should be focused exclusively on the portion of City Square 111 which was adversely affected by the modified Undertaking, rather than on the full APE (Appendix E); and

WHEREAS, on April 4, 2006 the General Services Administration (GSA) revoked the lease, making FEMA's access to the site problematic; and

WHEREAS, on May 25, 2006, two features were looted at the Site, including one previously disturbed feature and one intact ca. 1870 privy, and accordingly, FEMA ensured that emergency documentation of the looted features was conducted and that appropriate procedures were undertaken to protect the site from additional vandalism; and

WHEREAS, FEMA has ensured that a consultant meeting *The Secretary of the Interior's (SOI) Professional Qualifications Standards* for Archeology (48 FR 44738-39) completed the necessary Damage Assessment in the APE including recovery of a sample of artifacts from the back dirt and documentation of features in three-dimensional space using scaled drawings and standardized forms, transit mapping, and photography; and

WHEREAS, to ensure that it has gathered sufficient information regarding the Site's content, location, and significance to make informed decisions, FEMA has prepared the preliminary archaeological report "Archaeological Documentation of the Federal Emergency Management

Agency (FEMA) Temporary Housing Project at the Kingsley House Site, New Orleans, Orleans Parish, Louisiana, Preliminary Report, June 2006"; and

WHEREAS, FEMA notified the ACHP on May 17, 2006, regarding the ongoing consultation efforts, and invited the ACHP to participate in consultation on resolving the undertaking's adverse effect, but the ACHP had elected not to participate in the consultation for the undertaking (see letters, Appendix F); and

WHEREAS, FEMA contacted the ACHP again on May 1, 2007, with updates, and invited the ACHP to participate in consultation on this MOA; and the ACHP has elected to participate in consultation and become a signatory to this MOA (see letters, Appendix G and H); and

WHEREAS, the Alabama-Coushatta Tribe of Texas (ACTT), the Caddo Nation (CN), the Chitimacha Tribe of Louisiana (CTL), the Coushatta Tribe of Louisiana (CATL), the Jena Band of Choctaw Indians (JBCI), the Mississippi Band of Choctaw Indians (MBCI), the Quapaw Tribe of Oklahoma (QTO), the Seminole Tribe of Florida (STF), and the Tunica-Biloxi Tribe of Louisiana (TBTL), are all federally recognized sovereign Indian Nations, which have a government-to-government relationship with the United States and have an interest in the area surrounding and including the entirety of Orleans Parish, Louisiana, and based on the recovery of two unrefined aboriginal earthenware pottery sherds, which are possibly prehistoric, they have been invited to participate in the consultation for this MOA; and

WHEREAS, the ACTT, CN, CTL, CATL, JBCI, MBCI, QTP, STF, and TBTL were invited as concurring parties to participate in consultation on this MOA; and have declined to participate in the consultation for this MOA; and

WHEREAS, FEMA has invited the Kingsley House to consult regarding the resolution of adverse affects to property leased from it and Kingsley House has participated in the consultation for this MOA, but has declined to sign as a concurring party; and

WHEREAS, FEMA, SHPO, and the ACHP recognize that the agreed upon treatment measures in this document represent mitigation only for those portions of City Square 111 impacted by FEMA's modified Undertaking; and

NOW THEREFORE, FEMA, the SHPO, and the ACHP agree that the following terms and conditions shall be implemented in a timely manner and with adequate resources to satisfy FEMA's responsibilities in accordance with Section 106 of the NHPA.

STIPULATIONS

In coordination with the SHPO and ACHP, FEMA shall require that the following treatment measures be implemented:

I. ADMINISTRATIVE CONDITIONS

A. Personnel Qualifications

FEMA shall ensure that all further archaeological analysis and archival research carried out pursuant to this MOA will be by or under the direct supervision of a person or persons meeting at a minimum *The Secretary of the Interior's Professional Qualification Standards* for Archeologists (48 FR 44738-39).

B. Report Standards

FEMA shall ensure that all draft and final archaeological reports and public information materials resulting from actions pursuant to this MOA will meet professional standards set forth by *The Secretary of the Interior's Standards for Archeological Documentation* (48 FR 44734-37) and will be prepared in accordance with the SHPO's *Section 106 Investigations and Report Standards*. All reports will be completed and provided to the SHPO within 90 days of the completion of the archaeological investigations, for review and comment. The SHPO will be afforded thirty (30) days to review and comment on all submissions. Upon comment from FEMA and SHPO, a final report will be produced within one (1) year of the date of execution of this MOA.

C. Curation Standards

FEMA shall ensure that all archaeological materials collected and all associated documentation are curated in accordance with regulations for *Curation of Federally-Owned and Administered Archeological Collections*, (36 CFR Part 79) and the curation guidelines developed by the SHPO. FEMA will ensure that Kingsley House is afforded the opportunity to select any or all artifacts to be displayed at their facility. Any remaining artifacts shall be curated at the SHPO. However, regardless of the final disposition of the artifacts, associated records shall be curated with the SHPO in keeping with the policies of the SHPO. FEMA will be responsible for the one-time curation fee of two hundred dollars (\$200) per cubic foot at the Louisiana Division of Archaeology.

D. Inadvertent Discoveries

1. Archaeological Remains

If, in the course of backfilling, dense amounts of intact archaeological deposits, broad artifact scatters, and/or structural feature remains are encountered, FEMA shall ensure through their archaeological monitor that the contractor shall immediately stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. FEMA shall also ensure that the archaeological findings are secured and access to the sensitive area is restricted. In such cases, FEMA shall notify the SHPO and Kingsley House within 24 hours of the discovery and shall ensure that its contractors shall not proceed with work until FEMA has completed consultation with the SHPO and other consulting parties, as necessary.

2. Human Remains

- a. If human remains are uncovered during the implementation of the terms of this MOA, FEMA shall ensure that all activity in the vicinity of the discovery will cease and FEMA shall immediately notify the City, the New Orleans Police Department, and the Orleans Parish Coroner's Office of the discovery. Within twenty-four (24) hours of the discovery, FEMA will also notify and coordinate with the SHPO, the ACTT, CATL, CN, CTL, JBCI, MBCI, QTO, STF, and TBTL. The local law enforcement officials shall assess the nature and age of the human skeletal remains. If the coroner determines that the human skeletal remains are older than 50 years of age, the Louisiana Division of Archaeology has jurisdiction over the remains. FEMA shall ensure compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 *et seq.*) and other applicable laws. In addition, FEMA shall adhere to guidelines set forth by the ACHP in its "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects (2007)."
- b. If it can be determined that the human remains are American Indian, FEMA shall consult with the ACTT, CN, CTL, CATL, JBCI, MBCI, QTP, STF, and TBTL and representatives of the State of Louisiana as necessary.

II. TREATMENT MEASURES

FEMA, in consultation with the SHPO and Kingsley House, shall ensure that the following treatment measures are implemented.

