

**PROGRAMMATIC AGREEMENT**

**BETWEEN**

**THE UNITED STATES DEPARTMENT OF ENERGY, THE CONNECTICUT OFFICE OF  
POLICY AND MANAGEMENT, THE CONNECTICUT DEPARTMENT OF SOCIAL  
SERVICES AND**

**THE CONNECTICUT STATE HISTORIC PRESERVATION OFFICE**

**REGARDING EECBG, SEP AND WAP UNDERTAKINGS**

**November 19, 2010**

**WHEREAS**, the United States Department of Energy (DOE) administers the following financial assistance programs: the Energy Efficiency and Conservation Block Grant Program under the Energy Independence and Securities Act of 2007 (EECBG); the State Energy Plan under the Energy Policy and Conservation Act of 1975 and the State Energy Efficiency Programs Improvement Act of 1990 (SEP); and the Weatherization Assistance Program (WAP) for Low- Income Persons under Title IV of the Energy Conservation and Production Act, the Energy Policy Act of 2005, the Energy Independence and Security Act of 2007, and the American Recovery and Reinvestment Act of 2009 (ARRA); collectively referred to as the "Programs";

**WHEREAS**, the unprecedented levels of funding available to the Programs, due in large measure to ARRA, has created a large volume of projects requiring expedited historic preservation reviews to ensure the timely obligation of funds, that create new jobs, and improve local and state economies;

**WHEREAS**, the Connecticut State Historic Preservation Office (SHPO) is experiencing unprecedented numbers of requests for historic preservation review of undertakings funded by all Federal Agencies, including undertakings funded by the Programs;

**WHEREAS**, the Connecticut Office of Policy and Management (OPM) and the Connecticut Department of Social Services (DSS) (Recipients) are receiving financial assistance from DOE to carry out the Programs;

**WHEREAS**, the projects funded by the Programs are undertakings subject to review under Section 106 of the National Historic Preservation Act, 16 U.S.C 470f (NHPA) and its implementing regulations at 36 CFR part 800 and include rehabilitation, energy efficiency retrofits, renewables, and weatherization (undertakings);

**WHEREAS**, DOE has determined that these undertakings may adversely affect properties that are listed in or eligible for listing in the National Register of Historic Places (National Register) and subject to the requirements of the National Historic Preservation Act (NHPA);

**WHEREAS**, in accordance with 36 CFR 800.14(b)(4), the Advisory Council on Historic Preservation (the ACHP) has designated a Prototype Programmatic Agreement (PA) upon which the Agreement is based, which does not require the participation or signature of the ACHP;

**WHEREAS**, DOE, the ACHP, and the National Conference of State Historic Preservation Officers (NCSHPO) have determined that the requirements of Section 106 can be more effectively and efficiently fulfilled if a programmatic approach is used to stipulate roles and responsibilities, exempt undertakings from Section 106 review, establish tribal protocols, facilitate identification and evaluation of historic properties, establish treatment and mitigation measures, and streamline the resolution of adverse effects;

**WHEREAS**, by memorandum dated August 28, 2009 (attached as Appendix A), DOE delegated certain tasks necessary for compliance with Section 106 of the NHPA to grantees and subgrantees of funding from the Programs (Recipients);

**WHEREAS**, according to the August 28, 2009 memorandum, the Recipients are authorized, to initiate Section 106 compliance in accordance with 36 CFR 800.2 (c)(4);

**WHEREAS**, the undertakings covered under this PA are not located on Tribal lands and are primarily smaller scale activities and routine projects, without the potential for adversely affecting historic properties, rather than complex undertakings with a greater potential to adversely affect historic properties, which would require completion of the typical Section 106 review process;

**WHEREAS**, DOE and the ACHP were guided by the principles set forth in the ACHP's Affordable Housing Policy statement, adopted on November 9, 2006, in negotiating this Programmatic Agreement upon which this PA is based;

