

REQUEST FOR EXEMPTION from SHPO REVIEW

After review of Stipulation V. and VI. of the Programmatic Agreement (PA) between TDA and the Texas Historical Commission as referenced below, verify that the TxCDBG project activity does not need to be reviewed by State Historical Preservation Officer (SHPO).

This form should be submitted to the TDA immediately upon knowledge that HUD funds will be requested or used and a copy should be put into the Environmental Review Record. **[Text Deleted]** This form will be reviewed by the Environmental Regulatory Officer for final determination of exemption.

As an example, here are the steps to take:

- Receive Notification of Award (Acknowledge the potential use of HUD Funds)
- Determine if SHPO needs to review the project: Reference Stipulations V and VI of the Programmatic Agreement (PA).
- If the project activity is included in Stipulation V fill out this form and include it in your environmental review record. Please use the word version as provided by the Department.
- Submit this form along with maps of locations.
- Complete the rest of the Environmental Review Process as described by Chapter 3 of the Implementation Manual and 24CFR58 and all other applicable laws and regulations.

Grant Recipient/Applicant: _____ TxCDBG Number _____

Address: _____

Certifying Official Name: _____

Contact Phone Number: _____

1. Project Description:

2. Buildings: give the estimated age or construction date of any buildings, facilities, treatment plants or bridges per Stipulations V. (see below).

3. Project Locations (be specific):

4. How far is the closest cemetery from each location of the TxCDBG Project(s):

5. **Project County:**_____

6. **Reason Project Activity is Exempt from SHPO Review:** reference reason from Stipulation V. of the Programmatic Agreement (PA) below.

7. **Pictures: Take a before picture of the primary locations directly impacted by project activities. Attach them to this form.**

8. Certification:

As the duly designated certifying official of the Grant Recipient/Applicant, I also certify that: I am authorized to and do consent to assume the status of responsible federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.

Signature of Certifying Official of Grant Recipient/Applicant _____

Typed Name & Certifying Official _____

Date Submitted _____

Programmatic Agreement (PA) between TDA and the Texas Historical Commission

Stipulation V. Actions Exempted from Review by the SHPO

The following actions that will be funded by TDA require no further review under the terms of this PA. TDA shall maintain a list of undertakings completed per this stipulation and shall make the list available upon the request of SHPO.

- A. Routine road maintenance and resurfacing where work is confined to the existing right-of-way and previously maintained surfaces, ditches, culverts, and cut and fill slopes where there are no known historic properties, or historic properties would not be affected because the proposed work is clearly within a disturbed context;

- B. Maintenance, alteration, or removal of existing buildings or other facilities less than 45 years old that are not listed on the National Register of Historic Places or within a National Register Historic District and that have not been previously determined eligible for inclusion in the National Register of Historic Places;

- C. Point repair to an existing water or wastewater line where construction occurs in the original trench.

- D. Replacement of existing water or wastewater lines where all construction occurs within the original trench.

- E. Replacement of existing water or wastewater lines in a new trench paralleling the existing line if the following conditions are met:
 - 1. The replacement occurs beneath city streets or adjacent drainage rights-of way (as in item A);
 - 2. The replacement does not occur within a National Register District or local Historic District;
 - 3. The replacement does not occur within the historic towns of Goliad, San Augustine, Jefferson, Nacogdoches, Bastrop, Castroville, San Ygnacio, Roma, Refugio, Ysleta, San Elizario, and Presidio;
 - 4. The replacement does not occur beneath brick-paved streets.
 - 5. The replacement does not occur adjacent to roads in rural areas of the county (where abandoned cemeteries or unrecorded archeological sites might be impacted by a new trench).

- F. Minor alterations or additions to existing water or wastewater treatment plants or other facilities that are less than 45 years old. (Excavation of new treatment ponds or enlargement of existing ponds are not considered minor alterations and are subject to review).

- G. Installation of generators at existing water/wastewater or shelter facilities.

- H. Addition or replacement of equipment within the same location and footprint. (Examples include but not limited to: Computer monitoring equipment, bar screens, clarifiers, chlorination equipment, SCADA equipment etc.)

- I. Repair of bridges less than 45 years old.

TDA and the SHPO may amend, alter, or delete actions covered by this stipulation through a written agreement of both parties and upon notification to Indian Tribes, for review and comment without formal amendment process.

Stipulation VI. Actions That Require Review by the SHPO

Any undertaking with the potential to affect historic resources that are not specifically excluded from SHPO review by Stipulation V. shall be subject to review under this agreement.

The following actions that are funded by TDA are examples of those undertakings that require review by the SHPO under this PA. However, this list is not comprehensive and any projects that involve excavation or alteration of buildings or structures more than 45 years old that are not specifically exempted under Stipulation V. must be submitted for review.

- A. The construction of new water or wastewater lines using mechanized equipment.
- B. The construction of new water or wastewater lines parallel to an existing line, but not within the same trench, that will disturb previously undisturbed soil, except as excluded under the conditions set forth in Stipulation V. 5.
- C. The installation of a new ground storage tank where soil is disturbed in order to construct the foundation for the tank. Other than previously disturbed areas that are currently part of the water / waste water facility.
- D. The installation of a new elevated storage tank where soil will be disturbed in order to construct the support structure for the tank. The visual effect of the new tower on surrounding historic properties must also be evaluated.
- E. The construction of new streets in previously undisturbed areas.
- F. The reconstruction of streets that increase the width of the existing roadway and disturb soil that was not disturbed during prior construction.
- G. The reconstruction of bridges in areas where additional actions designed to prevent similar future damage will cause soil disturbance.
- H. The construction of new drainage structures in areas that have experienced minimal disturbance of the soil. This includes the construction of new drainage ditches, storm culverts and storm water detention basins.
- I. The construction of new wastewater or water treatment facilities. In many cases the construction of various basins treatment units and associated yard piping require excavation to varying depths over much of the site.
- J. The expansion of existing water or wastewater facilities requiring excavation in areas of a plant site that may not have been disturbed during the original construction.
- K. Maintenance, alteration or removal of existing buildings or other facilities greater than 45 years old.

TDA and the SHPO may amend, alter, or delete actions covered by this stipulation through a written agreement of both parties and upon notification to Indian Tribes, for review and comment without formal amendment process.