

**MEMORANDUM OF AGREEMENT  
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY;  
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER;  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION AND THE CITY  
OF GRETNA REGARDING DEMOLITION OF PRIVATELY OWNED  
RESIDENTIAL BUILDINGS WITHIN THE GRETNA NATIONAL REGISTER  
HISTORIC DISTRICT DAMAGED BY HURRICANES KATRINA AND RITA**

**WHEREAS**, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security proposes to administer Federal disaster assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §5121-5206, (Stafford Act) as a result of Hurricanes Katrina (DR-1603-LA) and Rita (DR-1607-LA) in August and September 2005 (Disasters), and the Parish of Jefferson (the Parish) intends to use FEMA Public Assistance Program (Program) funding to demolish and remove two privately owned residential buildings (Buildings) that the Parish has determined are an imminent threat to public health and safety (Undertaking); and

**WHEREAS**, FEMA, the Louisiana Office of Homeland Security and Emergency Preparedness (LOHSEP), the Louisiana State Historic Preservation Officer of the Department of Culture, Recreation & Tourism (SHPO), and the Advisory Council on Historic Preservation (ACHP), executed a Programmatic Agreement (Statewide PA) on December 3, 2004, to satisfy FEMA's responsibilities pursuant to 36 CFR Part 800, the regulations implementing Section 106 and Section 110(f) of the National Historic Preservation Act (16 U.S.C. § 470f) (NHPA), for all Undertakings funded as a result of such Disasters; and

**WHEREAS**, FEMA, SHPO, and ACHP acknowledge that executing a Memorandum of Agreement (MOA) to outline measures to minimize or mitigate adverse effects on historic properties is an acceptable vehicle pursuant to Stipulation VIII.A.2. of the Statewide PA; and

**WHEREAS**, in keeping with 36 CFR §800.2(d) of the Section 106 regulations, FEMA shall seek and consider the views of the public in a manner that reflects the nature and complexity of this Undertaking, the likely interest of the public in those effects, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the Undertaking; and

**WHEREAS**, FEMA has consulted with the SHPO and has determined that two buildings within the Undertaking are contributing buildings within the Gretna National Register Historic District (Appendix A); and

**WHEREAS**, FEMA has consulted with the SHPO, Parish of Jefferson, Louisiana (Parish), and the City of Gretna, Louisiana (City), in accordance with Section 106 of the National Historic Preservation Act, 16 U.S.C. § (NHPA), and its implementing regulations (36 CFR Part 800.6(b)(2)) to resolve the adverse effects of the Project on historic properties; and

**WHEREAS**, in accordance with 36 CFR Section 800.6(a)(1), FEMA has notified the ACHP of this MOA and invited them to participate and be a signatory; and the ACHP has agreed to participate;

**WHEREAS**, the Parish is the subgrantee of FEMA's Program, and FEMA therefore has invited the Parish to participate in this MOA as a Concurring Party; and

**WHEREAS**, the affected properties are located in the City of Gretna, and FEMA therefore has invited the City to participate in this MOA as a Concurring Party; and

**NOW, THEREFORE**, FEMA, SHPO, and the ACHP agree that the Undertaking shall be implemented in accordance with the following Stipulations to satisfy FEMA's Section 106 responsibilities, and that these stipulations shall govern the Project and all of its parts until this MOA expires or is terminated.

## **Stipulations**

### **I. APPLICABILITY**

A. This MOA applies to the following properties:

1. 418 Ninth Street, Gretna, Louisiana (See Location Map in Appendix A)
2. 820 Lafayette Street, Gretna, Louisiana (See Location Map in Appendix A)

### **II. TREATMENT MEASURES**

#### **A. Pre-demolition Treatment Measures**

1. **Documentation:**

a) **Photography:** FEMA shall ensure that all Buildings identified in Stipulation I shall be digitally photographed as a Treatment Measure. At a minimum, the following views of each building will be photographed:

- A view of the principal façade
- An oblique view
- Two contextual views
- Close ups of any unique architectural features

The digital photography must comply with the following requirements, which are from the National Archives and Records Administration's (NARA's) guidance to supplement requirements in 36 CFR 1228.270 for transferring permanent electronic records to NARA.

- Image files must be saved as JPEG files using high quality compression settings at a minimum. These files must be transferred as first generation JPEG files that have not been

degraded in quality by multiple revisions and re-saving. The image files must be saved on archival quality CD-R media.

- 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.
- Color images must be produced in RGB (Red Green Blue) color mode as 24-bit or 48-bit color files.