**NOW, THEREFORE**, DOE, OPM, DSS and the SHPO agree that the Programs shall be administered in accordance with the following stipulations to satisfy DOE's Section 106 responsibilities for all individual undertakings of the Programs:

## **STIPULATIONS**

DOE, the Recipients, and the SHPO shall ensure that the following stipulations are carried out:

### **I. Roles and Responsibilities**

- A. DOE shall be responsible for providing oversight of the PA, participating in the resolution of disputes between the SHPO and the Recipients, and providing technical assistance and guidance as needed. DOE shall be responsible for government-to-government consultation with Indian tribes, unless the Indian tribe agrees to the delegation of this responsibility to a Recipient.
- B. Recipients shall be responsible for consulting with consulting parties and conducting Section 106 reviews in a timely manner, preparing documentation for the SHPO and DOE, and maintaining records on undertakings. Undertakings that involve properties greater than fifty

(50) years old and are not listed on Appendix B, attached herein and made part of this Programmatic Agreement, shall be submitted to the SHPO for review in accordance with this agreement.

- C. Recipients shall ensure that the provisions of this PA apply to its sub-awards.
- D. Recipients are encouraged to use qualified professionals in meeting their Section 106 consultation requirements.
- E. SHPO shall be responsible for reviewing project documentation and participation in consultation as set forth in this PA.
- F. ACHP shall be responsible for providing technical guidance, participating in dispute resolutions if appropriate, and monitoring the effectiveness of this PA.

## II. Tribal Review

- A. Execution of this PA presumes that DOE will conduct its government-to-government responsibilities with federally recognized Indian tribes or its Section 106 consultation requirements with Native Hawaiian Organizations (NHO) consistent with Federal laws and regulations. Recipients shall not substitute for DOE in matters related to potential effects on historic properties of cultural and religious significance to Indian tribes, except with the concurrence of the Indian tribe or NHO.
- B. DOE acknowledges that Indian tribes possess special expertise in assessing the National Register eligibility of properties with tribal religious and cultural significance, and requires the Recipients to consult with them, as appropriate, in identifying historic properties listed in or eligible for listing in the Area of Potential Effect (APE) of program areas.
- C. If a Recipient notifies DOE that an undertaking may result in an adverse effect on cultural resources with tribal religious and cultural significance, DOE shall notify Indian tribes of individual undertakings that may result in an adverse effect on cultural resources with tribal religious and cultural significance and invite them to participate in consultations. Indian tribes and the Recipient may develop a bi-party agreement that outlines their review procedures for undertakings covered in a PA. Such agreements will be submitted to DOE for review and approval, and a copy sent to ACHP for its records.

## III. Exemptions from Section 106 review

- A. The Recipient shall not submit to SHPO undertakings in accordance with Appendix B as they have minimal potential to cause adverse effects on historic properties even when historic properties may be present. Recipient will maintain file records with verification that undertakings were determined to be exemptions for a period of three (3) years from project completion and make them available for review if requested by SHPO, DOE, or the ACHP.

- B. If a property has been determined to be ineligible for inclusion in the National Register within the last five (5) years from the date the Recipient made its application for DOE financial assistance, then no further review is required under this PA.
- C. Recipients of any of the Programs may utilize Appendix B in identifying exempt undertakings, regardless of whether the Exhibit on which the undertaking relates to another federally funded program.

#### **IV. Review Procedures for Non-exempt Undertakings**

Where Program undertakings are not listed in Appendix B, the Recipient shall submit the undertaking to SHPO for review pursuant to 36 CFR part 800 and follow Stipulations V through IX below.

