

# News Release

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## LAWSUIT BY NATIONAL TRUST FOR HISTORIC PRESERVATION CLAIMS VA AND FEMA FAILED TO FOLLOW FEDERAL ENVIRONMENTAL REQUIREMENTS FOR NEW ORLEANS HOSPITALS

*Suit asks Federal court to order VA and FEMA to prepare a full Environmental Impact Statement and reduce neighborhood destruction, or select alternative sites*

**Washington, D.C. (May 1, 2009)** – A lawsuit filed today in federal court by the National Trust for Historic Preservation against the Department of Veterans Affairs (VA) and the Federal Emergency Management Agency (FEMA) challenges their decisions to approve the construction of two major new hospitals in New Orleans. VA plans to build a new medical center, and Louisiana State University (LSU) plans to build a new academic medical center, which would be funded in part by FEMA. The sites chosen would require bulldozing 25 square blocks, containing 165 historic properties in the Mid-City Historic District, including homes already renovated by their owners after Hurricane Katrina.

The lawsuit charges that VA and FEMA violated the National Environmental Policy Act by failing to prepare an Environmental Impact Statement (EIS) analyzing the impacts on historic properties and the local community from the proposed new hospitals.

Alternative locations for both medical centers would require significantly less neighborhood destruction than the 67-acre Mid-City location, and would return medical care more quickly than the selected sites, by minimizing the need for time-consuming acquisition of homes and businesses from local owners, relocating hundreds of people, and extensive demolition, while still providing the space necessary to construct high-tech medical facilities. Rather than delaying the return of medical care to veterans and the people of New Orleans, the intention of the lawsuit is to have the opposite effect: by encouraging the agencies to revisit their site-location decisions, the agencies could choose sites that would not only avoid delays, but allow hospitals to open sooner than under current plans.

“Bulldozing a historic neighborhood in New Orleans in order to build these two medical centers is wrong, both legally and morally,” said Richard Moe, president of the National Trust for Historic Preservation. “There are other sites that would bring state-of-the-art medical care to the community faster and for less money, without destroying Mid-City.”

“VA and FEMA have refused to recognize the magnitude of the community destruction these projects will wreak,” Moe said. “Instead, they have dismissed this massive demolition as ‘insignificant,’ and have chosen the *most* destructive alternatives, offering nothing more than token mitigation measures. We hope this lawsuit will lead VA and FEMA to go back and revisit the less destructive options.”

“A lot has changed since VA and FEMA announced their decisions,” said Moe. “The new administration in Washington has placed an emphasis on sound environmental reviews, and on transparency, accountability, and public input, all of which were short-changed in New Orleans. Also, it has become clear in recent months

that the supposed 'synergy' between the LSU and VA hospitals is nothing more than a fiction, eliminating the need to co-locate the hospitals in Mid-City. Given these major changes, we expect the agencies can now find a better way to deliver much needed health care in New Orleans."

VA is building its own facility, while FEMA's role is limited to providing funding for the LSU medical center, in the form of compensation for Hurricane Katrina's damage to Charity Hospital, which has been the teaching hospital for LSU medical school. FEMA policies allow LSU to use these damage payments to build a new facility, but FEMA retains the legal responsibility to make sure the money is not spent in violation of federal environmental requirements. FEMA and VA are both required to fully evaluate the impacts of the projects for which their federal funds will be used, and consider alternatives that avoid and minimize harm to historic properties. The lawsuit challenges the "Finding Of No Significant Impact" issued by each agency, and it challenges their attempt to avoid an EIS by splitting the review into separate phases, instead of evaluating the impacts of the entire development process.

For the past year, the National Trust has been engaged as a consulting party in the historic preservation review process for both the proposed VA and LSU medical centers, and has raised repeated objections to the agencies' failure to prepare an EIS and failure to acknowledge the significance of the destructive impacts on historic properties.

"To put this into perspective," said Peter Brink, senior vice president for the National Trust, "these medical centers would wipe out more than the total number of homes that have been rehabilitated in the Lower 9<sup>th</sup> Ward's Holy Cross neighborhood through the combined efforts of the Preservation Resource Center's Rebuilding Together and Operation Comeback, the Louisiana State Historic Preservation Office, and the National Trust. In our view, it would be an unconscionable waste for the government to destroy these homes in Mid-City, when the demolition could be so easily avoided through alternative sites, and when local homeowners are working so hard to bring back housing that was damaged by the hurricane."

The lawsuit was filed in the federal district court for the District of Columbia. The National Trust is represented by the Institute for Public Representation at Georgetown University Law Center.

The National Trust for Historic Preservation ([www.PreservationNation.org](http://www.PreservationNation.org)) is a non-profit membership organization bringing people together to protect, enhance and enjoy the places that matter to them. By saving the places where great moments from history – and the important moments of everyday life – took place, the National Trust for Historic Preservation helps revitalize neighborhoods and communities, spark economic development and promote environmental sustainability. With headquarters in Washington, DC, nine regional and field offices, 29 historic sites, and partner organizations in all 50 states, the National Trust for Historic Preservation provides leadership, education, advocacy and resources to a national network of people, organizations and local communities committed to saving places, connecting us to our history and collectively shaping the future of America's stories.

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