

**PROGRAMMATIC AGREEMENT
 AMONG THE
 CITY OF ADD, IOWA
 THE IOWA STATE HISTORIC PRESERVATION OFFICE,
 THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
 AND THE
 UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

WHEREAS, the City of ADD (hereafter City) receives the following funds administered through the U.S. Department of Housing and Urban Development (hereafter HUD) including but not limited to: Community Development Block Grant (CDBG), HOME and Special Purpose Grant (SPG) program, Emergency Shelter Grants, Section 108 loans, special set-aside funds, and special congressional funding (hereafter Programs); **and**

WHEREAS, HUD has delegated the Section 106 compliance responsibilities of the National Historic Preservation Act (16 U.S.C. 470) and its implementing regulations, "Protection of Historic and Cultural Property" (36 CFR Part 800) to the City; **and**

WHEREAS, authorization for delegating 106 compliance is explained in Environmental Review Procedures for Entities assuming HUD Environmental Responsibilities (24 CFR Part 58 Subtitle A); **and**

WHEREAS, the City and HUD have determined that the implementation of the aforementioned Programs has the potential to affect properties included in or eligible for inclusion in the National Register of Historic Places (hereafter National Register), and has requested the comments of the State Historic Preservation Officer of Iowa (hereafter SHPO) and the Advisory Council on Historic Preservation (hereafter ACHP), pursuant to Section 106 (and Section 110f) of the National Historic Preservation Act and its implementing regulations, 36 CFR Part 800;

NOW, THEREFORE, the City, HUD, the SHPO, and the ACHP agree that projects included in the aforementioned programs shall be implemented in accordance with the following stipulations in order to take into account the effect of projects on historic properties.

STIPULATIONS

I. PERSONNEL AND TRAINING**A. Certified Staff**

The City will employ a staff person or persons trained in Section 106 procedures, who meets at the minimum, the appropriate qualifications set forth in the Secretary of the Interior's "Professional Qualifications" (36 CFR Part 61) in order to perform identification, evaluation and treatment activities.

The City shall notify the SHPO in writing annually of the staff person(s) or consultants that it intends to designate to administer this Agreement. The SHPO will evaluate the training and experience of the staff and advise the City if the person(s) is qualified to make determinations of eligibility, assess effect, and apply the Secretary of the Interior's *Standards for the Treatment of Historic Properties* (hereafter "Certified Staff").

The City shall notify the SHPO in writing of any proposed staffing changes or vacancies. If the City does not have Certified Staff in place, or if the SHPO determines that a City staff person or consultant is not qualified to carry out the review, the City and the SHPO shall consult to develop alternative administrative procedures for implementing this Agreement.

B. Technical Assistance

SHPO will provide reasonable technical assistance, consultation, and advice as requested by the City in order to carry out these procedures. The City will ensure that appropriate staff will be trained in Section 106 procedures by attending and completing the ACHP training course and attending SHPO, ACHP, or HUD-sponsored workshops on Section 106 held within the State of Iowa, as offered.

II. PROJECTS NOT NORMALLY REQUIRING CONSULTATION

The parties to this agreement stipulate that all classes of actions described in Exhibits A and B "Undertaking Not Normally Requiring Consultation with Iowa SHPO" have limited potential to affect historic properties and will require neither individual nor categorical review or consultation with the SHPO provided that they satisfy the qualifying criteria or exempt activities set forth at the beginning of, or contained in, their respective Sections of Exhibit A or B.

III. RESOURCE IDENTIFICATION AND EVALUATION

For projects that do not fall under Stipulation II, the Certified Staff will determine whether any historic properties are within the Area of Potential Effects (APE) in accordance with this section. Properties identified per this stipulation as having been listed in or eligible for inclusion in the National Register will be treated as such in accordance with Stipulation IV.