The Recipient shall work closely with the Subrecipient to ensure Section 106 is followed. The Recipient is responsible for communicating all requirements of this Programmatic Agreement and Section 106 requirements to their Subrecipients. Subrecipients are equally responsible for properly following the procedure below. Due to the preceding circumstances in the state of Connecticut prior to implementation of the PA, ACHP is requiring immediate mitigation measures to offset the possible effects. The mitigation measures include:

- A. Subrecipient will be responsible for notifying the Recipient of possible historic property, those eligible for listing (i.e. 50 years old or older), and work on any property in a historic district. In order for the Subrecipient to identify historic properties or ones eligible for listing, the Subrecipient needs to consult with either certified local governments or local historic district commissions immediately upon receiving notification of DOE funding. 36 CFR 800.1(c) requires early coordination to ensure that Section 106 is properly followed. This may or may not require the Recipient and/or the Subrecipient to directly communicate with the SHPO, as applicable.

#### **V. Identification and Evaluation**

- A. Recipient shall establish the Area of Potential Effect (APE) for all program undertakings defined in the DOE grant agreement for the State.
- B. The Recipient shall complete the identification and evaluation of historic properties utilizing existing information including the National Register, state surveys, and county and local surveys. In addition, the Recipient and SHPO may use or develop protocols that are consistent with 36 CFR Section 800.4 for the review of consensus determinations of eligibility.
- C. For WAP, EECBG, and SEP undertakings confined to alterations of buildings, the Recipient shall submit to SHPO the following preliminary screening information for each subject property of at least 50 years of age:
  - 1. At least one recent clear photograph showing the full front façade of the subject building
  - 2. The full street address of the property, including street number, and town,

3. The date of construction, as recorded in the subject Town Assessor's Office.
  4. A concise description of the proposed work on the property
- D. For undertakings that may require more extensive ground disturbance within the subject property, such as geo-thermal systems, OR that may substantially alter the viewshed or visual integrity of historic properties within or near the subject property, including solar-voltaic, solar-thermal, or wind turbine systems, the Recipient shall submit to SHPO the following preliminary screening information for each subject property, regardless of the age of any extant buildings or structures on the property:
1. Project plans showing the extent and location of the proposed renewable energy systems, including a delineation of the area of anticipated ground disturbance.
  2. At least one recent clear photograph showing the full front façade of any building(s) that will be affected by the undertaking
  3. The full street address of the property, including street number, and town,
  4. The date of construction of any affected buildings, as recorded in the subject Town Assessor's Office.
  5. A concise description of the proposed work on the property
- E. If SHPO believes that a specific undertaking may affect historic properties, SHPO may request additional information to assist the Recipient in evaluating the affects of the undertaking on historic resources.
- F. Recipient shall consult with Indian tribes to determine if there are historic properties of religious or cultural significance that were not previously identified or considered in surveys or related Section 106 reviews, as appropriate.
- G. Archaeology surveys are required only for new ground disturbing project undertakings and shall be limited in scope subject to the concurrence of Indian tribes or NHOs that may attach religious or cultural significance to historic properties in the project area. Project undertakings requiring more than minimal ground disturbance shall be forwarded to the SHPO and THPOs or Indian tribes or NHOs concurrently for review.
- H. Recipient shall refer disputes regarding determinations of eligibility to DOE for review and referral to the Keeper of the National Register in accordance with 800.4(c)(2).

## **VI. Treatment of Historic Properties**

- A. When Recipient and the SHPO concur that an undertaking is designed and planned in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68, July 12, 1995 Federal Register) (Standards), that undertaking will not be subject to further Section 106 review.

- B. Recipient and SHPO will make best efforts to expedite reviews through a finding of "No Adverse Effect with conditions" when Recipient and SHPO concur that plans and specifications or scopes of work can be modified to ensure adherence to the Standards. If the undertaking cannot meet the Standards or would otherwise result in an adverse effect to historic properties, Recipient will proceed in accordance with **Stipulation VII**.

