

K22-479

**3rd AMENDMENT
MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL EMERGENCY MANAGEMENT AGENCY
THE LOUISIANA STATE HISTORIC PRESERVATION OFFICER
AND THE CITY OF NEW ORLEANS
REGARDING DEMOLITION OF CLUB DESIRE BUILDING,
2604 DESIRE STREET,
NEW ORLEANS, ORLEANS PARISH, LA**

WHEREAS, the Memorandum of Agreement (MOA) Regarding the Proposed Demolition of the former Club Desire building, 2604 Desire, New Orleans, LA (MOA) went into effect on June 20, 2016; and

WHEREAS, the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security, in consultation with the Consulting Parties, executed a 1st Amendment to the MOA (1st AMOA) that went into effect on December 21, 2018, to extend the duration date of the MOA to December 31, 2020 in order to allow FEMA additional time to complete the video described in Stipulation III.A.4; complete the draft review described in Stipulation III.A.5; finalize and submit the Memorialization Package to the archives as described in Stipulation III.A.6; and install the historical marker described in Stipulation V; and

WHEREAS, the former Club Desire building was demolished by the City of New Orleans (CNO) in July 2016; and

WHEREAS, the following measures in the MOA are complete:

Stipulation III.A.1: Archival quality photographs of Club Desire taken in 2008 and photos on list in Appendix A of the MOA to document property prior to demolition have been digitally labeled and, along with the photo log, printed on archival quality paper and archival quality CDs;

Stipulation III.A.2: The narrative history was reviewed as required by Stipulation III.A.5 and printed on archival quality paper;

Stipulation III.A.2: FEMA did not identify other related publications to include in the Memorialization Package;

Stipulation III.A.3: FEMA consulted with SHPO to identify individuals to participate in oral interviews and the interviews have been completed. Select footage and/or audio bites were included in the video described in Stipulation III.A.4 and standard professional practices to conduct the oral interviews, including obtaining releases, were followed;

Stipulation III.A.4: FEMA has completed a video documentary that is approximately 29 minutes long that includes on-camera interviews, archival footage and/or images, and footage of Club Desire prior to and during its demolition;

Stipulation III.A.5: FEMA completed the draft review of the archival photographs and narrative history by providing SHPO and CNO with digital draft for a thirty-day comment period in April 2018. In addition, FEMA provided SHPO, CNO, and GOHSEP with the opportunity to review and

comment on the story board and interim draft video in December 2018 and the video fine cut in May 2019;

Stipulation III.A.6: FEMA offered recordation materials to The Historic New Orleans Collection (THNOC), and the Hogan Jazz Archives, Tulane University. THNOC accepted electronic copies of the materials in October 2020; copies of the printed archival photographs in November 2021; and electronic copies of the interviews and documentary video in May 2021. The Hogan Jazz Archives declined to accept the recordation materials in January 2021 since copies have been made available to other repositories. FEMA forwarded two copies of the photographs, photo log, and narrative history to SHPO on archival CDs on (currently pending), 2022, and one copy of the printed archival photographs, photo log, and narrative history and an archival disk containing these recordation materials to the Earl K. Long Library, University of New Orleans, Louisiana Special Collections on (currently pending), 2022;

Stipulation IV: FEMA contacted the Upper 9th Ward Florida/Desire Community in 2017 to determine the location of the sign from the interior of Club Desire that read, “The Downtown Club with Uptown Ideas” and was informed that the sign had not been returned. Since the location of the sign is unknown, FEMA did not contact local repositories to determine if any repositories are willing to accept a donation of the sign;

Stipulation V: FEMA’s application to the Louisiana Historical Marker Program for a marker describing the history and context of Club Desire with an image of the building was approved and the marker has been manufactured. FEMA received permission on October 25, 2017, from the City Planning Commission Planning Advisory Committee to install the marker at 2604 Desire Street. FEMA documented the installation of the marker in May 2019; and

Stipulation VI: FEMA presented a talk titled, “Club Desire, The Downtown Club with Uptown Ideas” at the National Park Service’s *Dance Halls, Juke Joints, and Honky Tonks: Placemaking and Cultural Sustainability Symposium* in Lafayette, Louisiana on March 23, 2016.

