



**FEMA**

U.S. Department of Homeland Security  
Federal Emergency Management Agency  
Louisiana Integration and Recovery Office  
Environment and Historic Preservation  
1500 Main Street  
Baton Rouge, LA 70802

December 11, 2018

Kristin Sanders  
State Historic Preservation Officer  
Department of Culture, Recreation & Tourism  
1051 North Third Street  
Baton Rouge, LA 70802

**RE: Updated Abbreviated Consultation Process Letter**

**Section 106 Review Consultation, Hurricane Katrina, FEMA-1603-DR-LA**

**Applicants:** City of New Orleans and Sewerage and Water Board of New Orleans

**Undertaking:** Joint Infrastructure Recovery Request Project (JIRR) New Orleans, Orleans Parish, Louisiana (PW#s 21031 and 21032)

**Determination: Adverse Effect to Historic Properties**

Dear Ms. Sanders:

The Federal Emergency Management Agency (FEMA) will be providing funds authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, in response to the following major Disaster Declaration:

FEMA-1603-DR-LA, dated August 29, 2005, as amended.

The City of New Orleans (CNO) and the Sewerage and Water Board of New Orleans (SWBNO) (Applicants) (hereafter CNO/SWBNO) have submitted a combined Joint Infrastructure Recovery Request (JIRR) (PW#s 21031 and 21032) to FEMA to provide funds from the Public Assistance Program for a city-wide, multi-year program to repair, improve, and replace damage to roads, drainage and subsurface utilities resulting from Hurricane Katrina. FEMA is initiating Section 106 review for the above referenced properties in accordance with the "Programmatic Agreement Among the Federal Emergency Management Agency, the Louisiana State Historic Preservation Officer, the Governor's Office of Homeland Security and Emergency Preparedness, and Participating Tribes" executed on December 21, 2016 (2016 LA Statewide PA) and providing the Department of Culture, Recreation & Tourism with the opportunity to consult on the proposed Undertaking. Documentation in this letter is consistent with the requirements in 36 CFR §800.11(e).

This letter incorporates comments received on its proposal to address the effects of the JIRR undertaking through the Abbreviated Consultation Process (ACP) and streamline FEMA's responsibilities under Section 106 and Section 110 of the National Historic Preservation Act of 1966, as amended, (NHPA) and the terms of the Statewide Programmatic Agreement executed on December 21, 2016 by FEMA, the Louisiana State Historic Preservation Officer (SHPO), and the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) and amended on August 13, 2018 (2016 Statewide PA, as amended). It restates FEMA's letter dated November 6, 2018 and incorporates all comments received during the comment period to include revisions to a citation from the 2016 Statewide PA, as amended, to the selected treatment measures; the distribution list for the

Cultural Resource Context Statement; and the address of the brick or stone open gutters in Appendix 2. This letter documents the conclusion of the ACP to address the Adverse Effects of this Undertaking through Treatment Measures included in Stipulation II.C.6 (a) of the 2016 Statewide PA, as amended, and acknowledges that CNO has filled the historic preservation specialist and the archaeology staff positions required to implement the treatment measures, thereby allowing the terms of this letter to immediately take effect.

### **Background**

FEMA has completed the Section 106 review of over 50 JIRR project areas using the Programmatic Allowances in the 2016 Statewide PA, as amended, and completed the Section 106 review of an additional eleven project areas in consultation with SHPO and Tribes with a determination that the undertakings would not adversely affect historic properties. Eight of these included standard conditions, including two which required archaeological monitoring. CNO and SWBNO have informed FEMA that there are plans to submit approximately 150 more projects as part of the JIRR. These project areas are organized by neighborhoods in project waves. Currently, FEMA has reviewed nearly all Wave 1 submittals and a portion of Wave 2. Wave 1 did not include any full reconstructions.

### **Description of the Undertaking**

The Undertaking includes designed scopes of work that typically consist of roadway pavement mill (cold planing) and overlay, isolated patching and/or full block reconstruction, inclusive of any base and subbase course work, engineering fabrics, curbs and gutters, driveways, sidewalks, and footlaps, ADA ramps, associated utility (drainage, water, and/or sewer) repairs and/or replacements within the public right-of-way. Additionally, any other incidental work within storm-damaged roads and underground utility lines to restore pre-storm condition and functionality throughout the city will consist of one or more of the following project elements: drainage system damage assessment, underground utility line point repair or replacement, incidental repairs, minor rehabilitation, major rehabilitation, and full roadway reconstruction. This may include repairs to sidewalks, ADA-compliant handicapped ramps, curbs and gutters, driveway aprons, drainage inlet structures, manholes, connections, valves and/or hydrants, and the restoration of medians, parking lanes, bike lanes, and/or other incidental paved areas within the public right-of-way, inclusive of emergency repairs funded by FEMA within the scope of the JIRR project.

The Undertaking will require mobilization; placing project signage; clearing and grubbing; erecting temporary fencing; general excavation; hazard mitigation and erosion control measures; resetting or replacing street name tiles and paving inlaid emblems; relaying, restoring or replacing sub-lying cobblestone, brick, and other atypical sub-base materials in-kind or with suitable alternate materials; brick and paver sidewalks, drive aprons, footlaps, or incidental surfaces within public rights-of-way; specialty work adjacent or parallel to railroad and trolley track crossings; ADA compliance work and repairs to bus pads or bus stops, bus stop shelters and benches, temporary and permanent pavement striping and markers and symbols; replacing/retaining raised pavement markers and object markers, loop detectors for traffic signals, conduit for traffic devices, school beacons, and street lights; root pruning and trenching; tree trimming; seeding and fertilization; and, specialty work with pavement edge or shoulder treatments.

### **Area of Potential Effects (APE)**

JIRR projects will affect approximately 9,061 out of a total of 19,935 blocks, approximately 46% of the streets in the city, and the APE for both the standing structures and archaeology includes all such streets. No JIRR projects will occur in the Vieux Carré. Three maps showing JIRR program project locations throughout the city are found in Appendix 1.

## **Identification and Evaluation**

FEMA Historic Preservation staff has consulted the National Register of Historic Places (NRHP) Database, the Louisiana Cultural Resources Map, GIS files submitted by CNO/SWBNO, historic maps, and the National Park Service National Historic Landmark (NHL) spreadsheet to identify standing historic properties. There are 111 individual historic properties and 26 historic districts that are listed on the NRHP located within Orleans Parish. The historic districts and general locations of JIRR projects are shown on the map in Appendix 1. According to CNO/SWBNO's GIS files approximately 30% of the proposed Undertaking will fall within NRHP listed or eligible districts. Approximately 9% of that work is proposed for full reconstruction of the road, sidewalk and utilities (map in Appendix 1). FEMA has identified character defining features (CDFs) of streetscapes typically found in National Register Historic Districts in New Orleans, listed in Appendix 2. In addition, there are 28 NHLs in the city, including the Vieux Carré, the Garden District and the St. Charles [Streetcar] Line. No work will occur within the Vieux Carré.