## **VII. Resolution of Adverse Effects**

- A. Recipient shall consult with SHPO, and Indian tribes or NHOs as appropriate, to resolve adverse effects. Recipient will notify DOE of the pending consultation, and DOE will participate through its designated representative.
- B. Recipient may use standard stipulations included in **Appendix B** of this PA, or as negotiated as part of this PA between the SHPO and the Recipient, or if the project warrants, use of an alternate PA due to the complexity of the project activity.
- C. Consultation shall be coordinated to be concluded in 45-days or less to avoid the loss of funding. In the event the consultation extends beyond this period, DOE shall formally invite the ACHP to participate in consultation. The ACHP will consult with DOE regarding the issues and the opportunity to negotiate a Memorandum of Agreement (MOA). Within seven (7) days after notification, the ACHP will enter consultation and provide its recommendation for either concluding the Section 106 review through an MOA or Chairman's comment from the ACHP to the Secretary of DOE within 21 days.
- D. In the case of an ACHP Chairman comment, DOE may proceed once DOE provides its response to the ACHP.

## **VIII. Emergency Situation Undertakings**

- A. When an emergency undertaking is required for historic properties associated with the undertakings, Recipient shall allow SHPO five (5) business days to respond, if feasible. Emergencies exist when there is a need to eliminate an imminent threat to health and safety of residents as identified by local or State building inspectors, fire department officials, or other local or State officials.
  - 1. Recipient shall forward documentation to the SHPO for review immediately upon notification that an emergency exists. Documentation should include a) nature of the emergency; b) the address of the historic property involved; c) photographs showing the current condition of the building; and d) the time-frame allowed by local officials to respond to, or correct, the emergency situation.
  - 2. Recipient shall consider mitigation measures recommended by SHPO and implement them, if feasible. If the Recipient determines that implementation of mitigation measures is infeasible, the Recipient shall provide to SHPO a written explanation of its decision within 30 days of receiving SHPO's recommendations.

## **IX. Public and Consulting Party Involvement**

- A. Recipient shall maintain a list of undertakings and shall make the documentation available to the public. Recipient shall notify SHPO if the Recipient is notified of other consulting parties' interest in, or public concern with, any undertakings covered under the terms of the PA.
- B. Recipient, independently or at the recommendation of SHPO, may invite interested persons to participate as consulting parties in the consultation process for adverse effects in accordance with Stipulations V, VI, and VII.

## **X. Administrative Coordination**

- A. Recipient, in consultation with SHPO, may determine that an undertaking has already been reviewed under an existing Section 106 effect determination or agreement document, then no further Section 106 review under this PA is required.
- B. SHPO shall provide comments to the Recipient within thirty (30) days, unless otherwise agreed upon by the SHPO and the Recipient, for reviews required under the terms of this PA with the exception of emergency undertakings. In the event that SHPO fails to comment within the established period, AND the Recipient believes that there will be no effects to historic properties, the Recipient can assume SHPO has concurred, and proceed.
- C. Recipient shall advise sub-grantees in writing of the provisions in Section 110 (k) of the Act and will advise the sub-grantees that Section 106 reviews may be compromised when project undertakings are initiated prematurely.
- D. SHPO and Recipient shall make every effort to expedite Section 106 reviews for a period of less than the 30-day review when consistent with the terms of the DOE grant agreements and Recipient utilizes the services of qualified professionals.
- E. For projects that will require either an Environmental Assessment or an Environmental Impact Statement under the National Environmental Policy Act (NEPA), nothing contained in this PA shall prevent or limit the Recipient and DOE from utilizing the procedures set forth in 36 CFR 800.8 to coordinate and conduct the historic preservation review in conjunction with the NEPA review.

