

Exemption from Historic Preservation Review Process for Electric Vehicle Supply Equipment in Vermont

Approved January 19, 2023

WHEREAS, on October 26, 2022, the federal Advisory Council on Historic Preservation (ACHP) approved an exemption that would relieve federal agencies from historic preservation review requirements under the National Historic Preservation Act (NHPA) regarding the effects of the installations of certain electric vehicle supply equipment (EVSE) on historic properties. *See*, Approval of exemption regarding electric vehicle supply equipment, 87 Fed. Reg. 66,201, (Nov. 2, 2022);

WHEREAS, to meet the State of Vermont's electrical vehicle (EV) priorities and the potential effects of expanded EVSE infrastructure programs on historic properties, the Vermont State Historic Preservation Officer (VT SHPO) and the Division for Historic Preservation (VDHP) support the adoption of the same exemptions for EVSE on state undertakings involving historic properties (known and potentially eligible);

WHEREAS, the Vermont Advisory Council on Historic Preservation (VT ACHP), having reviewed the federal exemption, approved the exemptions for EVSE on state undertakings involving historic properties (known and potentially eligible) on January 19, 2023; and

WHEREAS, EVSE can be wall- or pole-mounted, collocated or stand alone, and vary in design, size, charging speed and energy use.

NOW, THEREFORE, VT SHPO and VT ACHP agree to exempt the following from VDHP review:

A. Exemption from VDHP Review

All projects undertaken by state agencies and their subgrantees or subcontractors, in order to account for pass-through funds, are exempt from the VDHP Review requirements to take into account the effects of the installation, maintenance, repair, or expansion of EVSE and charging stations on historic resources, provided these projects:

1. Take place in existing parking facilities with no electrical infrastructure modifications beyond the existing capacity and are located as close to an existing electrical service panel as practicable;
2. Use reversible, minimally invasive, non-permanent techniques to affix the infrastructure;
3. Minimize ground disturbance to the maximum extent possible, and ensure that it does not exceed previous levels of documented ground disturbance;
4. Use the lowest profile EVSE reasonably available that provides the necessary charging capacity;
5. Place the EVSE in a minimally visible intrusive area; and
6. Use colors complementary to surrounding environment, where possible.

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Each state agency remains responsible for considering the effects of components of its undertakings on subject to this exemption on historic properties, in accordance with 22 V.S.A. § 723, subpart B of the Section 106 regulations or according to an applicable program alternative pursuant to 36 CFR 800.14.

B. Tribal Lands

This exemption shall not apply on Tribal Lands, or to activities that may affect historic properties on Tribal Lands, unless the Tribal Historic Preservation Officer, Tribe, or a designated representative of the Tribe has provided prior written notification to the VT SHPO and federal ACHP that it agrees with the use of the exemption on its lands. This applies to federally recognized and state recognized Tribes. Tribes can agree using the process outlined in the federal ACHP exemption.

C. Duration

This exemption will be in effect for the duration of the federal exemption by the ACHP in accordance with 36 CFR 800.12(c)(7).

D. Termination

The VT SHPO or VT ACHP, in agreement, may terminate this exemption if it is determined that the purposed of 22 V.S.A. § 723 are not adequately met. This exemption is automatically terminated upon the termination of the federal exemption by the ACHP in accordance with 36 CFR 800.12(c)(7).

E. Amendments

This exemption may be amended upon approval of VT SHPO and VT ACHP.

Signatories:

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Laura V. Trieschmann Vermont State Historic Preservation Officer	
<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;">DocuSigned by:</div> <div style="font-family: cursive; font-size: 1.2em; margin-right: 10px;">Edward Clark</div> <div style="margin-left: 100px;">1/20/2023</div> </div> <div style="font-size: 0.8em; margin-top: 2px;">E835D0A6AF584E7...</div>	Date
Edward Clark Chair, Vermont Advisory Council on Historic Preservation	