

**PROGRAMMATIC AGREEMENT
BETWEEN
TOWN OF PARKSLEY
AND
THE VIRGINIA STATE HISTORIC PRESERVATION OFFICE
REGARDING
THE PARKSLEY DOWNTOWN REVITALIZATION PROJECT
PARKSLEY, VIRGINIA**

WHEREAS, the Town of Parksley, Virginia (Town) has applied for and shall receive a Community Development Block Grant (CDBG) from the Virginia Department of Housing and Community Development (DHCD) for the Parksley Downtown Revitalization Project, consisting of exterior façade improvements and public enhancements, and pedestrian safety and connectivity enhancements within the project area (Undertaking); and

WHEREAS, Congress amended the Housing and Community Development Act of 1974 (HCD Act) in 1981 to give each State the opportunity to administer CDBG funds for non-entitlement areas; and

WHEREAS, in the Commonwealth of Virginia the DHCD administers CDBG funds from the U.S. Department of Housing and Urban Development (HUD) under the HCD Act; and

WHEREAS, pursuant to 24 CFR § 58, states administering the CDBG program have the responsibility of ensuring that recipient communities comply with applicable State and Federal laws and requirements, including the National Historic Preservation Act (54 USC § 306101 et seq.) (NHPA) and, therefore, DHCD has been invited and has participated in consultation towards this Programmatic Agreement (Agreement); and

WHEREAS, the Town in consultation with the Virginia Department of Historic Resources (DHR), which serves as the Virginia State Historic Preservation Office (SHPO), has established the Undertaking's Area of Potential Effects (APE), as shown in Appendix 1, which includes the Parksley Historic District (DHR ID #278-0003), which has been determined by the SHPO to be eligible for listing in the National Register of Historic Places (NRHP), as well as other historic properties; and

WHEREAS, the Town and the SHPO agree to treat the Historic District and its contributing resources as historic properties for the purposes of Section 106 review (Appendix 2); and

WHEREAS, the Town has determined in consultation with the SHPO that the Undertaking may affect historic properties within the Historic District, per 36 CFR §800.5(a) of the regulations implementing Section 106 of the NHPA; and

WHEREAS, the Town and SHPO have agreed, per 36 CFR §800.3(g), to compress the steps of the Section 106 process in order to expedite consultation; and

WHEREAS, the Town has provided notification to the Advisory Council on Historic Preservation (ACHP) per 36 CFR §800.6(a)(1), and the ACHP **declined** the invitation to participate; and

WHEREAS, pursuant to 36 CFR §800.3(f), the Town has invited the Eastern Shore of Virginia Historical Society to participate in consultation and to sign as a consulting party, and it **declined** the invitation to participate; and

WHEREAS, pursuant to 36 §800.3(f)(2) the Town has invited the federally-recognized tribes that may retain cultural interests in the Town of Parksley including the Pamunkey Tribe, the Delaware Nation, and the Delaware Tribe to participate in consultation and to sign as a concurring parties, and they **declined** the invitation to participate; and

WHEREAS, the definitions given in Appendix 2 are applicable throughout this Agreement.

NOW, THEREFORE, the Town and the SHPO agree that the Undertaking shall be implemented in accordance with the following stipulations to take into account the Undertaking's effects on historic properties.

STIPULATIONS

The Town shall ensure that the following stipulations are met:

I. Guiding Principles

- A. In consultation with the SHPO the Town shall attempt to meet the *Secretary of the Interior's Standards for Rehabilitation* (Appendix 3) for all projects related to this Undertaking that affect a contributing property within the Historic District.
- B. The Town shall ensure, when feasible, that all CDBG-funded new construction, within the Historic District is compatible with the historic character of the Historic District.
- C. The Town and SHPO, in order to streamline the Section 106 review process, shall emphasize the treatment of exteriors that contribute to the property's potential eligibility for the National Register; may exempt categories of routine activities; and may develop treatment and design protocols for rehabilitation and new construction.

II. Project Initiation

- A. The Town shall create a Downtown Revitalization Management Team (Management Team). A Project Manager Project shall work with the Management Team and identify properties participating in the Undertaking.
- B. The Project Manager shall coordinate review with the SHPO, per Stipulation III, for the following program activities as part of the Undertaking:
 1. Projects directly or indirectly affecting properties over 50 years of age within the APE.
 2. Projects in the APE involving substantial rehabilitation/new construction.
 3. Projects within the APE involving one (1) acre or more of ground disturbing activity.