## **XI. Discoveries**

If historic properties are discovered or unanticipated effects on historic properties located within a project's APE after the undertaking has been initiated, the Recipient or subgrantee will implement measures to avoid, treat or mitigate the unanticipated effects. Responsibility for initial notification to other parties including SHPO and Indian tribes shall be determined by the party conducting the work. If historic properties are discovered or unanticipated effects to historic properties are identified, the Recipient or subgrantee will implement the following procedures:

- A. Recipient or, if the work is being conducted by a subgrantee, the subgrantee shall immediately cease all operations for the portion of the undertaking with the potential to affect an historic property and notify SHPO of the unanticipated effects;
  - 1. If the affected historic property is of potential concern to Indian tribes, the Recipient or subgrantee will immediately notify the Indian tribe(s) of the discovery or unanticipated effects;
- B. If the work is being conducted by a subgrantee, the subgrantee shall advise the Recipient of the National Register eligibility of the historic property and the potential of the undertaking to impact its qualifying characteristics;
  - 1. If the historic property is unlikely to be of concern to Indian tribes, the Recipient shall consult with SHPO to develop appropriate plans for avoidance, treatment or mitigation;
  - 2. The Recipient or DOE shall notify Indian tribes of any discoveries that have the potential to adversely affect sites or buildings of religious or cultural significance to them. After reviewing such discoveries, the Indian tribes or NHOs can request further consultation on the project by notifying DOE, ACHP, and SHPO in writing.
- C. If the work is being conducted by the Recipient, the Recipient will evaluate the National Register eligibility of the historic property and the potential of the undertaking to impact its qualifying characteristics
  - 1. If the historic property is unlikely to be of concern to Indian tribes, the Recipient shall consult with SHPO to develop appropriate plans for avoidance, treatment or mitigation;
  - 2. The Recipient or DOE shall notify Indian tribes of any discoveries that have the potential to adversely affect sites or buildings of religious or cultural significance to them. After reviewing such discoveries, the Indian tribes or NHOs can request further consultation on the project by notifying DOE, ACHP, and SHPO in writing.
- D. Recipient or subgrantee shall implement the avoidance, treatment or mitigation plan and advise Recipient, DOE, SHPO, and tribes, if appropriate, of the satisfactory completion of the approved work. Once the approved work is complete the Recipient or subgrantee may resume the activities that were halted to address the discovery situation.

## **XII. Dispute Resolution**

- A. Should SHPO object within the time frames outlined in this PA to any project undertakings, Recipient shall consult further with the SHPO to attempt to remove the basis for SHPO's objection. In the event that SHPO's objection is not withdrawn, then Recipient shall refer the matter to DOE. Recipient shall forward all documentation relevant to DOE, who will notify and consult with ACHP.



- B. ACHP will provide its recommendations, if any, within 21 days following receipt of relevant documentation. DOE will take into account ACHP's recommendations or formal comments in reaching a final decision regarding the dispute.

### **XIII. Reporting and Monitoring**

- A. DOE, ACHP, and SHPO may monitor any undertakings carried out pursuant to this PA. ACHP may review undertakings, if requested by DOE. DOE shall be entitled to address and make determinations on overall policy or administrative issues related to the implementation of these Programs.
- B. Recipient shall adhere to DOE's established protocols for ARRA reporting program undertakings.
- C. DOE will submit annual reports to ACHP and NCSHPO commencing February 15, 2010 summarizing the Programs' undertakings, to include data on number of undertakings, the number of exempt undertakings, and reviews conducted under this PA.

### **XIV. Amendments**

DOE, SHPO, or Recipient may request that this PA be amended, whereupon DOE and SHPO, and ACHP, if involved, will consult to consider such an amendment. Any such amendments shall be developed and executed among DOE, Recipient, and SHPO in the same manner as the original PA, and pertain only to this State PA.

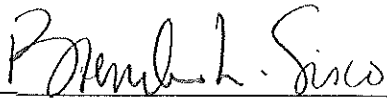
### **XV. Duration of Agreement**

This PA will be valid for three (3) years from the date of execution, as verified with DOE filing the PA with the ACHP.

### **XVI. Termination of Agreement**

DOE, SHPO, or Recipients may terminate the PA, provided that the party proposing termination notifies the other signatories and ACHP in writing explaining the reasons for termination and affording the other signatories at least thirty (30) days to consult and seek alternatives to termination.