Prints of the digital files must comply with the following requirements, which are from the National Park Service's (NPS's) Photo Policy Expansion for the National Register of Historic Places and National Historic Landmarks Survey

<http://www.cr.nps.gov/nr/policyexpansion.htm>:

- The prints must meet the NPS Photo Expansion Policy 75-year permanence standard.
- Prints must follow the "Acceptable Ink and Paper Combinations for Digital Images" guidelines in the Photo Expansion Policy.

Both digital files and paper prints must provide the following information:

- Address followed by the name of the Historic District;
- City, parish and state where Building is located;
- Date of photograph;
- Description of view including direction of camera; and
- Name of photographer.

FEMA shall prepare four sets of documents (including photographic prints and a CD-ROM containing the digital versions of the photographs). FEMA shall submit two of the four sets to the SHPO in Baton Rouge. FEMA shall submit the remaining two sets of documents to the Gretna Historical Society.

**History:** FEMA shall ensure that a brief history of all Buildings identified in Stipulation I shall be written. This will include a chain of title, construction date if possible, architect's name if known, and any information regarding the use and alterations of the building. Research shall reference early City Directories and histories if pertinent. Any information on the building's relationship to the surrounding neighborhood shall be researched and incorporated. A brief architectural description will be included describing materials, overall dimensions and features of the building. FEMA shall prepare four sets of documents. FEMA shall submit two of the four sets to the SHPO in Baton Rouge. FEMA shall submit the remaining two sets of documents to the Gretna Historical Society.

2. **Architectural Salvage:** The City shall attempt to coordinate with the property owner to remove character-defining architectural elements from the Buildings prior to demolition. The City shall donate these elements to the Gretna Historical Society for use in the Interpretive Exhibit referenced in Stipulation B.1 below.

## **B. Post-demolition Treatment Measures**

### **1. Interpretive Exhibit:**

Upon completion of the Pre-demolition Treatment Measures, the City shall coordinate with the Gretna Historical Society to develop an interpretive exhibit to be placed at 209 Lafayette Street, Gretna, Louisiana. The exhibit will describe the loss of historic resources in the City of Gretna as a result of Hurricane Katrina. The exhibit will incorporate the products of Stipulations II.A.1 and II.A.2. The exhibit will remain in place and accessible to the public for a period of two years.

## **III. ARCHAEOLOGY**

- A. Adverse effects to previously unrecorded archaeological sites shall be avoided by adherence to the Low-Impact Removal Stipulations for Demolition of Substantially Damaged Structures contained in Appendix B. These Stipulations are excerpted from the Parish's Demolition Plan dated March 1, 2006. The Parish shall ensure compliance with these Stipulations.

1. The Low-Impact Removal Stipulations have been amended as follows:

- a. The paragraph entitled "Archaeological Artifacts" shall read:

"If during the course of demolition work, archaeological artifacts are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their FEMA Public Assistance representative and their Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) representative of the findings. The applicant and their contractor will not proceed with their work until FEMA Historic Preservation staff have completed consultation with the Louisiana State Historic Preservation Officer (SHPO).

- b. The paragraph entitled "Human Remains" shall read:

"If human skeletal remains are uncovered during the Undertaking, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The local law enforcement officials shall assess the nature and age of the human skeletal remains. The Parish shall notify the Louisiana Division of Archaeology at 225-342-8170 within seventy-two hours of the discovery. If the coroner determines that the human skeletal remains are older than 50 years of age, the Division of Archaeology has jurisdiction over the remains and will ensure compliance

with the Louisiana Unmarked Human Burial Sites Preservation Act. In addition, FEMA shall follow guidelines set forth by the ACHP in its "Human Remains Policy."

#### **IV. AMENDMENTS, DURATION, AND TERMINATION**

- A. This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment shall be effective on the date of the signature by the final signatory.
- B. Unless terminated, this MOA shall remain in effect from the date of implementation until FEMA, in consultation with all other consulting parties, determines that the terms of this MOA have been satisfactorily fulfilled. Upon such determination, this MOA shall terminate, and FEMA shall provide all other consulting parties with written notice of the determination and termination.
- C. FEMA, the SHPO, or the ACHP may terminate this MOA by providing 30 days' written notice to the other parties, provided that the parties shall consult during this period to seek amendments or other actions that would prevent termination. Termination of this MOA shall require compliance with Stipulations VII and VIII of the Statewide PA for each individual Undertaking.

#### **V. DISPUTE RESOLUTION**

- A. Should any party to this MOA object within 30 days to any activities undertaken pursuant to this MOA, FEMA shall consult with the SHPO, the ACHP, the Parish and the City to resolve the objection. If FEMA determines that the objection cannot be resolved through consultation, FEMA shall request the further comments of the ACHP pursuant to 36 CFR 800.6(b). Any ACHP comment provided in response to such a request will be taken into account by FEMA in accordance with 36 CFR 800.6(c)(2) with reference only to the subject of the dispute. FEMA's responsibility to carry out all actions under this MOA that are not the subjects of the dispute will remain unchanged.

