

**1st AMENDED
MEMORANDUM OF AGREEMENT
AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
THE GOVERNOR'S OFFICE OF HOMELAND SECURITY
AND EMERGENCY PREPAREDNESS
AND THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
REGARDING THE DEMOLITION OF RESIDENTIAL PROPERTIES
IN ST. BERNARD PARISH, 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 St. Bernard Parish (Parish), through the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), in response to damages caused by Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA) proposes to demolish twelve residential properties:

- 439-41 Angela Avenue, Arabi, LA
- 445 Angela Avenue, Arabi, LA
- 523 Angela Avenue, Arabi, LA
- 527 Angela Avenue, Arabi, LA
- 635 Angela Avenue, Arabi, LA
- 647-49 Angela Avenue, Arabi, LA
- 743-45 Angela Avenue, Arabi, LA
- 750 Angela Avenue, Arabi, LA
- 641 Friscoville Avenue, Arabi, LA
- 2005 Bayou Road, St. Bernard, LA
- 5322 East St. Bernard Highway, Violet, LA
- 5324 East St. Bernard Highway, Violet, LA

FEMA determined to address the 12 proposed demolitions (Undertaking) in one Memorandum of Agreement (MOA); and

WHEREAS, the number of properties that are demolished with FEMA funds may be fewer than the 12 addressed in the MOA and the 1st Amended MOA (1st AMOA) if property owners elect to repair the residences proposed for demolition, or if following the execution of the MOA or the 1st AMOA, alternatives to avoid demolition identified by the Consulting Parties as a result of this adverse effect consultation; such alternatives are determined by FEMA and the Parish to be feasible; and an alternative that avoids demolition is implemented by the Parish; and

WHEREAS, FEMA consulted with the Louisiana State Historic Preservation Officer (SHPO), the Advisory Council on Historic Preservation (ACHP), GOSHEP, the Parish, the St. Bernard Parish Historian, the Old Arabi Neighborhood Association, and Ms. Linda Brousse, collectively known as the Consulting Parties, in accordance with Section 106 of the National Historic Preservation Act (16 U.S.C. §470f) (NHPA), its implementing regulations (36 CFR Part 800), and the “*Programmatic Agreement Among the FEMA, the SHPO, the Louisiana Office of Homeland Security and Emergency Preparedness, and the Advisory Council on Historic Preservation*” executed in December 2004 superseded by 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*” was executed August 17, 2009 (2009 Statewide PA), to develop an MOA to address the adverse effect of the proposed Undertaking; and

WHEREAS, the MOA for the Undertaking went into effect on January 22, 2010 following its execution by the Signatories and Invited Signatories; and

WHEREAS, the duration date of the MOA is December 31, 2010 and pursuant to Stipulation IX.C of the MOA, FEMA requested that the Signatories, Invited Signatory, and Concurring Parties consult to develop an amendment extending the duration of the MOA; and

WHEREAS, FEMA, in consultation with the Signatories, Invited Signatories, and Concurring Party, determined to develop a 1st AMOA that will terminate the existing MOA; extend the duration date provided in the MOA to December 31, 2013 and restate the mitigation measures required by the MOA; and this 1st AMOA will fully supersede the terms of the MOA upon its execution by the Signatories and Invited Signatories; and

WHEREAS, FEMA, in consultation with SHPO, has determined that the Area of Potential Effect (APE) for standing structures included in the Undertaking is shown in Attachment 1 and described as:

- The residential properties on each side of Angela Avenue between Dauphine Street and Bienvenue Street;
- The area that includes the structures to either side of the residence located at 641 Friscoville Avenue and the 3 structures directly across the street from this residence;
- The area immediately surrounding the two residences located on East St. Bernard Highway; and
- The area immediately surrounding the residence at 2005 Bayou Road; and

WHEREAS, FEMA, in consultation with SHPO, has determined that the Area of Potential Effect (APE) for archaeological resources included in the Undertaking is:

- The city lot for each of the properties located in the City of Arabi;
- The area immediately surrounding the residence located on Bayou Road where ground disturbance may occur during demolition activities; and
- The area immediately surrounding the residences located on East St. Bernard Highway where ground disturbance may occur during demolition activities; and

WHEREAS, FEMA, in consultation with SHPO, has determined, in consultation with SHPO, that the following properties are eligible for or listed in the National Register of Historic Places (NRHP):

- 439-41 Angela Avenue, 445 Angela Avenue, 523 Angela Avenue, 527 Angela Avenue, 635 Angela Avenue, 647-49 Angela Avenue, 743-45 Angela Avenue, 750 Angela Avenue, contribute to the significance of the Old Arabi Historic District, listed on the NRHP;
- 641 Friscoville Avenue contributes to the significance of the Friscoville Street Historic District, listed on the NRHP;
- 5322 and 5324 East St. Bernard Highway contribute to the significance of the Docville Farm Historic District that was determined eligible for listing on the NRHP by FEMA in consultation with SHPO; and
- 2005 Bayou Road is individually eligible for inclusion on NRHP; and