Based on FEMA's review of existing documentation, data on known archaeological sites provided by SHPO, historic maps, and site visits, FEMA determined that there are a total of 705 recorded archaeological sites in Orleans Parish. Many of these sites are further described in one of the 379 archaeological survey, evaluation, and mitigation reports that are on file with the Louisiana Division of Archaeology (accessed April 7, 2016). The archaeological deposits in Orleans Parish span from the Poverty Point Period (1700 B.C.E.) to the present. Cemeteries and unrecorded archaeological deposits associated with pre-contact, contact, and colonial era New Orleans pre-date the street grid and may be affected by the Undertaking. FEMA, SHPO and Tribes have identified areas of high probability for archaeological concerns (map in Appendix 3). According to CNO/SWBNO's GIS files approximately 33% of the proposed Undertaking will fall within this area of archaeological sensitivity, of that work approximately 8% is proposed to have underground utility work.

## **Assessment of Effects to Historic Properties**

FEMA has worked with CNO/SWBNO to develop scopes of work for the JIRR that conform to the Programmatic Allowances included in the 2016 Statewide PA, as amended. Other work has been designed to avoid adverse effects to historic properties. CNO/SWBNO committed to repairing and replacing materials in accordance with the Programmatic Allowances, where technically feasible.

FEMA has determined to delegate Section 106 responsibilities for the review of future JIRR projects as described below to CNO's historic preservation specialist and archaeologist who must meet the qualifications set out in the Secretary's *Professional Qualifications* in the Federal Register at 48 Fed. Reg. 44716-01 (September 29, 1983), as amended (36 CFR Part 61, [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm)) (Professional Standards). FEMA reviewed the resumes of the finalists for the historic preservation specialist and archaeologist positions and determined that they would meet the Professional Standards, and these positions have been filled. CNO must notify FEMA in writing, if in the future, one or both of these positions is not filled and consult with FEMA, SWBNO, GOHSEP, SHPO, and Tribes to determine what steps must be taken during any such vacancy.

FEMA will document the review of each amendment of this project by citing this agreement and the treatment measures set forth within it in the project file and Record of Environmental Consideration. FEMA will oversee the Section 106 review through the semi-annual reporting meetings, consultations to address discoveries and/or unexpected effects, and implementation of the dispute resolution process. The CNO historic preservation specialist and archaeologist may complete the reviews required by this agreement, except FEMA shall conduct all Section 106 consultations involving

Tribes, including the discovery of human remains that are part of this Undertaking as required by the 2016 Statewide PA. FEMA will condition its reviews of individual amendments in various Waves of the JIRR with a requirement that CNO/SWBNO implements all measures set out in this letter.

### *Built Environment*

CNO/SWBNO has agreed to include conditions to avoid or minimize adverse effects to the identified CDFs in the built environment, in particular, streetscape features typically found in the NRHDs and NHLs of New Orleans, listed in Appendix 2. These conditions will be included in the Special Specifications of each project within a listed or eligible NRHD and/or NHL, and are consistent with the First and Second Tier Programmatic Allowances listed in the 2016 Statewide PA, as amended.

CNO has hired a historic preservation specialist who meets Professional Standards to serve as a liaison to FEMA and SHPO/Tribes for the JIRR Undertaking as a measure to avoid or minimize adverse effects. The historic preservation specialist is responsible for implementing and fulfilling CNO/SWBNO's responsibilities described in this letter and will serve as CNO/SWBNO's primary point-of-contact for all issues regarding the built environment. This may include, but may not be limited to: identifying and documenting CDFs within project APEs; reviewing plans and specifications for full reconstructions and all projects within NHL districts or adjacent to individual NHL properties; providing and updating certain content on the Road Works NOLA website; attending pre-construction community meetings, as appropriate; developing the historic context regarding New Orleans' streetscapes as described in the treatment measures; assisting and/or developing other interpretive materials; and responding to unexpected effects and discoveries. The historic preservation specialist is also responsible for working with CNO/SWBNO's project managers to identify CDFs within or near NHLs and assisting them in developing feasible alternatives that will avoid and minimize the effects of JIRR projects on NHLs. The historic preservation specialist will record the following CDFs, if scheduled for removal because repair or replace in-kind is technically infeasible, found in full reconstruction projects or projects within NHL districts or adjacent to individual NHL properties:

brick or stone street pavers (including driveways and driveway aprons); brick or stone parking boundaries; brick or stone crosswalks; brick or stone curbs; brick or stone open gutters; brick or stone gutter bottoms; inlaid decoration in sidewalks, footlaps, driveways, or driveway aprons; streetcar tracks or pavers; mounting blocks or steps (aka carriage steps, footbridges over open gutters); and abandoned fire hydrants.

Recordation of CDFs, where required, must be documented with high quality digital photos, and these photos must include geolocation information. Photos should be high enough quality to be included in publication materials, and the features must be cleared of debris prior to being photographed.

### *Archaeological Sites and Cemeteries*

The majority of work associated with JIRR projects will involve the repair or replacement of surface materials. This type of work has little potential to affect cemeteries and archaeological resources, and FEMA, SHPO, and Tribes agree that work to resurface existing streets will not adversely affect cemeteries and NRHP eligible archaeological sites. However, work to replace utilities and the limited number of full road reconstructions has the potential to adversely affect such sites. Based upon available evidence, recorded and unrecorded archaeological deposits associated with pre-contact, contact, and colonial eras in New Orleans may be affected as these sites may not conform to the city's street grid. As these sites likely lie below the street surface, it is often not feasible for them to be

identified prior to construction. Even where there are records of an archaeological site or cemetery, the boundary or location may not be accurate.

CNO has hired an archaeologist who meets the Professional Standards to serve as a liaison to FEMA and SHPO/Tribes for the JIRR Undertaking, and serve as CNO/SWBNO's primary point-of-contact for all issues regarding archaeological sites and inadvertent discovery of human remains. CNO/SWBNO will ensure that excavations where there is an identified potential for burials, human remains, burial furniture or artifacts (collectively referred to as human remains), or pre-contact, contact, and colonial era archaeological sites will be monitored by someone who meets the Professional Standards. This monitoring must be conducted and/or supervised by the CNO archaeologist. The CNO archaeologist is responsible for using his or her professional judgment to determine the level of monitoring effort that is required for road and utility activities within the area outlined on the map in Appendix 3 based on the type of road or utility repair. This will include any project that occurs within 50 meters of the boundaries of a currently defined cemetery and any project within 100 meters of the location of a previously recorded archaeological site where human remains are potentially present. The map in Appendix 3 highlights the areas with the highest probability for pre-contact, contact, and colonial era sites that were occupied prior to the establishment of the city street grid. The CNO archaeologist will ensure that the protocol for the discovery of human remains detailed in Appendix 4 of this letter is followed, and will ensure that a report on each discovery of human remains is prepared for SHPO, FEMA, and GOHSEP. FEMA will forward the report to Tribes, as appropriate.

The CNO archaeologist is also responsible for providing and updating certain content on the Road Works NOLA website, and will attend pre-construction community meetings as appropriate.

SHPO will enter into a data-sharing agreement with CNO/SWBNO and provide the CNO archaeologist and historic preservation specialist with access to SHPO's GIS and related databases.

### *Conclusion*

FEMA recognizes that the historic preservation specialist will enable CNO/SWBNO to take steps to avoid and minimize adverse effects to CDF, but it is likely that CDFs may not be identified during construction or may not be repaired or replaced in-kind. It is also likely that it may be technically infeasible to repair identified CDFs or replace them in-kind.