- C. When the Management Team and Project Manager identify a project involving a property that is less than 50 years of age, involves no new construction, and has less than one (1) acre of ground disturbing activity, the project may proceed without further SHPO review.
- D. For those projects requiring SHPO review per Stipulation II.B, the Management Team and Project Manager shall consider whether the subject property is eligible for listing in the NRHP as a contributing resource to the Historic District or individually, and whether it will be treated as an historic property for the purposes of this Agreement. This eligibility recommendation shall be coordinated for review with the SHPO per Stipulation III.

III. Coordination of Review

- A. For projects requiring SHPO review, the Town shall submit to the SHPO the following documentation for review and comment:
 - 1. A Project Review Application Form (Appendix 4) or submit the project through ePIX (<https://solutions.virginia.gov/EPIX/>).
 - 2. A copy of the map in Appendix 1 showing the precise location of the property or project, delineating the project area clearly and delineating the Area of Potential Effects (APE)
 - 3. A detailed project narrative describing the activities to be completed as part of the project.
 - 4. Photographs of the building(s)'s exterior(s) from the front, back and sides. For new construction projects, photographs of the site and neighboring streetscape.
 - 5. A recommendation for SHPO concurrence, per Stipulation II.D, on whether the property contributes to the Historic District or is individually NRHP-eligible.
- B. If the Town recommends, per Stipulation II.D, that a property contributes to the Historic Districts or is individually NRHP-eligible, or if the project includes new construction within or directly adjacent to the Historic District, the Town shall (in addition to the materials specified in Stipulation III.A.1-5) provide to the SHPO for review and comment the following information for the relevant project activities:
 - 1. Rehabilitation
 - a. Plans and drawings, if applicable.
 - b. Materials specifications (product tear sheets), if applicable, for any replacement materials
 - c. Description and photos of architectural features to be repaired or replaced.

- d. A determination of whether the proposed treatment meets the *Standards* or detailed statement as to why the *Standards* cannot be met. A Standards Checklist Form (Appendix
 - e. A Finding of Effect (No Adverse Effect or Adverse Effect) based on an application of the *Standards* and the guidance in 36 CFR Part 800.5.
2. Demolition or “substantial rehabilitation” resulting in demolition
 - a. An explanation of the reasons for demolition.
 - b. Any code enforcement documents that support the necessity of demolition, if applicable.
 - c. A structural evaluation and documentation of the buildings that supports the necessity of demolition, if applicable.
 - d. Adequate documentation to demonstrate that rehabilitation is not economically or structurally feasible, or that retention of the property would jeopardize the implementation of an affordable housing project.
 - e. A Finding of Effect (No Adverse Effect or Adverse Effect) based on an application of the *Standards* and the guidance in 36 CFR Part 800.5.
 3. New Construction and “substantial rehabilitation” resulting in new construction
 - a. Identification of the lot proposed for new construction, including street address and map.
 - b. Plans for exterior elevations.
 - c. Exterior materials specifications.
 - d. Site plan, including the boundaries of the lot and adjacent lots and proposed footprint of new construction.
 - e. A Finding of Effect (No Adverse Effect or Adverse Effect) based on an application of the *Standards* and the guidance in 36 CFR Part 800.5.

IV. Mitigation

- A. If adverse effects are identified during the course of the project, the Town shall consult with the SHPO and other consulting parties, as applicable, to consider possible ways to avoid or minimize the adverse effects. If the effects cannot be avoided the Town shall consult with the SHPO and other consulting parties about appropriate mitigation which shall be determined based on the degree of the adverse effect and the level of significance of the resource. The Town shall provide the opportunity for the interested public to express their views on the proposed mitigation measures pursuant to Stipulation X(B). All comments provided in a timely manner shall be taken into account

by the Town. The agreed upon mitigation shall be submitted to and approved by the SHPO before construction or demolition begins.

- B. All mitigation documentation prepared pursuant to this Agreement shall be prepared by a professional in the appropriate discipline who meets the *Secretary of the Interior's Professional Qualification Standards* (36 CFR Part 61).

V. Emergency Situations

In situations such as the collapse of a building, substantial destruction by fire or flooding, or if a building is determined in imminent danger of collapse, the Town may, per 36 CFR Part 800.12, declare an Emergency Situation and, acting in the interest of public health and safety, propose demolition of a historic property. Upon issuance of the order, the Town shall, to the extent feasible, document the building and notify the SHPO as soon as possible.

