

**PROGRAMMATIC AGREEMENT
AMONG
THE UNITED STATES DEPARTMENT OF ENERGY,
THE MICHIGAN DEPARTMENT OF ENERGY, LABOR AND ECONOMIC
GROWTH BUREAU OF ENERGY SYSTEMS,
THE MICHIGAN DEPARTMENT OF HUMAN SERVICES
BUREAU OF COMMUNITY ACTION AND ECONOMIC OPPORTUNITY,
THE MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
AND
THE MICHIGAN STATE HISTORIC PRESERVATION OFFICER
REGARDING THE USE OF INTERSTATE AGREEMENT
FOR SECTION 106 REVIEW OF EECBG, SEP AND WAP UNDERTAKINGS**

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"; and

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); and

WHEREAS, on February 5, 2010, the Advisory Council on Historic Preservation (ACHP) designated a Prototype Programmatic Agreement regarding the Undertakings (Prototype PA) that, under its Stipulation III, authorizes the Section 106 review of these Undertakings in accordance with State interagency agreements; and

WHEREAS, the Michigan State Historic Preservation Officer (SHPO), the Michigan State Housing Development Authority (MSHDA) of which the SHPO is a part, along with the Michigan Department of Energy, Labor And Economic Growth Bureau Of Energy Systems and the Michigan Department Of Human Services Bureau of Community Action and Economic Opportunity (Recipients) agree that the Michigan Interagency Agreement (Interagency Agreement), applies to the referenced Undertakings and provides a historic preservation review process that is similar to that provided by the other terms of the Prototype PA; and

WHEREAS, the terms of the interagency agreement were in negotiation on or before February 5, 2010 and the interagency agreement was executed prior to February 19, 2010; and

WHEREAS, DOE, does not object to the use of the interagency agreement to fulfill the requirements of Section 106 for the referenced Undertakings in Michigan;

NOW, THEREFORE, DOE, the Recipients, and the Michigan 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 in Michigan.

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

1. The Recipient and SHPO will review Undertakings in accordance with the terms of the Interagency Agreement (attached as Appendix A to this Programmatic Agreement).
2. This Programmatic Agreement will be in effect for a period of three years from the date of its execution.
3. DOE will send a copy of this Programmatic Agreement to the ACHP upon execution.

Signatories for the following Agencies are on separate pages:

**Michigan Department of Energy, Labor and Economic Growth,
Bureau of Energy Systems**

**Michigan Department of Human Services,
Bureau of Community Action and Economic Opportunity**

Michigan State Housing Development Authority

Michigan State Historic Preservation Officer

**United States Department of Energy
Office of Energy Efficiency and Renewable Energy
Office of Weatherization and Intergovernmental Programs**

SIGNATORY:



Name

4-8-10

Date

Printed name and title:

STANLEY F. PRUSS, DIRECTOR

**Michigan Department of Energy, Labor and Economic Growth
Bureau of Energy Systems**

SIGNATORY:



Name *Ismael Ahmed* Date *4-14-10*

Printed name and title:

Ismael Ahmed, Director

**Michigan Department of Human Services
Bureau of Community Action and Economic Opportunity**

SIGNATORY:

 _____ 
Name Date

**Keith Molin, Director
Michigan State Housing Development Authority**

SIGNATORY:

Brian D Conway

Name

4/15/10

Date

Brian D. Conway
State Historic Preservation Officer

SIGNATORY:

Clare Brock Johnson

4/27/10

Name

Date

Printed name and title:

**United States Department of Energy
Office of Energy Efficiency and Renewable Energy
Office of Weatherization and Intergovernmental Programs**

INTERAGENCY AGREEMENT

among the

MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY,

THE STATE HISTORIC PRESERVATION OFFICE,

**THE MICHIGAN DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
BUREAU OF ENERGY SYSTEMS**

and the

**MICHIGAN DEPARTMENT OF HUMAN SERVICES BUREAU OF COMMUNITY
ACTION AND ECONOMIC OPPORTUNITY**

for the

**FEDERAL DEPARTMENT OF ENERGY ENERGY EFFICIENCY AND
CONSERVATION BLOCK GRANT, STATE ENERGY, AND WEATHERIZATION
ASSISTANCE PROGRAMS**

I. PURPOSE

The purpose of this Interagency Agreement (this Agreement) is to define the programmatic and financial relationships between the Michigan State Housing Development Authority (MSHDA), the State Historic Preservation Office (SHPO), the Michigan Department of Energy, Labor and Economic Growth's Bureau of Energy Systems (DELEG), and the Michigan Department of Human Services' Bureau of Community Action and Economic Opportunity (DHS) relating to the use of U. S. Department of Energy (DOE) Energy Efficiency and Renewable Energy (EERE) funds: specifically, the Energy Efficiency and Conservation Block Grant (EECBG), State Energy Program (SEP), and Weatherization Assistance Program (WAP), in connection with activities undertaken by the SHPO. Generally speaking, the SHPO's activities shall include: undertaking expeditious reviews of EERE-funded project materials, furnishing associated technical assistance to state and local governments and other designated entities, and making determinations of eligibility and effect under Section 106 of the National Historic Preservation Act of 1966, as amended (Section 106), and the DOE Memorandum of August 28, 2009 which delegates certain responsibilities for Section 106 compliance to applicants for EERE funding. This Agreement is also intended to serve as a budget that DHS will fund for SHPO review activities and other work, as more particularly identified in Sections II and III of this Agreement.

