

Appendix B

Programmatic Allowances: Undertakings Not Requiring SHPO Review

This list of Programmatic Allowances enumerates FEMA funded activities that based on FEMA experience have no or minimal effect on historic properties if implemented as specified in this Appendix and will not require review by the SHPO and participating Tribe(s).

The Programmatic Allowances consist of two tiers – First Tier and Second Tier. Staff may apply First Tier allowances whether or not they meet professional historic preservation qualification standards, while only staff meeting the applicable Secretary’s Professional Qualifications Standards in accordance with Stipulation I.B.1.a. of this Agreement may apply Second Tier allowances.

When referenced in the Programmatic Allowances, “in-kind” shall mean that it is either the same or a similar material, and the result shall match all physical and visual aspects, including form, color, and workmanship. The in-kind repair provided for in both First and Second Tier allowances in Appendix B should be limited to pre-existing architectural features and physical components of buildings and structures.

When referenced in the allowances, “previously disturbed soils” shall refer to soils that are not likely to possess intact and distinct soil horizons and have the reduced likelihood of possessing historic properties within their original depositional contexts in the area and to the depth to be excavated. Moreover, “previously disturbed soils” shall refer to soils that have been altered by recent human activity, occurring during the 20th century or later, as resources dating prior to the 20th century may have the potential to yield information important to history or pre-history.

I. First Tier Allowances

A. GROUND DISTURBING ACTIVITIES AND SITE MODIFICATION, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Debris and Snow Removal

- a. Debris removal and collection, including removal of snow, uprooted trees, limbs and branches from public rights of way and public areas and areas as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g. parking lots, roads, athletic courts) but not the creation of new or temporary access roads.

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

- b. Removal of debris from private property provided that buildings are not affected, ground disturbance is minimal and in-ground elements, such as driveways, walkways or swimming pools are left in place.
- c. Chipping and disposal of woody debris by broadcasting within existing rights-of-way.
- d. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and canals, in order to restore the facility to its pre-disaster condition. The sediment may be used to repair eroded banks or disposed of at an existing licensed or permitted spoil site.
- e. Dewatering flooded developed areas by pumping.

2. Temporary Structures and Housing

- a. Installation and removal of temporary structures for use as school classrooms, offices, or temporary shelters for essential public service agencies, such as police, fire, rescue and medical care, as well as temporary housing for disaster personnel and survivors at the following types of locations:
 - i. Single units on private residential sites when all utilities are installed above ground or tie into pre-existing utility lines.
 - ii. Existing RV/Mobile Home Parks and campgrounds with pre-existing utility hookups;
 - iii. Paved areas, such as parking lots and paved areas at such facilities as conference centers, shopping malls, airports, industrial port facilities business parks, and military bases when all utilities are installed above ground or tie into pre-existing utility lines.
 - iv. Sites that have been previously prepared for planned construction, such as land being developed for public housing, office buildings, city parks, ball fields, schools, etc. when all utilities are installed above-ground or tie into pre-existing utility lines.
 - v. Areas previously filled to depths of at least six feet so that subsurface utilities can be installed.

3. Recreation and Landscaping

- a. Installation of temporary removable barriers.
- b. In-kind repairs, installation, or replacement, and minor upgrades/mitigation of bollards and associated protective barriers when in previously disturbed areas.

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

B. BUILDINGS AND STRUCTURES

1. Repair or retrofit of buildings or structures less than 45 years old.
2. Removal of water by physical or mechanical means.
3. Installation of exterior security features and early warning devices on existing light poles or other permanent utilities.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including any staging areas.

1. Roads and Roadways
 - a. Paving and repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders medians, clearances, curbs, and side slopes. This allowance does not include improvement to existing roadways and appurtenances.
 - b. Construction of temporary emergency access roads in previously disturbed soils to allow for passage of emergency vehicles.
 - c. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip.
 - d. Re-establishment, armoring and/or upgrading of existing roadway ditches.
 - e. In-kind repair or replacement of traffic control devices such as traffic signs and signals, delineators, pavement markings, traffic surveillance systems.
 - f. Installation and removal of temporary traffic control devices, including pre-formed concrete barriers and fencings.
 - g. In-kind repair or replacement of roadway safety elements such as barriers, guardrails, and impact-attenuation devices. In the case of guardrails, the addition of safety end treatments is permitted.
2. Airports
 - a. In-kind repair or replacement of existing runway surfaces and features (e.g. asphalt, concrete, gravel, and dirt) and associated air transportation safety components and systems (e.g. lighting bars, beacons, signage and weather sensors).
3. Rail Systems

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

- a. In-kind repair or replacement of safety components.
- b. In-kind repair or replacement of existing track system and passenger loading areas.