A. History and Architecture

To identify whether any historic resources are located within the project APE, the City will adhere to the following procedures for all properties over fifty (50) years of age:

1. Identification of Individual Properties Listed or Previously Determined Eligible

The City will use a current list of properties on the National Register (see Exhibit C) and the following studies/surveys to determine if a property located in the APE has been recommended as eligible for listing on the National Register either individually or as part of a historic district:

- a. ADD LIST of APPLICABLE SURVEYS

2. Updating Survey Information and Findings

Information on properties included in the surveys listed in Stipulation III-A-1, above, conducted more than ten (10) years ago may need to be brought up to date, using the following procedure:

- a. If a property was not 50 years of age at the time of the survey, the City shall follow the evaluation procedures outlined in Stipulation III-A-3, below, to evaluate the property.
- b. If a property was 50 years of age at the time of the survey and an Iowa Site Inventory Form was not completed as part of the survey, or if the Site Inventory Form was incomplete or missing pertinent elements, such as photographs, the City shall follow the evaluation procedures outlined in Stipulation III-A-3, below.
- c. If a property was 50 years of age at the time of the survey and an Iowa Site Inventory Form was completed for the property, the City shall verify that the information on the form is accurate, as follows:
 - i. If the property has not changed substantially* since the original survey, the original recommendation for eligibility shall stand unless the City feels the original evaluation was incorrect or otherwise no longer represents the eligibility of the property.
 - ii. If the property has changed substantially* since the original survey, the City shall follow the evaluation procedures as outlined in Stipulation II-A-3, below.

* For the purposes of this agreement, “substantial” change shall be defined as any modifications that considerably alter the visual appearance of the exterior of the property. These modifications may include, but are not limited to: removal, replacement or installation of siding materials; installation of new window sash or creation of new window or door openings; changes to the size of or removal of existing window or door openings; enclosing or opening of porches; and construction of building additions that are visible from the public right-of-way. Changes in paint color are not considered a substantial change.

3. Identification of Properties Not Previously Surveyed and/or Evaluated

Properties that have not been previously surveyed or evaluated for National Register eligibility and properties needing updated survey information (see Stipulation III-A-2, above) shall be evaluated by the City in accordance with 36 CFR 800.4, using the following procedure:

- a. The City shall submit a complete Iowa Site Inventory Form to the SHPO, including appropriate photographs, maps, and a written evaluation of whether or not the property meets the National Register Criteria for Evaluation, either individually or as contributing to an historic district. If an area of the City is targeted for Program activities, more than one Site Inventory Form may be submitted to SHPO at the same time, along with an

overall survey report providing additional contextual information and a discussion of any historic district potential.

- b. The SHPO will respond in writing within thirty (30) days of receipt of the Iowa Site Inventory Form(s). If there is no response within thirty (30) days, the City will assume that the SHPO concurs with the City's evaluation of eligibility.
- c. If the City and the SHPO disagree about the eligibility of a property, or if the ACHP or the Keeper of the National Register so request, the City will request a formal Determination of Eligibility from the Keeper of the National Register, in accordance with 36 CFR Section 800.4(c)(2).

B. Archaeology

The City will consult the Iowa Archaeological Site File maintained by the Office of the State Archaeologist of Iowa (OSA) in order to determine the presence/absence of previously recorded archaeological resources within the project APE on all projects involving earthmoving.

The City shall submit a project review packet for SHPO review on all earthmoving projects that do not satisfy the qualifying criteria for exemption or that are not considered as categorically exempt activities as defined in Exhibits A and B.

The project submittal shall include, but not be limited to, the following documents.

- a. A Cover Letter including a comprehensive description of the project APE.
- b. A completed REQUEST FOR SHPO COMMENT form with the following attachments.
 - i. A sectional photocopy of the appropriate U.S.G.S. topographic quad map with the quad name and APE clearly identified.
 - ii. A site plan showing limits of proposed activities or general layout.
 - iii. Aerial photo: zoom to project area.
 - iv. Descriptions of the width and depth of proposed excavation and at least two site overview photographs depicting the current conditions of APE.
 - v. The results of an OSA Site File Search *or* a Phase I archaeological report covering the area in question.
 - vi. Number of acres in the project area.
 - vii. The legal location (Section, Township, and Range).
- c. Applicant certification completed and signed by the Responsible Entity including the Project Official's determination of effect.

