

**PROGRAMMATIC AGREEMENT
BETWEEN
THE INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION
AND
THE MARYLAND HISTORICAL TRUST
REGARDING
MARYLAND SCHOOL CONSTRUCTION PROGRAMS**

WHEREAS, the mission of the Interagency Commission on School Construction (IAC) is to achieve a safe, healthy, and educationally sufficient learning environment for every child attending a public school in Maryland by helping support a fiscally sustainable statewide portfolio of K-12 school facilities that will remain educationally sufficient for current and future generations of students and teachers; and

WHEREAS, IAC provides financial assistance to Local Education Agencies (LEA) and certain other eligible entities in Maryland's 23 counties and Baltimore City through its programs and incentives (Programs) listed in Attachment A, pursuant to Title 5, Subtitle 3 of the Education Article, Annotated Code of Maryland and regulations promulgated by the Interagency Commission on School Construction in the Code of Maryland Regulations (COMAR), and other acts, executive orders, implementing regulations, or legislatively authorized programs as are enacted from time to time; and

WHEREAS, IAC implements the Programs to assist with completing various public school construction projects including major new, renewal, or replacement projects as well as for addition projects, capital maintenance projects, systemic renovations, and other facility improvements (Undertakings); and

WHEREAS, these Undertakings assisted by IAC are subject to review and consultation under the Maryland Historical Trust Act of 1985, as amended, State Finance and Procurement Article §§ 5A-325 and 5A-326 of the Annotated Code of Maryland (Act); and

WHEREAS, IAC has consulted with the Maryland Historical Trust (MHT) pursuant to the Act and IAC and MHT acknowledge that certain Undertakings may have the potential to affect historic properties (including historic buildings, districts, and archaeological resources) that are listed in, eligible for, or possibly eligible for listing in the National Register of Historic Places (National Register); and

WHEREAS, IAC and MHT have agreed that both entities can more effectively fulfill their compliance responsibilities under the Act by implementing a programmatic approach to consider the effects of Undertakings on historic properties and collaboratively find successful ways to avoid, satisfactorily reduce or mitigate any adverse effects on historic properties; and

WHEREAS, the purpose of this Programmatic Agreement (PA) is to establish a general process for IAC's compliance with the Act and set forth a specific streamlined and standardized process for consultation when agreed-upon criteria are met and procedures followed for implementation of the Programs;

WHEREAS, MHT and the Maryland Public School Construction Program executed a prior Programmatic Agreement titled, *Programmatic Agreement Between the Maryland Historical Trust and the Maryland Public School Construction Program for Compliance with the Maryland Historical Trust Act of 1985*, on February 21, 2013 and executed an amendment to that agreement on February 23, 2023 to extend its duration until December 31, 2024, and the parties to the original programmatic agreement have

consulted and agreed to amend the document pursuant to Stipulation XIV of the 2013 agreement, and this PA herein supersedes the earlier programmatic agreement in its entirety; and

NOW, THEREFORE, IAC and MHT (Signatories) agree to carry out their respective historic preservation responsibilities under the Act in accordance with the following Stipulations in order to take into account the effects of the IAC assisted Undertakings on historic properties.

STIPULATIONS

IAC and MHT shall ensure that the following measures are carried out:

I. PURPOSE AND APPLICABILITY

- A. This PA sets forth the process by which IAC and LEAs will meet their responsibilities under the Maryland Historical Trust Act of 1985 (Act) for Undertakings assisted by IAC. This PA establishes a streamlined review process for certain Undertakings that meet established criteria and a standardized review process for all other undertakings. This PA specifies how IAC, MHT, the LEAs, and other eligible entities will interact and be involved in the review of Undertakings.
1. Attachment A lists the Programs and their applicability under the PA.
 2. Attachment B lists the Programs that IAC and MHT agree are not subject to MHT consultation under this PA or the Act.
 3. Attachment C lists the types of Undertakings that IAC and MHT agree are unlikely to have adverse effects on historic properties and are not subject to MHT consultation under this PA or the MHT Act.