WHEREAS, FEMA, in consultation with SHPO, determined that there is a potential that the Undertaking may uncover archaeological properties that may be eligible for inclusion in the NRHP and identified measures in the MOA that are restated in this 1st AMOA to address the discovery of any such archaeological properties; and

WHEREAS, FEMA consulted with SHPO and determined that the demolition and associated debris removal of the 12 residences will adversely affect historic properties and has identified measures in this MOA that are restated in this 1st AMOA to avoid, minimize, or mitigate the adverse effects; and

WHEREAS, FEMA notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination, and the ACHP determined in a letter to FEMA dated May 12, 2009, that it would participate in the consultation and it executed the MOA on January 22, 2010 and the ACHP participated in the consultation to develop this 1st AMOA; and

WHEREAS, FEMA has determined that the Parish, will continue to assume responsibilities to perform various actions described by this 1st AMOA, and FEMA invites the Parish to participate in this consultation and execute this 1st AMOA as an Invited Signatory; and

WHEREAS, FEMA has reviewed GOHSEP's responsibilities to assist FEMA with the implementation of this MOA, in particular the requirements of Stipulation IV regarding the recoupment of architectural features, and FEMA invites GOHSEP that executed the MOA as a Concurring Party to participate in this consultation and execute this 1st AMOA as an Invited Signatory; and

WHEREAS, FEMA invites Ms. Linda Brousse that executed the MOA as a Concurring Party to participate in this consultation and execute this 1st AMOA as a Concurring Party; and

WHEREAS, FEMA, ACHP, SHPO, the Parish, GOHSEP, and Ms. Linda Brousse constitute the Consulting Parties to the 1st AMOA; and

WHEREAS, the Choctaw Nation of Oklahoma (CNO) declined to participate in the development of the MOA in a letter dated April 2, 2009 but requested that FEMA contact it immediately if construction exposes buried archaeological or building materials such as chipped stone, tools, pottery, bone, historic crockery, glass or metal items, or uncovers evidence of buried historic building materials such as rock foundations, brick, or hand-poured concrete and FEMA continues to recognize its responsibility to notify CNO regarding such discoveries in this 1st AMOA; and

WHEREAS, all references to time periods in this 1st AMOA are in calendar days and notices and other written communications may be submitted by e-mail; and

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

STIPULATIONS

To the extent of its legal authority and in coordination with the ACHP, SHPO, GOHSEP, the Parish, and Ms. Brousse, FEMA will require that the following measures are implemented:

I. SCOPE OF UNDERTAKING

- A. The Parish has identified a total of twelve (12) residential properties listed above that FEMA has determined are eligible for inclusion or listed on NRHP and that the Parish has requested FEMA funds for the costs of demolition. If the Parish requests additional FEMA funds to demolish properties not included in this Undertaking, FEMA will complete a separate Section 106 review for any such property.
- B. FEMA has determined that three (3) of the twelve (12) residential properties proposed by the Parish for demolition do not qualify for FEMA demolition funds and these three (3) properties listed below have been removed from the Undertaking:

- 439 – 41 Angela Avenue Arabi, LA
 - 445 Angela Avenue, Arabi, LA
 - 635 Angela Avenue, Arabi, LA
- C. As a part of the Section 106 review FEMA worked with the Consulting Parties to seek alternatives to demolition. FEMA examined each property to determine if it qualifies for FEMA funds under the Public Assistance guidelines. The Parish has looked for alternatives to avoid demolitions of properties within the Old Arabi National Register Historic District on Angela Avenue. Additionally property owners were contacted by the Parish during the development of the MOA to verify that the owner was aware that the property is proposed for demolition and to provide the owner with a final opportunity to take the steps required by the Parish to repair the property.
- D. It is feasible that one or more of the historic properties identified in the MOA for demolition may be removed from the FEMA Undertaking after the MOA and/or 1st AMOA has been executed. FEMA will notify the Signatories, Invited Signatory, and Concurring Parties by e-mail if a property is removed from the Undertaking. FEMA is not required to record any historic property that is removed from the FEMA Undertaking. If the Parish has completed the photographic recordation required by Stipulation II before a property is removed from the FEMA Undertaking, FEMA will not require the Parish to provide archival copies of the photographs to the archives designated in Stipulation II.

II. RECORDATION

- A. FEMA has developed a Project Worksheet to fund the Parish's costs for a contractor or contractors to complete all recordation required by the MOA and the 1st AMOA.
- B. Within three months of the execution of this 1st AMOA, the Parish will photographically record the residences that will be demolished with FEMA funds as a part of this Undertaking. The photographic recordation will be performed by or under the direct supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, Architecture, or Historic Architecture (http://www.nps.gov/history/local-law/arch_stnds_9.htm).
- C. The Parish will take digital photographs of each residence included in the Undertaking that will be demolished with FEMA assistance. At a minimum the Parish will document each residence with at least 15 photographs. These photographs will include a view of each façade, an oblique view taken of each corner showing at least two facades of the residence, three streetscape views of each residence taken from the main façade side of the residence facing up street and down street showing its context and setting, and at least three views of the interior. The Parish will document the residence located at 2005 Bayou Road with at least 5 additional photographs documenting the archaic building techniques and at least 2 additional photographs of its contextual landscape.