#### **VI. IMPLEMENTATION OF THIS MEMORANDUM OF AGREEMENT**

- A. This MOA shall become effective immediately upon signature by all signatory parties. FEMA shall provide each signatory party with a complete copy of the MOA including all signature pages.
- B. FEMA shall provide each concurring party with a complete copy of the MOA including all signature pages.
- C. Execution of this MOA by all signatory parties and implementation by FEMA evidences that FEMA has taken into account the effects of the Undertaking on historic properties.

**SIGNATORIES:**

FEDERAL EMERGENCY MANAGEMENT AGENCY

By: Howard R. Bush  
Howard R. Bush, Environmental Liaison Officer, Transitional Recovery Office

Date: 30 Apr 2007

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

By: Pam Breaux  
Pam Breaux, State Historic Preservation Officer

Date: 31 May 2007

ADVISORY COUNCIL ON HISTORIC PRESERVATION

for By: John M. Fowler  
John M. Fowler, Executive Director

Date: 7/12/07

CITY OF GRETNNA

By: Ronnie C. Harris  
Ronnie C. Harris, Mayor

Date: May 17, 2007

**CONCUR:**

PARISH OF JEFFERSON

By: Thomas J. Capella  
Thomas J. Capella, Chairman, Jefferson Parish Council

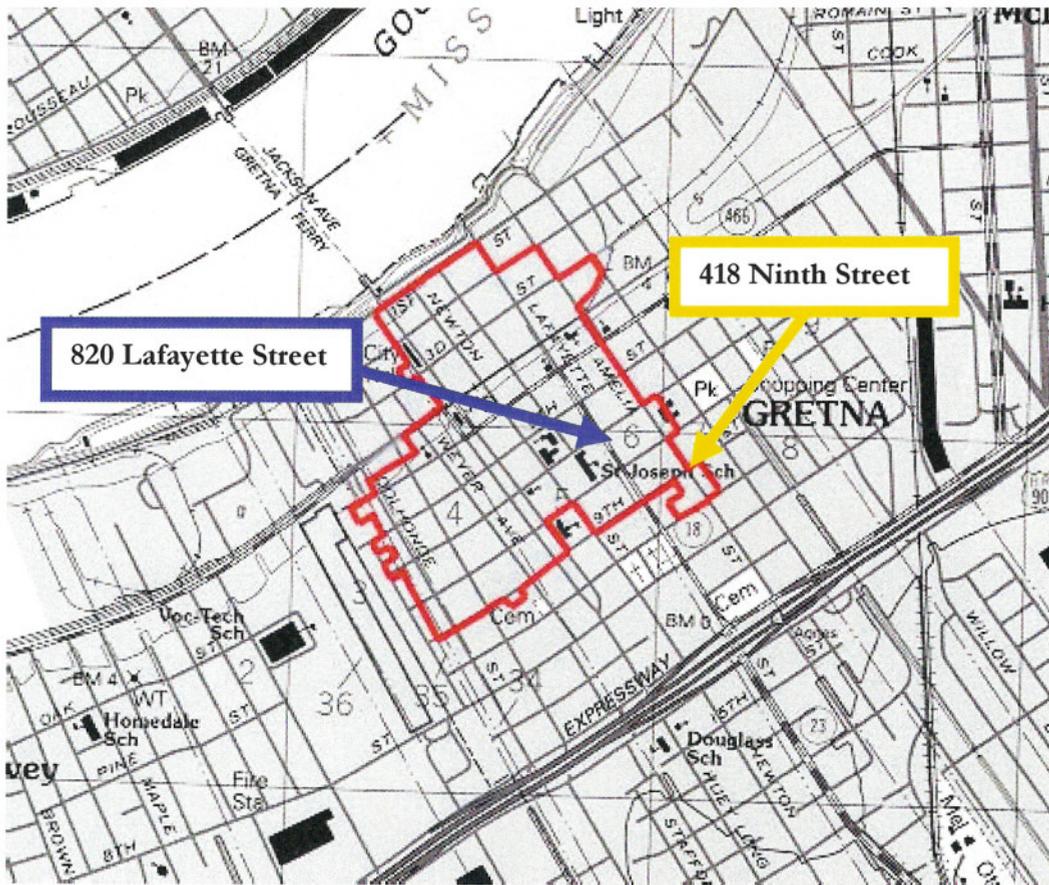
Date: June 27, 2007

## Appendix A: Location Map

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Section 106 Review: Gretna National Register Historic District Map