FEMA also recognizes that the CNO archaeologist will enable CNO/SWBNO to take steps to avoid and minimize any adverse effects by reviewing all full reconstructions or utility repairs within the areas marked as high probability on the map in Appendix 3, and ensuring that monitoring is conducted as needed. FEMA acknowledges that it is possible that sites may not be identified during construction, and it may be impractical to evaluate the integrity of the site or conduct data recovery as construction is underway. This agreement only requires CNO/SWBNO to take steps to address the discovery of human remains, and pre-contact, contact, and colonial era sites that were occupied prior to the establishment of the city street grid. Sites that post-date the colonial era will be recorded by the CNO archaeologist but no investigation of these deposits is required to be undertaken beyond that necessary to document their location and extent within the project area.

Therefore, pursuant to 36 CFR §800.5 and in accordance with Stipulation II.C.6(a) of the 2016 Statewide PA, as amended, FEMA has taken into account the views of SHPO and Tribes concerning effects and determined that the Undertaking may have an **Adverse Effect to Historic Properties** and

proposes the use of Treatment Measures to address adverse effects to CDFs within NRHDs, NRHP eligible archaeological deposits and human remains.

### **Treatment Measures**

Per Stipulation II.C.6 (a) of the 2016 Statewide PA, as amended, FEMA recommends the adverse effects of the Undertaking will be adequately mitigated through the Abbreviated Consultation Process (ACP) and the implementation of Treatment Measures outlined in Appendix C.III. IV and VI:

### **Treatment Measures for the Built Environment**

#### *Historic Property Inventory*

CNO/SWBNO is responsible for conducting the research and field (sampling) survey of character defining streetscape features indicative of each NRHP listed or eligible historic district that is located within the JIRR project areas. The CDF list included as Appendix 2 will be used as a starting point for the development of the historic property inventory, but additional historic features within the public right-of-way (ROW) should also be included. This inventory will provide sufficient documentation and descriptions of streetscape features to include small scale elements (e.g. streetlights, granite curbing) and landscape features (e.g. neutral grounds, tree canopies) within the ROW that contribute to the seven aspects of integrity [https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15\\_8.htm#seven%20aspects](https://www.nps.gov/nr/publications/bulletins/nrb15/nrb15_8.htm#seven%20aspects). Data compiled will include a written description, assessment of integrity, photograph, geographic location, and name of historic district to which it contributes. It is encouraged that application software be utilized to capture this information in a digital special format for each sampled streetscape feature. This inventory will not provide a count of every feature, but will provide a thorough sampling which will inform the content of and provide a basis for analysis and synthetization in the historic context statement.

#### *Historic Context Statement*

CNO/SWBNO is responsible for the development, research, writing, and production of a historic context statement that will focus on the history of the streetscape throughout all NRHP listed historic districts located within the JIRR project areas. The historic context statement will be prepared by personnel who meet the Professional Standards, and will provide insight as to how/why street patterns were formed; whether streetscape features are indicative of various transportation modes (e.g. horse-drawn carriage, electric streetcar, etc.); how trends in design and geography influenced the development of streets, pedestrian paths, and streetscape features; what materials were used and why; changes made to the streetscape through time; and how roadside gutters, curbs, streetlights, wayfinding signage, drainage features, neutral grounds and tree canopies, and other small-scale features contribute to the seven aspects of integrity. The National Register Bulletins, including “How to Apply the National Register Criteria for Evaluation, Section V: How to Evaluate a Property within its Historic Context” and “Historic Residential Suburbs, Guidelines for Evaluation and Documentation for the National Register of Historic Places,” should be used as guidance. The sampling historic property inventory and previous surveys, including the “Cultural Resources Survey, St. Charles Avenue Overlay (Calliope Street to Napoleon Avenue), Orleans Parish, Louisiana” (Earth Search Inc., October 2008), should inform the historic context statement. Primary sources such as Sanborn maps, plat maps, and the “Standard Plans and Specifications of the City of New Orleans for Street Paving” (1921) should be utilized.

It is intended that the final publication should be similar to other FEMA-funded context statements such as “Historic Context Statement for New Orleans Public Schools” (2011) and “The History of

Building Elevation in New Orleans” (2012). The publication should appeal to the general public as well as residents of historic districts, and planning and historic preservation professionals.

CNO/SWBNO will produce a draft of the historic property inventory and historic context statement within thirty-six (36) months of the executed ACP, and provide SHPO, FEMA, GOHSEP, and Tribes with the draft materials for a thirty (30) day comment period. If the consulting parties do not provide comments on the draft within thirty (30) days following submission, CNO/SWBNO will finalize the materials by producing one bound copy for the UNO Earl K. Long Library, three bound copies for SHPO, and one bound copy for each branch of the New Orleans Public Library. A digital copy will be posted on the Road Works NOLA website and provided to FEMA and all consulting parties.

### **Treatment Measures for Archaeology**

CNO/SWBNO is responsible for the development of the cultural resource context statement and may develop other interpretive materials. CNO may enter into an agreement with a university to provide the resources to develop the cultural resource context statement described in the Treatment Measures for Archaeology and allow the CNO archaeologist and historic preservation specialist to have access to university facilities.

### ***Cultural Resource Context Statement:***

CNO/SWBNO will ensure that a context statement will be prepared assessing previously conducted archaeological fieldwork in Orleans Parish with a focus on pre-contact, contact, and colonial era archaeological sites. The context will include a database of identified, tested and mitigated archaeological sites in Orleans Parish. The database will include fields to show what cultural periods or components are present; how many individual sites have been examined for each component/period; what types of sites have been investigated within each period/component; what data sets (ceramic glass, faunal, floral, etc.) were obtained from each component; and how many quality data sets are there for each component. The context will include a detailed GIS map that uses information from the previously conducted archaeological fieldwork and historic maps to identify known historic locations (e.g. cemeteries, schools, plantations, commercial districts, industrial areas, etc.). This will include an effort to identify high probability/archaeologically sensitive locations for pre-contact, contact and colonial era sites that were occupied prior to the establishment of the city street grid. Based on information in the database and GIS map described above, the context will describe the critical gaps in the knowledge of archaeological sites that were occupied prior to the establishment of the city street grid in New Orleans.

CNO/SWBNO is responsible for establishing a set of criteria by which sites can be assessed in terms of their potential to contribute to the understanding of the city’s past, and will consult with FEMA, SHPO, GOHSEP and Tribes to finalize the criteria. These criteria will provide a basis for determining which sites in the future should be considered eligible for inclusion in NRHP and critical for investigation and those that are less significant and of less value for investigation.

CNO/SWBNO will ensure that a draft of the cultural resource context statement will be produced within thirty-six (36) months of the executed ACP, and provide SHPO, FEMA, GOHSEP, and Tribes with the draft materials for a thirty (30) day comment period. If the consulting parties do not provide comments on the draft within thirty (30) days following submission, CNO/SWBNO will finalize the materials by producing one bound copy for the UNO Earl K. Long Library, three bound copies and one digital pdf copy for SHPO. A digital copy will be provided to FEMA, all consulting parties, and Tribes.