II. ROLES AND RESPONSIBILITIES OF THE SIGNATORIES

- A. **Signatories:** The Signatories to this PA agree to perform their respective responsibilities in a timely manner consistent with the terms and Stipulations of this PA and to fully cooperate with each other, as well as the LEAs, in their efforts to implement the provisions of this PA. In addition, the Signatories will continue to share information that they develop or maintain regarding Maryland's public school facilities and the identification, evaluation, and treatment of Maryland's historic resources.
- B. **Interagency Commission on School Construction:** IAC shall implement the terms of this PA to fulfill its responsibilities under the Act for state-funded actions.
1. IAC shall provide relevant information to the LEAs/other eligible entities, including information about the LEA/other eligible entity's duty to consult with MHT, as specified in this PA.
 2. IAC may request LEAs and other potential grantees to initiate consultation with MHT and other consulting parties and prepare MHT recommended cultural resources investigations and documentation, as part of early historic preservation coordination and/or project review consultation as specified in Stipulations IV and VI.

3. The IAC agrees to condition approval of financial assistance to LEAs/other eligible entities on compliance with this PA, as well as all applicable federal, State and local laws.

C. **Maryland Historical Trust**: MHT shall perform its responsibilities to promote the appropriate treatment of historic and archaeological properties that may be affected by Undertakings proposed for assistance by the IAC as stipulated in the PA.

1. MHT shall review project materials and documentation submitted under this PA and provide its written response within 30 calendar days of receipt, unless otherwise specified under this PA or requested by IAC LEAs or other eligible entities. If MHT requests further information in response to a submittal, MHT will review any supplemental information submitted and provide written response within 30 calendar days of receipt of the new information.
2. MHT shall collaborate with IAC to provide IAC, the LEAs, and other eligible entities with guidance, technical assistance, and training regarding the appropriate identification, evaluation, treatment and interpretation of historic properties and coordination under the PA and the Act.

III. RESOURCES / INFORMATION SHARING

IAC and MHT respectively maintain extensive information regarding Maryland's public school facilities and its known cultural heritage. This information is readily available to the LEAs, other eligible entities, and the public via the Signatories' websites. The Signatories also administer online systems for IAC and MHT review to facilitate requests for Program funding, MHT comments, and customer service related to the Signatories' responsibilities.

- A. **IAC - Facility Inventory Database**: IAC maintains a Facility Inventory Database in collaboration with the Local Education Agencies. It provides detailed information for every public school facility owned by LEAs in Maryland, accessible from IAC's website for public record access and facility planner access. IAC and MHT will continue to consult regarding the feasible addition and population of data for new fields to the database to document the status of a school's eligibility for the National Register, the need for evaluation for National Register eligibility, or other information related to historic preservation review.
- B. **IAC - Business Management System**: IAC maintains a Business Management System (BMS) in collaboration with the Local Education Agencies, partner agencies including the Maryland State Department of Education, Maryland Department of General Services, Maryland Department of Planning, and others. The BMS contains all projects in development which are funded, or expected to be funded, with IAC funds. IAC will coordinate with MHT to ensure compliance with this PA is checked as a condition for project funding for appropriate project types and is documented in the BMS.
- C. **MHT - Medusa - Maryland's Cultural Resource Information System**: MHT maintains records related to known and potential historic properties through Medusa, MHT's online database and GIS mapping of historic structures and archaeological sites included in MHT's Maryland Inventory of Historic Properties (MIHP). Medusa also contains records for the National Register of Historic Places (NRHP) properties listed in Maryland, determinations of eligibility (DOE), and properties in the MHT's historic preservation easement program. Medusa is not

complete and MHT regularly adds new resources and updated information to its records. Note that access to the sensitive information on archaeological sites is restricted to qualified archaeologists. MHT will work with IAC and the LEAs to provide relevant archaeology information for project planning purposes on a case by case basis.