A. Archaeological Mitigation

In order to evaluate the integrity of the Site, archaeological mitigation will concentrate on the clarification of the nature and research potential of the anticipated stratified deposits; and sampling of selected features identified during the 2006 feature documentation and recordation efforts at the Site. Accordingly, archaeological excavations will incorporate existing information from the 2006 field studies. Complete and accurate records will be maintained of all field observations and operations. Locational and stratigraphic information will be referenced to archaeological consultant's site datum. Additional information on site depth and stratigraphy will be revealed during excavations within the area of adverse effects. The archaeological mitigation effort will be conducted by the Earth Search, Inc. under FEMA's supervision. The task of the archaeological mitigation will involve the excavation of a maximum of 16 square meters within the area of adverse effects within the APE. Excavations will consist of a series of test units that vary in size, as determined by the consultant's lead archaeologist in consultation with FEMA and the SHPO. Provisionally, test unit locations have been allocated as follows:

1. To sample the high density of artifacts, two square meters of feature fill will be excavated from each of three identified brick-lined privy shafts (designated Features 22, 34, and 47)(refer to Appendix E).
2. In an effort to determine degree of stratification and function, two square meters will be excavated within proximity of two midden deposits and associated brick footings (designated Features 20 and 29)(Appendix E).
3. A series of stratified midden deposits (designated Feature 26), including a context likely to date to the early-nineteenth century, was identified at the southeastern corner of the Site. Additionally, two prehistoric pottery sherds were recovered from this area. In order to determine the nature and configuration of these discrete components, six test units will be excavated within the vicinity of Feature 26.

If, during the course of the investigations, excavations reveal that feature integrity has been compromised and/or data recovery results in redundant information, FEMA will direct the consultant's lead archaeologist to select alternative feature locations, if necessary, within the area adversely affected in order to maximize use of the allotted 16 square meters.

B. Backfilling

Following excavations, FEMA shall ensure that the Site will be backfilled and returned to its pre-lease condition. To avoid additional adverse affects to the integrity of the Site, FEMA shall make sure a SOI qualified archaeologist will be present to ensure that the heavy equipment does not further damage unmitigated or undiscovered portions of the Site.

C. Artifact Analysis

Establishment of the presence of adequate data and determination of integrity of the Site will require more extensive analysis than was performed at the Damage Assessment level. The consultant hired to conduct the archaeological mitigation will also perform the artifact analysis. The precise nature of the analysis required will be determined on the basis of the character of the Site and its research potential. However, certain minimal types of analysis can be defined:

1. The tabulation of all artifacts by type and by provenience unit, stratum, and feature, if feasible.

2. The categorization of artifacts in a manner that allows for comparisons with other sites and collections. By example, for ceramics, analysis will include identification of ware types, forms, functions, manufacturing technologies, and dates of production. For floral and faunal specimens, an attempt will be made to classify by taxon (genus or species) and structural part of form (i.e., long bone, scapula, scales, nut, etc.)
3. When appropriate, techniques such as cross-mending and distributional plotting will be used to assess Site structure.
4. If applicable, intra-site patterning and the potential to identify activity areas will be examined.
5. Should test unit excavations result in the recovery of additional diagnostic prehistoric ceramics, FEMA will notify the ACTT, CATL, CN, CTL, JBCI, MBCI, QTO, STF, and TBTL of their findings following the analysis. These objects may possess historical, traditional, or cultural importance central to these Native American Tribes.

D. Historic Context Development

FEMA shall ensure that both Prehistoric and Historic Contexts are prepared for the Site, which presents prehistoric and historic-era overviews. Given the almost exclusive historic component at the Site, the historic context will be expanded in an attempt to define the historic character of the Site, including the history of the property ownership, occupation, land-use, and development. The minimum level of documentary research will include the following types of information:

1. Primary documents consulted will include, as available, deeds, tax assessments, insurance surveys, census data, city directories, maps, atlases, city plots, building permits, lithographs, photographs, and other public and private records.
2. A chain of title will be produced for each parcel/area of the Site, which will receive mitigation.
3. Secondary literature that pertains to the historical or cultural context of the Site will be consulted in order to address more fully the issues of Site significance and NRHP eligibility.

E. Report Production

FEMA shall ensure that a research report is prepared that incorporates the Historic Contexts, Site mapping, and Artifact Analysis. Using information from the artifacts recovered and features identified at the Site, an attempt will be made to answer research questions from Louisiana's Comprehensive Archaeology Plan

and those of current interest to historians and archaeologists, as well as defining future research avenues.

F. Education and Enhancement Activities

FEMA will develop and maintain a program of historic preservation awareness to educate its contractors about the fragility of historic properties and the importance of preserving them. This program will be implemented through internal training sessions prior to the onset of temporary housing projects. Enhancement of historic preservation awareness will include a program of resource interpretation documented through educational brochures or pamphlets. The purpose of these training sessions will be to avoid the potential for inadvertently adversely affecting historic properties by providing an overview of the types of sites, features, and artifacts that might be encountered. Training sessions will also include a discussion of the regulatory framework that governs FEMA's treatment of historic properties. In addition, a listing of resource information and points of contact will be provided should historic properties and/or artifacts be encountered.

III. DURATION, AMENDMENTS, AND TERMINATION

- A. This MOA shall become effective upon signature of all the signatory parties. It shall remain in effect until successful completion of the Submittals described in Stipulation II.E.
- B. If any signatory party to this MOA believes that its terms cannot be carried out, or that amendments to its terms are required, that party will immediately consult with the other parties to develop amendments. The process of amending this MOA will be the same as that exercised in the 2004 PA.
- C. FEMA, SHPO, or ACHP may terminate the MOA providing 30 days written notice to the other parties, provided the signatory parties consult during the period prior to termination. Termination of the MOA will require compliance with 36 CFR Part 800. This MOA may be terminated without further consultation by the execution of a subsequent MOA that explicitly terminates or supersedes its terms, or FEMA and the SHPO may conclude the Section 106 process if consultation is terminated in accordance with 36 CFR 800.7(a)(2).

IV. DISPUTE RESOLUTION

- A. Should any consulting party object within the time frames provided to any plans, specifications, or actions provided for review pursuant to this MOA, FEMA will consult further with the objecting party to seek resolution.

- B.** If FEMA determines that the dispute cannot be resolved, FEMA shall forward all documentation relevant to the dispute to the ACHP, including FEMA's proposed resolution of the dispute. Within fifteen (15) days after receipt of all pertinent documentation, the ACHP will:
1. Advise FEMA that it concurs with FEMA's resolution of the dispute;
 2. Provide FEMA with recommendations, which FEMA will take into account in reaching a final decision regarding the dispute; or
 3. Notify FEMA that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any comment provided will 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 fifteen (15) days, FEMA may assume that the ACHP does not object to its recommended approach and will proceed accordingly.
- D.** Any recommendation or comment provided by the ACHP will be understood to pertain only to the subject of the dispute, and FEMA's responsibility to fulfill all actions that are not subject to the dispute will remain unchanged.