II. SCOPE OF WORK FOR DHS WEATHERIZATION ASSISTANCE PROGRAM

- A. DHS is a recipient of EERE funds to implement the WAP Program in Michigan. DOE has delegated certain responsibilities for Section 106 compliance to DHS by Memorandum of August 28, 2009. DHS is therefore required to undertake and complete Section 106 consultation in accordance with existing federal regulation (36 CFR Part 800) for each WAP-funded project. DHS awards WAP funds to Community Action Agencies (CAA) and other designated entities for weatherization projects. For each WAP project, the CAA grant recipient must prepare and send a notification letter to the

SHPO containing detailed information enabling the SHPO to make a determination of effect of the proposed project on historic properties. The SHPO works with grant recipients to avoid, or mitigate, adverse effects on historic properties that will likely result from any proposed project activity while encouraging weatherization projects for historic structures and historic districts.

B. Under this Agreement, DHS will provide WAP funding support to MSHDA/SHPO for two (2) staff persons to administer various SHPO activities including: review and comment on proposed DHS WAP-funded projects, give direct technical assistance to local governments and Community Action Agencies (CAA) for more effective local identification, review documentation and treatment of historic cultural resources associated with DHS WAP-funded projects, make recommendations for avoidance or mitigation of adverse effects, and encourage weatherization projects for historic structures and historic districts. The SHPO's activities will also include: making recommendations on eligibility and effect, preparation of memoranda of agreements, preparation of other documents, and conduct of related activities. The SHPO will make final determinations of eligibility and effect, as well as execute project memoranda of agreement, in accordance with Section 106 regulations, promulgated at 36 CFR Part 800.

C. The SHPO will:

1. Establish an appropriate review system and procedures for determination and effect under Section 106 for DHS projects funded with WAP funds.
2. Specifically prescribe review system procedures and activities.
3. Designate one (1) SHPO staff person as the point of contact, coordination and liaison between DELEG, DHS, and the SHPO for purposes of WAP project reviews and compliance with Section 106 requirements.
4. Coordinate with DHS in preparing a written evaluation of the operation and effectiveness of this Agreement for the period ending March 31, 2012.
5. Establish relationship with CAAs, work with CAAs, and promote WAP program in communities and historic districts.
6. Produce guidelines for consultation on Section 106 undertakings on the part of DHS and its delegated entities. Those guidelines have been produced and are provided in Appendix A, known as the *Consultation List* for WAP Projects.

D. DHS will:

1. Provide full WAP funding for the costs associated with implementation of the Section 106 review system and procedures using the State of Michigan's Interagency Voucher Process not to exceed \$440,000.00 for the period of this program, ending March 31, 2012.

2. Inform local government and CAA grantees of the requirements to send a notification letter to the SHPO that identifies projects funded with WAP funds.
3. Produce procedures and policies for the Section 106 consultation process among DHS and its delegated entities. The procedures shall reflect the *Consultation List* for WAP projects provided in Appendix A.
4. Coordinate with the SHPO in preparing a written evaluation of the operation and effectiveness of this Agreement for the period ending March 31, 2012.

III. BUDGET

The Project Budget for the period specified in Section VI of this Agreement is \$440,000.00

DHS: \$440,000.00 (100%)

IV. PAYMENT

DHS agrees to pay the amount specified in Section III of this Agreement to MSHDA/SHPO via the State of Michigan's Interagency Voucher Process, on a prorated basis, at least quarterly.

V. DELEG COMPLIANCE PROCEDURES FOR EECBG AND SEP PROGRAMS

DELEG is a recipient of EERE funds to implement the EECBG and SEP Programs in Michigan. DOE has delegated certain responsibilities for Section 106 compliance to DELEG by Memorandum of August 28, 2009. DELEG has agreed to provide, at DELEG'S expense, a full-time DELEG employee who meets the minimum requirements outlined in the Secretary of the Interior's *Standards for Archaeology and Historic Preservation* (48 *Federal Register* 44738-39, September 29, 1983) for the position of Historian or Architectural Historian. This qualified employee shall assist in the implementation of Section 106 compliance activities pertaining to EECBG and SEP projects in Michigan, including the identification of historic properties, the initiation of Section 106 consultation with the SHPO, and the assessment of project effects upon historic properties. In recognition of this qualified employee, the SHPO and DELEG have agreed upon alternate requirements and procedures for SHPO consultation pursuant to Section 106 for the EECBG and SEP Programs overseen by DELEG. The SHPO and DELEG have agreed on the details of these requirements and procedures and they are described in Appendix B. Work subject to compliance under these alternate procedures is described in Appendix C, known as the *Consultation List* for EECBG and SEP Projects.

VI. DURATION AND EXTENSIONS

This Agreement has two separate terms of duration.

DHS and MSHDA/ SHPO responsibilities for this Agreement under Stipulations II, III and IV shall commence upon date of signature to this Agreement and shall expire on **March 31, 2012**.

DELEG and MSHDA/SHPO responsibilities for this Agreement under Stipulation V shall commence upon date of signature to this Agreement and shall expire on **September 30, 2012**.

This Agreement may only be extended as agreed upon in writing by the parties.

VII. AMENDMENTS

This Agreement may be amended as agreed upon in writing by all parties.

VIII. INDEMNIFICATION

Each party to this Agreement agrees to seek its own legal representation and bear its own costs, including judgments, in any litigation that may arise from the performance of any activity undertaken pursuant to this Agreement. It is expressly understood and agreed that none of the parties will indemnify the other party in the event of litigation.