- D. **MHT - Historic School Context for Maryland:** MHT helped fund the preparation of a context for Maryland's schools titled *Maryland's Education History and Architecture – A Context Study* (Dase 2022), available in the MHT's library holdings (FRR Maryland 43). The document provides an informative overview of the history and development of Maryland's public educational architecture from 1825 to 1979, with a focus on key themes related to Maryland education and schools. The context is a useful tool for IAC, MHT, and LEAs to help inform future planning and project actions related to the identification, evaluation, and treatment of Maryland's rich heritage of public schools. MHT provides access to the document through its Library holdings.
- E. **MHT e106 Online Project Submittal System (MHT e106) and Online Search:** MHT maintains an online system for users to provide their requests for MHT review of state and federal projects by completing an online form and uploading required attachments. The system accepts, tracks, and responds to individual review requests with MHT's official comments regarding project effects to historic and archaeological resources. IAC, LEAs and other eligible entities may use MHT e106 to submit requests for MHT comments during early coordination and standard project review efforts. MHT enters all review requests, including the IAC-submitted grants, into the MHT e106 database for tracking purposes. IAC, LEAs, and the public may search and view the status of reviews by using MHT's Online Search from its website. The Online Search provides accessibility and transparency for the review process.
- F. **PA Training / Educational Resources:** The Signatories acknowledge that education on the provisions of this PA and on historic preservation issues in public school planning and construction will foster a productive understanding of these issues. IAC and MHT will collaborate to provide relevant training and educational materials to the Signatories and the LEAs responsible for implementing this PA. Such training may entail meetings, workshops, educational materials, electronic media, and/or other formats that facilitate the exchange of information. The Signatories will periodically reexamine training needs and opportunities as part of their regular coordination under this PA.

IV. **EARLY CONSULTATION WITH MHT**

The Signatories agree that early historic preservation coordination is beneficial and advisable for projects that may have the potential to affect properties that may be historic. MHT encourages LEAs and other eligible entities to initiate consultation with MHT during preliminary project planning when the widest range of alternatives is still under consideration. Early consultation allows time to successfully complete the review in advance of construction and may help facilitate IAC funding approvals where applicable.

- A. **Educational Specifications, Feasibility Studies, and Schematic Design Submissions:** The IAC receives early planning and design project submissions, which are prerequisites for IAC approval of planning or funding. IAC will provide notification via the BMS to MHT of submission of feasibility studies, educational specifications, and schematic design submissions received in order to facilitate early notification of project development and initiate conversations between MHT

and the LEA. MHT will follow up with applicable LEAs to request review submittals and consultation on projects that have the potential to affect historic properties.

- B. **Request for MHT Comments**: LEAs and other eligible entities may request preliminary MHT comments for any given proposed school construction project in advance of requesting IAC support for the work. Requestors should use the MHT e106 Online Project Submittal System to submit their request and accompanying project information as early in the planning process as feasible and well in advance of the commencement of work. MHT strives to provide its comments and recommendations within 30 days of receipt through MHT e106.

V. **STREAMLINED REVIEW - NOT SUBJECT TO MHT CONSULTATION**

- A. The Signatories agree that the following Programs and project types by their nature or location constitute Undertakings that are unlikely to cause adverse effects on historic properties and may be assisted by IAC and implemented by the LEAs without further coordination with MHT.
1. **Programs**: IAC and MHT agree that undertakings funded by the Programs listed in Attachment B may proceed without consultation with MHT unless subject to Stipulation IV by request of a Signatory, LEA, or other eligible entity.
 2. **Project types**: The following undertakings may proceed without consultation with MHT unless subject to standard review under Stipulation VI:
 - a. Undertakings at school buildings built in 1980 or later.
 - b. Undertakings at school buildings that have been determined ineligible for the National Register as documented in MHT's Medusa.
 - c. Undertakings that involve the activities listed in Attachment C.
- B. Notification and Coordination: For actions that meet the above criteria for streamlined review, the LEAs shall document in their submittals for IAC funding that the Undertaking meets the criteria listed in Stipulation V. The LEAs and IAC are not required to take any further action or coordinate further with MHT for these Undertakings.

