

**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 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 the 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. Please note, agriculture is not included because its subsurface impact is minimal.
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.

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

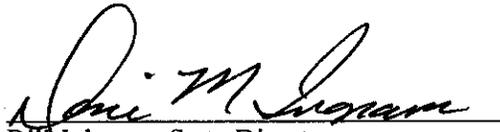
ADECA shall ensure that consultation with the SHPO shall take place for the following individual activities by providing SHPO with a completed Project Review Consultation Form (Appendix A) and any other material helpful to the SHPO in making its recommendations for the project.

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.



for
Bill Johnson, State Director
Alabama Department of Economic
and Community Affairs

6-17-08
Date



Elizabeth Ann Brown
Deputy State Historic Preservation Officer

June 30, 2008
Date

APPENDIX A
PROJECT REVIEW CONSULTATION FORM



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

The Alabama State Historic Preservation Office needs to know if your project will affect historic structures or archaeological sites, a requirement under Section 106 of the National Historic Preservation Act of 1966 (as amended). Regulations provide 30 days from receipt for us to respond to your submission. We strive to clear all projects with the information provided, but sometimes additional information is necessary--please refer to the checklist on page 2 of this form to insure all basic information has been provided. For further information, refer to our website: www.preserveala.org and follow the links to regulatory assistance.

Starting project activities before you receive a response from us will delay your project, or could cause you to lose funding.

PROJECT NAME

FEDERAL AGENCY PROVIDING FUNDS, LICENSE, OR PERMIT

APPLICANT

TELEPHONE

CONTACT PERSON

TELEPHONE

CONTACT EMAIL

ADDRESS FOR RESPONSE

PROJECT LOCATION

STREET ADDRESS

CITY

COUNTY

NUMBER OF ACRES IN PROJECT AREA

USGS TOPOGRAPHIC MAP QUADRANGLE NAME (see map requirements on Page 2)

SECTION:

TOWNSHIP:

RANGE:

YEAR OF QUAD:

PROJECT DESCRIPTION

Describe the overall project in **DETAIL**. Be sure to note if there will be any ground disturbing activities or if the project will include the demolition of existing buildings. If the project involves rehabilitation, describe the proposed work in detail. Use additional pages if necessary.

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, please describe in detail. Use additional pages if necessary. Photographs are helpful.

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

To your knowledge, has a cultural resource assessment been conducted in the proposed project area?

Yes No Don't Know N/A

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

STANDING STRUCTURES (Buildings, bridges, etc.)

Are there any standing structures at least 50 years old or older within, near, or adjacent to the project area?

Yes No Don't Know N/A

If yes, please provide photographs of all structures. NOTE: See photography requirements on this page.

How will the project impact the structure(s)? (e.g. rehabilitation, relocation, demolition, encroachment, etc.)

Provide a brief history of the building(s), including construction dates and building uses. Use additional pages if necessary.

ADDITIONAL REQUIREMENTS

Map Requirements: Attach a clearly labeled, color copy of the relevant portion of the USGS topographic map indicating the precise location and/or boundaries of the project. Be sure to include the name of the quad sheet from which it came. The location of standing structures at least 50 years old or older must be indicated on the map. (*Go to www.terraserver-usa.com and insert the project's location information. You may enter lat/long or street address, then click "Go". When your results appear, click "Topo Map". When your map appears, click "Print", then print from your browser. Be sure to mark your project area on this map.*)

Photography Requirements: Provide clear photographs (minimum 3" X 5"). Polaroids, photocopies, or faxed photos are not acceptable. Take more photographs, rather than fewer, for quick project review. Photos of all sides of a structure, nearby buildings, and outbuildings to make reviewing easier. All photographs should be labeled and keyed to your map.

CHECKLIST: Did you provide the following information?

- | | |
|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Detailed description of proposed project | <input type="checkbox"/> Description of present use and condition of the project area |
| <input type="checkbox"/> Portion of USGS Topographic Map with project area indicated and standing structures identified | <input type="checkbox"/> Photographs of current site conditions & all standing structures |
| <input type="checkbox"/> Other supporting documents (if necessary to explain the project) | <input type="checkbox"/> For new construction, rehabilitations, etc., attach work plans, drawings, etc. |

Return this Form and Attachments to:
Alabama Historical Commission
Attn: Section 106 Review
468 S. Perry Street
Montgomery, Alabama 36130-0900