V. IMPLEMENTATION OF THIS AGREEMENT

- A.** FEMA will provide the SHPO and the ACHP with a signed original of this MOA. The MOA will take effect immediately upon signature by all signatory parties.
- B.** Execution of this MOA by all signatory parties and implementation of its terms by FEMA is evidence that FEMA has taken into account the effects of the Undertaking on historic properties and has fulfilled its responsibilities under Section 106 of the NHPA and afforded the ACHP an opportunity to comment on the Undertaking.

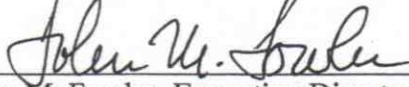
SIGNATORIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: 
James Stark, Director, Transitional Recovery Office

Date: 7/28/07

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: 
John M. Fowler, Executive Director

Date: 8/1/07

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

By: 
Pam Breaux, State Historic Preservation Officer

Date: 7-30-07

APPENDIX A

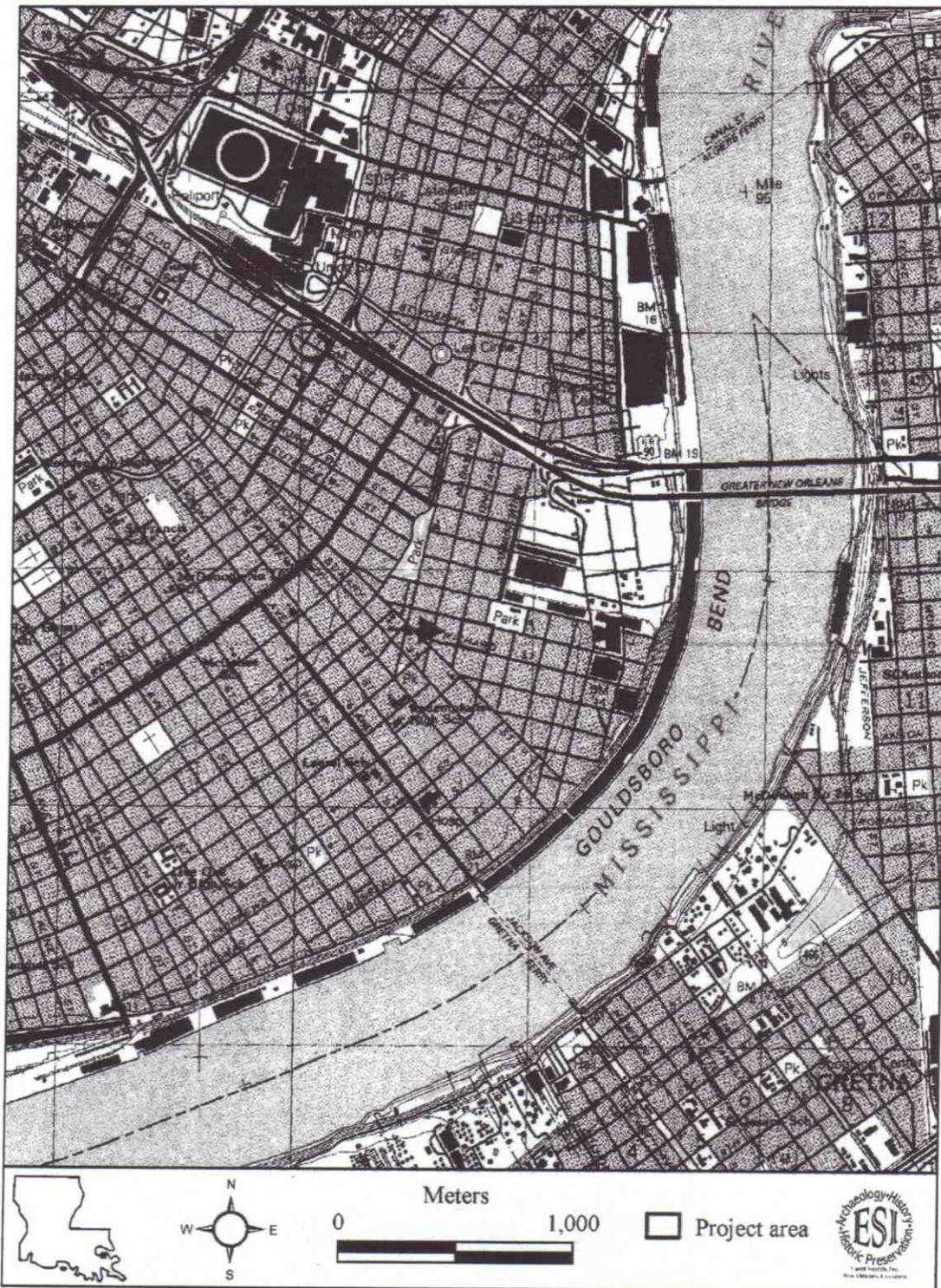


Figure 1. Excerpt from the USGS *New Orleans East, LA* 1:24,000 quadrangle showing the Kingsley House temporary housing site project area.

APPENDIX B

APPENDIX C



FEMA

March 10, 2006

MEMORANDUM TO FILE: FEMA-1603-DR-LA

FROM: Kimberly R. Rogers
Environmental Specialist

SUBJECT: OR-154/ Kingsley House
Conversion from EG site to Group site
CATEX dated: 1/28/06

The description of the project has been revised to include below ground utilities rather than above ground utilities as originally planned.

After review of the amended project, we find that this revised scope of work still falls within the parameters of the original CATEX dated 1/28/06.

APPENDIX D

U.S. Department of Homeland Security
FEMA Region 6
800 N. Loop 288
Denton, TX 76209-3698

file



FEMA

MEMORANDUM TO: Stephen DeBlasio, FEMA Housing Officer - LA

CC: Juan Gil, FEMA IA
Marcia E. Richard, FEMA COTR representative
Pamela Mack, ERO
Geoffrey Compeau, SHAW
Aaron Claggett, GSA

THROUGH: Donald R. Fairley, FEMA ELO

FROM: Barbara Gimlin, FEMA DELO Temp Housing

DATE: January 26, 2006

PROJECT NAME/NUMBER: Kingsley House Property/ OR-154

PROJECT ADDRESS: 1600 Constance St., New Orleans, LA 70130

PROJECT DESCRIPTION: The proposed project consists of the placement of 90 travel trailers on 4.2 acres in New Orleans, LA.

ENV SPECIALIST: Tina Randazzo, FEMA

The purpose of this letter is to notify you that the above subject project has been cleared under the National Environmental Policy Act (NEPA). The Code of Federal Regulations, 44 CFR Part 10, requires that the Federal Emergency Management Agency (FEMA) take into account environmental considerations when authorizing or approving major actions. This project has been determined to be categorically excluded in accordance with 44 CFR Part 10.8(d)(2) (XVII), (XIX), and (XVI) under the Programmatic Categorical Exclusion (PCE) "Group Temporary Emergency Housing," *FEMA-1603/1607-DR-LA-Individual and Households Program* from the need to prepare either an environmental impact statement or environmental assessment. The PCE is attached. Particular attention should be given to the PCE conditions section (IV) and Record of Environmental Consideration Conditions section (V) before and during project implementation, failure to comply with these conditions may jeopardize delivery of federal assistance including funding.

