

**PROGRAMMATIC AGREEMENT BETWEEN
THE ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY AFFAIRS
AND
THE ALABAMA STATE HISTORIC PRESERVATION OFFICE**

WHEREAS, the Alabama Department of Economic and Community Affairs (ADECA) and the Alabama State Historic Preservation Office (SHPO) (herein collectively referred to as the "Parties") have determined that the certain actions permitted or funded by ADECA with Federal funds, including, but not limited to the Community and Economic Development Programs (formerly HUD program CDBG), will not have an effect on properties listed on or eligible for the National Register of Historic Places (NR); and

WHEREAS, ADECA and SHPO have defined in this agreement those activities which will not require individual consultation with the SHPO; and

WHEREAS, on March 24, 2008, ADECA notified and invited the Advisory Council on Historic Preservation (ACHP) to participate in the Section 106 consultation process and the ACHP declined to participate in the consultation; and

WHEREAS, ADECA and the SHPO have defined in this agreement those activities which would provide for the protection of unexpected discovery of significant resources pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470f) and the Advisory Council on Historic Preservation's (Council) regulations, 36 CFR Part 800;

NOW, THEREFORE, ADECA and the SHPO agree that the following undertaking shall take place without further consultation with the SHPO except for those items specifically stipulated.

EXCLUDED ACTIVITIES

The following activities may proceed without individual comment from the SHPO.

1. Work on sewer and water lines and drainages within highway right-of-way (ROW) or otherwise previously disturbed areas. Previously disturbed areas are defined as those areas which have received prior impact by construction, clearing grading, or erosion to subsoil or disturbed to the same depth as proposed work.
2. Street improvements limited to street and/or ROW.
3. Work within existing municipal parks, including ballparks and playgrounds, for which no expansion is necessary.
4. Acquisition of new equipment, such as playground equipment.
5. Acquisition of new property. However, any proposed activities on the acquired property must be coordinated with SHPO.

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6. Rehabilitation or demolition of buildings less than fifty years old.
7. Work on walking trails limited to existing trail and/or ROW.
8. Rehabilitation or other work on structures at least fifty years old which requires no ground disturbance and meets one or more of the following criteria:
 - a) Replacement of roof in-kind, that is, composition shingles with new composition shingles.
 - b) Repair and in-kind replacement of deteriorated wood siding, in-kind or with cement-fiber siding which matches the original.
 - c) Painting, inside and out, as long as prep work consists of scraping, hand sanding, and exterior pressure washing at 300 PSI or less.
 - d) Repair and replacement of heating, venting and air conditioning using existing ductwork.
 - e) Repair or replacement of plumbing pipes and non-historic fixtures.
 - f) Repair of gypsum wallboard or plaster. Ceilings should have smooth finish.
 - g) Repair of floors in-kind, that is, with material exactly like what is there, and/or replacement of floor covering.
 - h) Repair of original windows and glass.
 - i) Replacement or repair of piers not visible from the exterior.
 - j) Perimeter or exterior foundation work, as long as the work matches the original.

STIPULATIONS

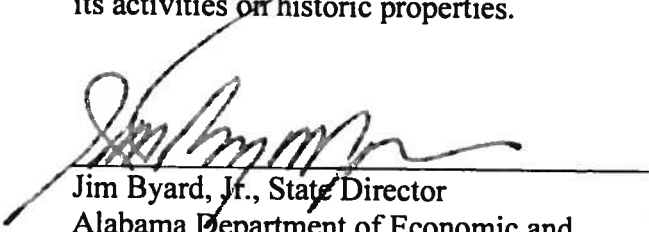
ADECA shall ensure that consultation with the SHPO shall take place for the following individual activities by providing SHPO with a completed Project Review Consultation Form (Appendix A) and any other material helpful to the SHPO in making its recommendations for the project.

1. New construction or ground disturbance of any kind which is not within ROW or existing Municipal Park or playground.
2. Demolition of structures at least fifty years of age.
3. Rehabilitation or other work on structures which does not meet the criteria as outlined in EXCLUDED ACTIVITY 8 a-j above.
4. Fill material needed for the project should come from a SHPO-approved source (borrow pit). The source (borrow area) of any fill material to be used for a project must be reviewed by SHPO unless the source is an existing, previously borrowed area and expansion of the borrow area is not necessary for the project.

DISCOVERY

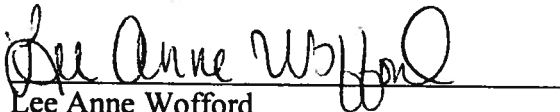
Should any historic resources be discovered in the process of the project activities, work shall cease and the SHPO shall be notified immediately.