### **Public Outreach – Educational Materials**

CNO/SWBNO will ensure that a public outreach program for archaeology focused on Orleans Parish based on data from the cultural resource context statement and any JIRR fieldwork. The public outreach program will be developed and implemented in cooperation with FEMA, SHPO, Tribes, and GOHSEP for the JIRR project. This will include either:

- publication of a booklet or web-based application;
- or
- a teaching module for use in Orleans Parish primary schools in a printable electronic format. These educational materials shall consist of a pamphlet and PowerPoint slideshow describing the findings of any JIRR archaeological investigations, information on the National Register Historic District(s), and any relevant archival data.

The public outreach program materials will be prepared by personnel who meets the Professional Standards. CNO/SWBNO will produce a draft of these outreach program materials within thirty-six (36) months of the executed ACP, and provide SHPO, FEMA, GOHSEP, and Tribes with the draft public outreach materials for a thirty (30) day comment period. If the consulting parties do not provide comments on the draft within thirty (30) days following submission, CNO/SWBNO may finalize the materials.

### **Reporting on Treatment Measures**

FEMA will provide written notice to GOHSEP, CNO, SHPO, and participating Tribes, and other consulting parties, as appropriate, within sixty (60) days of the completion of the Treatment Measures as required by Stipulation II.C.6 (a) iii of the 2016 PA. FEMA shall include information pertaining to the progress of and completion of all Treatment Measures in the annual report pursuant to Stipulation I.B.1 (d), FEMA Roles and Responsibilities in the 2016 Statewide PA, as amended.

### **Discoveries and Unexpected Effects**

The CNO archaeologist and historic preservation specialist will be available to respond to all unanticipated discoveries and unexpected effects. **The CNO archaeologist will be empowered to immediately stop work if unanticipated discoveries and/or unexpected effects occur during construction.** The Project Manager will be empowered to immediately stop work if the CNO archaeologist is unavailable and unanticipated discoveries and/or unexpected effects occur during construction. This stipulation will be explicitly stated in the project requirements for each individual JIRR undertaking. Construction may continue outside the defined discovery location. The stop work order will allow sufficient time for the CNO archaeologist to assess the discovery and/or unexpected effect(s) and take any necessary steps. If the unexpected effect appears to affect private property, the CNO archaeologist will notify the Project Manager and follow any appropriate CNO/SWBNO protocols. If the discovery appears to be human remains the CNO archaeologist will determine the course of action following the protocols in Appendix 4. If the discovery appears to be pre-contact, contact or colonial era archaeological deposits, the CNO archaeologist will assess the NRHP eligibility of the discovery in consultation with FEMA, SHPO, Tribes, and GOHSEP; develop a response or mitigation strategy in consultation with FEMA, SHPO, Tribes, and GOHSEP; when appropriate; undertake the agreed-upon response or mitigation effort; and prepare a written report on the discovery and the actions taken. This report will be provided to FEMA, SHPO, Tribes, GOHSEP, and other parties, as appropriate. The CNO archaeologist will record any post-colonial era discovery, but is not required by this agreement to take further action to minimize or mitigate effects to such discoveries since these potential effects have been addressed through the Treatment Measures described above.

### **Dispute Resolution**

If SHPO or Tribe(s) notifies FEMA in writing of concerns about the effects to historic properties caused by any plans, specifications, or actions taken to implement the JIRR, FEMA shall consult further with the objecting party to seek resolution. FEMA may request other consulting parties to participate in this consultation to resolve the objection. If FEMA determines the objection cannot be resolved, FEMA shall address the objection in accordance with Stipulation IV.B, Dispute Resolution of the 2016 Statewide PA, as amended.

### **Public Objections**

If a member of the public raises an objection regarding the implementation of the measures set out in this letter at any time during their implementation, FEMA shall take the objection into account, notify CNO, SWBNO, GOHSEP, SHPO, and Tribes, as appropriate, and consult as needed with the objecting party, CNO, SWBNO, GOHSEP, and Tribes, as appropriate, prior to FEMA's resolution of the objection. CNO/SWBNO is not required to cease work on activities unrelated to the objection while the objection is being reviewed and resolved. FEMA will notify ACHP of its resolution of a public objection.

### **Semi-Annual Meetings**

FEMA will work with CNO/SWBNO to host semi-annual consultation meetings to outline future work, assess the effectiveness of this ACP, and identify any terms of this ACP letter that should be considered for revision. CNO/SWBNO will report on the number of projects organized by each amendment/wave reviewed by the CNO archaeologist and historic preservation specialist since the last meeting, including the number of projects in the archaeological sensitivity area, the number of projects monitored, the number of full reconstruction projects and projects that may have affected an NHL and the nature of the effect; any discoveries and/or unexpected effects, any public objections or dispute resolutions, and any avoidance measures that were implemented, CNO/SWBNO will also report on the status of the historic property inventory; the historical context statement; the cultural resource context statement; and the archaeological focused educational materials. These meeting will be held on or about March 15<sup>th</sup> and September 15<sup>th</sup> of each year during the implementation of the JIRR. The CNO archaeologist and historic preservation specialist will email the consulting parties a copy of the report prior to the semi-annual meetings. CNO/SWBNO will provide the consulting parties with a written summary describing the information discussed at the meeting.

FEMA will notify CNO/SWBNO, SHPO, Tribes, and GOHSEP in writing when it determines that the JIRR Undertaking is complete.

### **Copies or Summaries of Views by Consulting Parties and the Public**

FEMA forwarded the letter dated November 6, 2018 with the attached documentation to the Preservation Resource Center of New Orleans, Preserve Louisiana, the Louisiana Landmarks Society, and the Historic District Landmarks Commission as required by 36 CFR §800.4(d)(1) and received no comments.

FEMA will work with SHPO and other interested consulting parties to help CNO/SWBNO develop information regarding the Section 106 review for the pre-construction community meetings and website. CNO/SWBNO will work with SHPO to establish links on the SHPO's website to information and maps on CNO's website.

FEMA posted a notice on the Louisiana Department of Culture, Recreation & Tourism website:

(<http://www.crt.state.la.us/dataprojects/culturalassets/fema106/>) describing this Undertaking, its effects on historic properties, and FEMA's proposed treatment to mitigate adverse effects for a 15-day comment period and received no comments.

FEMA is submitting this letter to incorporate comments received on its letter dated November 6, 2018 and to document the conclusion of the Abbreviated Consultation Process to address the Adverse Effects of this Undertaking through Treatment Measures outlined in Stipulation II.C.6 (a) of the 2016 Statewide PA, as amended.