VI. **STANDARD PROJECT REVIEW - ALL OTHER UNDERTAKINGS**

For all other Undertakings not covered by Stipulation V, the Signatories agree that Undertakings that may have effects on properties that are or may be historic will be handled by the IAC in consultation with MHT through the standard review process specified below. In addition, any Signatory, LEA, or other eligible entity may request MHT review of any Undertaking, regardless of its categorization under this PA.

- A. **IAC / LEA Request for MHT Review**: IAC will direct LEAs to request MHT review of their proposed applicable Program grant applications. LEAs may request MHT review of proposed projects during early coordination or as follow up standard project review where MHT requests additional information. As applicable, MHT will provide its comments to LEAs for early consultation and follow up standard project review, with findings as noted below.
- B. **IAC – Construction Improvement Program (CIP) Grants for MHT Review**: IAC will provide MHT with a copy of its annual CIP grant requests, when available (typically in

November), with project information and/or links to the IAC Business Management System for review of information. MHT will enter the Undertakings into its MHT e106 system for tracking, review, and documentation. MHT will document its comments and determinations of effect through its MHT e106 system, for accessibility and transparency. MHT will provide its comments on the CIP grant requests to IAC by January 31, with findings as noted below.

- C. **MHT Review Comments:** Following MHT's standard review procedures for state and federal projects, MHT will respond to a project review request submitted pursuant to Stipulation VI with a comment that it is not subject to MHT review, a determination of effect, or a request for additional information, as specified below. MHT will document its comments and determinations of effect through its MHT e106 system, for accessibility and transparency.
1. **Not subject to MHT review under the PA:** If MHT determines that the Undertaking is not funded by a Program or a project type subject to MHT review pursuant to Stipulation V, then MHT will provide that determination to the IAC, LEA or other eligible entity and compliance with the Act is complete for that Undertaking.
 2. **No effect/no adverse effect on historic properties:** If MHT determines that the Undertaking will have "no effect" or "no adverse effect" on historic properties, then MHT will provide that determination to the IAC, LEA or other eligible entity and compliance with the Act is complete for that Undertaking.
 3. **Further information needed:** If MHT concludes it has insufficient information to make a determination, then MHT will notify IAC, the LEA or other eligible entity of the need for specific documentation, such as archaeological investigations, Determination of Eligibility forms, comments from local preservation commissions, or detailed construction plans. As a condition its award of financial assistance, IAC may require the LEA or other eligible entity to complete the consultation with MHT pursuant to this Stipulation of the PA.
 4. **Adverse effect on historic properties:** If MHT determines that an Undertaking may adversely affect a historic property, then MHT will notify the IAC, LEA, or other eligible entity of the need to consult with interested parties and consider alternatives that might avoid, reduce, or mitigate adverse effects.

If the LEA or other eligible entity decides not to modify the Undertaking to avoid the adverse effect, or avoidance is not feasible, and the IAC decides to proceed with funding the Undertaking, MHT and the LEA shall resolve the adverse effects through ongoing consultation and the development of a Memorandum of Agreement (MOA). IAC may condition its award of financial assistance on the LEA's compliance with a MOA or other measures to avoid, significantly reduce, or mitigate adverse effects on historic properties.

VII. IDENTIFICATION OF HISTORIC BUILDINGS AND ARCHAEOLOGICAL SITES

As a result of coordination under Stipulations IV and VI (early consultation or standard project review), MHT may request that a LEA conduct investigations to identify historic and archaeological properties that may be affected by an Undertaking. Such investigations may include completing a Determination of Eligibility (DOE) form to evaluate the historic significance of a property or archaeological investigations to identify and/or evaluate

archeological sites. The LEAs and MHT will coordinate the implementation and review of any necessary cultural resources investigations as specified below.