Execution of this agreement and carrying out its terms evidences that ADECA has afforded the Council a reasonable opportunity to comment and ADECA has taken into account the effects of its activities on historic properties.



Jim Byard, Jr., State Director
Alabama Department of Economic and
Community Affairs

October 22, 2014
Date



Lee Anne Wofford
Deputy State Historic Preservation Officer

November 24, 2014
Date

OFFICE OF THE GOVERNOR

ROBERT BENTLEY
GOVERNOR



STATE OF ALABAMA

ALABAMA DEPARTMENT OF ECONOMIC
AND COMMUNITY AFFAIRS

JIM BYARD, JR.
DIRECTOR

February 12, 2015

To: All Interested Parties

From: Shabbir Olia, CED Manager
Unit Chief

Re: Alabama State Historic Preservation Office (SHPO)
Programmatic Agreement (PA) Update

The Alabama SHPO and the Alabama Department of Economic and Community Affairs (ADECA) have agreed to amend the current PA to include the excluded activities and stipulation listed below. The authorization email is included for your information. The email thread that is mentioned in the authorization email is available for your review upon request. If you have any questions please do not hesitate to contact Chris Perkins at (334)353-1028 or christopher.perkins@adeca.alabama.gov.

THE ALABAMA STATE HISTORIC PRESERVATION OFFICE is adding the following EXCLUDED ACTIVITIES:

9. Leasing of a building less than fifty years old.
10. Leasing of a building at least fifty years old which requires no structural modifications, exterior or interior.

and the following STIPULATION:

5. Leasing of a building at least fifty years old that requires structural modification requires review by the SHPO.

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APPENDIX A
PROJECT REVIEW CONSULTATION FORM



**ALABAMA HISTORICAL COMMISSION
STATE HISTORIC PRESERVATION OFFICE
SECTION 106 PROJECT REVIEW CONSULTATION FORM**

Federal laws exist to ensure that federal agencies or their designated applicants carefully consider historic preservation in federally funded, licensed, or permitted projects. Section 106 of the National Historic Preservation Act of 1966, as amended directs this review. <http://www.achp.gov/106summary.html>. At a minimum, submission of this completed form and attachments constitutes a request for review by the Alabama Historical Commission, which is the Alabama State Historic Preservation Office (SHPO). **The responsibility for preparing documentation, including the identification of historic properties and the assessment of potential effects resulting from the project, rests with the federal or state agency, or its designated applicant.** The role of the Alabama SHPO is to review, comment, and consult with federal/state agencies, applicants, and consultants. The Alabama SHPO's ability to complete a timely project review largely depends on the quality of the material submitted. Some applicants may find it advantageous to hire a historic preservation professional with expertise in history and/or architectural history.

NOTE: Section 106 regulations provide for a 30-day response time by the Alabama SHPO from the **date of receipt**. Project activities may not begin until our office has reviewed this information and issued comments.

PROJECT NAME

FEDERAL AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT

AHC NUMBER (If project has been previously submitted)

APPLICANT

TELEPHONE

CONTACT PERSON

TELEPHONE

CONTACT EMAIL

ADDRESS FOR RESPONSE

PROJECT LOCATION

STREET ADDRESS

CITY

COUNTY

ZIP CODE

LATITUDE / LONGITUDE (use this format: 32.371999; -86.308598)

PROJECT DESCRIPTION

Describe the overall project in **DETAIL**. Be sure to note if the project involves new construction, if existing buildings will be altered (if so, provide the proposed work in detail), and / or if any buildings/structures will be demolished. Use additional pages if necessary.

AREA OF POTENTIAL EFFECT (APE)

The APE varies with project types and can be direct or indirect (physical, visual, auditory, etc.). The APE is defined as "the geographic area or areas within which an undertaking may cause changes in the character of use of historic properties, if any such properties exist." Factors to consider when determining the APE include; topography, vegetation, existing development, orientation of an existing resource to the project, physical siting of a resource, and existing and planned future development. For example:

- 1) Rehabilitation, renovation, and/or demolition of a historic building or structure, or new construction: the APE might include the building itself and the adjacent setting.
- 2) Streetscapes: the APE might include the viewshed from the street.
- 3) Pedestrian/bicycle facilities: the APE might extend the length of the corridor and for some distance on both sides of the corridor.
- 4) Underground utilities: the APE would usually be limited to the area of ground disturbance.

Attach a map indicating the precise location of the project and the boundaries of the APE, preferably a clear color copy of a USGS topographic quadrangle map (7.5 minute). For projects in urban areas, also include a city map that shows more detail. USGS topographic maps can be printed from this website: www.digital-topo-maps.com. City maps can be printed using www.google.com/maps.