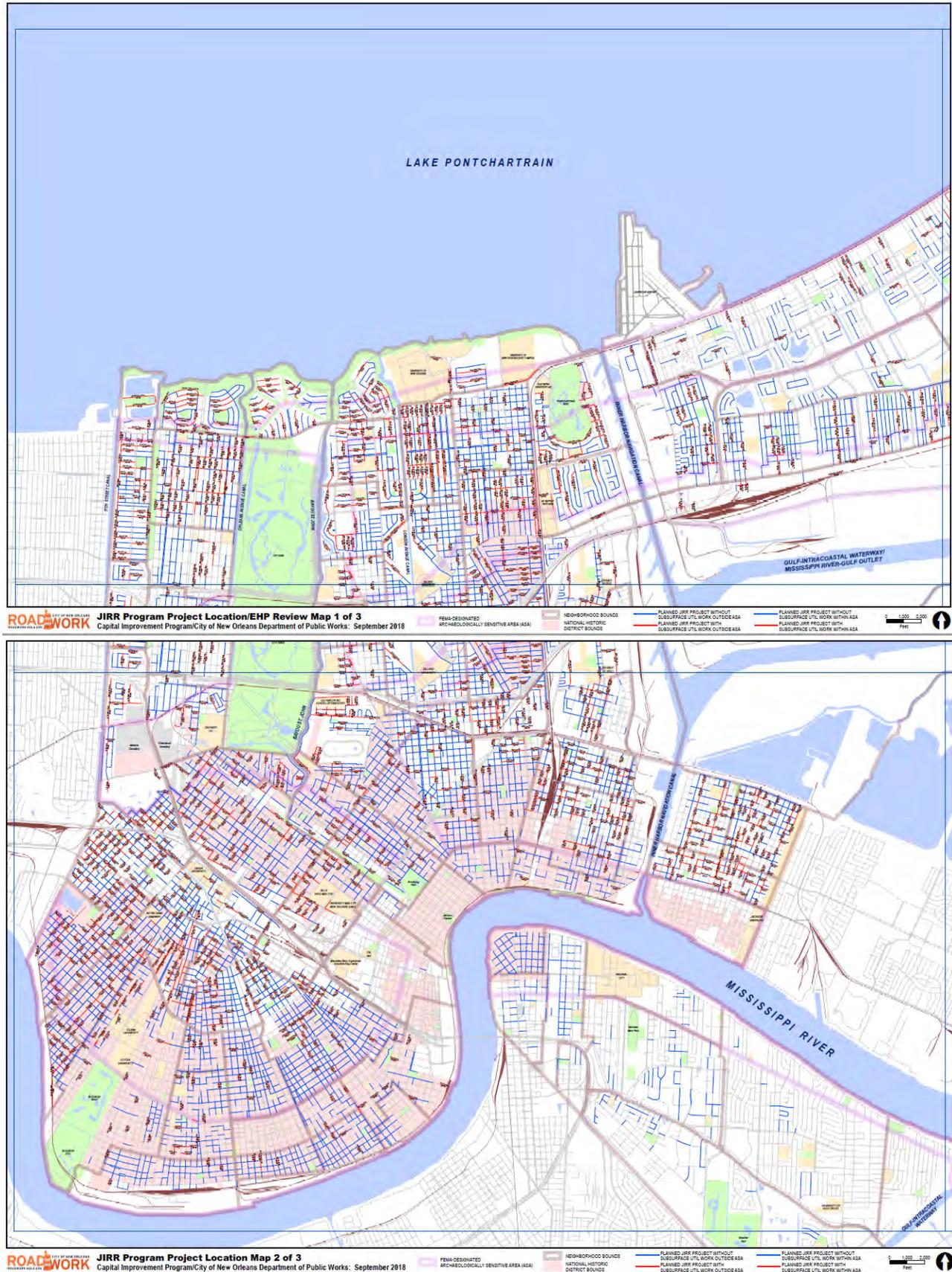
Should you have any questions or need additional information regarding this Undertaking, please contact me or Amber Martinez at (504) 256-3801 or [Amber.Martinez2@fema.dhs.gov](mailto:Amber.Martinez2@fema.dhs.gov).

Sincerely,

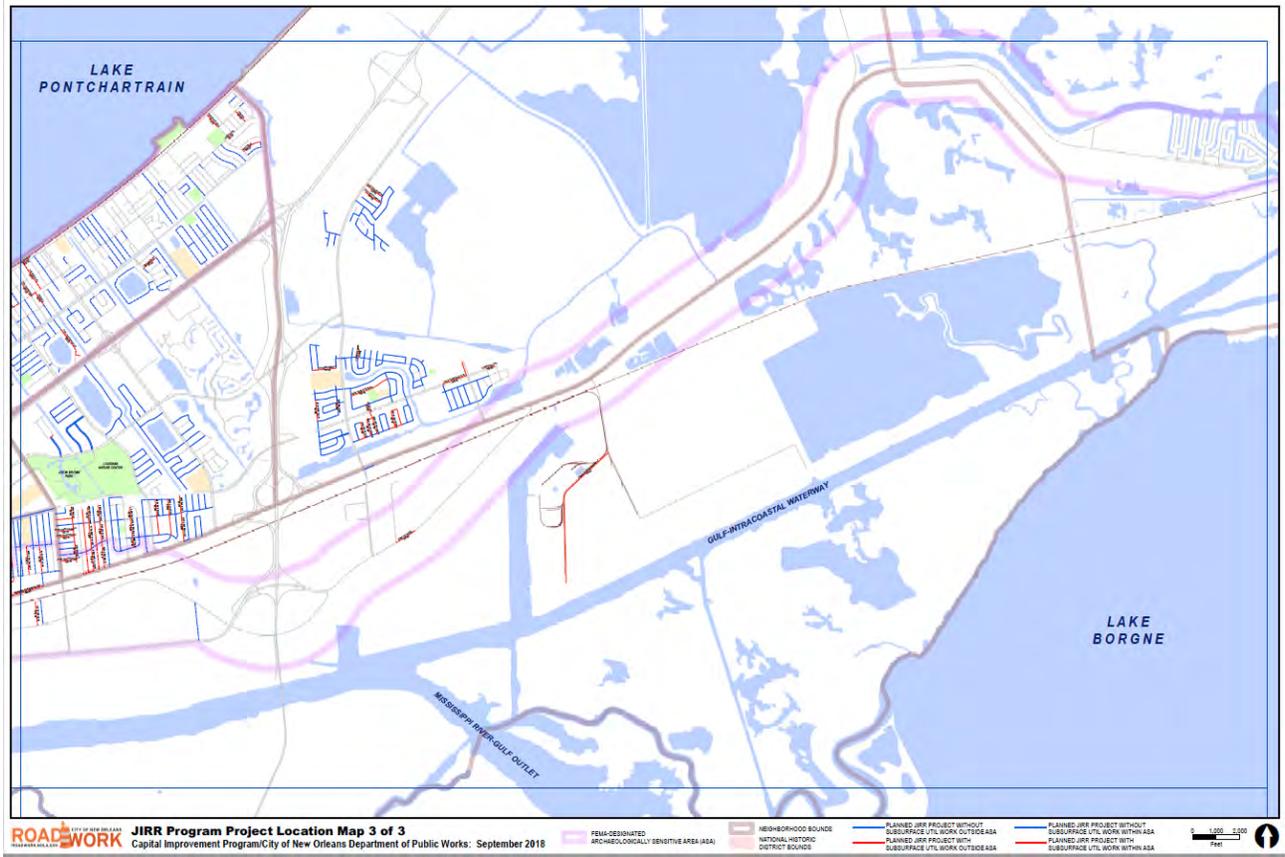
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CC: File  
Enclosures

### Appendix 1: Map showing proposed JIRR and National Register Historic Districts



Appendix 1, continued.

