

**2nd AMENDMENT TO
PROGRAMMATIC AGREEMENT
AMONG
THE US DEPARTMENT OF VETERANS,
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 1st Amendment to the PA was executed on November 20, 2013, which allowed FEMA and the VA until November 21, 2015 to complete the Stipulations/Mitigation set out in Attachment 1 of the 1st Amendment under the terms of the PA;

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 purpose for this amendment is to allow FEMA, VA and the City of New Orleans until November 21, 2017 to complete the Stipulations/Mitigation set out in Attachment 1 of this 2nd Amendment and to address closeout and withdrawal from the agreement by a Responsible Agency under the terms of the PA;

NOW THEREFORE, in accordance with Stipulation XI.B and XII 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 agrees 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 nine (9) years from November 21, 2008 through November 21, 2017, unless extended by a written agreement signed by all Signatories.

2. Applicability of the PA through November 2017:

47 This PA will apply only to Stipulations/Mitigation (in part or whole) still outstanding
48 as of November 21, 2015 (Attachment 1).
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- 50 3. Add the following language as Item D to Stipulation XII to allow Responsible
51 Agencies to close out their role and withdraw from further participation in the PA:
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53 D. A Responsible Agency may close out its role in the PA and withdraw from further
54 participation in the implementation of the PA's terms effective once it has completed
55 all of its responsibilities as identified in the PA, notified the other Signatories and
56 Consulting Parties to that effect in writing, and resolved, in accordance with
57 Stipulation X, those written objections to the notification that were raised within 30
58 days of receipt of the notification, if any. The notice will include a final semi-annual
59 Interim Progress Report as described in Stipulation XI.C. A withdrawal by a
60 Responsible Agency does not affect the responsibilities of any other Responsible
61 Agency. A withdrawn Responsible Agency has satisfied its responsibilities under
62 Section 106 for the Undertaking and has no further rights or responsibilities under the
63 PA.
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66 **EXECUTION AND IMPLEMENTATION** of this Second Amendment to the PA changes
67 no other terms of the PA and evidences that the Responsible Agencies have afforded ACHP a
68 reasonable opportunity to comment on the Undertaking and its effects on historic properties;
69 taken into account the effects of the Undertaking on historic properties; and have satisfied
70 their responsibilities under Section 106 of the National Historic Preservation Act and
71 applicable implementing regulations.
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73
74 **SIGNATORY:**
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76 **FEDERAL EMERGENCY MANAGEMENT AGENCY**
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Date: 10-28-2015

80 Thomas M. (Mike) Womack
81 Director
82 Louisiana Recovery Office
83 FEMA, DR-1603/1607-LA
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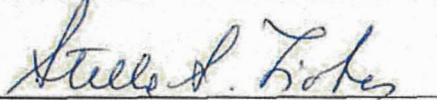
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Date: 10/28/15

88 Tiffany Spann
89 Acting Environmental Liaison Officer
90 Louisiana Recovery Office
91 FEMA, DR-1603-1607-LA

SIGNATORY:

US DEPARTMENT OF VETERANS AFFAIRS



Date: 10-28-15

Stella S. Fiotes

Executive Director, Office of Construction &
Facilities Management

SIGNATORY:

ADVISORY COUNCIL ON HISTORIC PRESERVATION



Date: 11/19/15

John M. Fowler
Executive Director

111 **SIGNATORY:**

112

113 **CITY OF NEW ORLEANS**

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115

116

Date:

11/9/15

117 Mitchell J. Landrieu

118 Mayor

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FORM AND LEGALITY APPROVED

Law Department, City of New Orleans

120 **SIGNATORY:**

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122 **LOUISIANA STATE HISTORIC PRESERVATION OFFICER**

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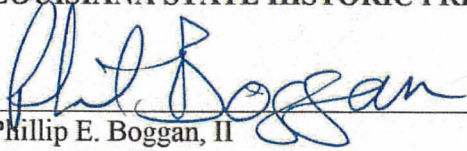
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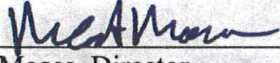
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Phillip E. Boggan, II
State Historic Preservation Officer

Date: 10/27/15

INVITED SIGNATORY:
STATE OF LOUISIANA, DIVISION OF ADMINISTRATION



Mark A. Moses, Director
Facility Planning and Control

Date: 11/3/15

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, 2015.