IX. CANCELLATION

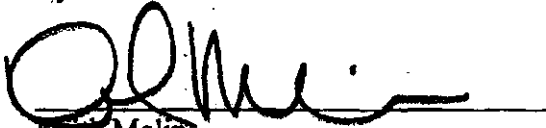
A. MSHDA/SHPO, DELEG BES and DHS agree that any party may cancel this Agreement by giving thirty (30) days written notice to the other parties, after prior consultation. DHS agrees to reimburse MSHDA/SHPO for any unemployment compensation or workers' compensation costs that may result from the cancellation. DHS also agrees to pay MSHDA/SHPO by the mechanism specified in Section IV for any SHPO work contemplated under this Agreement that is actually performed prior to cancellation.

X. SIGNATORIES

In witness of the covenants herein, the parties have executed this Agreement as set forth below:

**MICHIGAN STATE HOUSING
DEVELOPMENT AUTHORITY**

By:

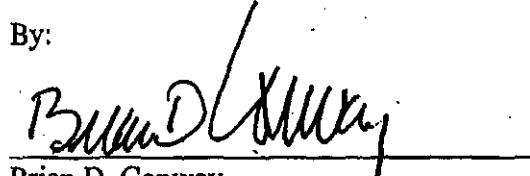


Keith Molin
Director

Dated: 09 Nov 09

**STATE HISTORIC PRESERVATION
OFFICER**

By:

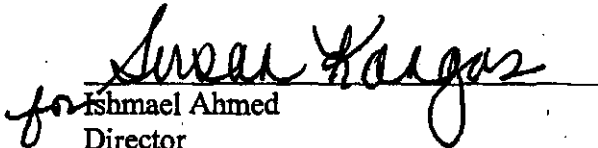


Brian D. Conway
State Historic Preservation Officer

Dated: 11/10/09

**MICHIGAN DEPARTMENT OF
HUMAN SERVICES**

By:

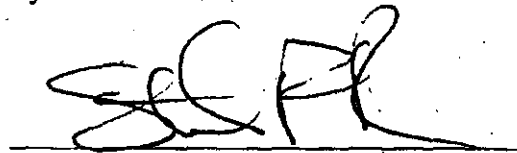

for

Ishmael Ahmed
Director

Dated: 11-18-09

**MICHIGAN DEPARTMENT OF ENERGY
LABOR AND ECONOMIC GROWTH**

By:



Stanley F. Pruss
Director

Dated: Nov 4, 2009



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

April 7, 2010

AMY A BUTLER
DIRECTOR
BUREAU OF ENERGY SYSTEMS
ECONOMIC RECOVERY COORDINATOR
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH
611 W OTTAWA
P.O. BOX 30221
LANSING, MI 48909

DIANE HOLLEY
WEATHERIZATION DIVISION MANAGER
MICHIGAN DEPARTMENT OF HUMAN SERVICES
BUREAU OF COMMUNITY ACTION AND ECONOMIC OPPORTUNITY
235 S. GRAND AVENUE SUITE 1314
LANSING, MI 48909

Dear Ms. Butler and Ms Holley,

As you are aware, on November 18, 2009 the State Historic Preservation Officer (SHPO), the Michigan State Housing Development Authority (MSHDA), the Michigan Department of Human Services (DHS), and the Michigan Department of Energy, Labor and Economic Growth (DELEG) signed an Interagency Agreement for the implementation of U.S. Department of Energy (DOE) programs in Michigan (Energy Efficiency and Conservation Block Grant, State Energy Program and Weatherization Assistance Programs).

Since executing the Interagency Agreement in November, a number of issues have come to our attention which will necessitate amending the original agreement. A copy of that agreement is provided for your reference. Stipulation VII of the Interagency Agreement provides for amendments. In order to amend the Interagency Agreement, all signatories to the agreement must agree to the change in writing. By signing the attached letter and returning the signatory page to the SHPO, the original signatories to the Interagency Agreement concur with the proposed amendments listed below. Please arrange to have this letter signed by the appropriate person in your agency. Once we receive concurrence from all parties, the SHPO shall provide a full copy of the amended Interagency Agreement to all parties and the document may be considered fully amended. This letter shall become part of the permanent record for the Interagency Agreement.



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The proposed amendments to the Interagency Agreement are as follows (copies of relevant documents are attached):

1. **Appendix A** of the Interagency Agreement, the *Consultation List* for WAP projects, has been revised following SHPO discussions with the DHS, the Michigan Economic Recovery Office and Community Action Agencies. It has also been renamed as the *Michigan SHPO WAP Exemption Guide*. Please replace your existing Appendix A with this version.
2. **Appendix A1** has been added as a certification form for the WAP program for use by program implementing agencies.
3. Changes to Stipulation V, *DELEG Compliance Procedures for EECBG and SEP Programs*

DELEG will no longer provide a full-time DELEG employee who meets the minimum requirements outlined in the Secretary of the Interior's *Standards for Archaeology and Historic Preservation* (48 *Federal Register* 44738-39, September 29, 1983) for the position of Historian or Architectural Historian in order to assist in the implementation of Section 106 compliance activities pertaining to EECBG and SEP projects in Michigan. References to this staff person are therefore struck from our Interagency Agreement.

As a result of this change, the alternate requirements and procedures for SHPO and DELEG consultation are suspended and **Appendix B** is null and void.

Following discussions with DELEG, work subject to compliance under these alternate procedures, described in the *Consultation List* for EECBG and SEP Projects, and originally listed as Appendix C has been revised. This document shall be redesignated as **Appendix B** and renamed the *Energy Efficiency and Conservation Block Grants and State Energy Program Michigan SHPO Exemption Guide*.

