



## State of Louisiana

JAY DARDENNE  
LIEUTENANT GOVERNOR

OFFICE OF THE LIEUTENANT GOVERNOR  
DEPARTMENT OF CULTURE, RECREATION & TOURISM  
OFFICE OF CULTURAL DEVELOPMENT

CHARLES R. DAVIS  
DEPUTY SECRETARY

PAM BREUX  
ASSISTANT SECRETARY

December 13, 2013

Ms. Katherine Zeringue  
Environmental Liaison Officer  
Federal Emergency Management Agency  
Louisiana Recovery Office  
1 Seine Court  
New Orleans, LA 70114

Ms. Stella Fiotes  
Executive Director  
U.S. Department of Veterans Affairs  
Office of Construction & Facilities  
Management  
810 Vermont Avenue NW (003C)  
Washington, DC 20420

Honorable Mitchell J. Landrieu  
Mayor, City of New Orleans  
1300 Perdido Street  
New Orleans, LA 70112

Mr. Mark A. Moses  
Director, Facility Planning & Control  
P.O. Box 94095  
Baton Rouge, Louisiana 70804-9095

Mr. John M. Fowler  
Executive Director  
Advisory Council on Historic Preservation  
Old Post Office Building  
1100 Pennsylvania Avenue, NW, Suite 803  
Washington, DC 20004

RE: Amendment to the Programmatic Agreement Regarding the Funding to Repair or Replace Healthcare Facilities Comprising the VA Medical Center and the Medical Center of Louisiana at New Orleans

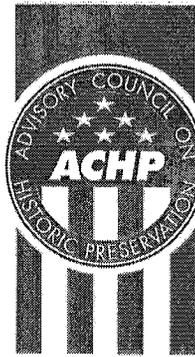
Dear Signatories and Invited Signatory:

Enclosed is your copy, with original signatures, of the fully executed 1<sup>st</sup> Amendment to the Programmatic Agreement for the above-referenced project.

We appreciate everyone working with our office to finalize this amended agreement.

Sincerely,

Nicole Hobson-Morris  
Director and  
Deputy State Historic Preservation Officer



*Preserving America's Heritage*

November 20, 2013

Honorable Mitchell J. Landrieu  
Mayor  
City of New Orleans  
1300 Perdido Street  
New Orleans, LA 70112

Ms. Stella Fiotes  
Executive Director  
US Department of Veterans Affairs  
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810 Vermont Ave NW (003C)  
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Ms. Katherine Zeringue  
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Federal Emergency Management Agency  
Louisiana Recovery Office  
1 Seine Court  
New Orleans, LA 70114

REF: *Amendment to the Programmatic Agreement Regarding the Funding to Repair or Replace Healthcare Facilities Comprising the VA Medical Center and the Medical Center of Louisiana at New Orleans*

Dear Mayor Landrieu, Ms. Fiotes, and Ms. Zeringue:

Enclosed is your copy of the fully executed 1st Amendment to the Programmatic Agreement for the referenced project. By carrying out the terms of this amendment, you will fulfill your responsibilities under Section 106 of the National Historic Preservation Act and the regulations of the Advisory Council on Historic Preservation. The original agreement will remain on file at our office.

We commend the Federal Emergency Management Agency, the Department of Veterans Affairs, and the City of New Orleans for working closely with the Louisiana State Historic Preservation Officer toward resolution of adverse effects for this undertaking.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004  
Phone: 202-606-8503 • Fax: 202-606-8647 • [achp@achp.gov](mailto:achp@achp.gov) • [www.achp.gov](http://www.achp.gov)

If we may be of further assistance as the agreement is implemented, please contact Mr. Brian Lusher, VA Liaison, at (202) 606- 8580, or via e-mail at blusher@achp.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Caroline D. Hall', written in a cursive style.