The City shall send all of the above-referenced documents together in a single submittal to the SHPO in order to expedite the review process.

V. TREATMENT

A. *History and Architecture*

1. Activities That Do Not Require SHPO Review

If the City determines in accordance with Stipulation II that the proposed Program activities are considered exempt, or that per the identification procedures described in Stipulation III, no historic properties are located within the APE, the City will document the basis for that determination and include a copy of the documentation in the individual project files. This information will be retained for audit but will not be forwarded to the SHPO for review.

2. Rehabilitation

Rehabilitation of any property listed in or eligible for listing in the National Register and any property contributing to an eligible or listed historic district (as identified in accordance with Stipulation III), should adhere to the following:

- a. Rehabilitation of historic property will follow the recommended approaches in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* (hereafter *Standards and Guidelines*).
- b. The Project Sponsor having responsibility for the project, in consultation with the Certified Staff will prepare pre-project documentation including work write-ups, bid documents, architectural plans, and photographs.
- c. The Certified Staff will review the rehabilitation plans and issue a Letter of Approval stating that the project adheres to the *Standards and Guidelines*. The Certified Staff may outline conditions the project sponsor must meet in order to meet the standards and avoid adverse effects.
- d. Documentation for each project will be retained by the City as part of the permanent project files and may be reviewed by the SHPO upon request.
- e. If the *Standards and Guidelines* cannot be met, or if the contemplated action could have an adverse effect on properties listed on or eligible for the National Register, prior to taking any action, the City will consult with the SHPO and initiate the procedures set forth in 36 CFR 800.
 - i. In those instances where the *Standards and Guidelines* cannot be met, the City will providing a Request for SHPO Comment on a Project Form with appropriate attachments, including but not limited to: a full description of the proposed undertaking, current photographs of the property, a conditions assessment, an analysis of the alternatives (including costs), views of the public, and proposed mitigation measures.
 - ii. Within thirty (30) days following receipt of documentation, the SHPO shall provide written comments, which may include recommendations for the preparation of a Memorandum of Agreement. If the project will result in an adverse effect and the SHPO fails to respond, the City must consult with the ACHP prior to proceeding.

3. New Construction and Additions

Any new construction or additions within an eligible or listed historic district, adjacent to any eligible or listed historic property, or otherwise having the potential to affect eligible or listed historic properties within the project APE (as identified in accordance with Stipulation III), will be developed in consultation with the SHPO, as follows:

- a. The City will provide a Request for SHPO Comment on a Project Form with appropriate attachments, including but not limited to: a full description of the proposed undertaking, current photographs and location map of the affected property or properties, site plans showing the relationship of the new construction to the affected property or properties, floor plans and elevations of the proposed design, and architectural renderings and specifications, if available.
- b. Within thirty (30) days following receipt of documentation, the SHPO shall provide written comments. If the project may result in an adverse effect and the SHPO fails to respond, the City must consult with the ACHP prior to proceeding.
- c. If new construction is determined to have an adverse effect, through either direct or indirect impacts to eligible or listed historic properties, the City will consult with the SHPO to avoid, minimize, or mitigate those effects. The City will notify the ACHP in accordance with 36 CFR 800 and will work with the SHPO to develop mitigating measures, which may include recommendations for the preparation of a Memorandum of Agreement.

5. Lead Paint Abatement and Hazard Reduction

Abatement of lead paint hazards for an eligible or listed historic property or for any property contributing to an eligible or listed historic district (as identified in accordance with Stipulation III), will be carried out in a manner that minimizes alteration of significant historic features, as follows:

- a. The City will plan abatement activities in accordance with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, HUD's *Guidelines for Lead Paint Abatement*, and the National Park Service Preservation Brief #37 "Appropriate Methods for Reducing Lead-Paint Hazards in Historic Housing".
- b. When it is determined that the proposed abatement or reduction plan does not adhere to the *Standards and Guidelines*, the City will consult with the SHPO and request comments in accordance with procedures set forth in 36 CFR 800.
 - i. In those instances where the *Standards and Guidelines* cannot be met, the City will providing a Request for SHPO Comment on a Project Form with appropriate attachments, including but not limited to: a full description of the proposed undertaking, current photographs of the property, a conditions assessment, an analysis of the alternatives (including costs), views of the public, and proposed mitigation measures.
 - ii. The SHPO shall provide written comments, which may include recommendations for the preparation of a Memorandum of Agreement, within 30 days following receipt of

documentation. If the SHPO fails to respond, the City must consult with the ACHP prior to proceeding.