D. OPERABLE VEHICLES AND EQUIPMENT

1. Purchase, repair, or replacement of operable vehicles or equipment under 45 years of age that were acquired or damaged during a declared event.

II. Second Tier Allowances

- ### **A. GROUND DISTURBING ACTIVITIES AND SITE WORK**, when proposed activities described below substantially conform to the original footprint and/or are performed in previously disturbed soils, including the area where the activity is staged.

1. Footings, Foundations, Retaining Walls, Slopes, and Slope Stabilization Systems
 - a. In-kind repair, replacement, and reinforcement of footings, foundations, retaining walls, slopes, and slope stabilization systems (e.g., gabion baskets, crib walls, soldier pile and lag walls) if related ground disturbing activities are within the boundary of previously disturbed soils.
 - b. Installation of perimeter drainage (e.g. French drains) when performed in previously disturbed soils.
2. Recreation and Landscaping
 - a. In-kind repairs or replacement, and minor upgrades to recreational facilities and features (e.g. playgrounds, campgrounds, fire pits, dump stations and utility hook-ups, swimming pools, athletic fields and signage, batting cages, basketball courts, swing sets, pathways, simple wooden/wire stream crossings).
 - b. In-kind repair, replacements, and minor upgrades to landscaping elements (e.g., fencing, free standing walls, paving, planters, irrigation systems, lighting elements, signs, flag poles, ramps, steps).
 - c. In-kind repair, replacement, and/or minor upgrades to rail trails that do not affect any character defining features of any rail trail that is listed or eligible for listing on the NRHP, or located within a historic district.
3. Piers, Docks, Boardwalks, Boat Ramps, and Dune Crossovers
 - a. In-kind repair and replacement and minor upgrades to existing piers, docks, boardwalks, boat ramps and dune crossovers in areas of previously disturbed soils.

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

4. Cemeteries

- a. Removal of woody debris such as branches and limbs from cemeteries, provided that all operation and staging of heavy equipment and other machinery is limited to existing cemetery access infrastructure. This allowance does not apply to the removal of root balls.

5. Root Balls

- a. Removal and collection of uprooted trees, including the removal of root balls from public rights-of-way within 10 feet of the roadway or sidewalk, or engineered and hardened driveways and parking lots, as well as the transport and disposal of such waste to existing licensed waste facilities or landfills. This includes the temporary establishment and expansion of non-hazardous debris staging, reduction, and disposal areas at licensed transfer stations, or existing hard-topped or graveled surfaces (e.g.: parking lots, roads, athletic courts), but not the creation of new or temporary access roads. This allowance will be limited to trees that are less than 18 inches in diameter at breast height and are not located within the boundaries of a known archaeological site, or within 100 yards of a cemetery. This allowance does not apply to paths, trails, or other transit ways that lack an engineered sub-base.

6. Borings and Sediment Samples

- a. Collection of borings or sediment samples during engineering, survey, or scoping phases of project development where there are no known archaeological sites within the boundaries of the proposed project area. This allowance does not include the construction, cutting, or clearance of any access way, or the use of heavy equipment to collect the borings or samples. A maximum of eight borings or sediment samples are allowed per acre under this allowance. Samples/borings of up to 8-inches in diameter are permissible, while larger samples or 'test pits' that require the use of heavy equipment are excluded from this allowance.

B. BUILDINGS AND STRUCTURES

1. Interior Work: Floors, Walls, Stairs, Ceilings and Trim

- a. In-kind repair and replacement of floors, walls, stairs, ceilings, and/or trim. The allowance does not apply to decorative finishes, including murals, glazed paint, gold leaf, or ornamental plaster.
- b. Interior cleaning of surfaces using a weak solution of household detergents (e.g.: bleach and water, white vinegar, thyme oil, etc.), mold remediation, or mold removal. The allowance applies to interior finishes, including plaster and wallboard, provided the cleaning is restricted to damaged areas and does not affect adjacent materials.
- c. Non-destructive or concealed testing for hazardous materials (e.g., lead paint,

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

asbestos) or for assessment of hidden damages.

2. Building Contents

- a. Repair or replacement of building contents including furniture, movable partitions, computers, cabinetry, supplies, and equipment and any other moveable items which are not character defining features of a historic property.
- b. Replacement, upgrading, or installation of new wall, ceiling, or floor mounted building contents including signs, partitions, or dispensers which are not affixed to a building's character defining features and do not damage or cause the removal of character defining features.