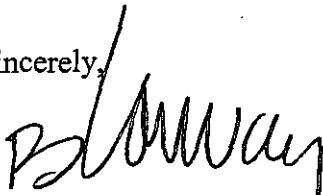
4. **Appendix B1** has been added as a certification form for the EECBG and SEP programs for use by program implementing agencies.

In addition to these changes, the Advisory Council on Historic Preservation and the DOE have notified our office that it is necessary to enter into a separate Programmatic Agreement (PA) between the SHPO, the DOE, and its state delegated authorities (DELEG, DHS) in order to validate our Interagency Agreement at the federal level. I am therefore providing that agreement for your signature with this package. This agreement requires signatures from the same four agencies that signed the original Interagency Agreement. Each signature is on a separate page for ease of circulation. Please have this agreement signed by the appropriate

person in your agency and return the original signed signature to page to the SHPO. We will collect the documents and forward the signed PA to the DOE for their signature and final processing. A copy of the fully signed PA will be provided upon its execution.

Thank you for your consideration and collaboration. If you have any questions or concerns please contact Martha MacFarlane-Faes, Cultural Resource Protection Manager, at 517-335-2720 or by email at FaesM@michigan.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Conway". The signature is written in a cursive style with a long vertical line extending downwards from the end of the name.

Brian D. Conway
State Historic Preservation Officer

Copy: Beth Bingham, Michigan Economic Recovery Office

Attachments:

Amendment Signatory Letter (return to SHPO)

Original Interagency Agreement (without appendices)

New Appendices A, A1, B, B1

DOE Programmatic Agreement (return Signatory Page to SHPO)



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

Michigan Department of Energy, Labor and Economic Growth

RE: Interagency Agreement Amendment Concurrence

Please sign this concurrence and return document to the SHPO.

We have received the letter dated April 7, 2007 from the State Historic Preservation Office (SHPO) and concur with the following amendments to the state *Interagency Agreement for the Federal Department of Energy Energy Efficiency and Conservation Block Grant, State Energy and Weatherization Assistance Programs*:

1. **Appendix A** of the Interagency Agreement, the *Consultation List* for WAP projects, has been revised following SHPO discussions with the DHS, the Michigan Economic Recovery Office and Community Action Agencies. It has also been renamed as the *Michigan SHPO WAP Exemption Guide*. Please replace your existing Appendix A with this version.
2. **Appendix A1** has been added as a certification form for the WAP program for use by program implementing agencies.
3. Changes to Stipulation V, *DELEG Compliance Procedures for EECBG and SEP Programs*

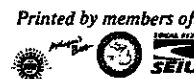
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As a result of this change, the alternate requirements and procedures for SHPO and DELEG consultation are suspended and **Appendix B** is null and void.

Following discussions with DELEG, work subject to compliance under these alternate procedures, described in the *Consultation List* for EECBG and SEP Projects, and originally listed as Appendix C has been revised. This document shall be redesignated as **Appendix B** and renamed the *Energy Efficiency and Conservation Block Grants and State Energy Program Michigan SHPO Exemption Guide*.



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4. **Appendix B1** has been added as a certification form for the EECBG and SEP programs for use by program implementing agencies.

Copies of relevant documents have been provided for our records.

I concur: 

Date: 4-8-10

Printed name and title of agency official:

STANLEY F. PRUSS, DIRECTOR



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

Michigan Department of Human Services

RE: Interagency Agreement Amendment Concurrence

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1. **Appendix A** of the Interagency Agreement, the *Consultation List* for WAP projects, has been revised following SHPO discussions with the DHS, the Michigan Economic Recovery Office and Community Action Agencies. It has also been renamed as the **Michigan SHPO WAP Exemption Guide**. Please replace your existing Appendix A with this version.
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4. **Appendix B1** has been added as a certification form for the EECBG and SEP programs for use by program implementing agencies.

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I concur: Ismael Ahmed Date: 4-13-10

Printed name and title of agency official:

ISHMAEL AHMED, DIRECTOR



JENNIFER GRANHOLM
GOVERNOR

STATE OF MICHIGAN
MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY
LANSING

KEITH MOLIN
EXECUTIVE DIRECTOR

Michigan State Housing Development Authority

RE: Interagency Agreement Amendment Concurrence

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1. **Appendix A** of the Interagency Agreement, the *Consultation List* for WAP projects, has been revised following SHPO discussions with the DHS, the Michigan Economic Recovery Office and Community Action Agencies. It has also been renamed as the **Michigan SHPO WAP Exemption Guide**. Please replace your existing Appendix A with this version.
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Copies of relevant documents have been provided for our records.

I concur



Date:

4.15.10

Printed name and title of agency official:

Keith Molin, Director, MSHDA

APPENDIX A

Michigan SHPO WAP Exemption Guide

This Guidance is provided by the Michigan SHPO to aid weatherization professionals in their consultation with our office. This Guidance is based on an Interagency Agreement developed between the SHPO, Michigan State Housing Development Authority, the Department of Energy, Labor and Economic Growth, and the Department of Human Services.

Consultation with the SHPO is **not required** for structures that are less than fifty years of age because these are unlikely to be considered historic properties (based on the criteria of the *National Register of Historic Places*).

If the SHPO determines that a property is not listed in or eligible for listing in the *National Register of Historic Places*, even if it is fifty years old or older, then the following exemptions do not apply and no further SHPO review is required.

The following work items are exempted from SHPO review. These exemptions assume the work is being done on a historic property. Work on historic properties must be done in accordance with the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties*, applicable *SOI Guidelines*, and *Preservation Briefs*. The *Standards* are reflected in the work specifications. All work must be done in accordance with any applicable specifications or it is not exempted. Work items not included in this Guidance are not exempted from SHPO review. Please review the final section of this Guidance for activities that do require SHPO review, including special consideration for potential archaeological impacts.