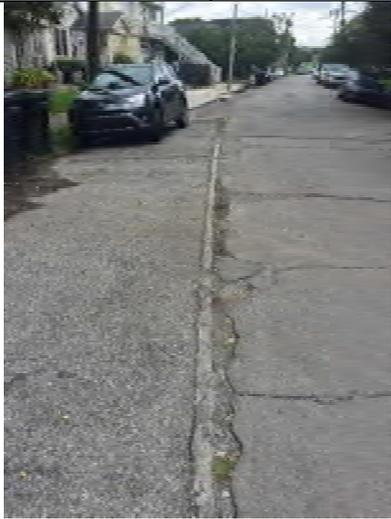


**Appendix 2: Character Defining Features (CDFs) of streetscapes typically found in the National Register Historic Districts (NRHDs) and National Historic Landmark Districts (NHLs) of New Orleans; and avoidance/minimization efforts.**

PROJECT MANAGERS **MUST** CONSULT WITH CITY HISTORIC PRESERVATION SPECIALIST ON ALL FULL RECONSTRUCTION PROJECTS, AND ALL PROJECTS WITHIN NHLs DISTRICTS OR ADJACENT TO INDIVIDUAL NHL PROPERTIES.

NOTE: “Technically infeasible” as used in this Appendix 2 is defined as not meeting required design criteria and/or cost reasonableness.

<b>Character Defining Feature (CDF)</b>	<b>Avoidance/ Minimization Effort</b>	<b>Photograph and Location</b>
<p>Brick or stone street pavers (including driveways, driveway aprons, and crosswalks)</p>	<p>Retain in place except where technically infeasible.</p> <p>Historic materials will be reinstalled if salvageable.</p>	 <p>Felicity Street, between Baronne Street and Laurel Street</p>

<p>Brick or stone sidewalks (including footlaps)</p>	<p>Retain in place except where technically infeasible.</p> <p>Historic materials will be reinstalled if salvageable.</p> <p>If replacement is necessary, new materials and design will match historic.</p>	 <p>NE corner Milan Street and Dryades Street</p>  <p>1400 block Prytania Street</p>
<p>Brick or stone parking boundaries</p>	<p>Retain in place except where technically infeasible.</p>	 <p>Laurel Street, between Exposition Boulevard and Jefferson Avenue</p>

<p>Brick or stone curbs</p>	<p>Retain in place except where technically infeasible.</p> <p>Historic materials will be reinstalled if salvageable.</p>	 <p>Granite curb, 800 block Taft Place</p>  <p>Basalt curb, 100 block First Street</p>
<p>Distinctive concrete curbs</p>	<p>Retain in place except where deemed technically infeasible.</p>	 <p>1900 block Marengo Street</p>
<p>Timber curbs</p>	<p>No minimization measure.</p>	 <p>SE corner Coliseum Street and Milan Street</p>

<p>Brick or stone open gutters</p>	<p>Retain in place except where technically infeasible.</p>	 <p>Euterpe Street between Robert C. Blake Sr. Dr. and St. Charles Ave.</p>
<p>Brick or stone gutter bottoms</p>	<p>Retain in place except where technically infeasible.</p>	 <p>800 block Taft Place</p>
<p>Steel curb guards</p>	<p>Retain in place except where technically infeasible.</p>	 <p>SE corner Taft Place and Dumaine Street</p>

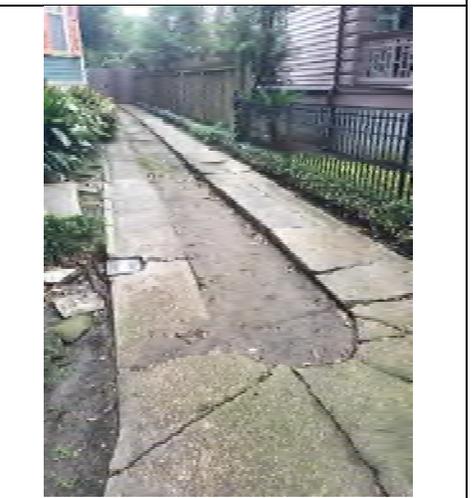
<p>Inlaid decoration in sidewalks, footlaps, driveways, and driveway aprons</p>	<p>Retain in place except where technically infeasible.</p>	 <p>1410 Jackson Avenue</p>
<p>Construction company stamped impressions in sidewalks</p>	<p>No minimization measure.</p>	 <p>(stock photo)</p>
<p>Utility covers</p>	<p>Salvage and reset or replace in-kind.</p>	 <p>800 block Taft Place</p>
<p>Catch basins and grates</p>	<p>Salvage and reset or replace in-kind.</p>	 <p>800 block Taft Place</p>

<p>Street name ceramic tiles</p>	<p>Retain in place except where technically infeasible due to ADA requirements.</p> <p>Historic materials will be salvaged and reinstalled in their original locations and orientation, or as close to their original locations as possible.</p> <p>Damaged or missing elements will be replaced with salvaged or in-kind material.</p>	 <p>Corner of Taft Place and Dumaine Street</p>
<p>House number ceramic tiles</p>	<p>Retain in place except where deemed technically infeasible.</p>	 <p>938-940 Taft Place</p>
<p>Streetlights</p>	<p>Avoid.</p>	 <p>NE corner Taft Place and Dumaine Street</p>

<p>Streetcar catenary standards (incl. light mechanism)</p>	<p>Avoid.</p>	 <p>St. Charles Avenue and Marengo Street</p>
<p>Streetcar tracks and pavers</p>	<p>Retain in place except where technically infeasible.</p>	 <p>Erato Street between Magazine Street and Tchoupitoulas Street</p>
<p>Traffic bollards</p>	<p>Avoid.</p>	 <p>Gilmore Park, Laurel Street and State Street</p>