6. Handicapped Accessibility

Alterations to an eligible or listed historic property or any property contributing to an eligible or listed historic district (as identified in accordance with Stipulation III) for the purposes of meeting the requirements of the American's with Disabilities Act (ADA) will be carried out in a manner that minimizes alteration of significant historic features, as follows:

- a. The City will explore alternative methods for accessibility to historic buildings consistent with the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, National Park Service Preservation Brief No. 32 "Making Historic Properties Accessible", and the Department of the Interior's report entitled *Access to Historic Buildings for the Disabled: Suggestions for Planning and Implementation*.
- b. To the extent feasible, access ramps and chair lifts will be placed on secondary elevations. The city will retain documentation regarding alternatives as part of individual project files.
- c. In the event that ramps or other facilities necessary to make a building accessible must be placed on a primary façade or will otherwise result in an Adverse Effect, the City will consult with the SHPO in accordance with 36 CFR part 800 before proceeding:
 - i. The City will providing a Request for SHPO Comment on a Project Form with appropriate attachments, including but not limited to: a full description of the proposed undertaking, current photographs of the property, a conditions assessment, an analysis of the alternatives (including costs), views of the public, and proposed mitigation measures.
 - ii. The SHPO shall provide written comments, which may include recommendations for the preparation of a Memorandum of Agreement, within 30 days following receipt of documentation. If the SHPO fails to respond, the City must consult with the ACHP prior to proceeding.

7. Demolitions

Demolition of an eligible or listed historic property or any property contributing to an eligible or listed historic district (as identified in accordance with Stipulation III) will adhere to the following procedures:

- a. Emergency Demolition. Should the Chief Executive Officer, fire chief, or chief building inspector determine that an emergency demolition of an historic property is required to eliminate an imminent threat to the health, welfare, and safety of residents, the City will forward documentation to the SHPO via express mail and notification of its intent to apply the emergency review procedure with a request for comments within seven (7) days, as follows:
 - i. The City will provide a Request for SHPO Comment on a Project Form with appropriate attachments, including but not limited to: an Iowa Site Inventory Form

with current photographs and evaluation of the property, a copy of the order requiring demolition, and proposed mitigation measures.

- ii. The SHPO will review the documentation submitted and within seven (7) days of receipt of adequate documentation, concur or object in writing to the proposed demolition, and specify any required mitigation measures (e.g. recordation, additional photographic documentation, architectural salvage, etc). If the SHPO fails to respond, the City will request ACHP comments in accordance with 36 CFR 800.
- b. Non-Emergency Demolition. Demolition of an historic property that is not required due to an imminent threat will be reviewed on a case by case basis by the SHPO, as follows:
- i. The City will provide a Request for SHPO Comment on a Project Form with the appropriate attachments, including but not limited to: an Iowa Site Inventory Form with current photographs and evaluation of the property, a conditions assessment, an analysis of the alternatives considered (including costs), views of the public, and proposed mitigation measures.
 - ii. The SHPO shall respond with written comments, which may include recommendations for the preparation of a Memorandum of Agreement, within 30 days following receipt of documentation. If the SHPO fails to respond, the City must consult with the ACHP prior to proceeding.

8. Property Disposition

Disposing of an eligible or listed historic property or any property contributing to an eligible or listed historic district (as identified in accordance with Stipulation III) will adhere to the following procedures:

- a. When disposing of historic properties acquired with HUD funds, the City will include adequate restrictions or conditions in the transfer documents, to ensure preservation of the property's significant historic features.
- b. The City will submit proposed restrictions or conditions to the SHPO for approval, allowing 30 days from the SHPO's date of receipt for comments prior to the execution of the transfer document.
- c. If the City and the SHPO cannot agree on acceptable restrictions or conditions, the City shall consult with the ACHP, in accordance with 36 CFR Part 800.