- A. **DOE Forms**: At the request of MHT, or at any time for planning, budgeting or interpretive purposes, a LEA may submit a DOE form to MHT and ask MHT to determine if the property assessed on the form is eligible for listing in the National Register and therefore "historic" under the Act.
1. The DOE form must be prepared by a qualified architectural historian, preservationist, or historian in accordance with MHT's current *Standards and Guidelines for Architectural and Historical Investigations in Maryland* and MHT's online DOE guidance documents available at <https://mht.maryland.gov/Pages/projectreview/project-review-DOE-Guide.aspx>.
 2. MHT shall review and respond to complete DOE forms within 30 days of receipt.
- B. **Archaeological Investigations**: At the request of MHT, the LEA may conduct archaeological investigations to determine whether or not a proposed undertaking may affect significant archeological properties. The LEA shall submit a draft copy of the completed archaeological report to MHT for review and comment.
1. Archeological investigations shall be completed by a qualified professional archeologist and performed in accordance with MHT's current *Standards and Guidelines for Archeological Investigations in Maryland*.
 2. MHT shall review and respond to completed reports within 30 days of receipt.

VIII. ANNUAL REVIEW AND COORDINATION

The Signatories or their designees will hold regular coordination meetings, typically annually, to review the implementation of the terms of this PA. If deemed necessary, the Signatories or their designees shall meet to address and resolve any issues raised as a result of the annual review through formal amendment to the PA pursuant to Stipulation XIII or other relevant measures. At a minimum, the annual review will include the following topics: the effectiveness and efficiency of the PA's coordination process; resources, education needs and opportunities; proposed efforts to further improve coordination and collaboration; any new programs or initiatives and the need to amend the Attachments; and other relevant topics.

IX. COORDINATION WITH THE MARYLAND HISTORICAL TRUST ACT OF 1985

MHT agrees that the fulfillment of the terms of this PA will satisfy the responsibilities of IAC and any other Maryland state agency under the requirements of the Act for the components of any Undertaking that require licensing, permitting and/or funding actions from Maryland state agencies.

X. COORDINATION WITH SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966

Should a LEA or other eligible entity also receive federal assistance (funds, permits, licenses) for Undertakings covered by this PA, MHT agrees to utilize this PA to the maximum extent feasible as a tool to facilitate compliance with Section 106 of the National Historic Preservation Act of 1966 (54 U.S.C. §306108) (Section 106). While this PA cannot satisfy a federal agency's obligations under Section 106, the state historic preservation compliance process specified in this PA will help inform any subsequent Section 106 consultation.

XI. DISPUTE RESOLUTION

Should the IAC or MHT object in writing within thirty (30) days to any items provided for review or actions proposed pursuant to this PA, the Signatories shall consult to resolve the objection. The responsibilities of IAC and MHT to carry out all actions under this PA that are not the subject of the dispute will remain unchanged.

XII. RESOLUTION OF OBJECTIONS BY THE PUBLIC

At any time during the implementation of this PA, should any objections pertaining to any measure or its manner of implementation be raised by a member of the public, any party with information relating to an objection raised by a member of the public shall notify the other party and the relevant LEA of the objection and take the objection into account, consulting with the objector and with other parties as warranted.

XIII. AMENDMENT OF AGREEMENT

Should any Signatory request an amendment, the requesting party shall notify the other Signatory in writing. The written notification shall include a statement of the purpose of the amendment and the proposed wording of the amendment. The Signatories shall review the proposed amendment and, if necessary, shall consult to discuss the amendment. If after consultation it is agreed that the amendment is necessary or desirable, the Signatories shall sign the amended agreement. No amendment will take effect unless signed by all Signatories.

XIV. AMENDMENT OF ATTACHMENTS

The Signatories may amend the PA Attachments as needed to reflect changes to IAC Programs/Incentives and applicable project types upon mutual agreement. IAC shall notify MHT of the intent to modify the current Attachment(s) in writing and provide a draft of the updated Attachment(s) with justification for the change. MHT shall provide its written comments or consent on the updated Attachment(s) within 30 days of receipt. IAC shall produce the final updated Attachment(s), signed and dated, and provide a copy of the amended Attachment(s) to MHT. The amended Attachment(s) shall take effect on the date IAC transmits the signed amendment to MHT. Amendments to the Attachment(s) do not require amendment of the full PA, unless additional changes are needed and agreed upon pursuant to Stipulation XIII.