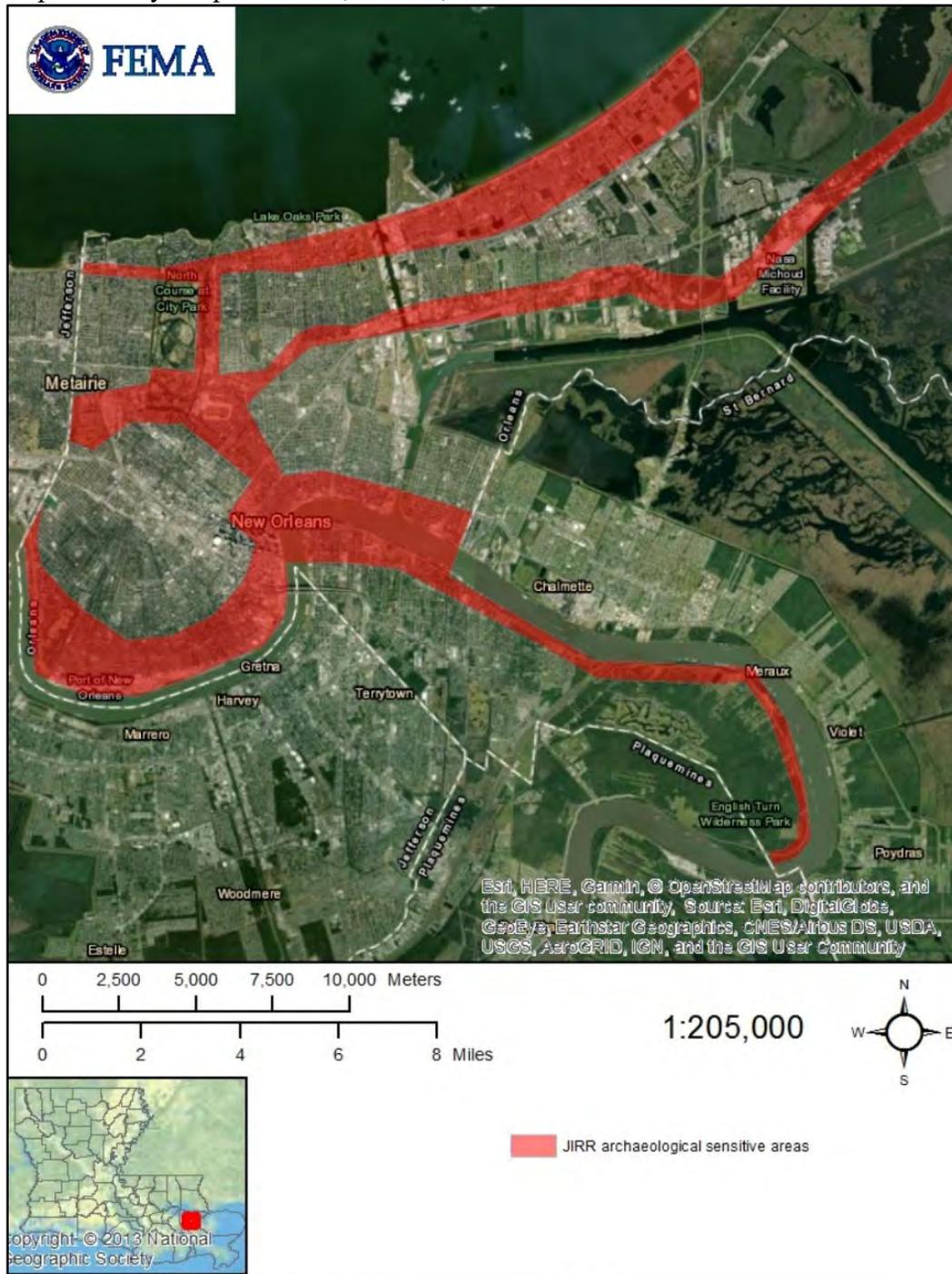
<p>Hitching posts</p>	<p>Avoid.</p>	 <p>SE corner Prytania Street and Third Street</p>
<p>Signage (e.g. wayfinding, historical markers)</p>	<p>Avoid.</p>	 <p>NE corner Prytania Street and Washington Avenue</p>
<p>Mounting blocks or steps (aka carriage steps, footbridges over open gutters)</p>	<p>Avoid.</p> <p>If removal is necessary, the feature will be temporarily moved and returned to original location.</p> <p>If this is technically infeasible, City will work with property owners to relocate mounting block as close to its original location as possible.</p>	 <p>1408 First Street</p>

<p>Horse troughs</p>	<p>Avoid.</p>	 <p>NE corner Hagen Avenue and Dumaine Street</p>
<p>Boundary markers and land monuments</p>	<p>Avoid.</p>	 <p>SE corner St. Charles Avenue and Marengo Street</p>
<p>Sculpture/statuary</p>	<p>Avoid.</p>	 <p>SE corner Tchoupitoulas Street and Alonzo Street</p>

<p>Commemorative monuments</p>	<p>Avoid.</p>	 <p>1134 First Street</p>
<p>Fences/walls/gates</p>	<p>Avoid.           If not technically feasible to avoid, these features will be removed and reset in original location.</p>	 <p>1806 Milan Street</p>
<p>Two-track driveways</p>	<p>Avoid.           If not technically feasible to avoid, this feature will be patched in-kind with similar materials and design.</p>	 <p>1416-1418 Marengo Street</p>
<p>Retainer gardens</p>	<p>Avoid.</p>	 <p>SE corner of Marengo Street and Carondelet Street</p>

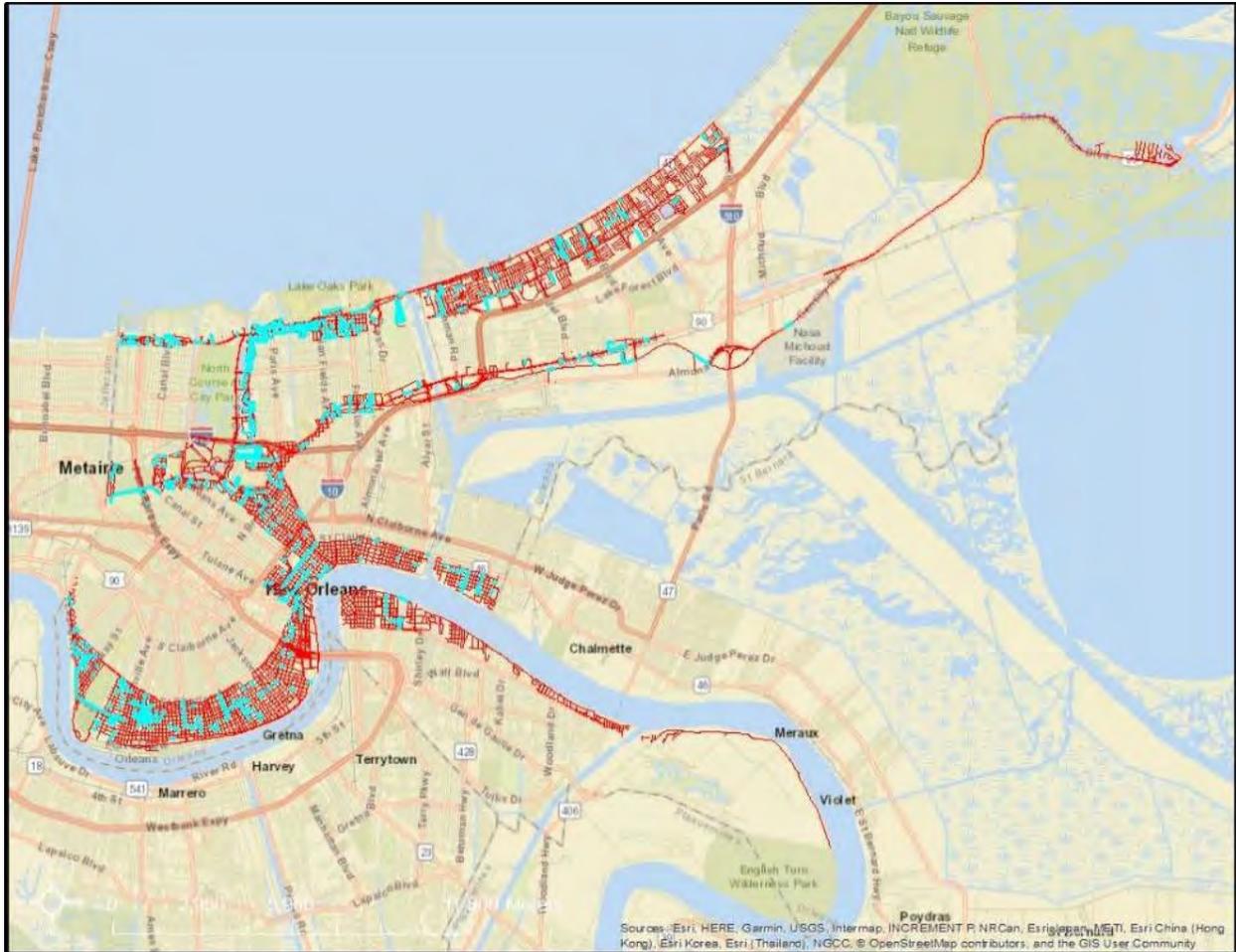
<p>Abandoned fire hydrants</p>	<p>If no longer operable, disconnect and leave in place.</p>	 <p>NE corner Grand Route St. John Street and Moss Street</p>
<p>CDFs within footprint of ADA ramps</p>	<p>For construction of new ADA ramps, curbs, and crosswalks within a National Register listed or eligible historic district, the work shall meet the following:</p> <ul style="list-style-type: none"><li>i. Cutting and removal of historic materials is limited to the footprint of the proposed ramp;</li><li>ii. Historic materials are re-used if feasible;</li><li>iii. New paving materials match the physical characteristics of the historic materials (size, configuration, color, texture, and material type);</li><li>iv. Truncated dome mats will be neutral in color to the extent consistent with ADA requirements; and</li><li>v. Character-defining identification or wayfinding features (e.g. signage, street tiles, historical markers) shall be salvaged and reinstalled in their original locations and orientation, or as close to their original locations as possible. Damaged or missing elements will be replaced with salvaged or in-kind materials.</li></ul>	 <p>SW corner Taft Place and Dumaine Street</p>  <p>SE corner Hagen Avenue and Dumaine Street</p>

