

FY '01 (#2)



DEPARTMENT OF THE ARMY

NEW ORLEANS DISTRICT. CORPS OF ENGINEERS

P.O. BOX 60267

NEW ORLEANS, LOUISIANA 70160-0267

March 8, 2001

REPLY TO
ATTENTION OF:

Planning, Programs,
and Project Management
Environmental Planning
and Compliance Branch

Ms. Gerri Hobdy
State Historic Preservation Officer
Department of Culture, Recreation and Tourism
Department of Cultural Development
P.O. Box 44247
Baton Rouge, Louisiana 70804

Dear Ms. Hobdy:

I am enclosing your copy of the signed Memorandum of Agreement (MOA) for the Inner Harbor Navigation Canal (IHNC) Lock Replacement Project. This MOA details historic preservation actions to be completed during the remainder of the project.

Thank you for your cooperation in developing the MOA for this important project. We greatly appreciate the assistance of Mr. Duke Rivet of your office in the consultation leading to the signed MOA.

The New Orleans District looks forward to working with you to implement the terms of the MOA. Please contact Dr. Edwin Lyon at (504) 862-2038 if you have any questions.

Sincerely,

David F. Carney
Chief, Environmental Planning
And Compliance Branch

Enclosure



MEMORANDUM OF AGREEMENT

Inner Harbor Navigation Canal (IHNC) Lock Replacement Project

WHEREAS, the U.S. Army Corps of Engineers (USACE), New Orleans District, has determined that the Inner Harbor Navigation Canal (IHNC) Lock Replacement Project will have an adverse effect upon the Inner Harbor Navigation Canal Lock, the St. Claude Avenue Bridge, and the Galvez Street Wharf, properties eligible for inclusion in the National Register of Historic Places, and has consulted with the Port of New Orleans, the Louisiana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

WHEREAS, the USACE, New Orleans District, has determined that, due to the magnitude and duration of the IHNC Lock Replacement Project, it is likely to have significant social impacts upon the surrounding neighborhoods, which include the Holy Cross and Bywater Historic Districts, properties listed in the National Register of Historic Places, and has consulted with the Port of New Orleans, the Louisiana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

NOW, THEREFORE, the USACE, New Orleans District, the Port of New Orleans, the Louisiana SHPO, and the Council agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

Stipulations

The USACE, New Orleans District, shall ensure that the following measures are carried out:

1. The USACE, New Orleans District, shall ensure that the Galvez Street Wharf is recorded in accordance with the standards of the Historic American Engineering Record (HAER). The USACE, New Orleans District, shall prepare Level II documentation of the Wharf and ensure that all documentation is completed prior to demolition, and that copies of this documentation are made available to appropriate local archives designated by the SHPO.
2. The USACE, New Orleans District, shall ensure that the Inner Harbor Navigation Canal Lock is recorded in accordance with the standards of the HAER. The USACE, New Orleans District, shall prepare Level II documentation of the Lock and ensure that all documentation is completed

prior to demolition, and that copies of this documentation are made available to appropriate local archives designated by the SHPO.

3. The USACE, New Orleans District, shall ensure that the following stipulations regarding the St. Claude Avenue Bridge are implemented:
 - a. Prior to its demolition, alteration, or removal and relocation, the Bridge will be documented for inclusion in the HAER. The USACE, New Orleans District, shall prepare Level II documentation and ensure that copies of this documentation are made available to appropriate state or local archives designated by the SHPO. Unless otherwise agreed to by the SHPO, the USACE, New Orleans District, shall ensure that all documentation is completed and accepted by the SHPO prior to the demolition, alteration, or removal and relocation of the bridge.
 - b. The Port of New Orleans shall make the bridge available to a state, local or private entity that will agree, in writing to maintain the bridge and the features that make it significant and assume legal and financial responsibility for the bridge. The proposed use of the bridge will be subject to the approval of the USACE, New Orleans District, the Port of New Orleans, and the SHPO. The method of advertisement shall be decided at a later date between the USACE, New Orleans District, the Port of New Orleans and the SHPO. The USACE, New Orleans District, will bear the cost of advertisement. A thirty-day (30) time period from the date of advertisement shall be allowed for interest to be expressed in the structure. If interest is expressed, 180 days will be allowed to present a detailed proposal for the bridge's relocation.
 - c. If qualified proposals for relocation of the bridge are received, the recipient(s) and relocation site(s) will be chosen by the USACE, New Orleans District, following review by the SHPO, and the Port of New Orleans. The USACE, New Orleans District, will bear the cost involved in dismantling (if necessary) and moving the bridge, without counterweight to its new location(s) within a reasonable distance in Louisiana up to the cost of removal less salvage. Recipient(s) will bear all other costs.
 - d. Within 90 days following the relocation, the SHPO will reevaluate the bridge based on its new location to determine its continued eligibility for inclusion in the National Register of Historic Places.
 - e. If a potential recipient cannot be identified within two (2) weeks following the close of the advertisement period, then the bridge may be demolished. Prior to demolition, the SHPO or his designee will be given an opportunity to select structural or other elements for curation or use in other projects. Items selected will be removed in a manner that minimizes damage, and will be delivered within a reasonable distance and at no cost to the SHPO