B. Archaeology

1. Unanticipated Discovery (Exclusive of Human Remains and Human Burials)

If during the implementation of any exempt undertaking, project activities uncover an item(s) that might be of archeological, historical or architectural interest, or if important new archeological, historical or architectural data should be encountered within or immediately adjacent to the project Area of Potential Effects, the recipient should make reasonable efforts to avoid further impacts to the resource until an assessment can be made by an individual meeting the Secretary of the Interior's Professional Qualifications found in 36 CFR Part 61 Appendix A. The City will immediately contact the SHPO to consider appropriate remedial measures.

2. Unanticipated Discovery of Human Remains and Human Burials

All human burials in the state of Iowa are protected by law. In the event that human remains or burials are encountered during archaeological investigations or construction activities, work in the area will cease and appropriate steps will be taken to secure the site and notify officials at the Burials Program at the Office of the State Archaeologist or the Iowa Department of Health.

- a. If the remains appear to be ancient (i.e., older than 150 years), the burial is legally protected under Chapters 263B and 716.5 of the Iowa Code. The Office of the State Archaeologist shall have jurisdiction. Timetables and options will be the purview of the State Archaeologist or his/her designee in consultation with appropriate descendant groups. Preservation in place is always the preferred option. Determination of cultural affiliation will follow procedures that are consistent with the provisions of the *Native American Graves Protection and Repatriation Act* (25 U.S.C. 3001 through 3005). If the remains are determined to be American Indian and can be affiliated with a federally recognized American Indian tribe, the Office of the State Archaeologist shall assist with consultation over disposition of those remains.
- b. If the remains appear to be less than 150 years old, the burial would be legally protected under Chapters 144.34, 566 and 716.5 of the Iowa Code and would fall under the jurisdiction of the Iowa Department of Public Health.

ADMINISTRATIVE CONDITIONS

V. Duration

This Agreement will continue in force through and including December 31, 2010. At the end of calendar year 2009, the City and SHPO will review it for possible modifications, termination, or extension. Prior to such time, the signatories may consult to reconsider the terms of the agreement and amend it in accordance with Stipulation X below.

If there is no fully executed extension of this agreement (with subsequent amendments, if any) or no new agreement in force by its expiration date, the stipulations contained in the agreement existing at that time shall continue in force until such time that a new agreement can be executed.

VII. MONITORING

The City shall retain documentation, including work write-ups and before and after photographs, if applicable, for all activities carried out pursuant to the Agreement. Files will be retained for a minimum of five (5) years.

By January 31 of each year, the City shall submit an annual report to SHPO for review and comment on all Program activities that occurred through December 31 of the previous year. The report will include the name and resume of the certified staff, the addresses of properties affected by activities covered under this agreement along with a U.S.G.S topographic map identifying the location of these activities, and a brief description of the work completed at historic properties. Supporting documentation will be available to the SHPO upon request.

From time to time, the SHPO may review files for the activities to verify that the City is properly implementing the terms of the Agreement.

Nothing in this Agreement shall be construed as meaning that the City cannot request the advice or assistance of the SHPO at any time.

VIII. Dispute Resolution

Should the SHPO object within thirty (30) days to any plans or specifications provided pursuant to this Agreement, the City shall consult with the SHPO to resolve the objections. If the City determines that the objection cannot be resolved, the City shall request comment from the ACHP. The ACHP shall provide its comments within 30 days following receipt of adequate documentation.

The City will take into account any ACHP recommendation provided in response to such a request in accordance with 36 CFR Part 800 with reference only to the subject of the dispute. The City's responsibility to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

IX. Public Notice.

Each year the City will notify the public of the City's current activities funded by HUD and make available for public inspection documentation on the City's HUD-funded Program activities. Included in this documentation will be general information on the type(s) of activities undertaken with Program funds provided by HUD; information on identified historic properties that might be affected by these activities; the amount of Program funds available in the current program year; and how interested persons can receive further information on the Program activities.

