

**DRAFT PROGRAMMATIC AGREEMENT
AMONG THE CITY OF NEW ORLEANS, THE HOUSING AUTHORITY OF NEW
ORLEANS, THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER, AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
REGARDING THE REDEVELOPMENT OF THE IBERVILLE PUBLIC HOUSING
DEVELOPMENT, 401 TREME STREET, NEW ORLEANS**

WHEREAS, Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470f, and its implementing regulations at 36 CFR Part 800 (Section 106), require Federal Agencies to take into account the effects of their Undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those Undertakings; and

WHEREAS, the U.S. Department of Housing and Urban Development (HUD) is providing funding through a Choice Neighborhoods Initiative (CNI) grant to the City of New Orleans (City) and the Housing Authority of New Orleans (HANO) for the Iberville-Treme Transformation Plan (the Undertaking), which calls for the redevelopment of the Iberville public housing site and adjacent properties into a mixed use development consisting of neighborhood retail and mixed income rental housing; and

WHEREAS, HUD regulations at 24 C.F.R. Part 58 implement statutory authorities that permit certain entities to assume HUD's environmental responsibilities for various HUD programs, and included among the statutory authorities under which this responsibility is assumed in compliance with Section 106 of the National Historic Preservation Act of 1966, as amended [16 U.S.C. §470(f)] (Section 106); and

WHEREAS the City is identified as the "Responsible Entity" (RE) and has assumed the full responsibility for all of HUD's environmental requirements for the Undertaking pursuant to 24 CFR 58; and

WHEREAS, the City is serving as "lead agency" in accordance with 36 CFR 800.2(a) and has agreed to fulfill its responsibility under Section 106 of the NHPA for the Undertaking through the development and implementation of a PA under 36 CFR 800.14(b) of the ACHP regulations; and

WHEREAS, the City, in compliance with HUD regulations, intends to adopt the findings of the Section 106 consultation of this process; and

WHEREAS, the project, located at 401 Treme Street (bounded by Iberville, Basin, St. Louis, and N. Roberson streets), consists of onsite development that will involve 74 existing buildings (821 units) on the Iberville Site. The Iberville-Treme Transformation Plan is a Phased Undertaking that may include the demolition of approximately 52 buildings and the substantial rehabilitation of approximately 22 buildings. The rehabilitation, along with new construction, is anticipated to produce 913 mixed income housing units with supportive retail. The Undertaking may also include the clearing and the redevelopment of the adjacent properties, currently the site of a vacant Winn Dixie grocery store, a paved parking lot, and an adjacent recreational vehicle lot. The area of the Undertaking is illustrated in Attachment 1; and

WHEREAS, the City, in consultation with the SHPO, has defined the Undertaking's Area of Potential Effect (APE) as illustrated in Attachment 2; and

WHEREAS, the City has consulted with the SHPO and determined that although the housing development is not within the boundaries of a national register historic district, the development

itself is of historic significance under Criterion A for its association with the establishment of the early federal low-income housing project programs. The development is also immediately adjacent to St. Louis I and St. Louis II cemeteries, which are listed on the National Register of Historic Places (NRHP); and

WHEREAS, the Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians (MBCI), Tunica-Biloxi Tribe of Louisiana, Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Seminole Tribe of Florida, Quapaw Tribe of Oklahoma, Caddo Nation, and Seminole Nation of Oklahoma are federally recognized sovereign Indian Nations that have a government-to-government relationship with the United States and an interest in the lands included in the Undertaking, and the City has invited these tribes to participate in the consultation, and the City has notified these Indian tribes of the development of this PA. The MBCI has requested and was invited by the City to execute this PA as a Consulting Party; and

WHEREAS, the City has invited the parties listed in Attachment 3 to be Consulting Parties; and the Preservation Resource Center (PRC), Save Our Cemeteries, National Trust, the Archdiocesan Cemeteries, Historic District Landmarks Commission (HDLC) and the Vieux Carre Commission (VCC) have requested Consulting Party status and are invited by the city to sign this PA as Consulting Parties; and

WHEREAS, the City has consulted with HANO, the co-applicant of the CNI grant, and in recognition that HANO will assume responsibilities to perform various actions described by this PA, the City has invited HANO to participate in this consultation and sign this PA as a Signatory; and

WHEREAS, in keeping with 36 CFR 800.2(d), the City is soliciting and considering the views of the Public, and the City will hold meetings with Consulting Parties and the Public and will collect comments from the Consulting Parties during and following each meeting; and

