

**PROGRAMMATIC AGREEMENT
AMONG THE
GREENVILLE COUNTY REDEVELOPMENT AUTHORITY (GCRA)
AND
THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICE (SHPO)
FOR THE ADMINISTRATION OF
HOUSING AND URBAN DEVELOPMENT PROGRAMS
IN GREENVILLE COUNTY AND PARTICIPATING CITIES**

WHEREAS, the Greenville County Redevelopment Authority in Greenville, South Carolina (GCRA) proposes to administer grant programs funded by a Community Development Block Grant (CDBG) and other federally funded programs, including, but not limited to, HOME Investment Partnership Program (HOME), American Dream Downpayment Initiative (ADDI), and Emergency Shelter Grants (ESG) from the Department of Housing and Urban Development (HUD) in accordance with the provisions of the Housing and Community Development Acts of 1974 and 1977; and

WHEREAS, these HUD grant programs may include Housing Rehabilitation Loans, New Construction Activity, and Demolition Activity using HUD funds in Greenville County and participating cities of Fountain Inn, Greer, Mauldin, Simpsonville, and Travelers Rest; and

WHEREAS, the GCRA has determined that administration of these HUD programs may have an effect upon properties included in or eligible for the National Register of Historic Places and has consulted the South Carolina State Historic Preservation Officer (SHPO) pursuant to Section 800.14 of the Advisory Council on Historic Preservation (ACHP)'s regulations implementing Section 106 of the National Historic Preservation Act (NHPA) found at 36 CFR Part 800; and

WHEREAS, the GCRA serves as the responsible entity for HUD-funded programs under statutes that authorize HUD to provide for assumption of environmental responsibilities by recipients of HUD assistance and other responsible entities, in accordance with HUD's Environmental Review Procedures, 24 CFR Part 58, published in the Federal Register on April 30, 1996, and as may be amended from time to time; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), the GCRA has notified the ACHP of the development of a programmatic agreement and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the Redevelopment Authority has provided for a public comment and review process related to the proposed agreement and the Authority has requested comments from local Greenville County historic preservation organizations; and

NOW, THEREFORE, the GCRA and the SHPO agree that the program shall be administered in accordance with the following stipulations to satisfy the GCRA's Section 106 responsibilities for all individual undertakings of the HUD programs.

STIPULATIONS

The GCRA shall ensure that the following measures are carried out:

I. Long Range Identification

The GCRA, as funds become available, will continue to identify districts, sites, buildings, structures, and objects (hereafter "historic properties") in the redevelopment and target areas that may meet the criteria for listing in the National Register of Historic Places (36 CFR 60.16). The GCRA will reassess the recommendations of the county-wide plan by Chicora Foundation entitled *A Heritage Resources Management Plan for Greenville County, South Carolina: Our Gift to the Future* every ten (10) years with the intent of identifying and recording additional historic properties. The survey will be conducted in consultation with the SHPO and in accordance with the *Secretary of the Interior's Standards and Guidelines for the Identification and Evaluation*.

II. Activities Not Requiring Review

A. The following activities do not require further review under this agreement:

1. Demolitions, repairs, or additions to buildings less than 50 years of age which are not considered eligible for the National Register, located within or adjacent to an historic district, or located adjacent to properties individually listed in or eligible for the National Register
2. Rebuilding of wheel chair ramps
3. Installation of missing glass panes if clear glass is used in existing windows
4. Caulking
5. Repair or replacement of gutter systems
6. Exterior painting if the preparation for repainting is only non-mechanical sanding and scraping
7. Installation or replacement of a new heating, ventilation, and air-conditioning (HVAC) system
8. Upgrading or replacing plumbing
9. Upgrading or replacing electrical systems
10. Repair of or pouring of concrete cellar floors
11. Installation of screens over windows
12. In-kind repair or replacement of porch ceilings and steps
13. In-kind replacement of asphalt roof shingles
14. In-kind repair or replacement of cornice
15. Repairs, removal, or demolitions of mobile homes
16. Repairs, removal, or demolitions of concrete block homes
17. New construction less than one acre in extent, as long as the parcel is not located within or adjacent to an historic district or near or adjacent to properties individually eligible for the National Register
18. The installation of utilities, such as sewer, storm, electrical, gas, steam, compressed air, leach lines, and septic tanks in road rights of way, existing utility corridors, or other areas previously disturbed by these activities

- B. If a portion of a proposed undertaking requires further review and consultation with the SHPO, then the procedures set forth in Sections IV and V of this Agreement will be followed.