Signatories:



11/23/2010

Brenda Sisco, Secretary  
CONNECTICUT OFFICE OF POLICY AND MANAGEMENT

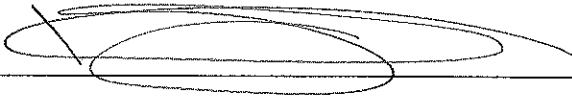
Date



11/24/10

Claudette Beaulieu, Deputy Commissioner  
CONNECTICUT DEPARTMENT OF SOCIAL SERVICES

Date



11-22-10

Karen Senich, State Historic Preservation Officer  
CONNECTICUT STATE HISTORIC PRESERVATION OFFICER

Date



12/1/10

LeAnn Oliver, Program Manager  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY  
OFFICE OF WEATHERIZATION AND INTERGOVERNMENTAL PROGRAMS

Date

**APPENDIX A – AUGUST 28, 2009 DELEGATION MEMORANDUM**

**(next page)**



Department of Energy  
Washington, DC 20585

August 28, 2009

MEMORANDUM

TO: State Historic Preservation Officers  
Tribal Historic Preservation Officers

FROM: Catherine R. Zoi  
Assistant Secretary  
Energy Efficiency and Renewable Energy

SUBJECT: Memorandum from EERE Regarding Delegation of Authority for Section 106 Review of Undertakings, Assisted by the U. S. Department of Energy, Office of Energy Efficiency and Renewable Energy

The Department of Energy (DOE), through the Office of Energy Efficiency and Renewable Energy (EERE), provides financial assistance to states, U.S. territories, units of local government, and Indian Tribes through the Energy Efficiency and Conservation Block Grant (EECBG) Program, Weatherization Assistance Program (Weatherization), and State Energy Program (SEP). Attached hereto is a one-page summary of the three programs. Additional program information is available at the following links: <http://www.eecbg.energy.gov/>; <http://apps1.eere.energy.gov/wip/weatherization.cfm>; [http://apps1.eere.energy.gov/state\\_energy\\_program/](http://apps1.eere.energy.gov/state_energy_program/).

Through this memorandum, DOE intends to formalize the role of the States and DOE's award recipients (Applicants) to assist DOE in carrying out its Section 106 compliance responsibilities. In order to streamline DOE's compliance with Section 106 and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), EERE is authorizing its Applicants under the EECBG, Weatherization, and SEP programs to initiate consultation pursuant to 36 CFR § 800.2(c) (4). Effective immediately, EERE Applicants and their authorized representatives may consult with the State Historic Preservation Officers (SHPOs) and Tribal Historic Preservation Officers (THPOs) to initiate the review process established under 36 CFR Part 800 and to carry out some of its steps. Specifically, EERE Applicants are authorized to gather information to identify and evaluate historic properties, and to work with consulting parties to assess effects. EERE retains responsibility to document its findings and determinations in order to appropriately conclude Section 106 review.

EERE also remains responsible for initiating government-to-government consultation with federally recognized Indian Tribes. EERE's responsibility to consult on a government-to-government basis with Indian Tribes as sovereign nations is established through specific authorities and is explicitly recognized in 36 CFR Part 800. Accordingly, EERE may not delegate this responsibility to a non-federal party without



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the agreement of the Tribe to do so. Where no such agreement exists, EERE will initiate tribal consultation.

Authorized Applicants must notify EERE whenever:

- Either the EERE Applicant or the SHPO/THPO believes that the Criteria of Adverse Effect pursuant to 36 CFR § 800.5, apply to the proposal under consideration by EERE;
- There is a disagreement between an Applicant, or its authorized representative, and the SHPO/THPO about the scope of the area of potential effects, identification and evaluation of historic properties and/or the assessment of effects;
- There is an objection from a consulting party or the public regarding their involvement in the review process established by 36 CFR Part 800, Section 106 findings and determinations, or implementation of agreed upon measures; or
- There is the potential for a foreclosure situation or anticipatory demolition as defined under 36 CFR § 800.9(b) and 36 CFR § 800.9(c), respectively.