Please note that this transmittal is a notification that this project has been cleared under NEPA only. This is not a notice of final project approval or eligibility, which is a FEMA Individual Assistance program responsibility.

Attachments:

PCE-Group Temporary Emergency Housing FEMA-1603/1607-DR-LA-Individual and Households Program
REC Dated: January 26, 2006

Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10. (REVISED FOR FEMA TEMPORARY HOUSING – LOUISIANA)

Project Name/Number: Kingsley House Property/OR-154

Project Location: 1600 Constance Street, New Orleans LA 70130, Orleans Parish

Project Description: The proposed project area consists of the installation of 90 Travel Trailers on 4.5 acres located on two city blocks contained by Orange, Annunciation, Richard, and Magazine Streets, and is bisected by Constance Street. The project area consists of a flat grassy field with several trees in the northeast corner. Residential and commercial structures surround the lot. Activities on the site will include the preparation and installation associated utilities. Utilities hookups are to be installed above ground with connections available from existing lines along adjacent streets.

Documentation Requirements

All applicable laws and executive orders were reviewed. Additional information for compliance is attached to this REC and/or included in project files, as applicable. (Long version)

National Environmental Policy Act (NEPA) Determination

Programmatic Categorical Exclusion

Comments: Project is consistent with Programmatic Categorical Exclusion for Group Temporary Emergency Housing, Signed October 21, 2005.

Reviewer and Approvals

Project is Non-Compliant (See attached documentation justifying selection).

FEMA Environmental Reviewer:

Name: Tina Randazzo, Environmental Scientist, URS

Signature Tina Randazzo Date 1-26-06

FEMA Regional Environmental Officer or Delegated Approving Official:

Name: Barbara Gimlin, Deputy Environmental Liaison Officer

Signature Barbara Gimlin Date 1-28-06

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

Not type of activity with potential to affect historic properties.

Activity meets Programmatic Agreement

Are project conditions required? Yes (see section V) No

Programmatic Agreement not applicable, must conduct standard Section 106 Review.

HISTORIC BUILDINGS AND STRUCTURES

No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**

Building or structure listed or 45/50 years or older in project area and activity not exempt from review.

Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)

Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments

No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file).

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)

Resolution of Adverse Effect completed. (MOA on file)

Are project conditions required Yes (see section V) No

(Review Concluded)

ARCHAEOLOGICAL RESOURCES

Project affects only previously disturbed ground. **(Review Concluded)**

Project affects undisturbed ground.

Project area has no potential for presence of archaeological resources

Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**

Project area has potential for presence of archaeological resources

Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)

Are project conditions required Yes (see section V) No **(Review**

Concluded)

Determination of historic properties affected

NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file).

Are project conditions required Yes (see section V) No

(Review Concluded)

NR eligible resources present in project area. (FEMA finding/SHPO/THPO concurrence on file)

No Adverse Effect Determination. (FEMA finding/SHPO/THPO concurrence on file)

Are project conditions required? Yes (see section V) No
(Review Concluded)

Adverse Effect Determination. (FEMA finding/ SHPO/THPO concurrence on file)

Resolution of Adverse Effect completed. (MOA on file)

Are project conditions required? Yes (see section V)

No

(Review Concluded)

Comments: The NRHP lists the project APE as being located within the Lower Garden District Historic District in Orleans Parish. The Louisiana Division of Archaeology database reports numerous previously recorded archaeological sites located within 1.0 miles of the project APE associated with historic districts in New Orleans. The project will have no effect on these resources. At the time of the site visit, field personnel noted no apparent evidence of cultural, historical, or archaeological resources in the project APE. Sanborn Insurance maps from 1895 – 1896, 1908 – 1909, and 1937 – 1951 volumes show numerous structures on the now empty lot. Construction methods in New Orleans tend to use pier foundations that leave little in the way of intact, subsurface features after demolition of such buildings. However, the data do not exclude the possibility of more permanent building remains and associated features such as cisterns or privy pits in the project APE. Because of the temporary nature of the proposed project and because the project will involve above ground utilities on a previously disturbed lot, FEMA has determined that the current project would have no adverse effect on historic properties or the built environment of the Lower Garden District Historical District. *Recorded by Vince Dongarra, NHPA coordinator, Secretary of the Interior Standards for Archaeology and Historic Preservation qualified investigator.*

Correspondence/Consultation/References: FEMA initiated consultation with the Louisiana State Historic Preservation Officer (SHPO) in a letter dated January 10, 2006. The Louisiana SHPO concurred with FEMA's determination in a letter dated January 18, 2006.

B. Endangered Species Act

No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**

Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.

No effect to species or designated critical habitat. (See comments for justification)

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

Likely to adversely affect species or designated critical habitat

Formal consultation concluded. (Biological Assessment and Biological Opinion on file)

Are project conditions required? YES (see section V) NO **(Review**

Concluded)

Comments: Project is located in a previously disturbed area within the City of New Orleans, LA. Listed species habitat does not occur on this site.

Correspondence/Consultation/References: Field observation conducted on December 29, 2005 and the USFWS emergency consultation provisions determined in USFWS letter dated September 27, 2005.

C. Coastal Barrier Resources Act

Project is not on or connected to CBRA Unit or Otherwise Protected Area (**Review Concluded**).

Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)

Proposed action an exception under Section 3505.a.6? (**Review Concluded**)

Proposed action not excepted under Section 3505.a.6.

Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: Orleans Parish does not contain land within the designated Coastal Barrier Resources System (CBRS).

Correspondence/Consultation/References: Field observations on December 29, 2005, USFWS consultation letter dated September 15, 2005, and the Louisiana Coastal Barrier Resource System Maps referenced January 21, 2006.

D. Clean Water Act

Project would not affect any waters of the U.S. (**Review Concluded**)

Project would affect waters, including wetlands, of the U.S.

Project exempted as in kind replacement or other exemption. (**Review Concluded**)

Project requires Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.

Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: Jurisdictional Waters of the U.S. do not occur within the project area.

Correspondence/Consultation/References: Site visit conducted on December 29, 2005, and the USGS map, New Orleans East Quad.

E. Coastal Zone Management Act

Project is not located in a coastal zone area and does not affect a coastal zone area (**Review concluded**)

Project is located in a coastal zone area and/or affects the coastal zone

State administering agency does not require consistency review. (**Review Concluded**).

State administering agency requires consistency review.

Are project conditions required? YES (see section V) NO (**Review Concluded**)

Comments: Proposed site occurs on previously disturbed land does not require LDNR, Coastal Management Division, Joint Permit.