XV. TERMINATION

Any Signatory may terminate the PA by providing sixty (60) days written notice to the other Signatory, provided that the Signatories consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of

termination, a new agreement shall be executed by the Signatories or LEAs shall submit all Undertakings to MHT for review pursuant to the Act.

XVI. DURATION

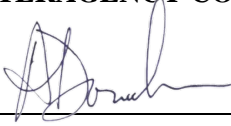
This PA shall remain in effect from the date of execution for a period of ten (10) years and will expire on **December 31, 2034**. At any time in the one year period prior to expiration of the PA, the Signatories shall consult to consider an extension or amendment to the PA, pursuant to Stipulation XIII.

Execution of this Programmatic Agreement and the implementation of its terms evidence that IAC has complied with the requirements of the Act for its state assisted Undertakings.

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AND
THE MARYLAND HISTORICAL TRUST
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MARYLAND SCHOOL CONSTRUCTION PROGRAMS**

SIGNATORY PARTIES:

INTERAGENCY COMMISSION ON SCHOOL CONSTRUCTION



12/20/2024

**Alex Donahue, Executive Director
Interagency Commission on School Construction**

Date

MARYLAND HISTORICAL TRUST



11/18/2024

**Elizabeth Hughes, Director
Maryland Historical Trust**

Date

LIST OF ATTACHMENTS

Attachment A – IAC Programs and Incentives

Attachment B – List of Programs Not Subject to MHT Consultation Under the PA

Attachment C – List of Undertakings Not Subject to MHT Consultation Under the PA

ATTACHMENT A IAC PROGRAMS AND INCENTIVES

Capital Improvement Program (CIP): The Capital Improvement Program (CIP) is the State's largest school construction grant program and is governed by Title 5, Subtitle 3 of the Education Article, Annotated Code of Maryland and regulations promulgated by the Interagency Commission on School Construction in the Code of Maryland Regulations (COMAR). CIP funding can be used for major new, renewal, or replacement projects as well as for addition projects or capital maintenance projects (systemic renovations).

Built to Learn Act (BTL) (administered by MD Stadium Authority): The enactment of the Built to Learn Act of 2020 allows the Maryland Stadium Authority (MSA) to issue revenue bonds to fund school construction projects and provides for MSA to manage projects.

Aging Schools Program (ASP): The Aging Schools Program is established in Education Article §5-206(f)(2) and is intended to fund projects in aging facilities. Each County's allocation is statutorily defined.

School Safety Grant Program (SSGP): The School Safety Grant Program is established in Education Article §5-317 for the purpose of providing grants to county boards for school security improvements.

Healthy School Facility Fund (HSFF): The purpose of the Healthy School Facility Fund (Education Article §5-322) is to provide grants to public schools for capital projects that will improve the health of school facilities.

Nonpublic Aging Schools Program (NASP): The Nonpublic Aging Schools Program is not a statutorily required program but funding for the program has been included in the capital budget bill each year for a number of years. Typically, approximately \$3.5 million is allocated for projects that are eligible for the Aid to Nonpublic Schools Program, commonly known as the "Textbook and Technology Program".

Nonpublic School Safety Grants (NPSI): In fiscal years 2019 and 2020, the General Assembly allocated \$3.5 million per year to grants for safety improvements to existing nonpublic school buildings, including door or window replacements, door or window locks, security vestibules, surveillance systems, etc.

ATTACHMENT B

LIST OF PROGRAMS NOT SUBJECT TO MHT CONSULTATION UNDER THE PA

The Signatories agree that the following programs provide funding assistance for various essential infrastructure, safety, health, and other improvements that by their nature and definition have limited or no potential to cause adverse effects to historic properties. Therefore, these programs are not subject to MHT consultation under the PA or the Act.

Aging Schools Program (ASP): The Aging Schools Program is established in Education Article §5-206(f)(2) and is intended to fund projects in aging facilities. Each County's allocation is statutorily defined.