X. Amendments

The signatories to this agreement may propose to amend its terms by providing a written request for such amendment to the other signatories whereupon all parties shall consult as appropriate within thirty (30) calendar days of receipt of the written request. Any resulting amendments shall be developed in writing as an attachment to this document and shall be executed immediately upon consensus.

XI. Termination

This agreement may be terminated prior to its designated expiration date any of the signatories upon written notice to the others. Notice of impending termination will be provided 30 days prior to termination so that the signatories will have sufficient time to consult in order to avoid termination. In the event of termination, the City will revert to individual project review pursuant to the requirements of 36 CFR 800.

X. Execution of the Agreement

Execution of the Programmatic Agreement and carrying out its terms evidences that the City, acting on behalf of HUD, has afforded the ACHP and the SHPO a reasonable opportunity to comment on their Programs and their effects on historic properties and that the City has satisfied its Section 106 responsibilities for all individual undertakings implemented in accordance with the Stipulations herein.

CITY OF ADD

ADD NAME, Mayor

Date

IOWA STATE HISTORIC PRESERVATION OFFICER

Lowell Soike, Deputy State Historic Preservation Officer

Date

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

(Name, Title)

Date

ADVISORY COUNCIL ON HISTORIC PRESERVATION

(Name, Title)

Date

Exhibit A

**UNDERTAKINGS NOT NORMALLY REQUIRING CONSULTATION WITH IOWA SHPO
INVOLVING GROUND DISTURBANCE**

Qualifying Criteria:

If any of the following are met SHPO does not need to review the project regardless of activity:

1. The Area of Potential Effect (APE) has been intensively surveyed after 1989 and determined by the federal agency not to contain historic properties, and this finding was accepted in writing by the Iowa SHPO.
2. If the APE has been profoundly disturbed – meaning:
Profound disturbance as it relates to the APE: Profound disturbance occurs when a past activity(ties) that are not historic in nature has physically altered the three-dimensional Area of Potential Effects of an undertaking in its entirety to the point where there is no potential for an archaeologically-significant property to remain. Be advised that some disturbances may be historic in nature and may be considered historically significant.
3. Project will NOT involve buildings, districts, objects, structures, sites, or landscapes in the APE that are more than 50 years old.

Exempt Activities:

If the project involves:

1. Excavation occurring within the APE on ground not qualifying as profoundly disturbed (see definition under qualifying criteria)
2. Buildings, districts, objects, structure, sites, or landscapes that are more than 50 years old in the APE

Then, the following activities will be considered exempt from further review by the SHPO or ACHP, because the activities have limited potential to affect historic properties:

1. Photoscopic pictures of water and/or sewer pipe
2. Re-lining of water and/or sewer pipe
3. Point repairs of water and/or sewer pipe
4. Hydrant replacements
5. Manhole cover replacements
6. New/replacement service lines and related appurtenances involving boring or slit trenches up to 6 inches in width.
7. Equipment replacement, purchase, removal, and/or installation
8. Disturbances confined to the current footprint of the compound such as buildings, water treatment plants, and/or sewer treatment plants
9. Directional boring of utility lines without sending and receiving pit.
10. Connecting pits relating to directional boring for utility lines no bigger than 10 feet x 10 feet
11. Parallel water and/or sewer mains installed within 5 feet of the original (existing) routes and if no known National Register of Historic Places listed or potentially eligible sites or historic districts are within or adjacent to the Area of Potential effect
12. Wells in existing well fields
13. Test boring/well sites to determine soil suitability if no recorded sites are in the vicinity
14. Replacement of concrete or asphalt sidewalks
15. Replacement (demolition) of water towers less than 50 years old on the same building parcel less than 1 acre in size when the new tower is not over a 10% increase in capacity or 20 feet in height as compared to the existing water tower.
16. Utility upgrades without land disturbance

17. Parking lot rehabilitation or construction of less than one acre in size, located on row-cropped agricultural land provided that any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface
18. Overhead power line replacement
19. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment
20. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment
21. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where the area is within both existing horizontal and vertical alignment of an existing right of way.