- 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.

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 Gold CD-R media that has been labeled with archival quality ink.
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 photographs must meet the "Acceptable Ink and Paper Combinations for Digital Images" guidelines and the 75-year permanence standard in the NPS Photo Expansion Policy. The photographs may be printed in color or black and white and 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. Printed photographs must include:

1. At least 20 different archival photographs of the residence located at 2005 Bayou Road as described above and 15 different photographs of the other residences printed from the digital photographs required by Stipulation II.C.
2. Labels that state the address including the City, if applicable, Parish, and State where the building is located; date of photograph; description of view including the compass direction of camera; and name of photographer.

- F. Within three months of the execution of this 1st AMOA, the Parish will prepare a short narrative history that describes the FEMA Undertaking; the history of the Old Arabi; Friscoville Street; and Docville Historic Districts and the residence located 2005 Bayou Road. Information in the narrative history may contain some of the basic information included in the National Register nominations for the historic districts and will also include the types of information required in Historic American Building Survey (HABS) Historic Reports: outline 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 Qualifications Standards set out at 48 FR 44716, September 29, 1983, for History, Architectural History, or Historic Architecture (http://www.nps.gov/history/local-law/arch_stnds_9.htm) and will be printed with archival quality ink on archival paper.
- G. Within one month of the execution of this 1st AMOA, the Parish will forward the Scope of Work (SOW) for the photographs and the narrative history to FEMA and SHPO for 15-day review and comment period. The SOW will include a list of the photographs that will be taken of each residence, its context and setting. The SOW will also include the resumes of those individuals that will perform or supervise the performance of the

photographic recordation and that will prepare or supervise the preparation of the narrative history. The Parish will revise the SOW in response to FEMA and SHPO's comments.

- H. Within nine months of the execution of this 1st AMOA, the Parish will prepare three (3) archival copies of the recordation materials. The Parish will forward two (2) copies to FEMA. FEMA, in consultation with SHPO, will review the materials to determine if they satisfy the SOW. FEMA will notify the Parish and GOHSEP in writing within 7-days if the recordation materials do not conform to the SOW and will list the additional materials that must be submitted to conform to the SOW in this written notice. The Parish may elect to forward a Draft copy of the recordation materials to FEMA for an informal review. The Draft copy should not be printed to conform to the archival standards, but should include information outlining how the archival standards will be met in the final recordation materials. FEMA will transmit two (2) copies of the completed, final recordation materials to SHPO and provide the Parish and GOHSEP with a copy of the transmittal letter. SHPO will forward one (1) copy to the State Library and one (1) copy to the State Archives. The Parish shall submit one (1) copy of the completed recordation to the University of New Orleans, Earl K. Long Library, Louisiana Special Collections in New Orleans, LA. The Parish will notify FEMA and GOHSEP in writing when it has completed the submission of the archival materials to the University of New Orleans.

III. INVENTORY OF OLD ARABI NATIONAL REGISTER HISTORIC DISTRICT

- A. FEMA has developed a Project Worksheet to fund the Parish's costs for a contractor or contractors to complete a resource level inventory of the Old Arabi National Register Historic District nominated to the NRHP in 1998. All work must be conducted by or under the direct supervision of qualified individuals who meet, at a minimum, the appropriate qualifications set out in the Secretary of the Interior's (SOI) Professional Qualifications Standards, 48 FR 44716, Sept. 1983 (http://www.nps.gov/history/local-law/arch_stnds_9.htm).
- B. Within three months of the execution of this 1st AMOA, the contractor will conduct an electronic inventory documenting all buildings within the existing Old Arabi National Register Historic District (Old Arabi NRHD) using a digital survey technique developed by FEMA. Based on available information FEMA estimates that there are approximately 140 buildings to be documented. The inventory will be timely and professionally conducted by a historic preservation oriented survey group (the contractor), which will collect data using Geographic Positioning System (GPS) equipment and a data dictionary supplied by FEMA. The electronic survey data will consist of GPS location, attribute information, and digital photographs. Electronic survey data, accompanying digital photographs and applicable notes shall be collected for each standing structure within the Old Arabi NRHD. The GPS survey and documentation of these building will follow the draft Federal spatial data standards. The contractor will perform Quality

Assurance/Quality Control (QA/QC) on collected survey data prior to transmittal to FEMA.

- C. The Parish will submit a draft of the resurvey to FEMA on or before June 15, 2010. FEMA will, in consultation with SHPO, review the resurvey, and if FEMA determines it conforms to Stipulation III.B. FEMA will submit the resurvey data to SHPO.