VI. Archaeology

- A. The Town may proceed without archaeological consultation with the SHPO for the following ground-disturbing activities, provided that no archaeological site recorded in the SHPO's Virginia Cultural Resource Information System (VCRIS) within the APE:
 - 1. Any individual activity requiring less than one (1) acre of ground disturbance. The APE for individual activities shall include all land-disturbing actions associated with site preparation, construction, associated access roads, temporary construction easements, equipment storage areas, below ground utilities, etc.
 - 2. 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. Any projects involving ground-disturbing activities within existing archaeological sites or not otherwise exempted under Stipulation VI(A) above, shall be submitted to the SHPO, for review and comment through the completion of a Project Review Application Form (Appendix 4) or through ePIX (<https://solutions.virginia.gov/EPIX/>).
- C. Should the Town determine, in consultation with the SHPO, that further archaeological identification is needed; the Town shall conduct a program to identify and evaluate archaeological resources, as recommended by the SHPO.
- D. Should the Town, as a result of survey efforts and in consultation with the SHPO determine that an eligible archaeological site will be affected; a plan for its avoidance, protection, or recovery of data will be submitted to the SHPO and other consulting parties for review and comment. The Town shall consider all comments received in preparing the final treatment plan and shall then implement the plan.
- E. All archaeological studies resulting from this Agreement, including data recovery plan(s), shall be performed by an archaeologist meeting the *Secretary of the Interior's Professional Qualifications*

Standards (36 CFR Part 61) and in accordance with *The Secretary of the Interior's Standards and Guidelines for Archeological Documentation* (48 FR 44734-37), and the SHPO's *Guidelines for Conducting Historic Resources Survey in Virginia (2017)*, and shall take into account the ACHP's publication *Recommended Approach for Consultation on Recovery of Significant Information from Archeological Sites (1999; updated July 26, 2002)*, and *Section 106 Archaeology Guidance (June 2007)*, or subsequent revisions to these documents.

VII. Review of Documentation

The SHPO and other consulting parties agree to review documentation submitted pursuant to this Agreement within thirty (30) days after confirmed receipt of complete documentation. If no response is received within thirty (30) days, the Town may assume the non-responding party has no comments. The Town shall take into consideration all comments received within the review period and then implement and proceed to the next step in the process.

VIII. Post Review Discoveries

The Town shall include the provisions in Stipulation VIII (A) to (E) in all construction contracts:

- A. If previously unidentified historic properties or unanticipated effects to historic properties are discovered during construction, the construction contractor shall immediately halt all activity within a one hundred (100) foot radius of the discovery, notify the Town of the discovery, and implement interim measures to protect the discovery from looting and vandalism.
- B. Immediately upon receipt of the notification required in Stipulation VIII (A), the Town shall:
 - 1. Inspect the construction site to determine the extent of the discovery and ensure that construction activities have halted; and
 - 2. Clearly mark the area of discovery; and
 - 3. Implement additional measures, as appropriate, to protect the discovery from looting and vandalism; and
 - 4. Have a professional archaeologist inspect the construction site to determine the extent of the discovery and provide recommendations regarding its NRHP eligibility and treatment; and
 - 5. Notify the SHPO, and other consulting parties of the discovery describing the measures that have been implemented.
- C. Within forty-eight (48) hours of receipt of the notification described in Stipulation VIII(B)(5), the Town shall provide the SHPO, and other consulting parties with its assessment of the NRHP eligibility of the discovery and the measures it proposes to take to resolve adverse effects. In making its official evaluation, the Town in consultation with the SHPO, may assume the discovery to be NRHP eligible for the purposes of Section 106 pursuant to 36 CFR 800.13(c). The SHPO and other consulting parties shall respond within forty-eight (48) hours of receipt.

- D. The Town which shall take into account consulting parties' recommendations on eligibility and treatment of the discovery, shall ensure that it carries out appropriate actions, and provide the SHPO and other consulting parties with a report on these actions when they have been implemented.
- E. Construction activities may proceed in the area of the discovery, when the Town has determined that implementation of the actions undertaken to address the discovery pursuant to Stipulation VIII are complete.

IX. Human Remains

- A. The Town shall treat all human remains and associated funerary objects encountered during the course of actions taken as a result of this Agreement in the manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects" (February 23, 2007; <http://www.achp.gov/docs/hrpolicy0207.pdf>). All reasonable efforts will be made to avoid disturbing gravesites, including those containing Native American human remains and associated artifacts. To the extent possible, the Town will ensure that the general public is excluded from viewing any gravesites and associated artifacts. All consulting parties agree to release no photographs of any gravesites and/or funerary objects to the press or to the general public.
- B. If the human remains encountered appear to be of Native American origin, whether prehistoric or historic, the Town shall immediately notify the appropriate tribes, which may have cultural interests in ancestral homelands in Virginia.
- C. If the Town agrees that avoidance of the human remains is not prudent and feasible, the Town will apply for a permit from DHR for the archaeological removal of human remains in accordance with the provisions of the *Virginia Antiquities Act*, Section 10.1-2305 of the *Code of Virginia*, and with the final regulations adopted by the Virginia Board of Historic Resources and published in the Virginia Register of July 15, 1991.
- D. In considering issuance of a permit involving removal of Native American human remains, the DHR will notify and consult with the appropriate tribes as required by the regulations stated above. The treatment of Native American human remains and associated funerary objects will be determined in consultation with the appropriate tribes and any appropriate tribal leaders.