General Exemptions:

Energy Audits and Feasibility Studies

Weatherization of mobile homes and trailers

Appliance replacement

Exempted Exterior Work:

Repairing or replacing in-kind existing driveways, parking areas, walkways, etc.

Excavating to gain access to existing underground utilities to repair or replace them.

Minor excavating (2-3 cubic feet) to rebuild or install new crawl space access.

Air Sealing

- caulking/weatherstripping around doors/windows for infiltration/exfiltration issues.

APPENDIX A

Doors and Windows

- Replacement of existing windows and doors that are not original to the building.
- Replacement of existing original windows and doors when the replacement window or door matches the size, design, proportion, profile and materials of the original and the size of the window or door opening is not altered (enlarged or reduced). Typical vinyl windows with snap-in grids or a grid between glass panes are not appropriate.
- Installing insulated exterior replacement doors where the openings are not altered and they cannot be viewed from the public right-of-way.
- Installation of storm windows or doors and wood screen doors in a manner that does not harm or obscure original historic windows, doors or trim.

Wall Insulation (no spray foam insulation), subject to the following specifications:

- Minor necessary repairs to prepare exterior walls for insulation are exempted provided the repairs match the original surface composite.
- All wall insulation must have an adequate vapor barrier or vapor retardant on the warm (heated) side of the wall or consist of a pre-expanded, closed-cell foam insulation. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:
http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810
- No holes are drilled through **original exterior (wood, brick, etc.) siding**, or holes have no permanent visible alteration to the finish materials. Any holes drilled for insulation must be finished and returned to condition as close to the original as possible. Access holes in the walls must be patched or plugged with materials that match the original (no plastic plugs).
- Access holes may be patched or plugged with plastic plugs where the original siding was replaced with aluminum or vinyl siding prior to the WAP project.

Painting and Siding

- Painting over previously painted exterior surfaces, provided destructive surface preparation treatments, including, but not limited to, water-blasting, sandblasting and chemical removal, are not used.
- Installation or replacement of gutters and downspouts, provided that their color is historically appropriate for the period and style of the property.
- Repair or replacement of original exterior siding provided that new siding matches the original siding in dimension, profile, texture, and material (for example, replacement in-kind).

APPENDIX A

- Replacement of existing aluminum or vinyl siding.

Roofing

- Flat or shallow pitch roof replacement (shallow pitch is defined as a pitch with a rise-to-run ratio equal to or less than 3" to 12"), with no part of the surface of the roof visible from the ground.
- Repairing or replacing roofing materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.

Solar

- Small Solar Systems, when they are shingle style and on the rear roof of the structure, not viewable from any public right of way.

Interior Work:

Water Conservation Measures (low flow faucets, toilets, shower heads, urinals)

Air Sealing and Insulation

- Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc.
- Insulation on water heater tanks, pipes and ducts
- Insulation of floors, ceilings, attics, crawl spaces and foundations in a manner that does not harm or damage historic fabric (no spray foam insulation) including:

Band joist ("Sill Box") insulation

Floor insulation, provided that historic floor finishes are not damaged

Attic insulation, including knee-wall insulation, where insulation has been installed previously and when proper ventilation exists

Repair of minor roof leaks prior to installing attic insulation

Attic insulation when no prior insulation has been installed, if there is an **adequate vapor barrier or vapor retardant** on the warm (heated) side of the attic floor, such as fiberglass bat. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:

http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810

APPENDIX A

- Wall insulation (no spray foam insulation), subject to the following specifications:

Minor necessary repairs to prepare walls for insulation are exempted provided the repairs match the original surface composite.

All wall insulation must have an **adequate vapor barrier or vapor retardant** on the warm (heated) side of the wall **or** consist of a **pre-expanded, closed-cell foam** insulation. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:

http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810

Interior holes drilled for insulation must be finished and returned to condition as close to the original as possible. Access holes in the walls must be patched or plugged with materials that **match the original**. No decorative plaster may be damaged.

Fire, Smoke or Carbon Dioxide Detectors / Alarms

- Replacement of existing smoke detector or carbon monoxide detector
- Plug-in carbon monoxide detectors
- New installation of hard-wired devices (occupancy sensors, carbon monoxide sensors, programmable thermostats, smoke detectors) as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

HVAC Work

- Clean, tune or repair heating and cooling systems, including furnaces, boilers, heat pumps, vented space heaters, wood stoves, central air conditioners, window air conditioners, heat pumps, and evaporative coolers
- HVAC upgrades (Replacement of boilers, furnaces, etc.) that do not require any new venting or a new location, **or** venting is on the rear of the structure, not visible from any public right of way.
- Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to building tightness limit
- Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside if venting is on the rear of the structure, not visible from any public right of way.

APPENDIX A

- Modify, repair, or replace duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems provided:
The work does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.
- Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC control systems provided:
The work does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.
- Ventilating crawl spaces.
- Installing continuous ridge vents covered with ridge shingles or boards, or roof vents, bath and kitchen vents, soffit and frieze board vents, combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
- Installing foundation vents, if painted or finished to match the existing foundation material.

Lighting and Appliances

- Compact fluorescent light bulbs
- Energy efficient light fixtures (replacement)
- Upgrade exterior lighting (replacement of mercury vapor to metal halide bulbs)
- LED light fixtures & exit signs (replacement)
- New installation of hard-wired devices as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

Plumbing and Electrical Work

- Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not affect the interior or exterior of the building.
- Repair or replace water heaters that do not require any new venting or a new location, or venting is on the rear of the structure, not viewable from any public right of way.