Caroline D. Hall  
Assistant Director  
Office of Federal Agency Programs  
Federal Property Management Section

Enclosure

**1<sup>st</sup> AMENDMENT TO  
PROGRAMMATIC AGREEMENT  
AMONG  
THE US DEPARTMENT OF VETERANS AFFAIRS,  
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,  
THE CITY OF NEW ORLEANS,  
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
REGARDING THE FUNDING TO REPAIR OR REPLACE  
HEALTHCARE FACILITY COMPRISING THE VA MEDICAL CENTER  
AND  
THE MEDICAL CENTER OF LOUISIANA AT NEW ORLEANS**

**WHEREAS**, the Programmatic Agreement Regarding the Repair or Replacement of the Healthcare Facility comprising the VA Medical Center and the University Medical Center, fka Medical Center of Louisiana at New Orleans, (PA) was executed on November 21, 2008; and

**WHEREAS**, the signatories and invited signatory to the PA agree that the terms of this PA are appropriate for administering the activities set out in the PA that remain to be completed; and

**WHEREAS**, the status of all Stipulations and Mitigation Measures, including those measures that have been completed, is updated in the Semi-Annual Interim Progress Reports which are posted on the dedicated website: <http://www.consult106.org>; and

**WHEREAS**, the only purpose for this amendment is to allow FEMA and VA until November 21, 2015 to complete the Stipulations/Mitigation set out in Attachment 1 of this 1<sup>st</sup> Amendment under the terms of the PA;

**NOW THEREFORE**, in accordance with Stipulation XI.B of the PA, FEMA; VA; the City of New Orleans; the Louisiana State Historic Preservation Officer; the Advisory Council on Historic Preservation; and the State of Louisiana, Division of Administration agree to amend the PA as follows:

1. Extension of the Duration of the November 2008 PA (Stipulation XI B.):

This PA will remain in effect for seven (7) years from November 21, 2008 through November 21, 2015, unless extended by a written agreement signed by all Signatories.

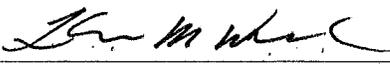
2. Applicability of the PA through November 2015:

This PA will apply only to Stipulations/Mitigation (in part or whole) still outstanding as of November 21, 2013 (Attachment 1).

**EXECUTION AND IMPLEMENTATION** of this First Amendment to the PA changes no other terms of the PA and evidences that the Responsible Agencies have afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties; taken into account the effects of the Undertaking on historic properties, and have satisfied their responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations.

**SIGNATORY:**

**FEDERAL EMERGENCY MANAGEMENT AGENCY**

By:   
Thomas M. Womack  
Director  
Louisiana Recovery Office  
FEMA, DR-1603/1607- LA

Date: 11-16-13

By:   
Katherine Zeringue  
Environmental Liaison Officer  
Louisiana Recovery Office  
FEMA, DR-1603/1607- LA

Date: 11-6-13

**SIGNATORY:**

**US DEPARTMENT OF VETERANS AFFAIRS**

By: Stella S. Fiotes

Stella S. Fiotes  
Executive Director, Office of Construction &  
Facilities Management

Date: 11-13-13

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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

Date: 11/20/13

**SIGNATORY:**

CITY OF NEW ORLEANS

By: 

Name: Mitchell J. LANDRIEU

Title: MAYOR

Date: 11/14/13

**SIGNATORY:**

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

By: Pam Breaux  
Pam Breaux  
State Historic Preservation Officer

Date: 11-13-13

**INVITED SIGNATORY:**

STATE OF LOUISIANA, DIVISION OF ADMINISTRATION

By: Mark A. Moses  
Mark A. Moses, Director  
Facility Planning and Control

Date: 11/18/13

## ATTACHMENT 1:

This Attachment outlines the Mitigation Measures/Stipulations, which are in progress or yet to begin (in part or whole) as of November 21, 2013

**FEMA is responsible for ensuring the following are completed:**

**Stipulation III (A-C) & IV.D – Administration and Public Participation:** Since 2008, the Responsible Agencies for ensuring the completion stipulations outlined in the Programmatic Agreement have maintained a project website for Consulting Parties ([www.consult106.org](http://www.consult106.org)) to post project information and deliverables of the Programmatic Agreement. The last document posted by FEMA was the May 2013 Semi-Annual Interim Progress Report on May 21, 2013. Additionally, FEMA continues to provide e-mail notifications to Participating Parties as project milestones are reached.