X. Public Participation

- A. The Town shall afford the interested public an opportunity to comment in accordance with the public participation plan approved by DHCD as part of the CDBG grant process.
- B. When a finding of adverse effect is made, the Town shall solicit public comment regarding the undertaking's effects on historic properties and the proposed mitigation measures and shall provide copies of those comments to the SHPO.

XI. Dispute Resolution

- A. Should any interested member of the public object in writing to the Town regarding any action carried out or proposed with respect to the Undertaking or implementation of this Agreement, the Town shall consult with the objecting party to resolve the objection. If after initiating such consultation the Town determines that the objection cannot be resolved through consultation, the Town shall forward all documentation relevant to the objection to the ACHP, including the Town's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, the ACHP shall exercise one (1) of the following options.
1. Advise the Town that the ACHP concurs in the Town's proposed response to the objection, whereupon the agency will respond to the objection accordingly;
 2. Provide the Town with recommendations, which the Town shall take into account in reaching a final decision regarding its response to the objection; or
 3. Notify the Town that the objection will be referred for comment pursuant to 36 CFR Part 800.7(a)(4), and proceed to refer the objection and comment. The Town shall take the resulting comment into account in accordance with 36 CFR Part 800.7(c)(4) and Section 110(l) of NHPA.
- B. Should the ACHP not exercise one (1) of the above options within thirty (30) days after receipt of all pertinent documentation, the Town may assume the ACHP's concurrence in its proposed response to the objection.
- C. The Town shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; the Town's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.
- D. At any time during implementation of the measures stipulated in this Agreement, should an objection pertaining to this Agreement or the effect of any individual project on historic properties be raised by a member of the public, the Town shall notify the parties to this Agreement and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this Agreement to resolve the objection.

XII. Amendment and Termination

- A. Any signatory to this Agreement may request that it be amended, whereupon the signatories shall consult in accordance with 36 CFR Part 800.13 to consider such an amendment. All signatories to this Agreement must agree to the proposed amendment in accordance with 36 CFR 800.6(c)(7). The amendment will be effective on the date a copy signed by all the signatories is filed with the ACHP.
- B. If the Town determines that it cannot implement the terms of this Agreement, or if the SHPO determines that the Agreement is not being properly implemented the Town or the SHPO may propose to the other parties that it be terminated.

- C. Termination shall include the submission of any outstanding documentation on any work done up to and including the date of termination.
- D. A party proposing to terminate this Agreement shall so notify all parties to the Agreement, explaining the reasons for termination and affording them at least thirty (30) days to consult and seek alternatives to termination. The parties shall then consult.
- E. Should such consultation fail and the Agreement be terminated, the Town shall comply with 36 CFR Parts 800.3 through 800.6 with regard to the individual projects covered by this Agreement.

XIII. Additional Agencies

In the event that there is additional federal involvement in the Undertaking that is not otherwise referenced in this Agreement, that federal agency will have the option to accept the terms of this Agreement, without acquiring an amendment, if the federal agency signs as an invited signatory. The Town must notify the Signatories in advance of the federal agency committing to the terms of this Agreement.

XIV. Duration of the Agreement

This Agreement shall continue in full force and effect until five (5) years after the date of the last signature. At any time in the six (6)-month period prior to such date, the Town may request the SHPO and the ACHP to consider an extension or modification of this Agreement. No extension or modification shall be effective unless the signatories to the Agreement have agreed with it in writing.

XV. Counterpart Execution

The parties agree that for ease of execution, each party may separately execute counterparts of this Agreement and exchange executed pages with each other. Each counterpart of this Agreement so executed and reassembled so each counterpart is executed by all parties shall be deemed to constitute a completed and fully executed Agreement.

XVI. Transmission to the Council and Consulting Parties

- A. Once all parties have executed this Agreement, the Town shall submit a copy of this Agreement, along with the documentation specified in 36 CFR Part 800.11(f) to the ACHP.
- B. The submission of documentation and filing of this fully executed Agreement with the ACHP pursuant to 36 CFR Part 800.6(b)(1)(iv) constitutes evidence that the Town has taken into account any adverse effects of this Undertaking on the historic properties and afforded the ACHP an opportunity to comment.
- C. In accordance with 36 CFR Part 800.6(c)(9), the Town shall provide any consulting party (as defined in 36 CFR Part 800.3) with a copy of this Agreement.

Execution of this Programmatic Agreement and implementation of the provisions herein shall be evidence that the Town and the Federal and State agencies have satisfied their Section 106 responsibilities for all individual projects subject to the review of this Agreement.

