

**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

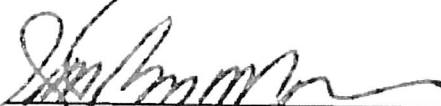
ADECA shall ensure that consultation with the SHPO shall take place for the following individual activities by providing SHPO with a completed Project Review Consultation Form (Appendix A) and any other material helpful to the SHPO in making its recommendations for the project.

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.

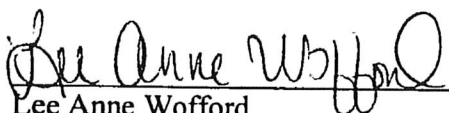
**DISCOVERY**

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.

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

October 22, 2014  
Date

  
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Lee Anne Wofford  
Deputy State Historic Preservation Officer

November 24, 2014  
Date