Provide current, high resolution color photographs that illustrate the project area and the entire APE as defined above. Digital prints will be accepted, but photographs should also be submitted on a CD or DVD.

ARCHAEOLOGY (Ground Disturbing Activities)

Has the ground in the project area been disturbed other than by agriculture (i.e. grading, grubbing, clear cutting, filling, etc.)?
 Yes No Don't know N/A

If yes, describe in detail. Use additional pages as necessary. Photographs are helpful.

Describe the present use and condition of the property. Use additional pages as necessary.

To your knowledge, has a Cultural Resource Assessment (CRA) been conducted in the proposed project area?
 Yes No Don't know N/A

If yes, attach a copy of the archaeologist's report.

BUILDING & STRUCTURE INFORMATION

Background research for previously identified historic properties within an APE may be undertaken at the Alabama SHPO in Montgomery. These files include the National Register of Historic Places, Alabama Register of Landmarks & Heritage, Alabama Historic Cemetery Register, and county architectural surveys. To request a research appointment, contact Nicole Woods at 334.230.2673 or Nicole.Woods@preserveala.org. Alabama SHPO staff cannot perform the file research for your project. As mentioned previously, some applicants may find it advantageous to hire a historic preservation professional with expertise in history and/or architectural history to complete the identification and evaluation of historic properties.

- 1) Is the project located within or adjacent to a National Register of Historic Places (NRHP) listed or eligible historic district?
 YES NO If yes, provide the name of the district: _____
- 2) Within the project APE, are there any buildings or structures that are 50 years old or older?
 YES NO If yes, provide numbered photographs of each that have been keyed to a site map.
- 3) Are any of the buildings or structures identified in question #2 listed or eligible for listing in the NRHP?
 YES NO If yes, identify the properties by name or photo number.
If no, provide an explanation as to why the properties are not eligible for the NRHP.
- 4) Does the project involve the rehabilitation, renovation, demolition, or addition to any building or structure that is 50 years old or older?
 YES NO If yes, provide rehabilitation plans and / or reasons for demolition.

A note about photographs: Current, high resolution photographs must be submitted on CD or DVD. Prints may also be submitted, but a CD or DVD of the images must accompany the prints. Black and white photocopies, faxed photographs or Polaroids will not be accepted. If you checked "yes" for #2 and #3 above, include photographs of those properties. Take photographs of the overall property and the exterior of each building on the property, including outbuildings. Include views of the overall setting, views of the building in its immediate surrounding showing the relationship of the building to neighboring buildings, and views of significant landscape features (i.e. tree lined approaches, stone walls, formal gardens, etc.). Exterior views of the building should include full views of each side (if possible) and views of important architectural details. Key all photographs to a site map.

If the project involves rehabilitation, include photographs of the building(s) involved and especially the areas of the building slated for rehab work. Label each exterior view to a site map and label all interior views. If the project involves new construction, include photographs of the surrounding area looking out from the project site. Include photographs of any buildings (more than 50 years old or older) that are located on the project property or on adjoining property.

EFFECTS DETERMINATION

An effect occurs when an action alters the characteristics of a property that may qualify it for the National Register of Historic Places or alters the features of a property's location, setting, or use that contributes to its significance. How will this project affect any of the properties identified in the previous section? Use additional pages as necessary.

- 1) Will the project take away or change anything within the apparent or existing boundary of any of the identified historic properties?
 YES NO If yes, explain: _____
- 2) Will the project change the view from or the view of any of the identified historic properties?
 YES NO If yes, explain: _____
- 3) Will the project introduce any audible or atmospheric elements to the setting of any of the identified historic properties?
 YES NO If yes, explain: _____
- 4) Will the project result in the transfer, lease, or sale of any of the identified historic properties?
 YES NO If yes, explain: _____

CHECKLIST: Did you provide the following information?

Completed form.

Photographs of current site conditions and all identified historic properties keyed to a site map.

Maps with project area, APE, and any historic properties marked and identified.

For new construction, rehabilitations, etc., attach work plans, drawings, etc.

Other supporting documents (if necessary to explain the project).

Description of present use and condition of the project area.

Section 106 regulations provide for a 30-day response time by the Alabama SHPO from the date of receipt. Project activities may not begin until our office has reviewed this information and issued comments.

Upon receipt, applications and attachments become the property of the State of Alabama.

For questions regarding this form or the Section 106 Review Process, contact Amanda McBride, Section 106 Coordinator, at 334.230.2692 or Amanda.McBride@preserveala.org.

Return this Form and Attachments to:

**Lee Anne Wofford, Deputy SHPO
Alabama Historical Commission
Attn: Section 106 Review
468 South Perry Street
Montgomery, Alabama 36130-0900 (US post) 36104 (courier)**