SIGNATORIES
Town of Parksley, Virginia

By: Wayne Marshall Date: 12/18/19
Wayne Marshall, Mayor

State Historic Preservation Office

By: Stephanie B. Williams for JW Date: 12.19.19
Julie V. Langan, Director
Department of Historic Resources
and State Historic Preservation Officer

APPENDICES

Appendix 1: Area of Potential Effect

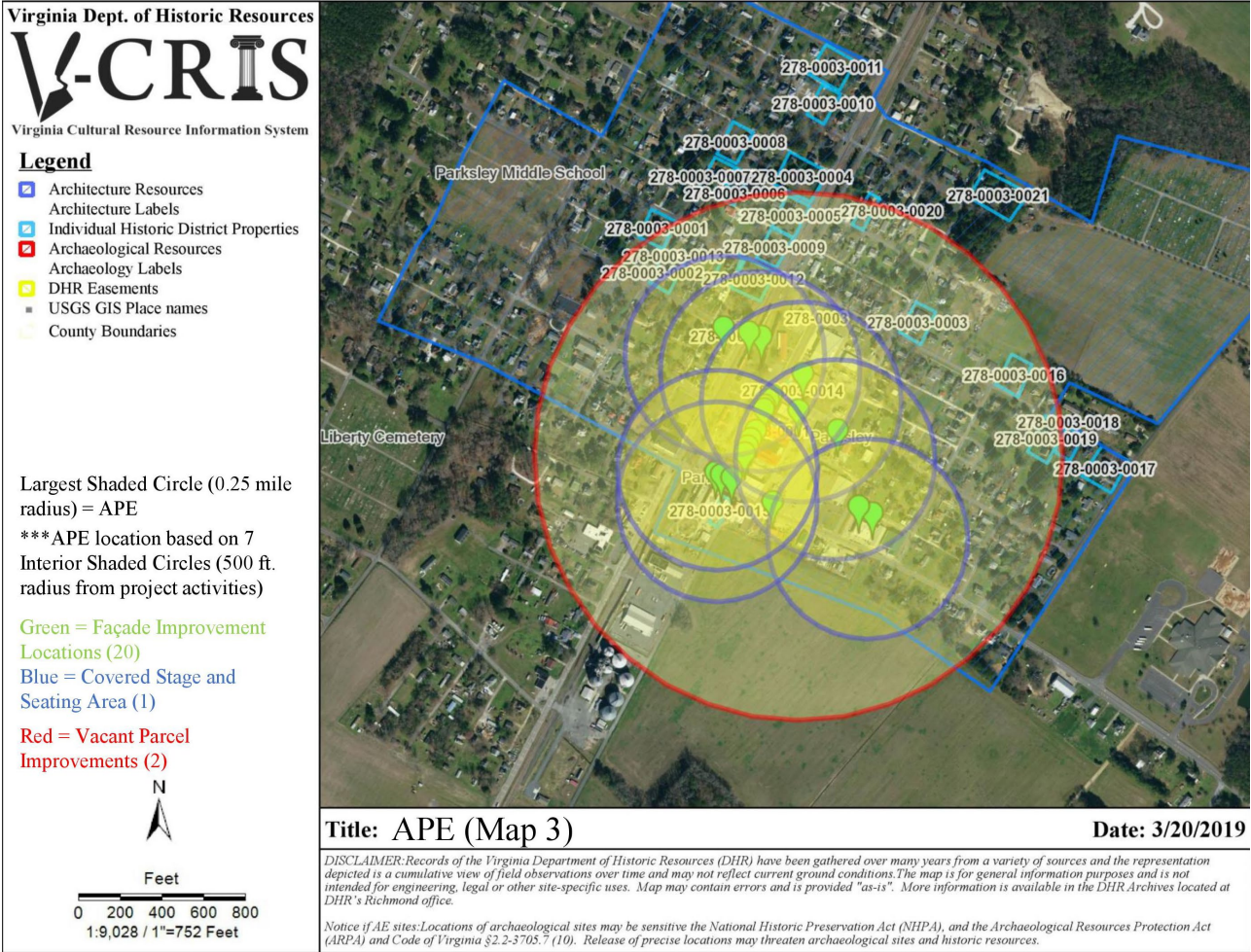
Appendix 2: Definitions

Appendix 3: *Secretary of the Interior's Standards for Rehabilitation*

Appendix 4: DHR Project Review Application Form

Appendix 5: Standards Checklist Form

APPENDIX 1 – AREA OF POTENTIAL EFFECT



APPENDIX 2 – DEFINITIONS

AREA OF POTENTIAL EFFECTS – The geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist there. This always includes the actual site of the undertaking, and may also include other areas where the undertaking will cause changes in land use, traffic patterns, or other aspects that could affect historic properties.