**Stipulation VI.C.2.a – Site Security:** The new UMC footprint is an active construction site with fencing around its perimeter. FP&C continues to monitor for unauthorized access and activities.

**Stipulation VI.C.3.b (i-iii) – Phased Demolition and Construction Activities:** Demolition activities commenced in October 2010. In accordance with Stipulation VI.C.3.b, FP&C is phasing demolition and construction activities to avoid concentrated indirect adverse effects to surrounding historic properties whenever practicable, and to ensure that treatment measures can be implemented.

As of August 2013, only one non-contributing property remains to be demolished in the University Medical Center (UMC) footprint. The property at 136 South Roman Street remains in use for construction activities.

FP&C will construct an elevated pedestrian walkway (also known as the Tulane Connector) across Tulane Avenue along S. Prieur Street. FEMA received concurrence from SHPO in April 2010 that this undertaking would have No Adverse Effect if specific design considerations are used in planning and implementing the construction. Once right-of-way and other issues are resolved, FP&C will submit the plans to FEMA and SHPO for review and comment.

**Stipulation VI.C.4.d – Public Interpretation:** FP&C is in the process of drafting the public interpretation program related to the Mid-City National Register Historic District, Charity Hospital, McDonogh School No. 11, and Deutsches Haus. Following the internal review of the public interpretation program by FP&C, the plan will be posted for comment by Consulting Parties and the public, per the Programmatic Agreement.

**Stipulation VI.C.4.f – Marketing of Charity Hospital and Reuse of 8 Historic MCLNO Buildings:** FP&C will retain the Dibert, L&M, Laundry, and Power House buildings for long-term use. FP&C plans to use the General Services, Maintenance Shop, Delgado, and Butterworth buildings through 2014.

FP&C posted the Charity Hospital Adaptive Reuse Market Study on the project website on September 7, 2011. The Programmatic Agreement requires FP&C to take steps to attract and encourage public or private entities to reuse and rehabilitate Charity Hospital for a period of three (3) years following publication of the study. FP&C will continue to maintain Charity

Hospital until a decision regarding the disposition of the building is made. The timeframe for the marketing plan will expire on September 7, 2014, at which time FP&C may dispose of Charity as it sees fit without any further obligations under the Programmatic Agreement.

**Stipulation VI.C.4.f.iv.c – Preservation Easement:** FP&C continues to explore offering a Preservation Easement on Charity Hospital to a third party, conditioned upon legislative approval. The easement would require compliance with SOI Standards for Rehabilitation.

**Stipulation VII (B-D) – Archaeology:** Archaeological field investigations are completed on 14 of the 15 acquired city blocks of the UMC footprint. Three lots remain within the final block remain to be investigated. Once this is completed, FEMA in consultation with SHPO and MBCI, will assess any recommendations for data recovery. Should additional data recovery be required, it will proceed in accordance with treatment strategies for archaeological properties outlined in Stipulation VII.D (1-6) of the Programmatic Agreement. Archaeological analysis and report writing is in progress and FEMA anticipates receiving a draft report before the end of 2013 for review and comment.

**Stipulations VII.B.5 – Archaeological Reporting:** A comprehensive report including the results of the archival research, sensitivity modeling and probability mapping, field identification methods and results, site evaluation methods and results, and data recovery methods and results will be prepared. Final Louisiana Division of Archaeology site forms for all sites identified will accompany these reports. These reports will be provided by FP&C to FEMA for a review and comment period before submission to SHPO and MBCI.