IV. RECOUPMENT OF ARCHITECTURAL FEATURES

- A. FEMA has identified interior and exterior architectural elements at 2005 Bayou Road, 750 Angela Avenue, 647- 49 Angela Avenue, 523 Angela Avenue, 527 Angela Avenue, 743 – 45 Angela Avenue, and 641 Friscoville Road as shown in Attachment 2.
- B. The Parish will prepare contracts for the demolition of these properties that comply with FEMA’s Directorate Policy 9525.12 and requires the demolition contractor to salvage or recoup, at a minimum, the identified architectural features for sale or reuse at its sole discretion
- C. The Parish will monitor the demolition contract to ensure that, at a minimum, the architectural elements identified in Attachment 1 are salvaged or recouped as part of the process to demolish the residences.
- D. The parties to this 1st AMOA acknowledge that the demolition contractor will take possession of the architectural elements and the demolition contractor may sell or reuse the architectural elements at its sole discretion.

V. ARCHAEOLOGICAL MONITORING

- A. FEMA shall require the Parish’s contractor to adhere to the Low-Impact Demolition Stipulations (LIDS) that were set out in FEMA’s letter dated January 26, 2006 to Mr. Clyde P. Martin, Director, Department of Public Works, St. Bernard Parish Government and accepted by Mr. Martin, in his role representing the Parish, in a letter to FEMA dated February 3, 2006.
- B. FEMA has developed a Project Worksheet to fund the Parish’s costs for a contractor or contractors to complete archaeological monitoring described below. All work must be conducted by or under the direct supervision of qualified individuals who meet, at a minimum, the appropriate qualifications set out in the Secretary of the Interior’s (SOI) Professional Qualifications Standards, 48 FR 44716, Sept. 1983 (http://www.nps.gov/history/local-law/arch_stnds_9.htm).
- C. FEMA will require that an archaeological monitor be present to minimize effects to unidentified archaeological properties and to ensure the adherence to LIDS during the demolition of:

- 527 Angela Avenue, Arabi
- 743-45 Angela Avenue, Arabi
- 523 Angela Avenue, Arabi
- 750 Angela Avenue, Arabi
- 2005 Bayou Road, St. Bernard.

D. If the archaeological monitor identifies archaeological resources during the course of the demolition, the archaeological monitor will request the Parish’s demolition contractor to halt the demolition in the general vicinity of the discovery so that the archaeological monitor can evaluate the resources and determine if it is necessary to assess the discovery under the provisions of Stipulation VI, “Discoveries and Unforeseen Events.”

E. The Parish, through their archaeological contractor, shall ensure that an archaeological report is prepared which describes the archaeological monitoring activities and identifies the location and number of archaeological sites recorded, if any.

1. Reporting Standards: the Parish shall ensure that draft and final reports resulting from actions pursuant to this 1st AMOA will meet professional standards set forth by the Secretary of the Interior’s Standards for Archaeological Documentation (48 FR 44734-37) and will be prepared in accordance with the Louisiana SHPO’s Section 106 Investigation and Report Standards.
2. Reporting Process: A draft report will be completed and provided to FEMA and the SHPO within thirty (30) days of the completion of the archaeological monitoring, for review and comment. The SHPO will be afforded thirty (30) days to review and comment for all submissions. The Parish will revise and finalize the report in response to comments from FEMA and SHPO, and will produce six (6) copies of a final report and three (3) electronic copies in pdf format within 90-days and provide 2 printed copies of the report and 1 electronic pdf copy of the report to FEMA, 2 printed copies and 1 electronic pdf copy to SHPO, and 2 printed copies and 1 electronic pdf copy to the Parish,.
3. Curation: the Parish shall ensure that all collected artifacts, notes, and photos from archaeological monitoring are prepared for curation and curate them in compliance with the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, 36 CFR Part 79, and those guidelines stipulated by SHPO. All artifacts, notes and photos must be labeled and packaged for permanent curation. The artifacts shall be submitted to the Louisiana Division of Archaeology or a state approved Deputy Custodian for long-term curation.