Correspondence/Consultation/References: Guidance issued from LDNR, Coastal Management Division on September 21, 2005.

F. Fish and Wildlife Coordination Act

Project does not affect, control, or modify a waterway/body of water. **(Review Concluded)**

Project affects, controls or modifies a waterway/body of water.

Coordination with USFWS conducted

No Recommendations offered by USFWS. **(Review Concluded)**

Recommendations provided by USFWS.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The proposed project will not adversely impact wildlife species or critical habitat. No streams or water bodies are located within or adjacent to the project area.

Correspondence/Consultation/References: Site visit conducted on December 29, 2005, and the USGS map, New Orleans East Quad.

G. Clean Air Act

Project will not result in permanent air emissions. **(Review Concluded)**

Project is located in an attainment area. **(Review Concluded)**

Project is located in a non-attainment area.

Coordination required with applicable state administering agency.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: Project is within an attainment area. The proposed project would include activities that would produce a minor, temporary, and localized impact on air quality from vehicle emissions and dust particles. Project will not result in permanent air emissions.

Correspondence/Consultation/References: EPA Region 6 Designation

H. Farmland Protection Policy Act

Project does not affect designated prime or unique farmland. **(Review Concluded)**

Project causes unnecessary or irreversible conversion of designated prime or unique farmland.

Coordination with Natural Resource Conservation Commission required.

Farmland Conversion Impact Rating, Form AD-1006, completed.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: FPPA is precluded in any developed urbanized area.

Correspondence/Consultation/References: Louisiana State Soil Conservation consultation on September 19, 2005, states From AD-1006 for FPPA would not be required for emergency temporary housing sites.

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. **(Review Concluded)**
 Project located within a flyway zone.
 Project does not have potential to take migratory birds. **(Review Concluded)**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- Project has potential to take migratory birds.
 Contact made with USFWS
Are project conditions required? YES (see section V) NO **(Review**
Concluded)

Comments: The property is located within the Mississippi River flyway; however, the site is an existing disturbed area with little value to migratory birds and would not be included in the USFWS migratory bird management program.

Correspondence/Consultation/References: USFWS guidance letter dated September 27, 2005.

J. Magnuson-Stevens Fishery Conservation and Management Act

- Project not located in or near Essential Fish Habitat. **(Review Concluded)**
 Project located in or near Essential Fish Habitat.
 Project does not adversely affect Essential Fish Habitat. **(Review Concluded)**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)
 NOAA Fisheries provided no recommendation(s) **(Review Concluded).**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- NOAA Fisheries provided recommendation(s)
 Written reply to NOAA Fisheries recommendations completed.
Are project conditions required? YES (see section V) NO
(Review Concluded)

Comments:

Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - **(Review Concluded)**
 Project is along or affects WSR
 Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) **(Review Concluded)**

Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: No Wild and Scenic Rivers affected.

Correspondence/Consultation/References: Wild and Scenic River list for Louisiana, referenced January 21, 2006.

L. Other Relevant Laws and Environmental Regulations

Not applicable.

II. Compliance Review for Executive Orders

A. E.O. 11988 - Floodplains

No Effect on Floodplains/Flood levels and project outside Floodplain - **(Review Concluded)**

Located in Floodplain or Effects on Floodplains/Flood levels

No adverse effect on floodplain and not adversely affected by the floodplain.

(Review Concluded).

Are project conditions required? Yes (see section V) No **(Review Concluded)**

Beneficial Effect on Floodplain Occupancy/Values **(Review Concluded).**

Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment

8 Step Process Complete - documentation on file

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The project is mostly in flood Zone B, which is outside of the 100-year floodplain. A small portion of the southwestern most corner; however, is in flood Zone A-1, which is in the 100-year floodplain. Per the 8 Step Planning Process there are limited practicable alternatives to siting temporary housing sites in the floodplain in this parish. The ability to locate sites outside the floodplain is limited because much of the region is floodplain and there is a tremendous demand for temporary housing assistance (travel trailers) close to the impact area. Final notice was published with a 3 day comment period starting on October 17-19, 2005 in the Times-Picayune. Compliance with EO 11988 does not preclude compliance with the National Flood Insurance Program's minimum requirements.

Correspondence/Consultation/References: FEMA Flood Insurance Rate Map, Panel 2252030160E, Revised March 1, 1984.

B. E.O. 11990 - Wetlands

No Effects on Wetland(s) and project located outside Wetland(s) - **(Review Concluded)**

Located in Wetland or effects Wetland(s)

Beneficial Effect on Wetland - **(Review Concluded)**

- Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
- Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: No wetlands were observed during site visit or determined to be present by checking the USFWS National Wetlands Inventory website.
Correspondence/Consultation/References: USFWS NWI map accessed online January 21, 2006. Field observation from December 29, 2005 site visit.

C. E.O. 12898 - Environmental Justice For Low Income and Minority Populations

- No Low income or minority population in, near or affected by the project - **(Review Concluded)**
 - Low income or minority population in or near project area
 - No disproportionately high and adverse impact on low income or minority population- **(Review Concluded)**
 - Disproportionately high or adverse effects on low income or minority population
- Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments: The percent populations of the 70130 zip code are: 49.2% Caucasian, 46.2% African American, and 4.9% Hispanic. The median household income in 1999 was \$26,387 and 33.5 % of families are below poverty level.
 Implementation of the proposed action would result in beneficial impacts to displaced residents by providing temporary emergency housing within the general vicinity of their pre-disaster places of residences. The local community would benefit from the restoration of normal life to the community, including normalized employment patterns and commercial transactions.
Correspondence/Consultation/References: U.S Census Bureau 2000 data accessed on line January 21, 2006.

III. Other Environmental Issues

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Hazardous Materials and Toxic Wastes

Comments: First Search and the Louisiana Department of Environmental Quality (LDEQ) indicated no hazardous waste concerns within the vicinity of the project site. *Review performed by Laurel Rohrer, Hazmat Specialist.*
Correspondence/Consultation/References: Environmental FirstSearch and LDEQ Report, January 4, 2006.

Traffic and Transportation

Traffic from the construction of temporary housing would include daily workers, supply trucks and construction equipment, and therefore minor increases in traffic would be experienced. This traffic increase would be localized and would not exceed limitations of the current transportation network infrastructure. The impact would be short-term and limited to the duration of construction. Traffic volumes would also increase due to the Park residents. These traffic impacts would be limited to the duration of the need for temporary housing at this site.