WHEREAS, the City will provide an overview of the Section 106 compliance responsibilities at National Environmental Policy Act (NEPA) scoping meetings; and the City will publish advertisements in *The Times-Picayune* and other media as appropriate to obtain the views of the public regarding the identification of historic properties in the APE and input regarding potential effects to historic properties within the APE, and will utilize a dedicated website and email address for the distribution of information and the collection of comments from Consulting Parties; and

WHEREAS, the ACHP has elected to participate in the Section 106 consultation process pursuant to 36 CFR §800.2(b)(1) and will execute this PA as a Signatory; and

NOW, THEREFORE, the City, HANO, ACHP, and Louisiana SHPO agree that the implementation of the following stipulations evidence that the City has taken into account the effects of this Undertaking upon historic properties, and that this PA evidences compliance with Section 106 of the NHPA in accordance with 36 CFR 800.6 (c) and 36 CFR 800.14.

STIPULATIONS

I. APPLICABILITY

- A. The stipulations of this PA describe treatment measures of the redevelopment activities throughout the APE as it is likely that effects on the historic properties will be similar and repetitive throughout the Undertaking.

Comment [AN1]: SOC would like to add, "Whereas St. Louis Cemetery Number One and St. Louis Cemetery Number Two are local and National treasures documenting and signifying the great history and culture of New Orleans and its people, and the Signatory Parties recognize the intrinsic historic and cultural significance of these cemeteries to the project site, as well as their irreplaceable historic and cultural value to the City of New Orleans, and intends to act, in all aspects of this project, to promote the conservation and betterment of these cemeteries, and to avoid at all cost damage to them; and

- B. The City is responsible for ensuring implementation of the stipulations associated with all phases of the Undertaking.
- C. The City shall ensure that all historic preservation work carried out pursuant to this Agreement is performed by or under the direct supervision of a person or persons meeting at least the minimum qualifications for a professional in architecture, architectural history, or a related preservation field, as specified in the Secretary of the Interior's Professional Qualifications Standards (36 CFR Part 61). The professionals shall be contractors who have been engaged by HANO at the request of the City to implement the archaeological and architectural scopes of work provided in Appendices A and B prior to any construction-related disturbance of the site. HANO, as a Signatory to this Agreement, agrees to coordinate the work on such contractors in conformance with this Agreement. In addition, all recommendations within the scopes of work shall be considered part of the PA and must be implemented by the City unless Signatories agree in writing to a change.

II. GENERAL

- A. The Signatories will send and accept receipt of official notices, comments, requests for further information and documentation, and other communications required by this PA by e-mail.
- B. Time designations shall be in calendar days. Failure to comment within specified time designations will be treated as concurrence.

III. TRIBAL CONSULTATION

- A. The City recognizes the United States government-to-government relationship with Indian tribes, and has notified the Chitimacha Tribe of Louisiana, Coushatta Tribe of Louisiana, Jena Band of Choctaw Indians, Mississippi Band of Choctaw Indians, Tunica-Biloxi Tribe of Louisiana, Alabama-Coushatta Tribe of Texas, Choctaw Nation of Oklahoma, Seminole Tribe of Florida, Quapaw Tribe of Oklahoma, Caddo Nation, and Seminole Nation of Oklahoma regarding the development of this PA and invited each Indian tribe as Consulting Parties.
- B. The City, HANO, SHPO and the ACHP shall take steps to protect confidential information in accordance with Section 304 of NHPA and 36 CFR 800.11(c).
- C. An Indian Tribe may determine that it has no interest in consulting on certain types of Undertakings included in this PA and may notify the City of its determination.

IV. PUBLIC PARTICIPATION

- A. The City recognizes the public interest in this Undertaking, and will make reasonable efforts to inform the public of the progress of the Undertaking in a timely manner. Additional public forums include but are not limited to City Council Meetings or various Council Sub-Committee Meetings.
- B. The City will use various media outlets including *The Times-Picayune* and other media as appropriate to request input from the public to inform its determinations of eligibility for historic properties. The City will continue to use these outlets to seek input from the public at appropriate times during the implementation of this PA.

- C. The City shall accept responses to its requests for public comments through the U.S. mail and e-mail submittals.
- D. HANO will maintain the Website to provide the Consulting Parties with project information and deliverables as stipulated in this PA. HANO will notify the Consulting Parties via e-mail when new information is posted to the Website.
- E. The City and HANO will each identify a single point of contact to act as a community point of contact to the Consulting Parties regarding the implementation of the measures stipulated in this PA. Contact information for these individuals will be provided by e-mail to the Consulting Parties within 30 days of the execution of this PA.