Appendix 3: Map of areas that were occupied prior to the establishment of the city street grid with the highest probability for pre-contact, contact, and colonial era sites.



This map was produced using FEMA’s archaeological probability map, LIDAR data, an 1895 contour map of New Orleans, other historic maps and archaeological site information. Map areas include non-artificial lakeshore, Bayou St. John, all areas below St. Charles and St. Claude, West Bank Algiers point and river edge, Gentilly and Metairie Ridge, and potential colonial areas. The map is intended to be broader than necessary, allowing the city archaeologist to use his or her professional judgment to determine the level of monitoring effort that is required based on the type of road or utility repair.

Appendix 3, continued.



Map showing roadwork within the archaeological sensitive areas, utility work highlighted

#### Appendix 4: Protocol for the Treatment of Unmarked Graves, Burial(s), Human Remains, and/or Burial Furniture or Artifacts

If unmarked graves, indications of burial(s), human remains, and/or burial furniture or artifacts are discovered during construction, CNO/SWBNO will require that construction immediately cease at the location of the discovery and takes all reasonable measures to avoid or minimize harm to the finds. CNO/SWBNO will ensure that the discovery is secured and stabilized, as necessary, and access to the area is restricted. CNO/SWBNO will notify FEMA and GOHSEP of the discovery as soon as practicable. The CNO archaeologist may delegate his/her responsibilities to respond to a discovery to another archaeologist who meets the Professional Standards, if necessary. The CNO archaeologist will examine the discovery as soon as possible, and determine if unmarked graves, indications of burial(s), human remains, and/or burial furniture or artifacts are present. If the CNO archaeologist determines no unmarked graves, indications of burials, human remains, and/or burial furniture or artifacts are present, he/she will document the discovery in writing and construction at the location of the discovery can resume. If the CNO archaeologist determines that unmarked graves, indications of burial(s), human remains, and/or burial furniture or artifacts are present, the Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) becomes applicable. CNO/SWBNO will notify local law enforcement within 24-hours, and if the appropriate law enforcement official determines that the discovery is not a crime scene and is more than 50 years old, the Louisiana Division of Archaeology (Division) has jurisdiction over the remains.

##### A. Unassociated human remains

If the remains consist of only isolated fragment(s) and were found:

1. where there is no other evidence of a pre-contact, contact or colonial period archaeological site (as determined by the absence of artifacts or Rangia and/or oyster shell either in a primary or redeposited context); and
2. where there is no evidence for a historic period cemetery in any adjoining block;

they will be collected by the monitoring archaeologist and retained as directed by the CNO archaeologist. Standard, non-destructive, osteological assessment of the remains will be conducted by a qualified physical anthropologist. CNO/SWBNO, GOHSEP, FEMA, and Division will consult to determine a time and place for the remains to be reburied. Reburial will be at CNO/SWBNO's expense.

If isolated human remains are found in a context indicating they are associated with a pre-contact, contact, or colonial period archaeological site, they will be handled following B below. If they are not associated with a site but appear to be associated with a known or previously unknown historic cemetery, they will be handled following C below.

##### B. Human remains associated with a pre-contact, contact, or colonial period archaeological site.

1. If isolated fragments and/or evidence of a complete or partial intact interment are found in the context of a site:
  - a) every attempt will be made to preserve the remains in their original location;

Appendix 4, continued.

- b) the remains will be exposed and assessed only to the extent necessary to confirm they are human and to determine their context within the site. This will include standard archaeological and osteological documentation of the remains to the extent they are exposed;
- c) consultations will be held with CNO/SWBNO, GOHSEP, FEMA, Division, and Tribes to determine how to proceed:
  - i) the preferred option is for the remains to remain in situ and that the construction be modified to avoid the specific location of the remains;
  - ii) if the remains cannot be avoided, the next option is to remove the remains, and rebury them in the excavation as close to the original find spot as possible and in a location where they will not be disturbed by any likely future excavation at this location;
  - iii) if preservation in place or reburial is not feasible, the remains will be excavated using standard archaeological methods. The remains will undergo standard, non-destructive, osteological assessment by a qualified physical anthropologist. They will be retained as directed by the CNO archaeologist until the parties agree on an appropriate place and time for reburial. Reburial will be at CNO/SWBNO's expense.

C. Human remains associated with a known historic period cemetery.

If isolated fragments and/or evidence of intact burials (including coffins) are found that are associated with a cemetery adjoining the project area:

- a) The CNO archaeologist will monitor additional controlled excavations to determine if the find is an isolated interment outside the known cemetery limits, or if additional burials are present indicating the cemetery originally extended outside the current limits.
- b) if the human remains represent a single find or interment:
  - i) the preferred option is to preserve the remains in place. Consultations will be held with CNO/SWBNO, GOHSEP, FEMA, and Division to determine if the construction can be modified to achieve this goal;
  - ii) if the remains cannot be preserved in place, they will be archaeologically excavated with all human remains, grave goods, and coffin furniture retained. Standard, non-destructive, osteological analysis of the human remains will be undertaken by a qualified physical anthropologist. Any grave good will be described and documented. All human remains and associated materials will be retained as directed by the CNO archaeologist until the parties identify a time and place for reburial. Reburial will be at CNO/SWBNO's expense.
- c) if there is evidence for multiple interments in the proposed construction site, consultations will be held between CNO/SWBNO, GOHSEP, FEMA, and Division on how best to proceed.