III. Review Procedure

Properties which will be affected by any applicable HUD projects will be processed in the following manner:

- A. Properties affected by HUD projects that are not in the National Register districts or National Register-eligible districts, but appear to meet the criteria as specified in 36 CFR 60.4 will be considered and treated as eligible for the National Register of Historic Places.
1. For each property, the GCRA will submit a determination of eligibility, a photograph, and the South Carolina Statewide Survey Site Form to the SHPO for comments and/or concurrence regarding eligibility of the property for the National Register. The SHPO will respond regarding eligibility within thirty (30) days of receipt.
 2. The GCRA will advise the appropriate Project Coordinator (Housing Loan Officer and Operations Manager) regarding any properties, which the GCRA, in consultation with the SHPO, has determined meet the criteria for inclusion in the National Register.
- B. If there is any question or dispute as to whether a property meets the National Register criteria, the GCRA may request a formal determination of eligibility from the Secretary of the Interior (36 CFR 800.4(c)(2)).
- C. The GCRA will keep a written record of the reasons why any property does not appear to meet the National Register criteria. This can be an annotated list giving property address and notations such as "post- 1960-commercial" or "concrete block construction" or "c. 1900 residential, greatly altered."

IV. Treatment

Properties that are determined to be eligible for the National Register or which are listed in the National Register will be treated in the following manner for all work that is outside of the exclusions found in Stipulation II:

A. Rehabilitation and Additions

Properties that are to be rehabilitated or expanded will be rehabilitated in accordance with the recommended approach in the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitation Historic Building (Standards)* in consultation with SHPO.

1. For each rehabilitation project, the GCRA will provide documentation that includes the following items:
 - a. Interior and exterior photographs, labeled as to description of view and location
 - b. Labeled photographs of all architectural details keyed to plans
 - c. Floor plans - (existing and proposed)
 - d. Work specification
 - e. Elevations
 - f. Description of existing conditions
 - g. Description of proposed conditions or changes
 - h. Methods and material proposed for repair or replacement
 - i. Description of any proposed addition to the existing structure
2. The SHPO will respond within 30 days of the receipt of all required information. If the *Standards* cannot be met, or the proposed treatment of the property is not rehabilitation (such as landscaping or parking); prior to taking any action, the GCRA shall consult with the SHPO and initiate the process set forth at 36 CFR 800.5(e) of the ACHP's regulations.

B. New Construction

1. GCRA shall ensure that the project design for new construction is compatible with the historic and architectural qualities of the National Register district or National Register-eligible district where it is located in terms of scale, massing, and materials, and is responsive to the recommended approaches to new construction set forth in the *Standards*.
2. The design and specifications for the project are developed in consultation with the SHPO and submitted to the SHPO for approval.
3. The SHPO will respond within 30 days of the receipt of all required information.

C. Demolitions

1. Demolition of properties listed in or eligible for listing in the National Register or within a district listed or eligible for listing in the National Register, will be reviewed on a case-by-case basis with the SHPO. The GCRA will submit the following documentation to the SHPO for review:
 - a. Location (U.S.G.S. and/or Greenville, Spartanburg, or Laurens County map) and description of the affected building, including a statement of its historic and/or architectural significance as a resource within the GCRA's jurisdiction
 - b. Reasons for demolition, including documentation of any building code violations and an explanation why rehabilitation is neither prudent nor feasible
 - c. Photographic evidence with written description of the deteriorated condition of the building to be demolished
 - d. Photographs of each elevation and any significant architectural elements that might exist
2. The SHPO will review the documentation submitted and, within thirty (30) days of receipt of adequate documentation, concur or object in writing to the proposed demolition, and forward an informational copy to the ACHP. Upon receipt of the comments of the SHPO, the GCRA will consult with the SHPO to develop a Memorandum of Agreement in accordance with 36 CFR 800.6 to resolve the adverse effect.

V. Archaeological Surveys and Treatment

Prior to any development activity not listed in Stipulation II and that would result in disturbance of lands previously undisturbed, the GCRA shall notify the SHPO and request an opinion on the potential existence of archaeological resources. If the potential for archaeological resources exists, an archaeological survey of the affected area will be carried out in consultation with the SHPO. If archaeological resources are found which may meet the National Register criteria, whenever feasible, they shall be avoided or preserved in place. When this is not feasible, the SHPO will be consulted and a treatment consistent with the ACHP's Handbook, *Treatment of Archaeological Properties* and approved by the SHPO, will be developed and implemented.