V. ARCHAEOLOGICAL PROPERTIES

A. Responsibilities

The City will work to research the probable location of National Register-eligible archaeological properties; identify National Register-eligible archaeological properties; evaluate any such identified sites to determine if they retain integrity and meet the National Register criteria; and avoid, minimize, or mitigate disturbance of National Register-eligible archaeological sites. [The methods for the identification, recordation, and evaluation of archaeological sites and properties are detailed in Appendix A.](#) These steps will be undertaken for each Phase of the Undertaking.

~~A. Identification and Evaluation of Archaeological Sites and Assessment of Effects~~

- ~~1. Background Research: The City will research and delineate the locations, which are known to possess a high potential to contain archaeological sites. This research will include examination of records on file at the Louisiana Division of Archaeology, Baton Rouge, Louisiana. Historical data will also be reviewed, particularly historic cartographic sources (e.g., Sanborn and Robinson map), nineteenth century New Orleans' City Directories, and census records. The maps will be overlaid on current maps using geographic information systems (GIS) technology in order to identify key locations for deposits of unique historical value. Cultural resources reports, site files, and NRHP records will be reviewed for the project area. Geomorphological data, and aerial photographs will be examined and reviewed. Historical research will include a review of available secondary documentation such as local and regional historic archives and court records. The background research will be used by the City, to develop prehistoric and historic contexts that will be the basis for evaluating the National Register eligibility of archaeological properties that may be identified.~~
- ~~2. Field Investigations: The City may use a range of field investigation techniques to identify archaeological properties and to determine if they possess integrity and may be eligible for listing in the National Register of Historic Places (NRHP), in so far as possible. Techniques may include shovel, auger, or mechanical testing, as appropriate and archaeological monitoring of demolitions in those areas determined to have a high potential for National Register-eligible archaeological sites. Historic archaeological sites will be delineated as a city block, with NR eligibility evaluated for individual loci defined within each site.~~

~~Numerous areas within the APE are currently paved, including sidewalks, driveways, patios, and roads. If and when this pavement is removed or demolished, such construction/destruction activities will require monitoring. At least one archaeologist should monitor this demolition. If, during the course of~~

~~the demolition, archaeological deposits are uncovered, these will be documented, evaluated, and assessed as required by Stipulation V.B.3 and 4.~~

- ~~3. The City and HANO will evaluate those sites that it determines, in consultation with the SHPO, require further investigation and will apply the National Register criteria for evaluation (36 CFR 60.4 [a-d]) to determine their significance and integrity. Such evaluations will apply standard archaeological methodologies, as defined in Louisiana Division of Archaeology Guidelines for Field Methods. Evaluation will identify those sites and individual loci that possess research potential under National Register criteria and the *Louisiana Comprehensive Archaeological Plan* and that retain those qualities of integrity and significance defined by the National Register criteria. This process will analyze field data within the appropriate prehistoric and historic context for the site.~~
- ~~4. The City and HANO, in consultation with SHPO, will assess the effects of each Phase of the Undertaking on any archaeological sites which it finds to be National Register-eligible. The City and HANO will evaluate means to avoid or minimize any such adverse effects to National Register-eligible archaeological sites. Measures to be evaluated include but are not limited to encapsulation, preservation in situ, and construction fencing. If adverse effects to National Register-eligible archaeological sites may not be avoided, the City will develop appropriate mitigation as described in paragraph V.B.5 herein.~~
- ~~5. The City and HANO, in consultation with SHPO, may consider a range of mitigation measures for adverse effects on National Register-eligible archaeological sites, such as individual site data recovery, representative site data recovery, education and public involvement efforts, or other reasonable and good faith efforts commensurate with the scale of the Undertaking, its effects on archaeological sites, and the significance of the adversely affected National Register-eligible archaeological sites.~~
- ~~6. Reporting: After review by HANO, HANO will direct its contractors to forward a weekly field report to the City throughout the field investigations. Each weekly report will include a brief description of the field methods used, the locations investigated, site loci identified, and features found, if any. Draft site forms will be submitted to SHPO. The City will forward the weekly field reports to the SHPO. Following the completion of field investigation, HANO's contractors will prepare a Management Summary Report. The Management Summary Report will include preliminary evaluations of archaeological sites and provide recommendations for further work.~~
- ~~7. The City will provide the Management Summary Report to the SHPO for review and comment. If SHPO does not comment within 14 days of receipt of a Management Summary Report, the City may assume concurrence with the Report and may proceed with recommendations as provided within the report.~~