APPENDIX A

- New installation of hard-wired devices as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

SHPO CONSULTATION REQUIRED

The work listed in the above exemption Guidance will require SHPO review if it does not meet the described conditions, as will any work item *not included* in this Consultation List. The following activities may affect historic properties (36 CFR Part 800.5) and will require SHPO Section 106 review if they affect a structure that is fifty (50) years of age or older:

- Any activity that does not meet the work specifications of this exemption Guidance and follow the Secretary of the Interior's *Standards for Rehabilitation*.
- Any activity that is not specified in this exemption Guidance
- White Roofs, Cool Roofs, Green Roofs, Sod or Grass Roofs
- Small solar systems; combined solar/wind demonstration units on government buildings
- Lead-based paint abatement
- Power washing
- Repairing masonry, including repointing and rebuilding chimneys
- Insulating with any Spray Foam Insulation Products

Ground disturbing activity will always require SHPO consultation for archaeological impacts, regardless of the age of structures on the property.

Ground Disturbing Activity

- Geothermal Heating Systems
- Small-scale concrete slab work, such as placing a slab for a garage or for an addition to an existing building.
- Small-scale new construction in urban and residential settings. Examples of small-scale construction would be a detached garage or a shed.
- New construction
- Any ground disturbing activity in the cities of Saginaw, St. Ignace, Bay City, Mackinaw City and Sault Ste. Marie.

APPENDIX A

TERMS OF USE

Any work item in the WAP program that is not addressed in this list shall be subject to SHPO consultation. This Guidance only applies to projects funded through the WAP program as part of the DOE's Energy Efficiency and Renewable Energy Program (EERE), part of the American Recovery and Reinvestment Act (ARRA) and set to expire in 2012. The terms of this Guidance shall then terminate unless otherwise agreed to by the SHPO. This Guidance is for the exclusive use of the WAP program and shall not apply to any other federally-funded program. The DHS and its delegated entities are advised to document all points of their decision-making in order to demonstrate proper compliance with Section 106.

Agencies conducting WAP projects throughout Michigan will be periodically audited and may be monitored by the SHPO for compliance with this Guidance. Agencies should therefore retain adequate records of compliance for all projects subject to this Guidance, including before and after photographs of buildings/work subject to these exemptions as well as detailed specifications of the work conducted.

The SHPO has a website with FAQs for the Weatherization Assistance Program at <http://weatherization.wordpress.com>.

For questions or concerns regarding this guidance, please contact the SHPO Weatherization Assistance Program (WAP) specialists:

Mollie Douglas, Cultural Resource Protection Specialist, WAP

Email: DouglasM2@michigan.gov; Tel: 517-241-6602

Jessica Williams, Cultural Resource Protection Specialist, WAP

Email: WilliamsJ28@michigan.gov; Tel: 517-241-6062

APPENDIX A1

State Historic Preservation Office Compliance

Certification for Weatherization Activities on Homes Built Before 1960

The purpose of this document is to certify that the weatherization activities performed in the home located at [street address, city, state, zip code] meet all State Historic Preservation Office (SHPO) consultation guidelines as outlined in the Michigan SHPO WAP Exemption Guide dated [April 7, 2010].

By signing this document, I certify that the work performed by the [Name of CAA] on the property identified above is in compliance with all SHPO guidance and therefore does not require further review by the Michigan State Historic Preservation Office.

Signed: _____ Date: _____

Print Name: _____

Title: _____

APPENDIX B

ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANTS AND STATE ENERGY PROGRAM

Michigan SHPO Exemption Guide

This Guidance is provided by the Michigan SHPO to aid Energy Efficiency and Conservation Block Grants (EECBG) and State Energy Program (SEP) funding recipients in their consultation with our office in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended. By memorandum dated August 28, 2009, the U.S. Department of Energy (DOE) has delegated limited authority for compliance with Section 106 to EECBG and SEP funding recipients. This Guidance is based on an Interagency Agreement developed between the SHPO, Michigan State Housing Development Authority, the Department of Energy, Labor and Economic Growth, and the Department of Human Services.

TERMS OF USE

This Guidance only applies to projects funded through (EECBG) and (SEP) as part of the DOE's Energy Efficiency and Renewable Energy Program (EERE), part of the American Recovery and Reinvestment Act (ARRA) and set to expire in 2012. The terms of this Guidance shall then terminate unless otherwise agreed to by the SHPO. This Guidance is for the exclusive use of the EECBG and SEP programs and shall not apply to any other federally-funded program. For EECBG and SEP funded work on residential properties, please refer to the SHPO Guidance for the Weatherization Assistance Program (*Michigan SHPO WAP Exemption Guide*).

Funding recipients are advised to document all points of their decision-making in order to demonstrate proper compliance with Section 106. Agencies conducting EECBG and SEP projects throughout Michigan may be monitored by the SHPO for compliance with this Guidance. Agencies should therefore retain adequate records of compliance for all projects subject to this Guidance, including before and after photographs of buildings/work subject to these exemptions as well as detailed specifications of the work conducted. Please review and sign the attached certification document for each project conducted.

Consideration of Tax Credits

If you are considering applying to the SHPO for state or federal historic preservation tax credits for a project or property subject to this Guidance, please be aware that the tax credit review process is separate and distinct from Section 106 review. Both tax credit programs require strict adherence to the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties*. You could therefore jeopardize your eligibility for the tax credits by proceeding with any work that is not appropriate for a historic property. Please contact the SHPO with any questions or for clarification of the tax credit programs.