School Safety Grant Program (SSGP): The School Safety Grant Program is established in Education Article §5-317 for the purpose of providing grants to county boards for school security improvements.

Healthy School Facility Fund (HSFF): The purpose of the Healthy School Facility Fund (Education Article §5-322) is to provide grants to public schools for capital projects that will improve the health of school facilities.

Nonpublic Aging Schools Program (NASP): The Nonpublic Aging Schools Program is not a statutorily required program but funding for the program has been included in the capital budget bill each year for a number of years. Typically, approximately \$3.5 million is allocated for projects that are eligible for the Aid to Nonpublic Schools Program, commonly known as the "Textbook and Technology Program".

Nonpublic School Safety Grants (NPSI): In fiscal years 2019 and 2020, the General Assembly allocated \$3.5 million per year to grants for safety improvements to existing nonpublic school buildings, including door or window replacements, door or window locks, security vestibules, surveillance systems, etc.

ATTACHMENT C

LIST OF UNDERTAKINGS NOT SUBJECT TO MHT CONSULTATION UNDER THE PA

The Signatories agree that the following types of activities by their nature and definition have limited or no potential to adversely affect historic properties and are not subject to MHT consultation under the PA or the Act.

References to repair or replacement "in kind" shall mean the resultant work will match physical and visual aspects of the historic materials in question, including design, form, finish, texture, workmanship and to the greatest extent possible, the materials. "In kind" mortar repair shall mean the resultant mortar will match the strength, composition, color, texture, and joint tooling of the historic mortar.

When referenced in the allowances, "previously disturbed soils" refers to soils that have been disturbed by human actions in the past, such as building construction, utility line placement, grading and/or filling, plowing, etc., thereby greatly reducing the likelihood of the presence of archaeological resources such that it is considered negligible. For the allowance to apply in these instances, undertakings shall be confined to the area and depth of the previously disturbed soils.

- I. Undertakings at school sites that were constructed between 1980 or later.**
- II. Undertakings at sites for which there is an MHT Determination of Eligibility form documenting that the project site is not eligible for listing on the National Register of Historic Places.**
- III. Landscape/Hardscape Elements:** activities covered in this Section are intended to address undertakings related to the repair or replacement of man-made elements of the landscape. Landscape elements encompass both utilitarian and decorative elements and include, but are not limited to, gardens and related features, fencing, retaining walls, outdoor lighting, fountains, benches, signage, paving, planters, flag poles, playground elements, walkways/ sidewalks, driveways, parking lots. The following allowances apply only when proposed activity substantially conforms to the original footprint and/or is performed on previously disturbed ground, including the area where the activity is being staged.
 - A. In-kind repair/replacement of landscape elements or existing slope stabilization systems provided the undertaking will not disturb more soil than was previously disturbed.
 - B. Repair, replacement of existing driveways, parking lots, and walkways.
 - C. In-kind repair/replacement of fencing or free-standing walls provided the undertaking will not disturb more soil than was previously disturbed. This allowance permits strengthening with in kind materials, provided the undertaking approximates the existing design and profile of the fencing. This allowance also applies to gates and gateways.
 - D. In kind repair or replacement of elements in parks, playgrounds and athletic fields provided that work substantially conforms to the existing footprint. This allowance includes minor mitigation measures such as an increase in pole diameters for signs and the addition of supportive safety anchors.

- E. In kind repairs or replacement of bollards and associated protective barriers, provided the undertaking will not disturb more soil than was previously disturbed. This allowance permits strengthening with in kind materials, provided the undertaking approximates the existing design and profile of the barriers.
- F. Graffiti removal. Method of removal must comply with treatment guidelines outlined in *Preservation Brief #38: Removing Graffiti from Historic Masonry* (National Park Service: 1995).
- G. Removal of fuel or oil tanks.