3. Utilities and Mechanical, Electrical, and Security Systems

- a. In-kind repair or replacement, or limited upgrading of interior utility systems, including mechanical (e.g., heating, ventilation, air conditioning), electrical, and plumbing systems. This allowance does not provide for the installation of new exposed ductwork.
- b. Elevation of heating, ventilation, and air conditioning system (HVAC) and mechanical equipment as long as it is placed or located where it is not visible from the street, does not damage or cause the removal of character-defining architectural features, can be removed in the future without impacts to significant architectural features, and that is not located in or adjacent to a historic district or archaeologically sensitive area.
- c. Installation or replacement of interior fire detection, fire suppression, or security alarm systems. The allowance does not apply to surface mounted wiring, conduits, piping, etc., unless previously existing, provided that installation of the system hardware does not damage or cause the removal of character-defining architectural features and can be easily removed in the future.
- d. Installation of communication and surveillance security systems, such as cameras, closed-circuit television, alarm systems, and public address systems, provided that installation of the system hardware does not damage or cause the removal of character defining architectural features and can be easily removed in the future.
- e. Installation of building access security devices, such as card readers, enhanced locks, and security scanners (e.g., metal detectors), provided the device does not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to significant architectural features.

4. Windows and Doors

- a. In-kind repair of damaged or severely deteriorated windows and window frames, shutters, storm shutters, doors and door frames, and associated hardware, where

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

profiles, elevations, details and materials match those of the originals.

- b. In-kind replacement of windowpanes. Clear plate, double, laminated or triple insulating glazing can be used, provided it does not result in altering the existing window material, tint, form, muntin profiles, or number of divided lights. This allowance does not apply to the replacement of intact decorative glass or stained glass.
 - c. Replacement of exterior, utilitarian, non-character-defining metal doors and frames leading into non-character-defining spaces with metal blast resistant doors and frames.
 - d. Installation of security bars over windows on rear elevations that are not visible from public rights of way and public areas.
5. Exterior Walls, Cornices, Porches, and Foundations
- a. In-kind repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding and chemical cleaning.
 - b. In-kind repair of walls, porches, foundations, columns, cornices, siding, balustrades, stairs, dormers, brackets, trim, and their ancillary components or in-kind replacement of severely deteriorated or missing or lost features, as long as the replacement pieces match the original in detail and material. Any ground disturbance will be limited to previously disturbed soils.
 - c. In-kind repair or replacement of signs or awnings.
 - d. Installation of temporary stabilization bracing or shoring, provided such work does not result in additional damage.
 - e. Anchoring of walls to floor systems, provided the anchors are embedded and concealed from exterior view.
 - f. In-kind repair of concrete and masonry walls, columns, parapets, chimneys, or cornices or limited in-kind replacement of damaged components including comparable brick, and mortar that matches the color, strength, content, rake, and joint width.
 - g. Bracing and reinforcing of walls, chimneys and fireplaces, provided the bracing and reinforcing are either concealed from exterior view or reversible in the future.
 - h. Strengthening of foundations (e.g. adding supports, shoring and replacement of foundation components, underpinning, and/or the enlarging of footings) and the addition of foundation bolts, provided that visible new work is in-kind, including mortar that matches the color, content, strength, rake, and joint width where occurring, and when performed in previously disturbed soils.

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

- i. Repairs to and in-kind replacement of elements of curtain wall assemblies or exterior cladding that is hung on the building structure, usually from floor to floor, and when the color, size reflectivity, materials, and visual patterns are unaltered.
6. Roofing
 - a. Installation of scaffolding, polyethylene sheeting, or tarps, provided such work will not result in additional damage or irreversible alterations to character defining features.
 - b. In-kind repair, replacement, or strengthening of roofing, rafters (e.g. the sistering of joists), fascia, soffits, gutters, verge boards, leader boxes, downspouts, or other damaged roof system components provided that the work does not damage or cause the removal of character-defining architectural features, and can be removed in the future without impacts to significant architectural features.
 - c. Repairs to flat roof cladding, including changes in roofing materials, where the repairs are not highly visible from the ground level.
7. Weatherproofing and Insulation
 - a. Caulking and weather-stripping to complement the color of adjacent surfaces or sealant materials.
 - b. In-kind repair or replacement of insulation systems, provided that existing interior plaster, woodwork, exterior siding, or exterior architectural detail is not altered.
8. Structural Retrofits
 - a. The installation of the following retrofits/upgrades, provided that such upgrades are not visible on the exterior, or visible on the interior in character defining spaces: attic bracing, cross bracing on pier and post foundations; fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical, and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.
 - b. Replacement, repair or installation of lightning rods.
9. Americans with Disabilities Act (ADA) Compliance
 - a. Installation of grab bars and other such minor interior modifications.
10. Safe Rooms
 - a. Installation of individual safe rooms within the property limits of a residence where

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

the installation would occur within the existing building or structure or in previously disturbed soils.

11. Elevation, Demolition, and Reconstruction

- a. Activities related to the elevation, demolition and/or reconstruction of buildings or structures less than 45 years of age so long as the proposed activities substantially conform to the original footprint and/or are performed in previously disturbed soils including any staging area, and the buildings or structures are not listed or eligible for the National Register and are not located within or adjacent to a National Register listed or eligible historic district.