CONTACT INFORMATION

For questions or concerns regarding this guidance, please contact the SHPO Cultural Resource Protection Program. For more information on cultural resource protection and Section 106,

APPENDIX B

please visit the SHPO website at Michigan.gov/shposection106. The SHPO can also provide technical assistance related to the specifications outlined in this Guidance.

Email: ER@michigan.gov Tel: 517-335-2721

CONSULTATION GUIDANCE

For EECBG and SEP funded work on residential properties, please refer to the SHPO Guidance for the Weatherization Assistance Program (*Michigan SHPO WAP Exemption Guide*).

Consultation with the SHPO is **not required** for structures that are less than fifty years of age because these are unlikely to be considered historic properties (based on the criteria of the *National Register of Historic Places*).

If the SHPO determines that a property is not listed in or eligible for listing in the *National Register of Historic Places*, even if it is fifty years old or older, then the following exemptions do not apply and no further SHPO review is required.

The work items included in the first part of this Guidance are exempted from SHPO review. The Michigan State Historic Preservation Officer (SHPO) has concluded that many of these work items do not meet the definition of undertaking since they do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a) or they have limited potential to affect historic properties and therefore *no historic properties will be affected* by these undertakings per 36 CFR § 800.4(d). In addition, some of the following activities may affect historic properties (36 CFR Part 800.5), but they will have *no adverse effect* upon historic properties and the funding recipient is not required to consult further with the SHPO if the required conditions are met.

These exemptions assume the work is being done on a historic property.

Work on historic properties must be done in accordance with the Secretary of the Interior's (SOI) *Standards for the Treatment of Historic Properties*, applicable *SOI Guidelines*, and *Preservation Briefs*. The *Standards* are reflected in the work specifications. All work must be done in accordance with any applicable specifications or it is not exempted. For example, in order to meet the standard of *no adverse effect* on historic properties, work cannot include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

Work items not included in this Guidance are not exempted from SHPO review. Please review the final section of this Guidance for activities that do require SHPO review, including special consideration for potential archaeological impacts.

APPENDIX B

General Exemptions:

Energy Audits and Feasibility Studies

Weatherization of mobile homes and trailers

Appliance replacement

Exempted Exterior Work:

Repairing or replacing in-kind existing driveways, parking areas, walkways, etc.

Excavating to gain access to existing underground utilities to repair or replace them.

Minor excavating (2-3 cubic feet) to rebuild or install new crawl space access.

Air Sealing

- caulking/weatherstripping around doors/windows for infiltration/exfiltration issues.

Doors and Windows

- Replacement of existing windows and doors that are not original to the building.
- Installing insulated exterior replacement doors where the openings are not altered and they cannot be viewed from the public right-of-way.
- Installation of storm windows or doors and wood screen doors in a manner that does not harm or obscure original historic windows, doors or trim.
- Rehabilitation and repair of existing windows in accordance with the Secretary of the Interior's *Standards for Rehabilitation*.

Wall Insulation in Frame Buildings (no spray foam insulation), subject to the following specifications (spray foam insulation products and masonry structures require consultation with the SHPO):

- Minor necessary repairs to prepare exterior walls for insulation are exempted provided the repairs match the original surface composite.
- All wall insulation must have an adequate vapor barrier or vapor retardant on the warm (heated) side of the wall or consist of a pre-expanded, closed-cell foam insulation. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:
http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810
- No holes are drilled through original exterior (wood, etc.) siding, or holes have no permanent visible alteration to the finish materials. Any holes drilled for insulation must be finished and returned to condition as close to the original as possible. Access holes in the walls must be patched or plugged with materials that match the original (no plastic plugs).

APPENDIX B

- Access holes may be patched or plugged with plastic plugs where the original siding was replaced with aluminum or vinyl siding prior to the EECBG/SEP project.

Painting, Siding, and Building Cleaning

- Painting over previously painted exterior surfaces, provided destructive surface preparation treatments, including, but not limited to, water-blasting, sandblasting and chemical removal, are not used.
- Installation or replacement of gutters and downspouts, provided that their color is historically appropriate for the period and style of the property.
- Repair or replacement of original exterior siding provided that new siding matches the original siding in dimension, profile, texture, and material (for example, replacement in-kind).
- Replacement of existing aluminum or vinyl siding.
- Building Cleaning in accordance with the *Standards* and Preservation Briefs #1, #6, and #10
- Lead-based paint abatement in accordance with the *Standards* and Preservation Brief #37.
- Repairing masonry, including repointing and rebuilding chimneys in accordance with the *Standards* and Preservation Brief # 2

Roofing

- Flat or shallow pitch roof replacement (shallow pitch is defined as a pitch with a rise-to-run ratio equal to or less than 3" to 12"), with no part of the surface of the roof visible from the ground.
- Repairing or replacing roofing materials that closely match the historic materials and form, or with materials that restore the original feature based on historic evidence, and in a manner that does not alter the roofline.
- White Roofs, Cool Roofs, Green Roofs, Sod or Grass Roofs if on a flat roof that is not visible from the public right-of-way.
- Roof Insulation During Roof Replacement, except for Exterior Rigid Insulation
- Rainwater catches and/or gray water systems not viewable from the public right-of-way.