WHEREAS, FEMA has determined that it is necessary to amend the MOA to revise the requirements for the distribution of the memorialization package set out in Stipulation III.A.6 to resolve copyright issues regarding the video and restrictions on the reuse of certain photographs and to amend Stipulation XII.A to revise the requirements to fulfill the terms of the MOA;

WHEREAS, GOHSEP and PRC are Concurring Parties to the 1st MOA and 2nd AMOA and FEMA invites these Concurring Parties to participate in the development and sign this 3rd AMOA; and

WHEREAS, Michael Zell and Marguerite Doyle-Johnston, President, of the Upper 9th Ward Florida/Desire Community participated in the development of and signed the MOA as Consulting Parties, and were invited by FEMA to, but did not, sign the 1st AMOA, and were not invited by FEMA to participate in the development of the 2nd or 3rd AMOA;

NOW THEREFORE, in accordance with Stipulation XI.B of the MOA, the signatories, invited signatory, and concurring parties agree to amend the MOA as follows:

I. Amend Stipulation III.A.6 in its entirety to read as follows:

*Club Desire Building
2604 Desire Street*

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*3rd Amendment to Memorandum of Agreement
New Orleans, Louisiana*

The video required by the MOA contains copyrighted music and photos of New Orleans artists by Rick Coleman that are limited by his written release for use in the video only. In order to protect the copyright restrictions and the limitation on the reuse of Rick Coleman's photographs, FEMA has archived a copy of the video at THNOC. The video will not be provided to SHPO to be archived at the State Library and State Archives and the Earl K. Long Library. Information regarding the location of this video is included with the archival recordation materials provided to SHPO and the Earl K. Long Library. FEMA will not provide a copy of the video to the consulting parties. In order to provide consulting parties and other members of the public with an opportunity to view the Club Desire video, FEMA worked with THNOC to plan a public program to screen and discuss the video. The program is jointly sponsored by PRC and is scheduled on September 7, 2022. FEMA will forward information regarding the availability of this program to all consulting parties by email. These alternative measures fulfill the requirements of Stipulation III.A.6.

II. Amend Stipulation XII.A in its entirety to read as follows:

This 3rd AMOA is intended to document that FEMA has fulfilled all remaining responsibilities set out in the MOA, the 1st AMOA, and 2nd AMOA, and the MOA and its amendments will terminate on the date FEMA fulfills its responsibility to transmit an electronic copy of the executed 3rd AMOA to each Signatory, Invited Signatory, Concurring Party, and the Advisory Council on Historic Preservation.

EXECUTION AND IMPLEMENTATION of the MOA the 1st AMOA, 2nd AMOA, and this 3rd AMOA evidences that FEMA has taken into account the effects of the Undertaking on historic properties and has satisfied its responsibilities under Section 106 of the National Historic Preservation Act and applicable implementing regulations and the *2009 Statewide PA as amended*, which is superseded by the *Programmatic Agreement among the Federal Emergency Management Agency, the Louisiana State Historic Preservation Officer, the Governor's Office of Homeland Security and Emergency Preparedness, and Participating Tribes* executed on December 21, 2016 and amended on April 24, 2020.

SIGNATORY:

FEDERAL EMERGENCY MANAGEMENT AGENCY

Eddie Williams
Public Assistance Program Lead
FEMA Region VI
Louisiana Integration and Recovery Office

Date: _____

Jeramé Cramer
EHP Program Lead
FEMA Region VI
Louisiana Integration and Recovery Office

Date: _____

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SIGNATORY:

LOUISIANA STATE HISTORIC PRESERVATION OFFICER

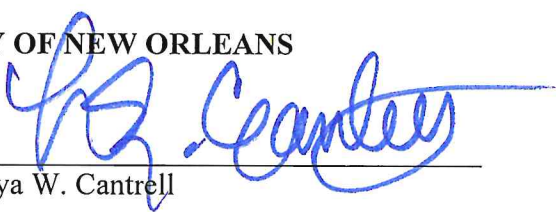
Kristin Sanders
State Historic Preservation Officer

Date: _____

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INVITED SIGNATORY:

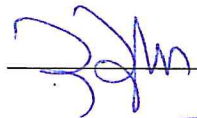
CITY OF NEW ORLEANS



LaToya W. Cantrell
Mayor

Date: 5/6/22

FORM AND LEGALITY APPROVED:
LAW DEPARTMENT



Printed Name: Tracy Tyle

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CONCURRING PARTY:

**GOVERNOR'S OFFICE OF HOMELAND SECURITY AND EMERGENCY
PREPAREDNESS**

_____ Date: _____
James B. Waskom
Director
Governor's Office of Homeland Security and Emergency Preparedness

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CONCURRING PARTY:

PRESERVATION RESOURCE CENTER OF NEW ORLEANS

_____ Date: _____