**Stipulation VII.D.6 – Curation:** To date, no curation of archaeological materials, reports, and associated records, in accordance with 36 CFR 79, has been accomplished. It is anticipated that curation of archaeological materials, reports and associated records will occur following the submission of the final report in 2013/2014. Discussions between FEMA, SHPO and FP&C regarding the Louisiana Division of Archaeology's curation standards will likely take place in before the end of 2013.

**VA is responsible for ensuring the following are completed:**

**Stipulation IV.D.- Dedicated Website**

VA has maintained the dedicated website ([www.consult106.org](http://www.consult106.org)) and updated the Consulting Parties with project information through this venue and email.

**Stipulation IV.E- Consulting Party Point of Contact**

VA identified Project Engineer Dan Therrien to act as a Point of Contact for the Consulting Parties in December 2005. Mr. Therrien remains available to Consulting Parties to answer questions about implementation of the tenets of the PA. Mark Brideweser, Project Executive, now serves as the POC for the VA.

**Stipulation V.B.2.a- Site Security**

Upon receipt of property, VA secured the site with a perimeter fence. The site is now an active construction zone with security. VA continues to monitor for unauthorized access.

**Stipulation V.B.2.b- Secure & Ventilate**

VA has continued to secure and ventilate the former VA hospital building addressed 1601 Perdido Street in New Orleans. VA maintains a security force to patrol the former hospital building.

**Stipulation V.B.2.c (i)- Retention of Historic Properties**

VA featured the Pan-American Life Insurance Company Building in all proposed campus design plans as the administrative center of the new medical center. VA assumed ownership of the building in 2010. Since that time, VA has completed asbestos abatement and interior demolition in preparation for full building renovation. VA consulted with the Louisiana State Historic Preservation Officer (LA SHPO) regarding proposed changes to the interior of the Pan-Am building. Portions of the building are in use today as administrative office space.

**Stipulation V.B.2.c (ii)- Retention of Historic Properties**

VA was granted access to the Dixie Brewery by the State of Louisiana in February 2011. At that time, VA began a structural assessment of the building stability to determine if it is feasible to retain the structure in accordance with Stipulation V.B.2.c (ii). VA has included the Dixie Brewery in design plans as a research facility. VA has consulted with the LA SHPO regarding proposed facility design and demolition of select non-brick features.

**Stipulation V.B.2.c (iii)- Documentation**

Draft photo documentation of the Dixie Brewery was completed in May 2011 and of the Pan-Am Building in October 2010 in accordance with Appendix 3 of the PA. Upon completion of the accompanying historical narratives and approval of the LA SHPO, VA will post the recordation data to the dedicated website.

**Stipulation V.B.2.d & V.B.3.a- Design of New Construction & Moving Buildings**

During the design phase, VA chose to incorporate up to four historic houses into the design of the new medical center. These properties were chosen once owners had declined the funds offered by the SHPO Moving Building Program to move the houses outside the footprint. VA selected four houses and moved the buildings to a temporary location on the replacement site away from initial construction zones. The buildings have been moved to a permanent location along South Rocheblave Street within the footprint of the new facility for use when the replacement medical center opens.

**Stipulation V.B.3.b- Interim Treatment of the Dixie Brewery & the Pan-American Life Insurance Company Building**

VA has secured ownership of the Pan-Am Building. The building is monitored by security personnel. VA is in the process of renovating the interior space; portions of the building are being used by administrative staff.

VA possesses full title to the Dixie parcel. The building is contained within the overall site fencing of the project and the property is monitored as part of the overall site security. The VA has determined, through consultation with the SHPO that the 1907 section of the Dixie Brewery will be incorporated in the new Research building design. As a result, a contract has subsequently been issued to proceed with stabilization of the 1907 section, as well as

remediation and demolition of the remainder of the Dixie parcel. VA is currently coordinating the start of work for this contract.