EERE will participate in the consultation when such circumstances arise.

EERE expects its Applicants that are so authorized, to involve consulting parties in Section 106 findings and determinations and to carry out the exchange of documentation and information in a respectful, consistent and predictable manner. Technical assistance is available to Applicants from EERE regarding the coordination of Section 106 reviews, if needed.

If you have any questions, please contact Dr. F. G. (Skip) Gosling, DOE Federal Preservation Officer/Chief Historian, Office of History and Heritage Resources, (202) 586-5241 or [skip.gosling@hq.doe.gov](mailto:skip.gosling@hq.doe.gov) or Steven P. Blazek, NEPA Compliance Officer, (303) 275-4723 or [steve.blazek@go.doe.gov](mailto:steve.blazek@go.doe.gov).

APPENDIX B – WAP, SEP, AND EECBG UNDERTAKINGS EXEMPT FROM SECTION 106  
REVIEW

A. Category 1 – No Consultation Required

All undertakings will be completed in accordance with the Connecticut State Building Code, noting that the code allows for special exceptions for properties listed in the State and National Registers of Historic Places. The U.S. Department of Energy, the Connecticut Office of Policy and Management, the Connecticut Department of Social Services, and the State Historic Preservation Office have concluded that the following undertakings do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a)(1):

*1. All energy efficiency measures affecting buildings less than fifty years in age with the exception of program activities described in Section V(C).*

- a. Notwithstanding the provisions of Section V(C), Solar systems, including photovoltaic and solar thermal, are exempt from Section 106 if they are not visible from the public right of way and if the systems are ground-mounted, they can be installed without ground disturbance, and if roof-mounted, they will be installed on buildings less than 50 years of age.

*2. Exterior Work:*

- a. Energy audits and feasibility studies
- b. Weatherization of mobile homes and trailers
- c. Caulking, weather-stripping, and other air infiltration control measures around doors and windows in a manner that does not harm or obscure historic windows, doors, or trim.
- d. Water conservation measures – like low flow faucets, toilets, shower heads, urinals – and distribution device controls
- e. Repairing or replacing in kind existing driveways, parking areas, and walkways with materials of similar appearance
- f. Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous conditions and excavations are confined to existing utility trenches
- g. Ventilating crawl spaces.
- h. Removable film on windows (if the film is transparent)

*3. Interior Work – Insulation and Air Sealing:*

- a. Thermal insulation installation in walls, floors, attic, crawl spaces, ducts, foundations, and ceilings (excluding spray foam insulation)
- b. Duct sealing, insulation, repair or in-kind replacement
- c. Attic insulation with proper ventilation; if under an effective R8 - add additional

- R-19 up to R-38 (fiberglass bat only)
- d. Band joist insulation - R-11 to R19 as applicable
- e. Water heater tank and pipe insulation
- f. Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc.

**4. Interior Work – Heating Ventilation and Air Conditioning (HVAC) and Water Heating Systems:**

- a. Installation, repair or replacement of adjustable speed drives (such as fans on air handling units), cooling tower fans, and pumps
- b. Repair or replacement of water heaters that require plumbing changes only to the water line connections servicing the water heater
- c. Replacement of existing HVAC equipment including pumps, motors, motor controls, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location
- d. Clean, tune, or repair HVAC systems, including furnaces, boilers, heat pumps, vented space heaters, and wood stoves.
- e. Replacement or repair of window unit air conditioners and heat pumps
- f. Replacement of standing pilot lights with electronic ignition devices and installation of vent dampers on HVAC systems
- g. Replacement of air diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems
- h. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors, fire detectors, and carbon monoxide detectors (wired or non-wired)
- i. Installation of non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other building control sensors, provided the work conforms with applicable state and local permitting requirements
- j. Hot water tank replacement that does not require a visible new supply or venting