VI. Annual Review of Proposed Projects

- A. Within one year of the date of the signature of this Agreement by all parties, and every two years thereafter, the GCRA will invite the SHPO to meet to discuss the compliance process and any actions necessary to improve communications between the GCRA and the SHPO.
- B. The GCRA shall provide the SHPO with an annual report summarizing activities carried out under the terms of this Agreement. The report shall contain a list of projects and program activities for undertakings excluded from review under Stipulation II.

VII. Dispute Resolution

Should the SHPO or GCRA object within thirty (30) days to any plans provided for review, specifications provided, or actions proposed pursuant to this agreement, the GCRA shall consult with the objecting party to resolve the objection. If the GCRA determines that the objection cannot be resolved, the GCRA shall request the further comments of the ACHP pursuant to 36 CFR Section 800.6(b). Any ACHP comment provided in response to such a request will be taken into account by the GCRA in accordance with 36 CFR Section 800.6(c)(2) with reference only to the subject of the dispute. The GCRA's responsibility to carry out all actions under this agreement that are not the subjects of the dispute will remain unchanged.

VIII. Public Participation

The general public will be informed of the type(s) of federal funds being utilized, proposed projects and/or properties affected, and treatment of these projects or properties. Citizen input will be solicited at a minimum via one of the following sources: local newspaper publication, public hearing, or forum that has been advertised via local media sources or conspicuous postings in public buildings.

IX. Review of Public Objections

At any time during implementation of the measures stipulated in this Agreement, should an objection to any such measure or its manner of implementation be raised by a member of the public, the GCRA shall take the objection into account and consult as needed with the objecting party, the SHPO, or the ACHP to resolve the objection.

X. Late Discoveries

If unanticipated cultural materials (e.g., large, intact artifacts or animal bones; large clusters of artifacts or animal bones; large soil stains or patterns of soil stains; buried brick or stone structures; clusters of brick or stone) or human skeletal remains are discovered prior to or during land altering or construction activities, then GCRA will temporarily halt any activities and immediately notify the SHPO of the late discoveries.

A minimum 50-foot buffer shall be immediately established around the cultural materials by the construction project manager. The buffer will be flagged by appropriate personnel. All project personnel will be notified by GCRA that no land altering activities will be allowed within this buffer zone until the course of action hereinafter described has been established. The halt will afford the SHPO the opportunity to assess the situation and recommend a course of action within two (2) business days of such notification.

If human remains are found or suspected, they should be left in place and protected until appropriate consultation is completed. GCRA is responsible for notifying the SHPO, the local coroner or medical examiner, and interested parties, such as Native American tribes, of the find to initiate consultation. Please note that human remains and burial grounds are subject to South Carolina law that addresses abandoned cemeteries and burials, including but not limited to S.C. Code Ann. §§ 27-43-10 to -30; 16-16-600; and 61-19-28 to -29.

XI. Amendments

This Agreement may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

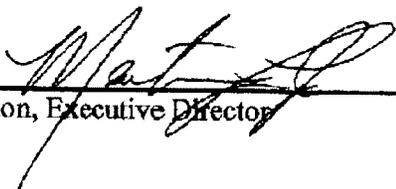
XII. Termination

If any signatory to this Agreement determines that its terms will or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per stipulation XI above. If within thirty (30) days an amendment cannot be reached, any signatory may terminate the Agreement upon written notification to the other signatories. In the event any signatories decide to terminate the Agreement, the GCRA will comply with the ACHP's regulation (36 CFR Part 800) on a case by case basis.

XII. DURATION

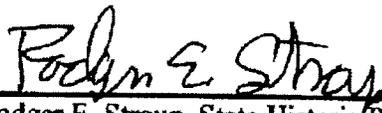
This Agreement will continue in force through the year 2012 with annual reviews by the GCRA and SHPO for possible modifications, termination, or extension.

GREENVILLE COUNTY REDEVELOPMENT AUTHORITY



 Martin L. Livingston, Executive Director 7-31-07
Date

THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER



 Rodger E. Stroup, State Historic Preservation Officer 8/7/07
Date