VI. DISCOVERIES AND UNFORESEEN EFFECTS

- A. FEMA will provide the Parish with an electronic copy of “Louisiana Archaeology Illustrated” (April 2006). The Parish will ensure that copies of this publication are provided to any contractor for this Undertaking that will be involved with ground disturbing activities to assist the contractor with the identification of archaeological deposits.
- B. If, in the course of monitoring the Undertaking, archaeological deposits are uncovered or unforeseen effects occur, the Parish shall ensure that its contractor immediately stops work in the vicinity of the discovery and takes all reasonable measures to avoid or minimize harm to the archaeological finds and/or to avoid or minimize further unforeseen effects. The Parish shall ensure that the area is secured and access to the general area of a discovery is restricted.
- C. The Parish will notify FEMA, GOHSEP, and SHPO of the discovery or unforeseen effects at the earliest possible time, but no later than 72 hours, and will e-mail digital photographs of the discovery or unforeseen effect to FEMA, GOHSEP and SHPO as part of this notification.
- D. FEMA and SHPO and others, as appropriate, will conclude this consultation if the discovery does not contain human remains and FEMA and SHPO and others, as appropriate, determine that the discovery is not eligible for the National Register, or FEMA and SHPO and others, as appropriate, determine that the unforeseen effect will not adversely affect a historic property. FEMA will notify the Parish and GOHSEP that the consultation is concluded and work may be resumed in the area of the discovery or unforeseen effect.
- E. If FEMA and SHPO and others, as appropriate, determine that further steps are necessary to evaluate or treat the unforeseen effect or the newly discovered property and it does not contain human remains, FEMA shall work SHPO, the Parish, GOHSEP, and others, as appropriate, to agree on timeframes to determine ways to avoid, minimize, or mitigate any adverse effects to a historic property. FEMA will confirm the initial agreements of the parties regarding the timeframes for this consultation and agreements regarding the treatment of the discovery in an e-mail sent to GOHSEP, the Parish, SHPO, and any other consulting party. Any party to this consultation may request an on-site meeting to review the situation. 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. The Parish may resume work in the area of the discovery or unforeseen effect when all measures identified in FEMA’s written summary describing the treatment of the property are completed.
- F. If human skeletal remains are uncovered during the Undertaking, the Parish shall immediately notify GOHSEP, FEMA, the local law enforcement official, and St. Bernard Parish Coroner’s Office. The local law enforcement official shall assess the nature and age of the human skeletal remains. The Parish shall take all reasonable steps to ensure that any disturbance of the remains is photo-documented. The Parish shall ensure that the

- A. notice of the discovery required by Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 *et seq*) is given to the Secretary of CRT or the Secretary's designee by contacting the Louisiana Division of Archeology at 225-342-8170 within seventy-two (72) hours of the discovery. If the coroner determines that the human skeletal remains are older than 50 years of age, the Secretary, CRT has jurisdiction over the remains. FEMA shall work with the SHPO, Tribes, the Louisiana Division of Archeology, the Parish, and GOHSEP to ensure compliance with this State law, other applicable laws, and this 1st AMOA. In addition, FEMA shall require that the guidelines contained in the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" are followed.

I. ANTICIPATORY DEMOLITION

FEMA will not grant assistance to the Parish should it, with intent to avoid the requirements of this 1st AMOA or Section 106 of the NHPA, significantly adversely affect a historic property to which the assistance would relate, or having legal power to prevent it, allow such significant adverse effect to occur. After consultation with SHPO and ACHP, FEMA may determine that circumstances justify granting such assistance despite an adverse effect created or permitted by the Parish, and will complete consultation pursuant to 36 CFR §800.9(c).

II. DISPUTE RESOLUTION

- A. Should any Signatory, Invited Signatory, or Concurring Party object to FEMA within the timeframes provided by this 1st AMOA to any plans, specifications, or actions provided for review, FEMA shall notify the Parish and GOHSEP and consult further with the objecting party, the Parish, and GOHSEP to seek resolution.
- B. If FEMA determines that the dispute cannot be resolved, FEMA shall forward FEMA's proposed resolution of the dispute and all relevant documentation to the ACHP. Within 7-days after receipt of the documentation, the ACHP will:
1. Advise FEMA that it concurs with FEMA's resolution of the dispute; or
 2. Provide FEMA with recommendations, which FEMA shall take into account in reaching a final decision regarding the dispute; or
 3. Notify FEMA that it shall comment pursuant to 36 CFR §800.7(c), and proceed to comment. Any comment provided shall be taken into account by FEMA in accordance with 36 CFR §800.7(c)(4) with reference to the subject of the dispute.
- C. If the ACHP does not provide FEMA with comments or recommendations within 7-days, FEMA may assume that the ACHP does not object to its recommended approach and it shall proceed accordingly.

- D. Any recommendation or comment provided by ACHP shall be understood to pertain only to the subject of the dispute, and FEMA's responsibilities to fulfill all actions that are not subject of the dispute shall remain unchanged.
- E. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with 36 CFR §800.4(c)(2).