Solar

- Small Solar Systems (shingle style preferred) when on the rear roof of the structure, not viewable from any public right of way.
- Solar hot water heaters

APPENDIX B

Exempted Interior Work:

Water Conservation Measures (low flow faucets, toilets, shower heads, urinals)

Lead-based paint abatement in accordance with the *Standards* and Preservation Brief #37

Air Sealing and Insulation (no spray foam insulation: *spray foam insulation products require consultation with the SHPO*)

- Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc.
- Insulation on water heater tanks, pipes and ducts
- Insulation of floors, ceilings, attics, crawl spaces and foundations in a manner that does not harm or damage historic fabric including:

Band joist (“Sill Box”) insulation

Floor insulation, provided that historic floor finishes are not damaged

Attic insulation, including knee-wall insulation, where insulation has been installed previously and when proper ventilation exists

Repair of minor roof leaks prior to installing attic insulation

Attic insulation when no prior insulation has been installed, if there is an **adequate vapor barrier or vapor retardant** on the warm (heated) side of the attic floor, such as fiberglass bat. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:

http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810

- Wall insulation in **Frame Buildings** (no spray foam insulation), subject to the following specifications (*spray foam insulation products and masonry structures require consultation with the SHPO*):

Minor necessary repairs to prepare walls for insulation are exempted provided the repairs match the original surface composite.

All wall insulation must have an **adequate vapor barrier or vapor retardant** on the warm (heated) side of the wall **or** consist of a **pre-expanded, closed-cell foam** insulation. Multiple coats of interior wall and ceiling paint are sufficient to meet the criteria of a vapor retardant, per the U.S. Dept. of Energy. More information is available at:

http://www.energysavers.gov/your_home/insulation_airsealing/index.cfm/mytopic=11810

APPENDIX B

Interior holes drilled for insulation must be finished and returned to condition as close to the original as possible. Access holes in the walls must be patched or plugged with materials that match the original. No decorative plaster may be damaged.

Fire, Smoke or Carbon Dioxide Detectors / Alarms

- Replacement of existing smoke detector or carbon monoxide detector
- Plug-in carbon monoxide detectors
- New installation of hard-wired devices (occupancy sensors, carbon monoxide sensors, programmable thermostats, smoke detectors) as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

HVAC Work

- Clean, tune or repair heating and cooling systems, including furnaces, boilers, heat pumps, vented space heaters, wood stoves, central air conditioners, window air conditioners, heat pumps, and evaporative coolers
- HVAC upgrades (Replacement of boilers, furnaces, etc.) that do not require any new venting or a new location, or venting is on the rear of the structure, not visible from any public right of way.
- Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to building tightness limit
- Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside if venting is on the rear of the structure, not visible from any public right of way.
- Modify, repair, or replace duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems provided:
The work does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.
- Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC control systems provided:
The work does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

APPENDIX B

- Ventilating crawl spaces.
- Installing continuous ridge vents covered with ridge shingles or boards, or roof vents, bath and kitchen vents, soffit and frieze board vents, combustion appliance flues, if not located on a primary roof elevation or visible from the public right-of-way.
- Installing foundation vents, if painted or finished to match the existing foundation material.

Lighting and Appliances

- Compact fluorescent light bulbs
- Energy efficient light fixtures (replacement)
- Upgrade exterior lighting (replacement of mercury vapor to metal halide bulbs)
- LED light fixtures & exit signs (replacement)
- New installation of hard-wired devices as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.

Plumbing and Electrical Work

- Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not affect the interior or exterior of the building.
- Repair or replace water heaters that do not require any new venting or a new location, or venting is on the rear of the structure, not viewable from any public right of way.
- New installation of hard-wired devices as long as it does not include significant spaces (entrances/entry halls/lobbies, areas for public gathering and circulation, primary rooms). If work occurs in a significant space, work shall not damage historic materials or finishes. New wiring/piping/ductwork, etc. shall be concealed.
- Installation of solar hot water heaters in a manner that does not affect the interior or exterior of the building.
- New water efficient fixtures and fittings in a manner that does not permanently change the appearance and character-defining features of the interior or exterior of the building.
- Adding variable speed drive motors

APPENDIX B

SHPO CONSULTATION REQUIRED

The work listed in the above exemption Guidance will require SHPO review if it does not meet the described conditions, as will any work item *not included* in this Guidance. The following activities may affect historic properties (36 CFR Part 800.5) and will require SHPO Section 106 review if they affect a structure that is fifty (50) years of age or older:

- Any activity that does not meet the work specifications of this exemption Guidance and follow the Secretary of the Interior's *Standards for Rehabilitation*.
- Any activity that is not specified in this exemption Guidance
- Insulating with any Spray Foam Insulation Products
- Wall insulation in masonry buildings
- Replacement of existing original windows and doors
- Power washing
- Solar and wind units not previously exempted

Ground disturbing activity will always require SHPO consultation for archaeological impacts, regardless of the age of structures on the property.

Ground Disturbing Activity

- Geothermal Heating Systems
- Small-scale concrete slab work, such as placing a slab for a garage or for an addition to an existing building.
- Small-scale new construction in urban and residential settings. Examples of small-scale construction would be a detached garage or a shed.
- New construction
- Any ground disturbing activity in the cities of Saginaw, St. Ignace, Bay City, Mackinaw City and Sault Ste. Marie.

APPENDIX B1

State Historic Preservation Office Compliance

Certification for EECBG/SEP Activities

The purpose of this document is to certify that the EECBG activities performed for the [Project name, street address, city, state, zip code] meet all State Historic Preservation Office (SHPO) consultation guidelines as outlined in the Michigan SHPO Exemption Guide for Energy Efficiency and Conservation Block Grants and State Energy Program dated [April 7, 2010].

By signing this document, I certify that the work performed by the [Name of Agency] on the project/property identified above is in compliance with all SHPO guidance and therefore does not require further review by the Michigan State Historic Preservation Office.

Signed: _____ Date: _____

Print Name: _____

Title: _____