~~B. Treatment Strategies for Archaeological Properties.~~

- ~~1. Data Recovery Plan: If the City and HANO determine, in consultation with SHPO, that data recovery is required for individual or representative National Register-eligible archaeological sites, the City will develop one or more archaeological Data Recovery Plans. The City will forward two (2) copies of each Data Recovery Plan to SHPO. If SHPO does not comment within a 14-day review period of receipt of the plan, the City will assume that SHPO concurs with~~

~~the plans. The City will finalize and implement the Data Recovery Plans after consultation with SHPO. The Data Recovery Plan may employ a sampling strategy to achieve the objectives of the data recovery and promote the efficient completion of each Phase of the Undertaking.~~

- ~~2. Data Recovery. If required, the City will execute the data recovery as specified in the Data Recovery Plan(s). Data recovery may commence concurrently with evaluation efforts as necessary to allow for efficient completion of the work provided that the City consults with SHPO. Data recovery will be conducted in accordance with the Louisiana Division of Archaeology field standards.~~
- ~~3. Reporting. The City will ensure that a comprehensive report for each Phase of the Undertaking, 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, is prepared. Final Louisiana Division of Archaeology site forms for all sites identified will accompany these reports. These reports will follow the standards of the Louisiana Division of Archaeology and will be submitted to SHPO and Signatories for review and comment.~~
- ~~4. The City will curate all archaeological materials, reports and associated records from the project in accordance with the standards of the Louisiana Division of Archaeology, and all collections and associated records will be curated with the Louisiana Division of Archaeology.~~

VI. TREATMENT OF HUMAN REMAINS

Review of historic maps indicates that the current footprint of St. Louis I Cemetery may be smaller than its historic extent. Therefore, it must be determined if burials are present outside of the cemetery and within the APE. [The methods for the identification, documentation, and treatment of human remains, including intact burials, scattered remains, and isolated bone fragments, are detailed in Appendix A.](#)

- ~~A. Mechanical excavation will be utilized to determine if intact burials are preserved outside the current boundaries of St. Louis I Cemetery. Mechanical excavation will cease if it appears evidence of a burial is encountered; hand excavation will be used to verify that a burial is present. No burials will be excavated; the purpose of this investigation is to document if in situ burials are present outside the boundaries of the current cemetery.~~
- ~~B. If human remains not associated with an intact burial are uncovered during the course of archaeological investigations, the remains will be field documented and reburied in the excavation unit where they were found. If disturbed human remains are uncovered during mechanically trenching, back dirt may be screened at the discretion of the field supervisor.~~
- ~~C. If, in the course of the Undertaking, in situ human remains are uncovered during demolition and/or construction, the Responsible Agencies shall direct their contractor to stop work immediately in the vicinity of the discovery.
 - ~~1. The Responsible Agencies shall require that the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this PA are considered.~~
 - ~~2. If, at the time of discovery, human remains are located on federally owned land and are determined to be American Indian, the Responsible Federal Agency shall consult relevant federally recognized tribes within 14 days and shall develop and implement a plan for the appropriate treatment of those remains in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA) (25 USC~~~~

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~~3001 et. seq. as appropriate). The plan shall include provisions for in-place preservation, excavation, and analysis, in accordance with a data recovery plan approved pursuant to this Agreement, and disposition of the remains as appropriate. The Responsible Federal Agency shall, in good faith, consult with the relevant parties in accordance with applicable law. If the remains are determined to be non-native, the Responsible Agencies shall follow the procedures outlined in Louisiana Unmarked Human Burial Sites Act (R.S. 8:671 et seq).~~

~~3. If human remains are uncovered and not located on Federally owned land, the Responsible Agencies shall follow the procedures outlined in the Louisiana Unmarked Human Burial Sites Act (R.S. 8:671 et seq). Pursuant to the law the Responsible Agency shall notify the City Attorney's Office, the New Orleans Police Department, and the Orleans Parish Coroner's Office within 24 hours of the discovery. The local law enforcement officials shall assess the nature and age of the human remains. If the coroner determines that the human remains are older than 50 years of age and are not a crime scene, the Responsible Agency shall ensure that the notice of the discovery required by Louisiana Unmarked Human Burial Sites Preservation Act (R.S. 8:671 et seq.) is given to the Secretary of Culture, Recreation, and Tourism (CRT) or the Secretary's designee by contacting the Louisiana Division of Archaeology at 225 342 8170 within 72 hours of the discovery. Following the notification, the Louisiana State Archaeologist, as the designee of the Secretary of CRT, will administer the remainder of the requirements of the law including but not limited to permits for excavation and disposition of the human remains.~~