Map Name: **Gretna National Register Historic District Map**

Resource Names: **418 Ninth Street and 820 Lafayette Street**



**Appendix B: Excerpt from the Plan for Demolition and Debris Removal from Private Properties - Jefferson Parish, Louisiana, March 1, 2006**

**Attachment B**

**Low-Impact Removal Stipulations for Demolition of Substantially Damaged Structures**

The archaeological potential of individual demolitions sites and zones does not need to be determined by FEMA if the applicant and the applicant's contractor adhere to low-impact removal stipulations. The applicant will ensure that all low-impact stipulations are made explicit in bid documents.

The applicant and applicant's contractor shall not initiate any ground disturbing work prior to receiving approval from a FEMA Public Assistance representative. A FEMA Public Assistance representative will meet with the applicant and the applicant's contractor to review the low-impact stipulations placed on the grant. The FEMA Public Assistance representative will supply the applicant with a copy of the low-impact stipulations that specifically highlight areas of archaeological sensitivity as defined by FEMA Historic Preservation staff. This document will be supplied to the FEMA Public Assistance representative by FEMA Historic Preservation staff.

The applicant will supply FEMA and LOHSEP with before, during, and after demolition photographs illustrating low-impact removal techniques. The photographs supplied will represent a comprehensive sampling of low-impact removal procedures utilized in areas of archaeological sensitivity.

Failure to comply with the low-impact removal stipulations described below will jeopardize the receipt of federal funding.

**Low-Impact Removal Stipulations**

General Approach:

- Major demolition activities, including placement of equipment and stockpiling of structural debris and fill, will be confined to areas where soils have been disturbed by previous construction activities.
- Shearing off features at the ground-surface is strongly encouraged so that further soil disturbance is minimized.
- Excavation related activities will be restricted to the minimum amount necessary to remove footings or other buried elements, and only if such removal is absolutely necessary to ensure public health and safety.
- On-site burial of debris is not permitted.

- Tracked vehicles will be used whenever possible to reduce soil compaction and surface disruption.
- The use of heavy equipment on wet or saturated soils is prohibited.

Activity Specific Guidelines:

- Slab Removal: Slab removal is generally not eligible for FEMA assistance. If however slab removal is determined necessary, the applicant's contractor shall make efforts to restrict ground disturbing activities to within a 10 foot perimeter of the slab. The depth of soil disturbance shall not exceed 6 inches below the bottom of the slab, except in areas with deeper footings. If needed the contractor shall bring in clean fill from an outside source to level out the site.
- Trenching: If trenching is necessary, the applicant's contractor shall make reasonable efforts to limit the amount of soil disturbance required. If features to be removed are visible (this does not include slabs), the contractor shall not extend the excavation beyond a 3 foot width of either side of the visible feature. Efforts shall be made to limit the depth of the excavation to no more than 6 inches below the feature to be removed.
- In-filling and Grading: Areas may be in-filled using on-site back dirt as long as grading is limited to previously disturbed ground surfaces and does not extend more than 6 inches below street level. If additional fill material is required it shall be clean fill derived from an off-site location. Excavation of on-site materials is not permitted.

**Treatment of Inadvertent Archaeological Discoveries and Human Remains:**

- Archaeological Artifacts: If during the course of demolition work, archaeological artifacts are discovered, the applicant shall stop work in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the finds. The applicant shall inform their FEMA Public Assistance representative and their Louisiana Office of Homeland Security and Emergency Preparedness (LOHSEP) Representative of the findings. The applicant and their contractor will not proceed with work until FEMA Historic Preservation staff have completed consultation with the Louisiana State Historic Preservation Officer (SHPO).
- Human Remains: If unmarked graves are present, compliance with the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is required. The applicant shall notify the law enforcement agency of the jurisdiction where the remains are located within twenty-four hours of the discovery. The applicant shall also notify the LOHSEP, FEMA, and the Louisiana Unmarked Burial Sites Board (call Tom Eubanks @ 225-342-8170) within seventy-two hours of the discovery.

If it is not possible for the applicant's contractor to adhere to the low-impact stipulations stated in this agreement, FEMA shall conduct a literature search of the project area to determine if further archaeological consideration is necessary. If FEMA, in consultation with the SHPO, determine

that an area possesses moderate to high archaeological potential, demolition related activities will need to be addressed on a site by site basis.

In cases where additional avoidance measures and precautions cannot be compiled with or would be insufficient, it may be necessary to conduct a Phase I archaeological survey and other studies before project implementation.