IX. AMENDMENTS, TERMINATION, AND NONCOMPLIANCE

- A. FEMA will not amend this 1st AMOA if the Parish does not use FEMA funding to demolish a property that is included in the scope of this Undertaking. Pursuant to Stipulation I.D, FEMA will notify the Signatories, Invited Signatories, and Concurring Party by e-mail if a property is removed from the Undertaking.
- B. If the Parish determines that it is not feasible to complete the Undertaking or fulfill the requirements of this 1st AMOA, the Parish will immediately notify FEMA and GOHSEP in writing of this determination. Within 21-days of the notice, FEMA will meet with the Signatories, Invited Signatories, and Concurring Party, in person or by telephone, to determine if the 1st AMOA must be amended or terminated, and proceed accordingly.
- C. Any Signatory or Invited Signatory may request in writing that the 1st AMOA be amended or terminated. Within 21-days of such a request, FEMA will convene a meeting of the Signatories, Invited Signatories, and Concurring Party to consider this request. The Parties will make a good faith effort to amend the 1st AMOA prior any Party taking steps to terminate it. The 1st AMOA may be amended upon the written agreement of the Signatories and Invited Signatories, and the process will comply with 36 CFR §800.6(c)(7).
- D. If the 1st AMOA is not amended, the Signatories or Invited Signatories may terminate the 1st AMOA by providing a 30-day written notice to the other Signatories, Invited Signatories, and Concurring Party. The Signatories, Invited Signatories, and Concurring Party will cooperate in good faith to seek amendments or other actions that would prevent termination during this 30-day time frame. Should consultation fail, FEMA will promptly notify the Signatories, Invited Signatories, and Concurring Party in writing of termination. Termination of the 1st AMOA will require FEMA to comply with the Louisiana Statewide Programmatic Agreement executed in 2009. This 1st AMOA may be terminated without further consultation by execution of a subsequent agreement that explicitly terminates or supersedes this 1st AMOA.

X. DURATION

Unless amended or terminated in accordance with Stipulation IX, this 1st AMOA will remain in effect through December 31, 2013, or until FEMA determines that it has been satisfactorily fulfilled. The Parish will notify GOHSEP and FEMA when the Undertaking is

completed, and FEMA will notify the Signatories, Invited Signatories, and Concurring Party by e-mail when it determines that the terms of this 1st AMOA have been fulfilled.

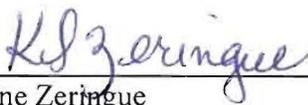
XI. EFFECTIVE DATE

This 1st AMOA shall become effective immediately upon signature by the Signatories and Invited Signatory. The MOA is terminated and fully superseded by the execution of this 1st AMOA. FEMA shall provide each Signatory, Invited Signatory, and Concurring Party with a complete copy of the 1st AMOA including all executed signature pages.

EXECUTION AND IMPLEMENTATION of this 1st Amended Memorandum of Agreement evidences that FEMA has afforded ACHP a reasonable opportunity to comment on the Undertaking to demolish the damaged residential properties in St. Bernard Parish and the effect of the Undertaking on historic properties, that FEMA has taken into account the effects of the Undertaking on historic properties, and that FEMA has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations.

SIGNATORY PARTIES:

FEDERAL EMERGENCY MANAGEMENT AGENCY



Katherine Zeringue
Environmental Liaison Officer
Louisiana Transitional Recovery Office

Date: 12-28-10

ADVISORY COUNCIL ON HISTORIC PRESERVATION



John M. Fowler
Executive Director

Date: 1/7/11

LOUISIANA STATE HISTORIC PRESERVATION OFFICER



Phil Boggan
Deputy State Historic Preservation Officer

Date: 12-21-10

INVITED SIGNATORIES:

ST. BERNARD PARISH



Name:
Title:

Date: 12/28/10

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



Mark J. DeBoiser
Deputy Director, Disaster Recovery

Date: 12-22-10

CONCURRING PARTY:

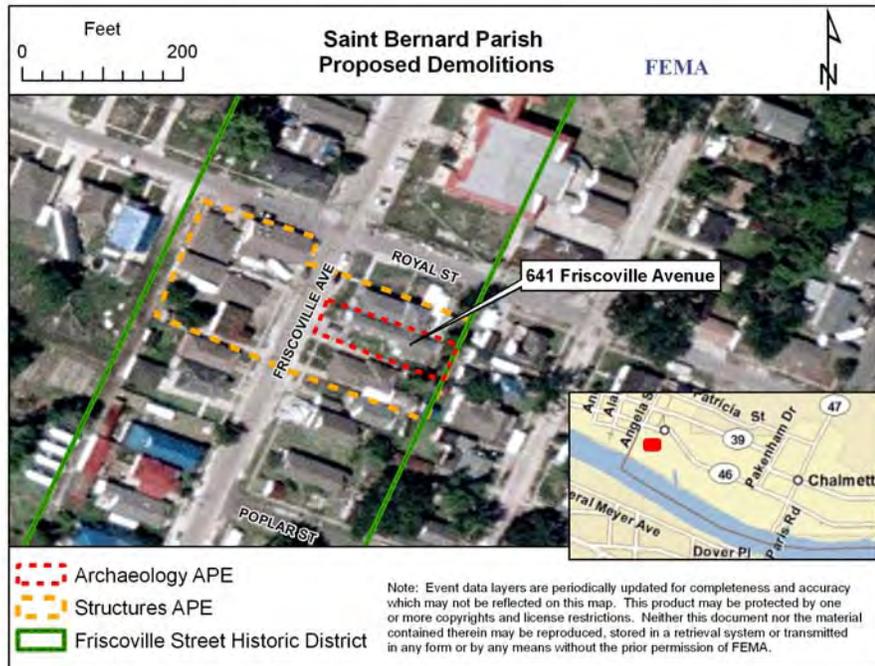
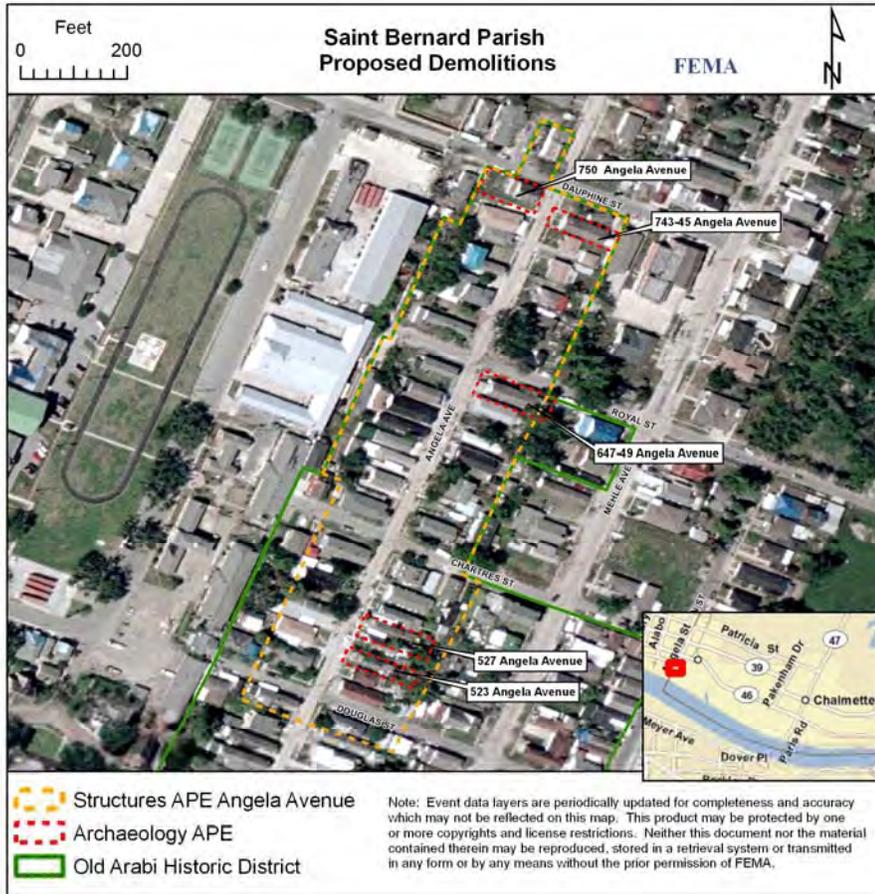
LINDA BROUSSE