VII. ARCHITECTURAL PROPERTIES

- A. This Stipulation sets forth treatment measures for standing historic properties adversely affected by each Phase of the Undertaking.
- B. Demolition of Historic Properties: Of the 74 existing buildings within the Iberville housing project, approximately 52 buildings are anticipated to be demolished using deconstruction techniques where possible. Prior to the demolition of any of these structures, the City, will document the exterior elevations, interior, and significant architectural and iconic details of each building. The recordation will utilize the Historic American Building Survey (HABS) standards defined in Appendix B, including digital photography.
 1. Vibration Monitoring. Prior to the commencement of any construction, demolition or site disturbance, the City, through HANO, will establish, in consultation with the SHPO, a Vibration Tolerance and Monitoring Program (Program) to safeguard historic properties being retained within the APE from inadvertent damage from vibration due to ground disturbing activities during demolition and construction. A structural engineer experienced in traditional materials will develop this program and will take into consideration current soils conditions, strength and duration of disturbance, cumulative effects of ongoing vibration, construction type and current condition of built resources within the APE. The Program will reference appropriate vibration standards and justify any discrepancies with these authorities due to site or location specific conditions.
 - a) The Program will define:
 - acceptable ranges of vibration within the APE based on geographic proximity to resources,
 - existing baseline vibration levels,

Comment [AN2]: SOC would like to add a "statement to the effect that should any intact burials be discovered outside of the current cemeteries boundaries, the cemetery boundaries, as they are defined for the purposes of this project, will be expanded to include the area where the intact burial was discovered, and everything between it and the current cemetery boundary; the dedication provisions of LA R.S. 8:304-306 will apply to this expanded area."

Comment [AN3]: SOC

- protocols for regular on-site monitoring,
- stop work protocols, and
- protocols for further reducing vibrations, as necessary.

b) The City will submit the Program to SHPO for comment. The City will complete the Program after considering the SHPO's comments, post it to the Website, and implement the Program. If SHPO does not comment in a 14-day review period, the City may assume that SHPO concurs with the Program.

~~C.B.~~ Retention of Historic Properties: Of the 74 existing buildings within the Iberville housing project, it is anticipated that approximately 22 buildings will be retained. These will be completely rehabilitated and modernized. This rehabilitation, utilizing federal Historic Tax Credit (HTC), will comply with a Part 2 Historic Preservation Certification Application (HPCA), approved and signed by the National Park Service, as evidence of compliance with the Standards. If the project contains work that was not included in and approved in the HPCA, such as new construction or ground disturbance that might affect archaeological sites, the remainder of the project shall be reviewed as outlined in this PA.

Comment [AN4]: SOC would like specific measures to minimize vibrations to be enumerated, including, "an absolute restriction on truck traffic on any street directly adjacent to any portion of either cemetery, and an absolute restriction on the staging of any construction equipment, material or debris adjacent to any portion of either cemetery."

~~D.C.~~ Design of New Construction: The City will convene a design review session where all interested Consulting Parties that participated in the Section 106 process including the SHPO, are invited to participate. The design team will provide a presentation on the design progress, discuss design options, explain what steps were taken to meet the Consulting Party input. The session will be held in New Orleans, and the Consulting Parties will be given at least 14 days prior notice. Consulting Parties may provide written comments for a period of 14 days. Comments will be posted on the Website. Within 14 days of the end of the comment period, the HANO will post on the Website a summary response to the substantive comments provided by Consulting Parties.

1. Designing new construction: The City shall ensure that the design of new construction, infill construction, or additions to historic buildings is compatible with the historic qualities of the historic district or adjacent historic buildings in terms of size, scale, massing, design, color, features, and materials, and is responsive to the recommended approaches for new construction set forth in the Standards.

VIII. UNANTICIPATED DISCOVERIES

A. If potential historic properties are discovered or unanticipated effects on historic properties are found during any Phase of the Undertaking, the City shall notify the SHPO, relevant federally recognized tribes, and the ACHP within 48 hours of discovery.

The Responsible Agency and/or their contractor(s) immediately shall secure the jobsite and suspend work in the vicinity of the affected resource. The Responsible Agency will consult with the Signatory Parties, relevant federally recognized tribes, and the ACHP to resolve adverse effects. The Responsible Agency shall take into account the recommendations of these parties and take appropriate actions and provide a report of the actions when they are completed.