Exhibit B**UNDERTAKINGS NOT NORMALLY REQUIRING CONSULTATION WITH IOWA SHPO
INVOLVING ARCHITECTURAL/HISTORICAL RESOURCES****Qualifying Criteria**

If any of the following are met SHPO does not need to review the project regardless of activity:

1. The Area of Potential Effect (APE) has been intensively surveyed by a professional historian or architectural historian within the last 8 years and determined not to contain historic properties, if the finding was accepted by the Iowa SHPO.
2. The Project will involve a building of any type that is less than 50 years old.
3. The Project will involve a single-family dwelling built after 1930, unless that home is architect-designed; in a pre-1960 neighborhood containing housing of similar age and type with high integrity; or is considered a factory-produced industrial housing type (e.g., Lustron House, pre-cut "Kit" homes – please note that this does not include mobile homes).

Exempt Activities

When the following activities are proposed for any properties not meeting the Qualifying Criteria, they will be considered exempt from further review by the SHPO, because the activities have limited potential to affect historic properties.

1. Rehabilitation
 - a. Exterior
 - i. Caulking, weather stripping, re-glazing, extremely low-pressure (less than 100 psi) power washing, scraping and/or repainting.
 - ii. Window repair and/or replacement in-kind (i.e., new windows will duplicate the material, dimensions, design, detailing, and operation of the extant or known historic windows).
 - (a). Repair, scrape, and repainting of existing windows.
 - (b). In-kind replacement of window sash, glass, and/or hardware, including jam tracks.
 - (c). In-kind replacement of damaged and non-operable transoms.
 - iii. Installation of storm windows and doors provided that they conform to the shape and size of the historic windows and doors. The meeting rail of storm windows must coincide with that of the existing sash. Color should complement trim; mill finish aluminum is not acceptable.
 - iv. In-kind repair and/or replacement (i.e., the new features will duplicate the extant material, dimensions, and detailing):
 - (a). Porches - railings, post/columns, brackets, cornices, steps, flooring, ceilings, and other decorative treatments
 - (b). Roofs
 - (c). Siding
 - (d). Exterior architectural details and features
 - (e). Doors, including cellar/bulkhead doors
 - (f). Gutters and downspouts
 - v. Masonry repair using materials, mortar composition, color, joint profile, and width that matches the historic materials
 - vi. Installation of temporary wheelchair ramps on any façade
 - vii. Construction or replacement of wheelchair ramps, provided the ramps are on secondary façades and will not directly impact the material fabric of the building.

- b. Interior
 - i. Plumbing rehabilitation/replacement - includes pipes and fixtures when no structural alteration is involved
 - ii. HVAC system rehabilitation/replacement/cleaning - includes furnaces, pipes, ducts, radiators or other HVAC units when no structural alteration is involved
 - iii. Electrical wiring - includes switches and receptacles when no structural alteration is involved
 - iv. Restroom improvements for handicapped accessibility, provided work is contained within existing restroom
 - v. Repair of interior surfaces (floors, walls, ceilings, decorative plaster, woodwork) - provided the work is restricted to repainting, refinishing, repapering or laying carpet or vinyl floor materials
 - vi. Installation of drywall over existing wall surface, provided no decorative plaster or other decorative features are being covered.
 - vii. Insulation, provided that it is restricted to ceilings, attic spaces, and crawl spaces
 - viii. Insulation in wall spaces provided appropriate interior vapor barrier or vapor barrier paint is used.
 - ix. Repair or pouring of concrete cellar floor, in an existing cellar
 - x. Repair or replacement of cabinets and countertops provided cabinets are not "built-in"
- 2. Site Improvements
 - a. In-kind repair/replacement of existing asphalt and concrete curb, sidewalks, driveways and ramps
 - b. In-kind replacement or installation of site improvements including, but not limited to, landscaping and park equipment
- 3. Other
 - a. Mortgage financing assistance. This is understood to include projects where no change in use will occur and physical improvements, if any, will be limited to those listed in Exempt Activities 1.
 - b. Purchase of equipment, fixtures, computers, machinery where physical improvements, if any, will be limited to those listed in Exempt Activity 1 or 2, herein
 - c. Administrative costs of housing and/or public service programs
 - d. Building acquisition where physical improvements, if any, will be limited to those listed in Exempt Activity 1 or 2, herein