IV. Buildings

a. Exterior Walls, Entrances/Porches and Foundations:

- i. Pressure washing of exterior envelope and surfaces with low pressure (150-200 PSI) water and mild detergents.
- ii. Cleaning, repair, or repainting of exterior walls, provided that destructive surface preparation treatments are not used, including water blasting, sandblasting, power sanding, and chemical cleaning. Surface treatment approaches must comply with the treatment guidelines outlined in *Preservation Brief #6: Dangers of Abrasive Cleaning to Historic Buildings* (National Park Service: 1979). Any deviation from the recommended approaches in *Preservation Brief #6* must be approved by MHT prior to the commencement of work.
- iii. In-kind repair/replacement of exterior architectural elements, including but not limited to siding, columns, cornices, balustrades, chimneys, mortar joints, etc., when those elements are damaged beyond repair.
- iv. In kind repair or replacement of signs or awnings.
- v. Repairs and strengthening of foundations provided that visible new work is in-kind, including mortar that matches the color, strength, and joint tooling, where occurring.
- vi. Installation of building surveillance security systems (e.g. cameras, alarms system) and access security devices (e.g. card readers, enhanced locks, security scanners/metal detectors), provided the devices do not damage or cause the removal of character-defining architectural features and can be removed in the future without impacts to contributing architectural features.

b. Windows and Doors

- i. In-kind repair/replacement of windows, shutters and doors, including components such as historic hardware and window panes, when these features are beyond repair.
- ii. In-kind replacement of windows and doors with strengthened elements, provided the replacement elements match the original in detail and appearance. Original elements will be retained for possible future re-installation.

c. Roofs and Parapets

- i. In-kind repair/replacement of roofing, including but not limited to roof shingles/material, rafters, fascia, soffits, gutters, or downspouts when those components are damaged beyond repair.
- ii. Replacement of three-tab asphalt singles with dimensioned architectural shingles; replacement of cement asbestos shingles with asphalt-based shingles or other roofing of similar appearance to the original such as slate; replacement of corrugated asbestos panels with corrugated metal panels or other roofing of

- similar appearance to the original; replacement of untreated wood shingles or shakes with similar items of fire-resistant wood; and in-kind replacement of corrugated metal panels.
 - iii. Repairs to a flat roof, including changes in roofing materials, where the repairs are not highly visible from the ground level.
 - iv. In-kind repair/reconstruction of parapets.
- d. **Utilities, Mechanicals and Security:** Repair, maintenance, removal, replacement or installation of the following systems provided that the proposed work does not affect historically significant exterior or interior features of the property:
- i. Electrical
 - ii. Plumbing
 - iii. HVAC (should new ductwork where none currently exist be excluded from exemption)
 - iv. Interior Security Systems
 - v. Fire Suppression/Fire Detection Systems
 - vi. Intercom/Paging/PA/Phone/Sounds Systems
- e. **Weatherproofing and Insulation:**
- i. Caulking and weather-stripping to complement the color of adjacent surfaces.
 - ii. In-kind replacement or installation of insulation systems, provided that interior plaster, woodwork, or exterior siding is not altered. This allowance does not apply to urea formaldehyde foam insulation or any other thermal insulation containing water, when installed within wall cavities. Also, the allowance does not apply to insulation systems that do not include an adequate vapor retardant, or to work in enclosed spaces that are not vented.
- f. **Interiors:**
- i. Replacement of carpet, ceiling tiles, curtains and blinds, cabinets and countertops, lockers, furniture, non-historic light fixtures, door hardware and locks, water fountains, emergency evacuation and other wayfinding signage.
 - ii. Repainting.
 - iii. In-kind repair/replacement to existing interior elements (e.g. flooring, trim, doors, transoms, tile, etc.) when element is beyond repair.
 - iv. Renovation of bathrooms and kitchens where there is no change to room footprint.
 - v. Remediation of water infiltration, lead, mold and other pollutants provided that visible new work or areas disturbed by remediation activities are repaired in-kind.

New construction, construction of additions, changes to interior floor plans that include removal or addition of walls, major renovations to lobbies, gymnasiums and auditoriums may have the potential to adversely affect historic properties and should be submitted to MHT for review.