ACTIVITY – Work to be performed as an undertaking, specifically defined as one or more of the following:

- **Acquisition.** The purchase of a property all or in part with federal funds that will trigger all subsequent activities as undertakings.
- **Demolition.** The removal of the majority of an existing building's structure to either the foundation or to property grade.
- **New Construction.** The construction of a new building on a vacant lot or site currently occupied by a building. New construction does not attempt to directly replicate buildings that stood on the site and/or incorporate the original building footprint.
- **Rehabilitation.** The re-use of an existing historic property that will maintain the majority of the historic features of a building, including such elements: framing, roof structure, doors and door openings, windows and window openings, partitions, trim, chimneys, mantels, and doors in a manner consistent with *The Secretary of the Interior's Standards for Rehabilitation* (1995).
- **Reconstruction.** The construction of a new building that replaces a demolished building, follows the majority of the original building footprint, and rebuilds the majority of distinguishing features of the building; or the retention of a minority of an existing buildings' features (such as the façade and foundation) and incorporating these features into a new structure.

CONCURRENCE – A response from the SHPO, in which the SHPO agrees with the determination of the responsible entity.

EFFECT – A determination by the Town and SHPO as to the extent an undertaking will impact a historic property or historic properties. It will include one of the following:

- **No Effect on Historic Properties.** There are no historic properties that will be directly or indirectly impacted by the undertaking.
- **No Adverse Effect on Historic Properties.** The undertaking impacts a historic property or properties in such a way that the historic character is left intact.
- **Adverse Effect on Historic Properties.** The undertaking changes the historic property or properties in such a way that the character of the property is diminished. Demolition of a historic property will constitute an adverse effect. Other activities may or may not constitute an adverse effect depending on their impact on historic properties, a historic property, or historic features.

FEASIBLE – The degree to which a historic property or historic property feature can be successfully preserved. Whether or not something is feasible is essential in the consideration of an adverse effect and application of *The Secretary of the Interior's Standards for the Treatment of Historic Properties* (1995). One or more of the following elements shall be documented and shall be given reasonable consideration by the Town and SHPO in determining whether or not something is feasible:

- The physical condition of a building or building elements;
- The project scope or design constraints; the significance and integrity of the building or building elements;
- The location and setting of the historic property, or economic constraints including rehabilitation costs and market value for resale of a completed project.

HISTORIC PROPERTY – Any property that falls in one or more of the following categories:

- It is a contributing property in a *historic area eligible for listing* in the National Register of Historic Places.
- It is a contributing property in a *historic district listed* in the National Register of Historic Places.
- It is *individually eligible* for listing or is *individually listed* in the National Register of Historic Places.

NON-HISTORIC PROPERTY – Any property that falls into one or more of the following categories:

- Is a *non-contributing property* located in an historic area that is either eligible for listing in the National Register of Historic Places, or is listed in the National Register of Historic Places.
- Is not located within an historic district either eligible for listing or listed on the National Register of Historic Places and is not *individually listed on or eligible for listing* on the National Register of Historic Places.

OBJECTION – A disagreement by the SHPO or a member of the Public with a determination made by the Town on its determination of effect, conditions, or mitigation measures.

MITIGATION – Action to minimize, ameliorate, or compensate for the degradation and/or loss of those characteristics of a property that make it eligible for the National Register.

NATIONAL REGISTER – The National Register of Historic Places maintained by the Secretary of the Interior.

NATIONAL REGISTER CRITERIA FOR EVALUATION – The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36CFR Part 60). These criteria are used by the Town, SHPO, and Keeper of the National Register to evaluate properties (other than areas of the National Park System and National Historic Landmarks) for the National Register. These criteria are worded in a manner to provide for a wide diversity of resources. The following are the actual National Register Criteria for Evaluation.

Criterion A: Properties that are associated with events that have made a significant contribution to the broad patterns of our history;

Criterion B: Properties that are associated with the lives of persons significant in our past;

Criterion C: Properties that embody the distinctive characteristics of a type, period, or method of construction, that represent the work of a master, or that possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction;

Criterion D: Properties that have yielded, or may be likely to yield, information important in prehistory or history.

Criteria consideration: Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register.

However, such properties shall qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

(a) a religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

- (c) a birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his productive life; or
- (d) a cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) a reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) a property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or
- (g) a property achieving significance within the past 50 years if it is of exceptional importance.

SECRETARY – The Secretary of the Interior.

