

June 29, 2009

Bobbie Hurley
AECOM
1555 Poydras St., Suite 1860
New Orleans, LA 70112

Re: Comments on Draft Site-Specific Environmental Assessment for Proposed
Demolition of Building #2, VA Medical Center, New Orleans

Dear Ms. Hurley:

The National Trust submits the following comments on the Draft Site-Specific Environmental Assessment (SSEA) for the proposed demolition of Building #2 at the existing VA Medical Center in New Orleans. The proposed project calls for the demolition of a five-story, 18,000-square-foot historic building, and proposes to replace that historic building with three or four trailers (for a total of up to 3,500 square feet of space).

The demolition of this historic property could easily be avoided, and the SSEA fails to give adequate consideration to alternatives that would avoid and minimize the destruction of a historic property. There is absolutely no legitimate reason why, in New Orleans - a city with far too many vacant lots and vacant buildings - a five-story historic building needs to be demolished in order to park three or four trailers.

In addition to this fundamental failure to consider alternatives, the SSEA also suffers from procedural violations: the VA has failed to adequately notify the public of this SSEA, and the VA has made decisions to eliminate alternatives prior to engaging in consultation regarding those alternatives under Section 106 of the National Historic Preservation Act.

1. Public Notice of the Availability of the SSEA Was Inadequate.

The National Trust objects to the inadequate public notice for the Draft SSEA. The statements in the SSEA that "public involvement has been sought" in the preparation of this draft document (SSEA at p.1-6), are not accurate. This comment letter has been prepared with actual notice of only one business day. We request that the VA reopen the public comment period for this NEPA document.

On Friday, June 26, 2009, I just happened to be looking at the NEPA web-site for the VA-LSU Medical Center project, and was shocked to see a statement that Friday was the deadline for commenting on this Draft SSEA! I had never received notice that a Draft SSEA had even been released for public comment. I also searched the Times-Picayune website (as well as Lexis and Nexis) and I could find no evidence of any public notice that this NEPA document was available for comment. I notified the Foundation for Historical Louisiana, which was also unaware of the deadline or the issuance of the SSEA.

In response to a complaint from the Foundation for Historical Louisiana about this lack of public notice, you advised that an e-mail had been sent to the Foundation on May 28, 2009. Once we were aware of the name of the person who sent the e-mail – Carol Freeman (an individual we've never heard of before) – Walter Gallas and I both searched our e-mails to try to find the notice. Walter did find an e-mail on May 28, which he had overlooked because he did not recognize the name. However, I never received any e-mail from Carol Freeman, despite the fact that my name and e-mail address have been on every set of comments submitted by the National Trust on this project. We also noted that the e-mail was designed in a way that did not disclose the other recipients, so there would be no way for one member of the public who opened it to double-check whether other key interested parties were included in the notification.

This inadequate notice was especially surprising because the National Trust (as well as the Foundation for Historical Louisiana) had specifically responded to an e-mail sent on May 11, 2009 initiating Section 106 consultation for the proposed demolition of Building #2. The National Trust was invited to participate as a consulting party -- an invitation we accepted -- and we were invited to submit comments on a Draft MOA and potential adverse effects. In response, we submitted a timely set of comments on June 9, 2009, signed by both myself and Walter Gallas, as is our usual practice. Yet I heard nothing about the availability of a draft NEPA document, or the approaching deadline, for comment.

The VA's chosen method of method of public notice – an e-mail from an unknown individual, without including all consulting party representatives, and without disclosing the list of others who are being sent the notice – appears almost calculated to minimize public awareness. It is also flatly inconsistent with the previously well-established practice of the VA's consultants on this project, and thus even more likely to be overlooked. In the past, the VA's Section 106 consultant, R.C. Goodwin & Associates, has provided e-mail notices to all consulting parties of key NEPA information in addition to Section 106 information. Thus, we all know to watch for the "Consult106" e-mails from Katy Coyle at R.C. Goodwin. For example, when the Draft Programmatic EA for Site Selection was made available for public comment, we all received an e-mail from Katy Coyle at "Consult106" on October 16, 2008, attaching the Notice of Availability. Similarly, we received a Consult106 e-mail on April 6, 2009 notifying us of a NEPA public meeting regarding the Site-Specific Design & Construction Process for the proposed new VA Medical Center. We also received Consult106 e-mails notifying all parties of the public posting of NEPA-related correspondence regarding the National Trust's objections to the release of federal funds to the City of New Orleans for the new VA Medical Center. And most recently, we received Consult106 e-mails initiating Section 106 consultation for the proposed demolition of Building #2 itself. Given this long-standing pattern of communication, it is difficult to imagine why the VA would decide to issue a public notice by using an unknown individual and an incomplete e-mail list.