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA) with the exception of (ii) which should be applied in conjunction with controversy on an environmental issue. If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks;
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical or other protected resources;
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, state or local regulations or standards requiring action or attention;
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;
- (viii) Potential for adverse effects on health or safety; and
- (ix) Potential to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

Comments:

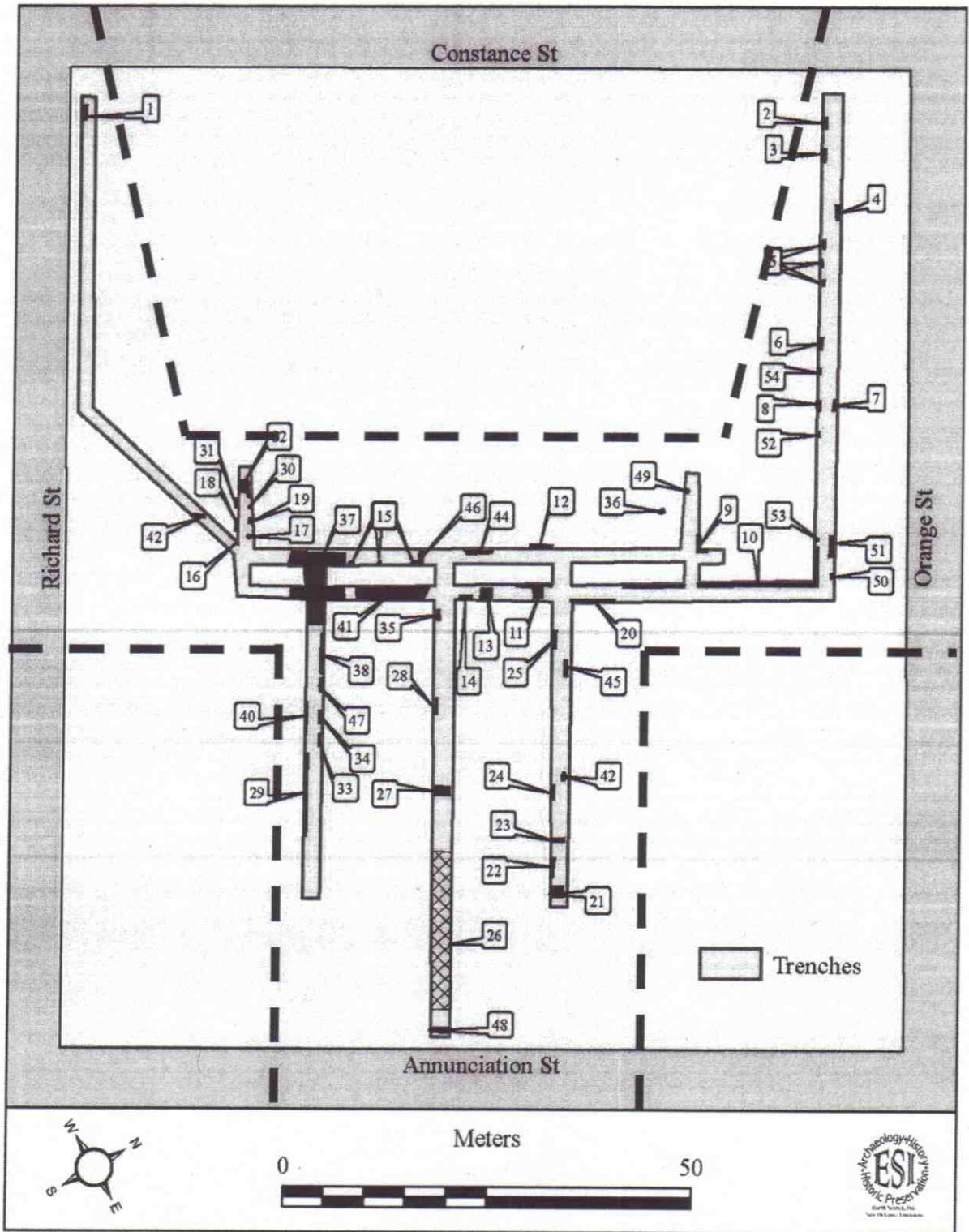
V. Environmental Review Project Conditions

Project Conditions:

This project must comply with all conditions of the attached Programmatic Categorical Exclusion. In addition, the following conditions apply as a condition of FEMA funding:

- This site is located in the floodplain and must accordingly comply with the minimum requirements of the National Flood Insurance Program as outlined in 44 CFR Part 60. Coordination must be done with the parish floodplain administrator to ensure compliance with the NFIP as administered in the local floodplain ordinance, which may be more stringent than the NFIP's minimum requirements, including issuance of appropriate permitting.
- Per 44 CFR 9.11(d)(8), minimization standards, existing flood warning and preparedness plans should be amended in consideration of the proposed action to minimize the effect of floods on human health, safety and welfare. This includes giving special consideration to unique hazard potential such as rapid-rise from a future flash flood. An evacuation plan that includes written evacuation procedures for the temporary housing site occupants must be prepared, posted and made available to them.
- There is a reasonable potential for archaeological resources in the project APE. FEMA recommends that an archaeological monitor, meeting Secretary of the Interior Standards in Archaeology, be present for the excavation of utility tie-in trenches. The monitor must be present during subsurface excavations. This individual will have authority to stop construction in affected area, until the discovery is evaluated. For more information, please refer to Section A: National Historic Preservation Act.

APPENDIX E



Plan view of Kingsley House site.

Area between dashed black line and trenches are to be archaeologically mitigated and areas outside dashed black line will not be mitigated.

APPENDIX F



Preserving America's Heritage

June 12, 2006

Mr. Donald R. Fairley, REM
Federal Emergency Management Agency, Region VI
FEMA-1603/1607-DK-LA
415 North 15th Street
Baton Rouge, Louisiana 70802

Ref: FEMA Individual Assistance Program Construction of
Temporary Housing Site, Lower Garden Historic District
at Kingsley House Archeological Site
New Orleans, Louisiana

Dear Mr. Fairley:

The ACHP has received your notification and supporting documentation regarding the adverse effects of the referenced undertaking on the Kingsley House Archeological Site, which is located in the Lower Garden Historic District in New Orleans, Louisiana. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(4), you will need to file with us the final Memorandum of Agreement (MOA) and related documentation at the conclusion of the consultation process. The filing of this MOA with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effects. Should you have any questions, please contact Jeffrey Durbin, ACHP FEMA Liaison, by telephone at (202) 606-8518 or via email at jdurbin@achp.gov.

Sincerely,

Jeffrey Durbin
Director
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue, NW, Suite 809 • Washington, DC 20004
Tel: 202-606-8503 • Fax: 202-615-8647 • achp@achp.gov • www.achp.gov

APPENDIX G

John L. Nau, III
Chairman

Susan S. Barnes
Vice Chairman

John M. Fowler
Executive Director



Preserving America's Heritage

May 23, 2007

Honorable R. David Paulison
Administrator
Federal Emergency Management Agency
Federal Center Plaza
500 C Street, SW., Room 828
Washington, DC 20472

Ref: *Proposed Construction of Temporary Housing Site
Using FEMA Individual Assistance Program Funds
FEMA-1603-DR-LA
Orleans Parish, New Orleans, Louisiana*

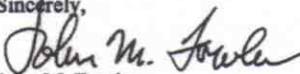
Dear Mr. Paulison:

In response to a notification by FEMA, we wish to inform you that the Advisory Council on Historic Preservation (ACHP) will participate in the consultation to develop a Memorandum of Agreement for the construction of a temporary housing site in the Lower Garden Historic District, in New Orleans, Louisiana, with funding through FEMA's Individual Assistance Program.