STATE HISTORIC PRESERVATION OFFICER – The official appointed or designated pursuant to Section 101 (b)(1) of the Act to administer the State Historic Preservation program or a representative designated to act for the State Historic Preservation Officer. For purposes of this Agreement, the State Historic Preservation Officer shall refer to the Director and staff of the Virginia Department of Historic Resources.

SURVEY – The process by which historic properties are documented according to the Standards of the SHPO.

UNDERTAKING – A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.

APPENDIX 3 – SECRETARY OF THE INTERIOR’S STANDARDS FOR REHABILITATION

REHABILITATION IS DEFINED AS *the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be taken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

REHABILITATION AS A TREATMENT. When repair and replacement of deteriorated features are necessary; when alterations or additions to the property are planned for a new or continued use; and when its depiction at a particular period of time is not appropriate, rehabilitation may be considered as a treatment.

From the National Park Service website, <http://www2.cr.nps.gov/tps/secstan1.htm>.

Project Review Application Form

This application must be completed for all projects that will be federally funded, licensed, or permitted, or that are subject to state review. Please allow 30 days from receipt for the review of a project. All information must be completed before review of a project can begin and incomplete forms will be returned for completion.

GENERAL PROJECT INFORMATION

1. Has this project been previously reviewed by DHR? NO __ DHR File # __

2. Project Name _____

3. Project Location _____

City _____ County

4. Specify Federal and State agencies involved in project (providing funding, assistance, license or permit). Refer to the list of agencies and abbreviations in the instructions.

Lead Federal Agency _____

Other Federal Agency _____

State Agency _____

5. Lead Agency Contact Information

Contact Person _____

Mailing Address _____

Phone Number _____

Fax Number

Email Address _____

6. Applicant Contact Information

Contact Person _____

Mailing Address _____

Phone Number _____

Fax Number

Email Address _____

PROJECT LOCATION AND DESCRIPTION

~~7. USGS~~ Quadrangle Name

~~8. Number~~ of acres included in the project

9. Have any architectural or archaeological surveys of the area been conducted? YES ___
NO ___

If yes, list author, title, and date of report here. Indicate if a copy is on file at DHR.

10. Are any structures 50 years old or older within or adjacent to the project area? YES ___
NO ___

If yes, give date(s) of construction and provide photographs.

11. Does the project involve the rehabilitation, alteration, removal, or demolition of any structure, building, designed site (e.g. park, cemetery), or district that is 50 years or older? If yes, this must be explained fully in the project description. YES ___
NO ___

12. Does the project involve any ground disturbance (e.g. excavating for footings, installing sewer or water lines or utilities, grading roads, etc.)? If yes, this must be explained fully in the project description. YES ___
NO ___

13. DESCRIPTION: Attach a complete description of the project. Refer to the instructions for the required information.

To the best of my knowledge, I have accurately described the proposed project and its likely impacts.

Signature of Applicant/Agent Date

The following information **must** be attached to this form:

- _____ Completed DHR Archives
- _____ USGS map with APE shown
- _____ Complete project description
- _____ Any required photographs and

<input type="checkbox"/> No historic properties affected <input type="checkbox"/> No adverse effect
<input type="checkbox"/> Additional information is needed in order to complete our review.
<input type="checkbox"/> We have previously reviewed this project. A copy of our correspondence is attached.
Comments: _____ _____ _____
Signature _____ Date _____
Phone number _____ DHR File # _____
<i>This Space for Department of Historic Resources (DHR) Use Only</i>

APPENDIX 5 - STANDARDS CHECKLIST FORM

Please read the following instructions completely. If incomplete or inaccurate information is provided with your application, delays in review will result. This form is to be used to indicate whether work to be carried out as part of a proposed project involving rehabilitation will meet the [Secretary of the Interior's Standards for the Rehabilitation of Historic Properties \(Standards\)](#).

NATIONAL PARK SERVICE – TECHNICAL PRESERVATION BRIEFS

The following is a list of the Preservation Briefs. Each Preservation brief can be accessed online at the National Park Service's website: <https://www.nps.gov/Tps/how-to-preserve/briefs.htm>. If Internet access is not available, copies of Preservation Briefs can be obtained from the Department of Historic Resources, and printed versions may be purchased from the United States Government Printing Office.