The VA's failure to notify us about the availability of the Draft SSEA for comment, despite our formal expression of interest in the undertaking, is reminiscent of the VA's original preparation of a Draft EA for the proposed new VA Medical Center in October or November of 2007, which was so under-the-radar that the public was completely unaware of it. Recognizing the inadequacy of the public notice, the VA had to reopen the comment period on the Draft EA in January and February 2008, and used a variety of methods (including e-mails, publication in the Times-Picayune, and meetings) to get the word out to the public.

This is exactly what the VA needs to do in this case. We urge the VA to reopen a 30-day comment period on this NEPA document.

2. The VA Has Failed to Evaluate Alternatives that Would Easily Avoid the Demolition of a Historic Building.

The SSEA states that the VA initially considered five alternatives. (SSEA at p. ES-2.) However, these alternatives fail to include rehabilitating another vacant or underutilized building in the VA Medical Center complex, or even easier, using an existing vacant parcel of land or parking lot for the trailers. In fact, a couple of alternative locations are easily identified in Figure 1-1 on page 1-3 and also Figure 3-5 on page 3-33 of the SSEA. These aerial photographs show a surface parking lot in the block between Perdido and Poydras Streets, and a parking lot between Tulane Avenue and Canal Street. The VA failed to evaluate the alternative of entering into a lease arrangement for these kinds of sites.

Moreover, since the functions proposed for relocation to the trailers are currently located in Baton Rouge, there is no reason why the trailers need to be immediately adjacent to the current VA Medical Center. Even a site that is one or two miles away would provide a substantial improvement over Baton Rouge in terms of convenience and time savings. The VA should look at a number of different vacant parcels in order to develop this approach as an alternative.

Again, there is no reason why a building needs to be demolished in order to make space for these trailers, when there is vacant land throughout the New Orleans Central Business District. We believe that siting the trailers on vacant land would provide a win-win resolution. The VA would have its "potential long-term asset" of the trailers, which would be available for future use in other locations, no historic building would be destroyed, and the time and cost of rehabilitating a building would be avoided. We believe there would be a substantial savings in both time and money if a parking lot or other vacant site were used for these trailers. Why use taxpayer money for demolition, when it could be used to lease a vacant lot?

3. The VA Has Failed to Engage in Section 106 Consultation Regarding Alternatives Prior to Dismissing Alternatives that Would Avoid and Minimize Harm to Historic Properties.

The SSEA states that a Memorandum of Agreement (MOA) “has been developed through consultation,” pursuant to Section 106 of the National Historic Preservation Act, in order to “address additional treatment measures specific to the proposed action.” (SSEA at p. 1-2.) This mis-characterizes the current status of the Section 106 process for this project. As consulting parties, we have only been requested to provide information on potential adverse effects of the project; the consultation has not yet progressed to the point of considering alternatives to avoid and minimize harm to historic properties, 36 C.F.R. 800.6, and we have heard nothing since our Section 106 comments were submitted on June 9. In those comments, we objected to the lack of information about the purpose of the project, which made it impossible for us to address alternatives. Now we are being told in the SSEA that some less harmful alternatives have already been dismissed (without Section 106 consultation), while other obvious alternatives have not yet been considered.

The SSEA also states that the final disposition of the entire VA Medical Center will be addressed in the future, but that “there is not sufficient information available on final disposition alternatives” at this time. (SSEA at p. 1-2.) When will there be sufficient information? It was our understanding that the agreement between the Mayor and the VA called for the VA to transfer the former VAMC facility to the city as part of the land deal.

Because of the arbitrary time limit imposed on the submission of these comments in your June 26 e-mail to the Foundation for Historical Louisiana, these comments are being submitted at the requested time of 2 PM. However, additional comments will follow shortly.

Sincerely,



Elizabeth S. Merritt
Deputy General Counsel

cc: Kathleen Schamel, Federal Preservation Officer, VA
Julie Catellier, VA
Dan Therrien, VA
Katy Harris, ACHP

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