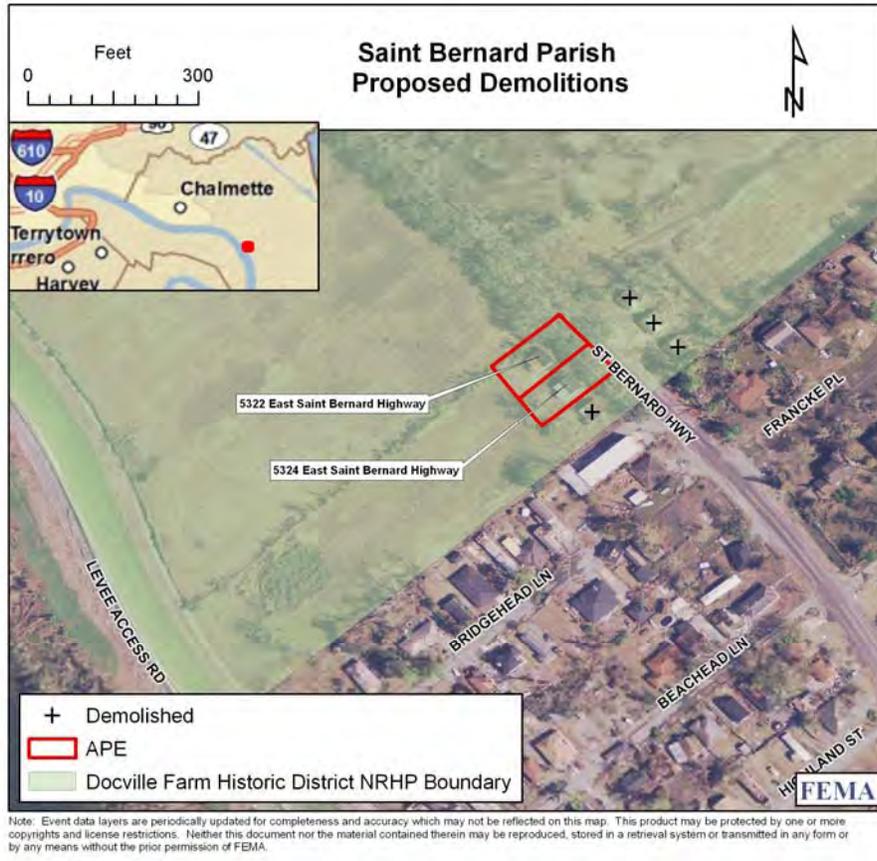
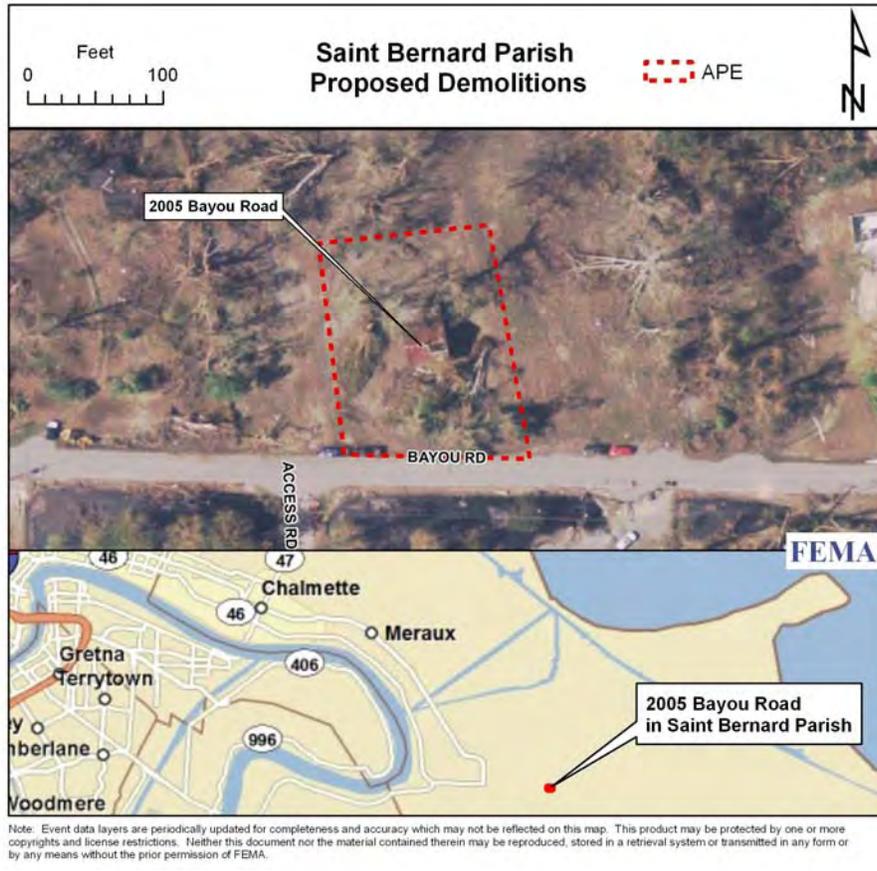
_____

Linda Brousse
Owner of 641 Friscoville Rd., Arabi, LA

Date: 12/21/10

Attachment 1 – APE Maps





Attachment 2: Architectural elements identified for selective recoupment.

St Bernard Building Assessments as of 8/6/09		<i>Demolition of Private Residences St. Bernard Parish</i>	
641 Friscoville Ave:		2005 Bayou Road	
Brackets	3	4/3 door	4
Gable Window	1	6/8 window	4
Iron columns	2	Exterior door	2
Entry door, frame, sidelights	1	Interior door	2
Mailbox	1	Mantle	2
Mantle	1	Kitchen sink	1
6/8 window	6	5322 East Saint Bernard Highway	
5 panel door	2	NO SALVAGEABLE	
1/2 door	1	ELEMENTS	0
sink and base	1	5324 East Saint Bernard Highway	
523 Angela Ave:		NO SALVAGEABLE	0
Porch column	2	ELEMENTS	
Window and door crowns	2		
Iron from porch			
6/8 window in kitchen	1	TOTAL NUMBER OF	
Kitchen sink	1	ARCHITECTURAL ITEMS	128
3/2 window	8		
1/3 door	1		
built in cabinet in bathroom	1		
6/8 window in bathroom	1		
2 panel door	4		
door screen	2		
window screen	6		
entry door	1		
527 Angela Ave:			
Entry door	1		
bargeboard			
French doors and hinges	1 pair		
5 panel door	3		
window sash	6		
light fixture	1		
743-45 Angela Ave			
Gable Window	1		
Iron columns	4		
Entry door, frame, sidelights	2		
2/2 window	6		
6/8 window	1		
4/2 door	1		
3/? Door	1		
647-49 Angela Avenue			
Porch column	3		
Gable window	1		
6/2 window	11		
Interior door	7		
Wall heater	1		
Interior corbel	2		
750 Angela Avenue			
Porch column	3		
Exterior door	1		
3 light window	2		
1/1 window	2		
Roof finial	1		
Interior door	2		
Bathroom sink	1		

July 27, 2009