Under Section 106 of the National Historic Preservation Act and the ACHP's implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), the federal agency is required to provide the ACHP a reasonable opportunity to comment and to consult with the State Historic Preservation Officer, Indian tribes, and other consulting parties to develop and evaluate alternatives or modifications to its undertakings that could avoid, minimize and/or mitigate potential adverse effects on historic properties. Our decision to participate in this consultation was made based on Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, to Part 800 of our regulations, and our understanding that this proposed undertaking may have the potential to present important questions of policy and procedural problems.

As head of FEMA, we are required by 36 CFR §800.6(a)(1)(iii) to provide you with this notice. We have also notified Howard R. Bush, Environmental Liaison Officer, in FEMA's Louisiana Transitional Recovery Office. At this time, we are requesting no further action from your office. We look forward to working with FEMA and other parties in this consultation.

Sincerely,


John M. Fowler
Executive Director

Enclosure

APPENDIX H



Preserving America's Heritage

May 23, 2007

Mr. Howard R. Bush
Environmental Liaison Officer
Federal Emergency Management Agency
Louisiana Transitional Recovery Office
#1 Seine Court, Suite 109
New Orleans, LA 70114

Ref: *Proposed Construction of Temporary Housing Site
at Kingsley House Archaeological Site
Using FEMA Individual Assistance Program Funds
FEMA-1603-DR-LA
Orleans Parish, New Orleans, Louisiana*

Dear Mr. Bush:

The Advisory Council on Historic Preservation (ACHP) received FEMA's notification and supporting documentation that the referenced undertaking may adversely affect the Kingsley House Archaeological Site, which is located in the Lower Garden Historic District in New Orleans, Louisiana. This historic district is listed in the National Register of Historic Places. In accordance with 36 CFR §800.6(a)(1) and §800.14(b) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800), the ACHP has concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of the regulations apply to this undertaking. The ACHP, therefore, will participate in consultation with FEMA, the Louisiana State Historic Preservation Officer (SHPO), and other consulting parties in order to seek ways to avoid, minimize, or mitigate any adverse effects that the undertaking may have on this historic property.

Based upon our review of the supporting documentation and our participation in teleconferences and meetings regarding the undertaking, the ACHP has concluded that Criterion 2, *Presents Important Questions of Policy and Interpretation*, of Appendix A, will be met. We believe that this criterion is applicable because consultation on the proposed project may influence the coordination of the Section 106 review process for other public assistance projects related to hurricane recovery efforts in Louisiana.

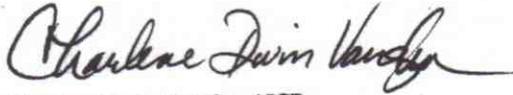
We are providing written notification, copy enclosed, of the ACHP's decision to enter consultation on this project to R. David Paulison, Director of FEMA, as required by 36 CFR §800.6(a)(1)(iii).

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

We look forward to continued consultation with FEMA, the Louisiana SHPO, and other consulting parties regarding the proposed undertaking. If you have any questions or wish to discuss this matter further, please contact Jeffrey Durbin, the ACHP's FEMA Liaison, at (202) 606-8518, or via e-mail at jdurbin@achp.gov.

Sincerely,



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

Enclosure

APPENDIX I

EARTH SEARCH, INC.
TECHNICAL PROPOSAL
PHASE III CULTURAL RESOURCES INVESTIGATION
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
TEMPORARY HOUSING
KINGSLEY HOUSE PROJECT AREA
NEW ORLEANS, LOUISIANA

Introduction

During March and April of 2006, archaeologists from Earth Search, Inc., began recordation and documentation of historic features exposed by trenching associated with the development of a Federal Emergency Management Agency (FEMA) temporary housing site by the Shaw Group. The site is located in the Lower Garden District National Historic District, adjacent to the Kingsley House community center. As originally planned, the site encompassed the entirety of City Square 111, the block bounded by Constance Street to the west, Orange Street to the north, Annunciation Street to the east, and Richard Street to the south, along with a contiguous portion of City Square 146, the block bounded by Constance, Orange, Richard, and Magazine streets. All excavation was limited to City Square 111 prior to the abandonment of the development. The block had been occupied by green space, including some trees at its northeast corner. City Square 111 occupies a total of 2.72 A (1.1 ha).

A total of 55 features (53 of them historic) were documented during the recordation effort. The Kingsley House Site was subsequently designated as State Site # 16OR221. Features included brick footings, chain walls, brick-lined privies, subsurface cisterns and wells, patio surfaces, and wooden posts, along with areas of artifact-rich sheet midden. Many of these features had been partially destroyed by trenching, while others had only been exposed in trench walls. In addition, two aboriginal pottery sherds were recovered from a trench wall in an area with intact stratified midden. This document presents a plan with which to initially maintain and prepare the site. It then presents a strategy to conduct further archaeological investigations for two main purposes: to clarify the nature and research potential of potentially stratified deposits, and to sample fill from artifact-rich features damaged by or exposed in trenches. Appropriate additional historic background research will be conducted in order to provide a better historic context for archaeological remains at the site and, when possible, to link artifactual assemblages to specific lots and/or households. A report of these investigations will be produced after completion of fieldwork.

Task 1, Site Preparation

Site preparation will consist of an eight-step process with the goal of restoring the site to its pre-development conditions. The steps in the process are interrelated and should follow a close timeline once initiated.

The first step in the process shall consist of hiring a professional exterminator to visit the site, evaluate rodent activity, and implement a plan by which any rodent infestation may be eliminated. The exterminator shall walk the entire site, identify potential burrows and problem areas, and bait each of these areas. At least four days will be allowed for this to have an effect on the population. At this point, all bait stations will be checked and rebaited if necessary. An additional three days will be allowed for the rebaited stations to remain active prior to mowing.

Within a week after initial baiting, a professional contractor will be hired to mow the entire site. This will likely require a bush hog-type commercial mower. The contractor will also be responsible for removing debris exposed by this process, including trash along the outside of the fence that bounds the property. An archaeologist will be present during mowing in order to coordinate with the contractor regarding sensitive archaeological features. Mowing and cleaning the site will likely take 3 to 5 days.

After mowing is completed, archaeologists from Earth Search, Inc., will check conditions of the trenches. Archaeologists will confirm total station coordinates of significant features and deposits. This should require no more than 2 days. If it may be coordinated such that the time overlaps with the time required for mowing, it will be conducted concurrently.

When locational data has been confirmed, archaeologists will assess areas of trenches containing sensitive features. When necessary, visqueen will be placed over features or in the interior of trenches in order to better protect them during backfilling.