- 01:** Cleaning and Water-repellent Treatments for Historic Masonry Buildings
- 02:** Repointing Mortar Joints in Historic Masonry Buildings
- 03:** Improving Energy Efficiency in Historic Buildings
- 04:** Roofing for Historic Buildings
- 05:** The Preservation of Historic Adobe Buildings
- 06:** Dangers of Abrasive Cleaning to Historic Buildings
- 07:** The Preservation of Historic Glazed Architectural Terra-Cotta
- 08:** Aluminum and Vinyl Siding on Historic Buildings: The Appropriateness of Substitute Materials for Resurfacing Historic Wood Frame Buildings
- 09:** The Repair of Historic Wooden Windows
- 10:** Exterior Paint Problems on Historic Woodwork
- 11:** Rehabilitating Historic Storefronts
- 12:** The Preservation of Historic Pigmented Structural Glass (Vitrolite and Carrara Glass)
- 13:** The Repair and Thermal Upgrading of Historic Steel Windows
- 14:** New Exterior Additions to Historic Buildings: Preservation Concerns
- 15:** Preservation of Historic Concrete
- 16:** The Use of Substitute Materials on Historic Building Exteriors
- 17:** Architectural Character - Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character
- 18:** Rehabilitating Interiors in Historic Buildings - Identifying Character-Defining Elements
- 19:** The Repair and Replacement of Historic Wooden Shingle Roofs
- 20:** The Preservation of Historic Barns
- 21:** Repairing Historic Flat Plaster - Walls and Ceilings
- 22:** The Preservation and Repair of Historic Stucco
- 23:** Preserving Historic Ornamental Plaster
- 24:** Heating, Ventilating, and Cooling Historic Buildings: Problems and Recommended Approaches
- 25:** The Preservation of Historic Signs
- 26:** The Preservation and Repair of Historic Log Buildings
- 27:** The Maintenance and Repair of Architectural Cast Iron
- 28:** Painting Historic Interiors
- 29:** The Repair, Replacement, and Maintenance of Historic Slate Roofs
- 30:** The Preservation and Repair of Historic Clay Tile Roofs
- 31:** Mothballing Historic Buildings
- 32:** Making Historic Properties Accessible
- 33:** The Preservation and Repair of Historic Stained and Leaded Glass
- 34:** Applied Decoration for Historic Interiors: Preserving Historic Composition Ornament
- 35:** Understanding Old Buildings: The Process of Architectural Investigation
- 36:** Protecting Cultural Landscapes: Planning, Treatment, and Management of Historic Landscapes
- 37:** Appropriate Methods of Reducing Lead-Paint Hazards in Historic Housing
- 38:** Removing Graffiti from Historic Masonry
- 39:** Holding the Line: Controlling Unwanted Moisture in Historic Buildings
- 40:** Preserving Historic Ceramic Tile Floors
- 41:** The Seismic Retrofit of Historic Buildings: Keeping Preservation in the Forefront
- 42:** The Maintenance, Repair, and Replacement of Historic Cast Stone
- 43:** The Preparation and Use of Historic Structure Reports
- 44:** The Use of Awnings on Historic Buildings: Repair, Replacement and New Design
- 45:** Preserving Historic Wooden Porches
- 46:** The Preservation and Reuse of Historic Gas Stations
- 47:** Maintaining the Exterior of Small and Medium Size Historic Buildings
- 48:** Preserving Grave Markers in Historic Cemeteries
- 49:** Historic Decorative Metal Ceilings and Walls: Use, Repair, and Replacement.
- 50:** Lightning Protection for Historic Building

WORK WRITE-UP AND STANDARDS CHECK LIST

Property Address: _____

Lead Agency/Contact Person: _____

Program Name: _____

EXTERIOR (FOR BOTH NEW CONSTRUCTION AND REHABILITATION)

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	<u>Impact</u>	<u>Description of Modification</u>	
Roof	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Exterior cladding	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Windows	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Doors	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch roof	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch ceiling	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch floor	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch posts	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	Impact	Description of Modification	
Porch railing	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch steps	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Porch other: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Chimney	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Cornice	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Soffit	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other exterior trim: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No

INTERIOR (IF APPLICABLE)

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	Impact	Description of Modification	
Floorplan	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Walls	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	Impact	Description of Modification	
Floors	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Ceilings	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Stairs	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Door/window trim	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Baseboard trim	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other trim: (describe) _____	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Mantels	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Paneling	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other interior architectural detail: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Mechanical systems (HVAC, plumbing, electrical, etc.)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No

SITE WORK (FOR BOTH NEW CONSTRUCTION AND REHABILITATION)

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	Impact	Description of Modification	
Fences/walls	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Paving (sidewalks, parking, etc.)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Landscaping	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No

SITE WORK (FOR BOTH NEW CONSTRUCTION AND REHABILITATION)

<u>Property component</u>	<u>Proposed treatment</u>		<u>Does proposed treatment meet the Standards?</u>
	Impact	Description of Modification	
Fences/walls	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Paving (sidewalks, parking, etc.)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Landscaping	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No
Other: (describe)	<input type="checkbox"/> No impact <input type="checkbox"/> Repair <input type="checkbox"/> Replace in kind <input type="checkbox"/> Modification		<input type="checkbox"/> Yes <input type="checkbox"/> No