C. TRANSPORTATION FACILITIES, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. Roads and Roadways

- a. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, shoulders, medians, clearances, curbs, and side slopes. This allowance permits minor improvement to meet current code and standards or hazard mitigation measures, such as those designed to harden exposed surfaces, including the application of gravel armoring to side slopes and ditches.
- b. In kind repair to historic paving materials for roads and walkways.
- c. In-kind repair or replacement, or minor upgrade of culvert systems and arches beneath roads or within associated drainage systems, including provision of headwalls, riprap and any increase in capacity for the purposes of hazard mitigation or to meet current codes and standards, provided that the work does not expand the footprint of disaster related disturbance or is not larger than the full streambank width; construction of access roads is not included within this allowance.
- d. In-kind repair or replacement of road lighting systems, including period lighting fixture styles.
- e. In-kind repair or replacement of road appurtenances such as curbs, berms, fences, and sidewalks.

2. Bridges

- a. Installation of a temporary (Bailey-type) bridge over an existing structure or at a previously disturbed location, such as a former bridge location, to allow passage of emergency vehicles.
- b. In-kind repair or replacement of bridges and bridge components (e.g. abutments, wing walls, piers, decks, and fenders) in previously disturbed soils that are not

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

located in or adjacent known archaeologically sensitive areas.

D. UTILITIES, COMMUNICATIONS SYSTEMS AND TOWERS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. General

- a. In-kind repair or replacement, or minor upgrading, small scale realignment, and elevation of utilities and associated features and structures within previously disturbed soils of rights-of-way or utility corridors.
- b. Installation of new utilities and associated features within existing rights-of-way.
- c. Directional boring of new/replacement service line and related appurtenances involving boring or silt trenches within previously disturbed soils of rights-of-way or utility corridors.
- d. In-kind repair or replacement, or minor upgrade of water towers less than 45 years of age provided activities take place within previously disturbed soils. Ground-level facilities may be added or expanded in previously disturbed areas. This allowance does not apply to masonry water towers.

2. Generators and Utilities

- a. In-kind repair or replacement, or minor upgrades, elevation, and/or installation of generators, HVAC systems, and similar equipment provided activities occur within previously disturbed soils and any roof mounted equipment is not visible from the public right-of-way. This includes any related trenching within previously disturbed soils, except when in close proximity to a known archaeological site. The installation of new equipment only applies to buildings/structures less than 45 years in age and not within, adjacent to, or in the viewshed of a historic district, unless work involves replacing existing equipment and those activities substantially conform to the original footprint and dimensions.

3. Communication Equipment/Systems and Towers

- a. Acquisition, installation, or operation of communication and security equipment/systems that use existing distribution systems, facilities, or existing infrastructure right-of-way.
- b. The collocation of communication and security equipment on existing towers and buildings/structures less than 45 year in age, provided that the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.
- c. Enhancement, repair or replacement of existing communication towers and antenna

PROTOTYPE SECTION 106 PROGRAMMATIC AGREEMENT -VERMONT

structures provided the work does not increase existing tower height or footprint by more than 10% and occurs within previously disturbed soils.

- d. Installation of new temporary (not to exceed 12 months) communications towers and antenna structures provided that the work occurs does not require modification of buildings/structures 45 years or older and occurs within previously disturbed soils.
- e. Installation of new communication towers, less than 200 feet tall, in previously developed urban complexes when the work does not require modification of buildings/structures 45 years or older, occurs within previously disturbed soil, and is not within 1,000 feet of the boundaries of a historic property.

E. WATER RESOURCE MANAGEMENT AND CONTROLS, when proposed activities substantially conform to the original footprint and/or performed in previously disturbed soils, including the area where the activity is staged.

1. Canal Systems

- a. In-kind repairs or replacement to canal systems and associated elements.

2. Breakwaters, Seawalls, Revetments, and Berms

- a. In-kind repair or replacement of breakwaters, seawalls, and revetments, provided the work occurs in previously disturbed soils.

3. Dams, Levees, and Floodwalls

- a. In-kind repair of dams, levees, floodwalls and related features, including spillways, tide gates, and fuse plugs, provided the work occurs in previously disturbed soils.

4. Fish Hatcheries

- a. In-kind repair or replacement of fish hatcheries and fish ladders.

5. Waste-Water Treatment Lagoon Systems

- a. In-kind repair or replacement, or minor upgrades of waste-water treatment lagoon systems.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

DESIGNATED OFFICIAL
APPENDIX B REVISIONS

Signature/Date

Mary K. Shanks, Regional Environmental Officer

Printed Name of Designated Official