**Stipulation V.B.3.c- Vibration Monitoring**

VA has monitored construction activities in accordance with the Vibration Monitoring Plan established in May 2011. Any additional demolition activities necessary for the construction of the replacement VA Medical Center will occur in accordance with this Plan.

**Stipulation V.B.3.d- Phased Demolition & Construction**

VA continues to phase construction activities to avoid concentrated indirect adverse effects to the extent practicable.

**Stipulation V.B.4.a- Participation in the SHPO Mid-City Historic Preservation Mitigation Program**

VA has committed \$700,000 in funding to the Mid-City Historic Preservation Mitigation Grant Program administered by the LA SHPO. This program is ongoing. Total reimbursements to date: \$ 632,919.96

**Stipulation V.B.4.b- Recordation**

Draft photodocumentation of the VA Medical Center addressed 1601 Perdido Street, New Orleans, Louisiana; the former VA Managers & Nurses Quarters, once located along Gravier Street in New Orleans; the Sewerage Pumping Station addressed 2431 Palmyra Street, New Orleans; and, all contributing elements once located in the footprint of the replacement VA Medical Center is complete. Upon completion of the accompanying historical narratives and approval of the LA SHPO, VA will post the recordation data to the dedicated website.

**Stipulation V.B.4.d- Public Interpretation**

The public interpretation program is in development. It is the intention of VA to incorporate findings of the archeological investigations conducted at the replacement medical center site into the program. This program will be finalized upon completion of archeological reporting in accordance with Stipulation VII of the PA.

**Stipulation VII- Consideration of Archeological Properties**

VA has completed Phase I and II archeological investigations and Phase III mitigation efforts at the replacement medical center site. VA reviewed their determinations with the LA SHPO and received concurrence to conclude fieldwork. VA will complete comprehensive reports detailing all archeological work on the replacement VA medical center site. Drafts are expected within 18 months. Following acceptance of individual report, VA will curate the appropriate artifacts at a federally approved facility.

**Stipulation XI- Administration & Duration of this PA**

VA will continue to provide Semi-Annual Updates to all Consulting Parties for the duration of the amended PA.

**City of New Orleans is responsible for ensuring the following is completed:**

**V. ARCHITECTURAL TREATMENT MEASURES: US DEPARTMENT OF VETERANS AFFAIRS**

**4. Measures to Mitigate Adverse Effects to Historic Properties**

**a) Participation in the SHPO Mid-City Historic Preservation Mitigation Program:**

- ii. Should VA select the RPC Site Alternative, the **City will support the SHPO** in its effort to develop and implement a program, described in the preamble to this PA, to promote the preservation and rehabilitation of contributing elements within the Mid-City National Register Historic District, which would be adversely affected by these alternatives. The City will remit to the SHPO a total cost not to exceed \$400,000.00 for eligible historic preservation project costs incurred within the Mid-City National Register Historic District.

**The LA SHPO is responsible for ensuring the following is completed:**

Per the 22<sup>nd</sup> WHEREAS (page 4 of 36), if the VA selects its RPC Site Alternative and/or FP&C selects the proposed new LSU Site Alternative, the SHPO will develop and implement a program to promote the preservation and rehabilitation of contributing elements within the Mid-City National Register Historic District, which would be adversely affected by these alternatives; VA, the City and FP&C will support the eligible historic preservation costs of the program up to \$1,400,000;...

To date, the program has funded new roofs for eight of the relocated VA Houses; funded the full rehabilitation for two houses relocated through a grant funded by this MC Rehabilitation program within the district; signed grant agreements with 22 grant recipients, with nine of the recipients completing their projects in 2013. The program also funds a project officer who is instrumental in working with all grantees and agencies to ensure all outstanding funds are distributed as the program intended. The SHPO will continue to oversee the grant program, per the PA.