or his designee. The USACE, New Orleans District, will bear the cost of removal and delivery of the selected elements of the bridge.

4. In addition to HAER documentation, the USACE, New Orleans District shall develop and implement, in consultation with the Louisiana SHPO and interested members of the public, a public interpretive program for the Inner Harbor Navigation Canal Lock, the St. Claude Avenue Bridge, and the Galvez Street Wharf. The public interpretive program may include publication of popular history brochure(s) addressing historical features of the three properties and their significant relationship to the maritime history of New Orleans. The program may also include historical markers or plaques and could include salvage of historically significant components of the Lock, Bridge or Wharf. The details of the interpretive program will be developed following public and agency coordination and may be implemented after demolition of the three eligible properties.
5. In order to address the potential social impacts of the project on the surrounding neighborhoods, which include the Holy Cross and Bywater Historic Districts, the USACE, New Orleans District, shall implement the authorized Community Impact Mitigation Plan (CIMP) documented in Volume 2 of the March 1997 project evaluation report. The CIMP was developed through a broad-based community participation process. The plan includes direct and indirect impact mitigation measures that address project effects related to noise, transportation, cultural resources, aesthetics, employment, community and regional growth, and community cohesion. The USACE, New Orleans District has initiated a community involvement process that will develop CIMP recommendations, which will be implemented as part of the authorized project. This community involvement process includes appropriate representation from the historic neighborhoods of Holy Cross and Bywater, as well as the other affected communities of Lower Ninth Ward and St. Claude. Through its decision-making and mitigation implementation responsibilities, the USACE, New Orleans District shall ensure that this process will result in appropriate and sufficient mitigation measures for the Bywater and Holy Cross Historic Districts.

The following measures will be implemented by the USACE, New Orleans District to facilitate and guide the selection and implementation of community impact mitigation measures in the Bywater and Holy Cross Historic Districts:

- a. Within two years, the USACE, New Orleans District shall ensure that historic district conservation plans will be developed for each district in consultation with the SHPO, the New Orleans Historic District Landmarks Commission (HDLC) and community stakeholders. These conservation plans will include, at a minimum, the following elements:

- (1) a thorough survey to identify and assess the significance of each building in the districts, unifying design features, landscaping and streetscape elements, and setback characteristics;
 - (2) an analysis of the overall condition of each structure, based on readily obvious exterior features, and general recommendations on rehabilitation needs;
 - (3) an identification of current conditions that are undermining the economic and visual strengths of the district, such as abandonment, loss of commercial/retail services, deteriorating infrastructure and services, impediments to mobility, etc.;
 - (4) design guidelines for new construction and the rehabilitation of existing buildings, particular to the design characteristics of the historic district; and
 - (5) recommended preservation strategies to counter disinvestment, stabilize neighborhood cohesiveness, attract retail investment, and bolster property values.
- b. Every two years during the project construction period (estimated to be 10-12 years), the USACE, New Orleans District, shall consult with the SHPO, the New Orleans HDLC, the New Orleans City Planning Commission, and community stakeholders to review the implementation of CIMP measures in the Bywater and Holy Cross Historic Districts. Comments received during these bi-annual reviews will be utilized by the USACE, New Orleans District, to ensure that appropriate and sufficient mitigation measures are developed for the Bywater and Holy Cross Historic Districts. The USACE, New Orleans District, shall provide a summary report of the bi-annual consultations, including copies of comments received during the bi-annual reviews, to the SHPO, the New Orleans HDLC, and the Council.
- c. The USACE, New Orleans District, shall reserve funds in the amount of \$600,000 in the project's historic preservation account until year 8 of the project construction period. The purpose of these funds is to provide additional assurance that the Bywater and Holy Cross Historic Districts will receive appropriate mitigation benefits in the unlikely event that implementation of the CIMP does not adequately compensate these properties for project effects. Reservation of these funds will ensure that \$300,000 is available to establish an historic preservation revolving fund for each of the two historic districts, if needed. Should the results of the fourth bi-annual review of the CIMP measures (paragraph 5.b. of this agreement) indicate that sufficient mitigation measures have been implemented in the two historic districts, the USACE, New Orleans

District, shall release these funds from the historic preservation account for expenditure on other project features.

6. The USACE, New Orleans District, shall implement appropriate procedures to mitigate any adverse effects of the CIMP for the IHNC Lock Replacement Project on the Holy Cross and Bywater Historic Districts. Some of the mitigation features identified in this plan could possibly affect the historic character of the two National Register districts. At present, the CIMP is conceptual in nature and, therefore, the plan features identified in the March 1997 report are subject to revision depending on changed conditions or identified community needs. The USACE, New Orleans District will ensure that the recommendations from the community involvement process will be made available for review, pursuant to 36CFR Part 800, by the Louisiana SHPO prior to their implementation. If any of the mitigation features of the CIMP are found to have an adverse effect on the Holy Cross or Bywater Historic Districts, the USACE, New Orleans District, will consult with the Council and Louisiana SHPO to determine appropriate mitigation of those effects in a manner consistent with the applicable provisions of 36 CFR Part 800.
7. The USACE, New Orleans District, shall ensure that the design for construction of the new St. Claude Avenue Bridge and the Holy Cross Levee, between the St. Claude Avenue Bridge and the Mississippi River, are compatible with the historic and architectural qualities of the adjacent Holy Cross and Bywater Historic Districts in terms of scale, massing, color, and materials. The designs and specifications for these project features will be developed in consultation with the SHPO, the New Orleans HDLC, and interested members of the public.

Administrative Stipulations

1. At any time during implementation of the measures stipulated in this Memorandum of Agreement (MOA), should a reasonable objection to any measure or its manner of implementation be raised by a member of the public, the USACE, New Orleans District, shall take the objection into account and consult as needed with the objecting party, the SHPO, and the Council to resolve the objection.
2. Any party to this MOA may propose to the other parties that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.5(e) to consider such an amendment.
3. Any party to this MOA may terminate it by providing thirty (30) days notice to the other parties provided that the parties will consult during this period prior to termination to seek agreement on amendments or other actions that will avoid termination. In the event of termination, the USACE, New Orleans District, in consultation with the Council and SHPO will determine how to

carry out the responsibilities under Section 106 in a manner consistent with applicable provisions of 36 CFR Part 800.

Execution of this Memorandum of Agreement and implementation of its terms evidence that USACE, New Orleans District has afforded the Council an opportunity to comment on the Inner Harbor Navigation Canal Lock Replacement Project and its effects on historic properties, and that USACE, New Orleans District, has taken into account the effects of the undertaking on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: John M. Fowler Date: 10/5/00
John M. Fowler, Executive Director

U.S. ARMY CORPS OF ENGINEERS, NEW ORLEANS DISTRICT

By: Thomas F. Julich Date: 30 Aug 00
Thomas F. Julich, Colonel
District Engineer

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

By: Gerri Hobdy Date: 9/18/00
Gerri Hobdy, SHPO

PORT OF NEW ORLEANS

By: J. Ron Brinson Date: 09/11/00
J. Ron Brinson, President and Chief Executive Officer

Approved: David A. Gentry
attorney for board