Backfilling, requiring the use of a wheeled front loader backhoe, will be initiated when features have been adequately protected. Existing backdirt piles will be utilized to the fullest extent possible in order to backfill trenches on site. Archaeologists will again be present in order to ensure that there is as little additional impact to archaeological remains on site as possible during this process. The visqueen and initial backfilling process is anticipated to take no more than 3 days.

After the initial backfilling effort is completed, fill in the trenches will be allowed to settle. It is anticipated that additional fill will be required in order to complete the backfilling of the trenches, and that the amount needed will not be known until there has been adequate time for natural settling. Although the amount of time may vary with weather conditions, it is expected that this will take at least 2 weeks. When trenches have adequately settled, trenches will be further backfilled to grade with sterile soil as appropriate. This process should take no more than 2 days. After backfilling is completed, the entire area will be grass seeded.

Any artifacts recovered during site preparation will be prepared for curation with the Louisiana Division of Archaeology to all applicable standards. If possible, analysis of these artifacts will be incorporated into any subsequent report of investigations associated with the site.

Task 2, Background Research

Background research will be conducted in order to provide both historic and prehistoric overview contexts for the site. As the majority of material anticipated to be recovered at the site is from the historic period, background research will focus on this period. In general, the historic background will provide information on ownership and land-use for the block. Specific primary sources, including historic maps, federal census records, city directories, tax and probate records, and so on, will be consulted as available. In addition, specific chain-of-title research will be conducted for addresses in which archaeological features and deposits are being investigated.

Further research will be conducted in order to place site-specific issues in a broader local, regional, and national context. This may allow for a more comprehensive assessment of archaeological remains on the block.

Task 3, Unit Excavation

Archaeological data recovery at the site will consist of the excavation of 16 square meters, allocated to specific locales as follows:

Feature 22, 34, and 47 are brick-lined privy shafts exposed in the walls of trenches. After initial exposure and documentation, each appeared to be fully intact. Subsequently, Feature 22 was partially looted by bottle hunters. Two square meters of fill from each of these features shall be excavated in order to sample the artifact-rich interior fill.

Feature 20 and 29 are brick footings associated with dense midden deposits. The degree of stratification and exact association of these deposits is unclear from initial investigations. Therefore, 2 square meters will be excavated in the vicinity of each feature in order to clarify these issues.

Feature 26 is an area with a series of stratified midden deposits, including a context likely dating to the early nineteenth century. Additionally, two aboriginal pottery sherds were recovered from this area, and it is unclear if they represent a distinct prehistoric stratum. Six units will be excavated in this area in order to better understand the nature and association of the discrete components identified in the trench.

Hand excavation units will be excavated by natural strata to sterile subsoil, and each stratum will be divided into levels not exceeding 10 centimeters in thickness. Material from the units will be water screened through 1/4 inch mesh. A pump(s) will be placed on the bank of the borrow pond to facilitate water screening.

All features uncovered in the hand excavation units will be planned and photographed. Feature fill will be excavated separately. All features will be cross-sectioned, drawn, and re-photographed. Features will be numbered sequentially and recorded on the appropriate forms. Plan drawings will be made at the bottom of each level, and a plan drawing of the final floor will be prepared for each hand excavation unit. A minimum of two profiles will be drawn and photographed in each excavation unit to demonstrate stratigraphy.

A 5 liter flotation sample of soil will be collected from one 10 centimeter level within each culturally positive natural stratum (excluding topsoil) in each of the hand excavation units. Normally, all feature fill will be floated, but in the case of features greater than 30 liters in volume, only a 10-liter sample of the soil will be floated. The remaining feature fill will be screened.

Task 4, Report Production

The techniques of *terminus post quem*, mean ceramic dating, and bracketed dating will be utilized as applicable to date individual features and deposits. A comprehensive ceramic classificatory system (Yakubik 1990) will be employed to facilitate examination of economic and site chronology issues. Minimum numbers of vessels will be calculated for both ceramic and

glass artifacts. Artifact functional groups will be analyzed utilizing a flexible formal typology (Yakubik and Franks 1992b, Franks and Yakubik 1991).

Faunal material recovered from water screening and flotation will be analyzed. The heavy fraction from flotation will be sorted through nested 1/4", 1/8", and 1/16" mesh in the laboratory. Material from the 1/4" and 1/8" samples will be analyzed, and the 1/16" sample will be examined to determine if it can provide additional information. Identification of species, bone elements, and age, will be undertaken as applicable. Basic information will be quantified, including Number of Identified Specimens, Minimum Number of Individuals, and available biomass. Sampling procedures will be employed as necessary to avoid time-consuming collection of redundant data. Samples chosen for investigation will be determined by the analyst in consultation with the excavators.

Macrobotanical remains will be collected during field excavations through systematic soil sampling. Plant remains recovered through water flotation will be separated into two size fractions (>2 mm and <2 mm) for analysis. From the larger size fraction (>2 mm), all categories of vegetative material (i.e. wood, nuts, seeds, pits, etc.) will be removed for identification. Seeds and the remains of cultivated plant parts will be gleaned from the <2 mm size fraction. All identifications will be made with the aid of standard texts, and confirmed against a modern reference collection germane to the flora of the project area. Sampling procedures will be employed as necessary to avoid time-consuming collection of redundant data. Samples chosen for investigation will be determined by the analyst in consultation with the excavators.

All artifacts, samples, field records, maps, plans, and photographs will be curated with the Louisiana Division of Archaeology. These materials and records will be cataloged utilizing the format currently employed by the State Archaeologist.

Task V: Technical Report

Four copies of a draft report of investigations will be submitted within 360 days of award. The report will be prepared in a manner consistent with the Scope of Services. It will integrate the result of historical, archaeological, and geomorphic research with the results of fieldwork and laboratory analyses. Detailed analyses as related to issues identified in the research design will be presented. In addition, the research design will be assessed by the extent to which the proposed field and analytic methodologies facilitated addressing research objectives.

Two copies of a preliminary final report will be submitted following receipt of comments on the draft report, and following its acceptance, 50 copies of the final, one reproducible master copy, a CD-ROM containing the report in .pdf format, and a diskette containing report files and all appendices will be submitted to the NODCOE.

Task 5, Geographic Information System Project Data

GIS data will be provided in ESRI shapefile database format with all associated information and map document files. All geospatial data will be in the Louisiana State Plane Coordinate System, LA STP Zone 1702, NAD83, and units of survey feet. Additionally, all attribution will conform to the latest USACE Spatial Data Standards (<http://tsc.wes.army.mil>). GIS features will include all information compiled for site maps such as site boundaries, location of site datum, features and artifact scatters, locations of all subsurface testing units, and prominent natural and cultural features in the subject site area, as well as permanent landmarks.

Deliverables

The draft cultural resources report will be prepared and submitted within 20 weeks of the completion of field investigations. Upon receipt of review comments, a preliminary final will be prepared. Upon acceptance of the preliminary final, 40 perfect bound copies of the final report, one unbound master, and an electronic copy of the report will be delivered to the COTR.