Status of VA/MCLNO PA Stipulations

For VA part of project:

ARCHAEOLOGY

Stipulation	Deliverable	Status
VII.B.1	Background Research and Sensitivity Modeling	Completed
VII.B.2	Disturbance Study	Completed
VII.B.3	Archaeology Probability Model	Completed
VII.B.5	Phase I Weekly Field Reports	Completed
VII.B.6	Phase I Management Summaries	Completed
VII.C.4	Phase II Weekly Field Report	Completed
VII.C.5	Phase II Management Summaries	Completed
VII.D.1.a	Data Recovery Plans	Completed
VII.D.1.b	Oral Histories	Were optional and determined not appropriate
V.B.4.d and VII.D.1.c	Public Interpretation/Outreach	Interpretation plans are required under both stipulations. None of the data recovery plans included discussion of public outreach.
VII.5	Comprehensive Report	Not submitted
VII.6	Curation	Not completed

BUILT ENVIRONMENT – VA

V.B.2.a and b	Secure and Ventilate 1601 Perdido Street	Completed
V.B.3.b	Secure and Ventilate Pan-American Life building and the Dixie Brewery	Completed
V.B.2.c	Retention of Historic Properties	Pan-American Life building integrated into the new VAMC (completed), retain and rehabilitate the Dixie Brewery (in progress), and recordation of both buildings (not submitted).
V.B.2.d	Design Review of New Construction	Completed
V.B.3.a	Moving Historic Properties	Completed
V.B.3.c	Vibration Monitoring	Vibration Monitoring Plan completed. Implementation of the plan ongoing.
V.B.3.d	Phased Demolition and Construction	In progress, expected through

		2016.
V.B.4.a.i	VA will remit up to \$700k to SHPO for Mid-City Historic Preservation Program	Completed
VA Continued		
V.B.4.a.ii	City will remit up to \$400K to SHPO for grant program	In progress; Grant projects on-going.
V.B.4.b.i	Recordation of 1601 Perdido Street prior to sale or transfer	Not submitted
V.B.4.b.ii	Recordation of Sewerage Pumping Station No. 15	Not submitted
V.B.4.b.iii	Recordation of historic properties within the project footprint slated for demolition	Not submitted
V.B.4.c	Architectural Salvage	Completed
V.B.4.d	Public Interpretation	Not Submitted
V.B.4.e	Local Historic District Designation	FEMA provided Mid-City NR Historic District resurvey data to HDLC. The City completed the report for the local designation of the Mid-City NR District. Review committee appointed in 2015. Completed.

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150 For UMC part of project:

151 ARCHAEOLOGY

Stipulation	Deliverable	Status
VII.B.1	Background Research and Sensitivity Modeling	Completed
VII.B.2	Disturbance Study	Completed
VII.B.3	Archaeology Probability Model	Completed
VII.B.5	Phase I Weekly Field Reports	Completed
VII.B.6	Phase I Management Summaries	Completed
VII.C.4	Phase II Weekly Field Report	Completed
VII.C.5	Phase II Management Summaries	Completed
VII.D.1.a	Data Recovery Plans	Stipulation no longer relevant
VII.D.1.b	Oral Histories	Were optional and determined not appropriate
VI.C.4.d and VII.D.1.c	Public Outreach	Public outreach is required under both stipulations. A draft Public Interpretation Plan was submitted in December 2014, but not accepted. The plan has not yet been revised and resubmitted to SHPO.

VII.5	Comprehensive Report	FEMA Rejected initial submittal, awaiting revised draft report for submittal.
VII.6	Curation	Not completed

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