Exhibit C

**PROPERTIES CURRENTLY LISTED ON THE
NATIONAL REGISTER OF HISTORIC PLACES
IN THE CITY OF ADD**

*This list is current as of the date of this agreement. The City's certified staff should take care to update this list as National Register listings are announced. If at any time, the Certified Staff have any questions as to the National Register-status of any property within their municipality, they should contact SHPO for clarification.

Individually Listed Properties

Listed Historic Districts

Exhibit A

**UNDERTAKINGS NOT NORMALLY REQUIRING CONSULTATION WITH IOWA SHPO
INVOLVING GROUND DISTURBANCE**

Qualifying Criteria:

If any of the following are met SHPO does not need to review the project regardless of activity:

1. The Area of Potential Effect (APE) has been intensively surveyed after 1989 and determined by the federal agency not to contain historic properties, and this finding was accepted in writing by the Iowa SHPO.
2. If the APE has been profoundly disturbed – meaning:
Profound disturbance as it relates to the APE: Profound disturbance occurs when a past activity(ties) that are not historic in nature has physically altered the three-dimensional Area of Potential Effects of an undertaking in its entirety to the point where there is no potential for an archaeologically-significant property to remain. Be advised that some disturbances may be historic in nature and may be considered historically significant.
3. Project will NOT involve buildings, districts, objects, structures, sites, or landscapes in the APE that are more than 50 years old.

Exempt Activities:

If the project involves:

1. Excavation occurring within the APE on ground not qualifying as profoundly disturbed (see definition under qualifying criteria)
2. Buildings, districts, objects, structure, sites, or landscapes that are more than 50 years old in the APE

Then, the following activities will be considered exempt from further review by the SHPO or ACHP, because the activities have limited potential to affect historic properties:

1. Photoscopic pictures of water and/or sewer pipe
2. Re-lining of water and/or sewer pipe
3. Point repairs of water and/or sewer pipe
4. Hydrant replacements
5. Manhole cover replacements
6. New/replacement service lines and related appurtenances involving boring or slit trenches up to 6 inches in width.
7. Equipment replacement, purchase, removal, and/or installation
8. Disturbances confined to the current footprint of the compound such as buildings, water treatment plants, and/or sewer treatment plants
9. Directional boring of utility lines without sending and receiving pit.
10. Connecting pits relating to directional boring for utility lines no bigger than 10 feet x 10 feet
11. Parallel water and/or sewer mains installed within 5 feet of the original (existing) routes and if no known National Register of Historic Places listed or potentially eligible sites or historic districts are within or adjacent to the Area of Potential effect
12. Wells in existing well fields
13. Test boring/well sites to determine soil suitability if no recorded sites are in the vicinity
14. Replacement of concrete or asphalt sidewalks
15. Replacement (demolition) of water towers less than 50 years old on the same building parcel less than 1 acre in size when the new tower is not over a 10% increase in capacity or 20 feet in height as compared to the existing water tower.
16. Utility upgrades without land disturbance

17. Parking lot rehabilitation or construction of less than one acre in size, located on row-cropped agricultural land provided that any ground disturbance activities will be confined to the plowzone, which generally extends 10 to 12 inches below the surface
18. Overhead power line replacement
19. Resurfacing and/or rehabilitation of existing concrete or asphalt roads, drives, or entries where the area is within both existing horizontal and vertical alignment
20. Conversion of an existing gravel road to concrete or asphalt where the area is within both existing horizontal and vertical alignment
21. Pavement widening and/or shoulder construction and the addition of auxiliary lanes, such as turn lanes or climbing lanes where the area is within both existing horizontal and vertical alignment of an existing right of way.