**4. Lighting Efficiency Measures:**

- a. Appliance replacement (upgrade to EnergyStar appliances)
- b. Compact fluorescent light bulbs
- c. Energy efficient light fixtures, including ballasts
- d. LED light fixtures and exit signs
- e. Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices not visible from any public right of way
- f. Incorporate lighting technologies such as dimmable ballasts, day lighting controls, and occupant controlled dimming

**5. Health and safety measures:**

- a. Repair or replace vent systems on existing a fossil-fuel-fired heating systems and

water heaters to ensure that combustion gasses draft safely to outside.

## ATTACHMENT A: STANDARD MITIGATION MEASURES FOR ADVERSE EFFECTS

The Recipient and the SHPO may develop and execute an Agreement that includes one or more of the following Standard Mitigation Measures, as may be modified to a particular activity, with the concurrence of both parties, for undertakings determined to have an adverse effect on listed or eligible historic resources. The ACHP will not be a party to these Agreements. However, the Recipient must submit a copy of each signed Agreement to the SHPO, and the ACHP within 30 days after it is signed by the Recipient and the SHPO.

### 1. Recordation

The Recipient shall ensure that the historic property is recorded prior to its alteration in accordance with methods or standards established in consultation with the SHPO. The SHPO shall identify appropriate archive locations for the deposit of recordation materials and the Recipient shall be responsible for submitting required documentation to identified archive locations. The Recipient and the SHPO may mutually agree to waive the recordation requirement in situations where the integrity of the building has been compromised or other representative samples of a similar historic resources has been previously recorded.

### 2. Architectural Salvage

The Recipient, in consultation with the SHPO, shall identify significant architectural features for salvage, and appropriate parties to receive the salvaged features. The Recipient shall ensure that any architectural features identified for salvage are salvaged prior to initiation of undertakings and properly stored and curated. When feasible, and determined appropriate in consultation with SHPO, salvaged architectural features shall be reused in other preservation projects.

### 3. Rehabilitation

The Recipient shall ensure that the treatment of historic properties which the SHPO has determined does not meet the *Standard*, or SHPO approved design guidelines, is carried out in accordance with treatments agreed upon by the Recipient and the SHPO and are incorporated in the final plans and specifications. The final plans and specifications shall be approved by the SHPO prior to initiating the undertaking.

### 4. New Construction

The Recipient shall ensure that the design of new buildings, or additions, which the SHPO has determined does not meet the *Standards*, or SHPO approved design guidelines, is carried out in accordance with the final plans and specifications reviewed and approved by the SHPO prior to initiating the undertaking.



## 5. Archaeology

In cases where the undertaking will cause unavoidable adverse effects to National Register eligible archaeological properties, the Recipient shall consult with the SHPO to determine whether data recovery or some other treatment measure is in the public interest. If data recovery is the agreed upon treatment measure, the Recipient shall consult further with the SHPO to develop and implement a data recovery plan for those portions of the historic property that will be adversely affected. The data recovery plan shall:

- be based on firm background data, sound planning, and accepted archaeological methods;
- be consistent with applicable State laws and regulations;
- be accomplished in a thorough, efficient manner, using the most cost effective techniques practicable;
- provide for appropriate curation of archeological materials and records, and
- provide for reporting and interpretation of what has been learned in a format understandable and accessible to the public;
- be consistent with the National Park Service's *Archeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (at: [http://www.nps.gov/history/local-law/arch\\_stnds\\_7.htm](http://www.nps.gov/history/local-law/arch_stnds_7.htm)), and shall take into account the ACHP's publications, *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites* (1999), ACHP Section 106 *Archaeology Guidance* (at: <http://www.achp.gov/archguide/>), and any archaeological guidance issued by the SHPO.