B. If, in the course of the Undertaking, in situ human remains are uncovered during demolition and/or construction, the Responsible Agencies shall direct their contractor to stop work immediately in the vicinity of the discovery.

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1. The Responsible Agencies shall require that the ACHP's 2007 "Policy Statement Regarding Burial Sites, Human Remains, and Funerary Objects" or any subsequent Policy Statements that are issued after the execution of this PA are considered.

~~B-C.~~ The City and HANO shall insure that all construction contractors are made aware of the requirements of the PA.

IX. DISPUTE RESOLUTION

- A. Should a Signatory object to the implementation of the provisions of this PA, they shall notify in writing the City, which will seek to resolve such objection through consultation.
- B. If the dispute cannot be resolved through consultation, the City shall forward all documentation relevant to the dispute to the ACHP, including any proposed resolution identified during consultation. Within 14 days after receipt of all pertinent documentation, the ACHP may:
 1. Provide the City with recommendations to take into account in reaching a final decision regarding the dispute; or
 2. Notify the City that it will comment pursuant to 36 CFR 800.7(c) with reference to the subject of the dispute.
- C. If the ACHP does not provide the City with recommendations within 14 days, the City may assume that the ACHP does not object to its recommended approach and shall proceed accordingly.
- D. Any recommendation provided by ACHP shall pertain only to the subject of the dispute, and the responsibilities of the City to fulfill all actions that are not subject of the dispute shall remain unchanged.
- E. Any dispute regarding National Register eligibility that is not resolved pursuant to this Stipulation will be resolved in accordance with 36 CFR 800.4(c)(2).

XI. ADMINISTRATION AND DURATION OF THIS PA

- A. This PA shall become effective immediately upon signature by all Signatory Parties.
- B. This PA will remain in effect for 7 years which may be extended by agreement of the Signatories. If the parties do not agree, the City shall comply with 36 CFR part 800 with regard to all remaining actions under this agreement.
- C. The City shall provide all Signatories with semi-annual Interim Progress Reports, which will be submitted every 6 months from the execution of this PA.
- D. The City will ensure that all historic, architectural, and/or archaeological work pursuant to this PA is carried out by, or under the direct supervision of, a person or persons meeting the appropriate qualifications set forth in the Secretary of the Interior's "Professional Qualifications Standards for Historic Architecture" (48 CFR 44739) and the Secretary of the Interior's "Professional Qualifications Standards for Archeology" (48 FR 44739).

- E. At the City's request, HANO will procure all contractors in accordance with the requirements of this Agreement and consistent with HANO procurement policies. All contracts will be entered into between such contractors and HANO and the work of such contractors shall be directed and supervised by HANO in accordance with the requirements of this Agreement. All reports shall be submitted to HANO for review prior to submission to the City and all applications for payment of contractors shall be approved by HANO in accordance with the relevant contract terms.

XII. AMENDMENT AND TERMINATION

- A. Any of the Signatory Parties to this PA may request an amendment, whereupon the parties will consult to reach a consensus on the proposed amendment. When a consensus is reached, the PA may be amended when this is agreed to in writing by all Signatory Parties. The amendment will go into effect on the date of the signature by the final Signatory. Where no consensus can be reached, the Agreement will not be amended.
- B. The Signatory Parties may terminate the PA by providing a thirty (30) day written notice to the other parties, provided that the signatories and concurring parties will consult during that period to seek agreement on amendments or other actions that would avoid termination. Should consultation fail, the City will notify the other parties in writing of the termination.
- C. In the event of termination, the City shall comply with 36 CFR part 800 with regard to all remaining actions under this agreement. This agreement may be terminated without further consultation by the execution of a subsequent agreement that explicitly terminates or supersedes this agreement.

EXECUTION AND IMPLEMENTATION of the Programmatic Agreement pursuant to 36 CFR 800.14(b) evidences that the City has afforded ACHP a reasonable opportunity to comment on the Undertaking and its effects on historic properties, that the City has taken into account the effects of the Undertaking on historic properties, and that the City has satisfied its responsibilities under Section 106 of the NHPA and applicable implementing regulations.

The City of New Orleans

By: _____ Date: _____

Louisiana State Historic Preservation Officer

By: _____ Date: _____

Housing Authority of New Orleans

By: _____ Date: _____

Advisory Council on Historic Preservation

By: _____ Date: _____