

**SUBJECT:** Weatherization Assistance Program  
ARRA Weatherization Directive 2009-05  
Compliance with the National Historic Preservation Act

**TO:** Weatherization Subgrantees

**FROM:** James Etta Reed  
Office of Energy Conservation and Weatherization

**Purpose:**

To ensure that all weatherization agencies adhere to Section 106 of the National Historic Preservation Act of 1966, as amended, which requires entities receiving federal funds to take into account the effect of projects on historic or archaeological resources.

**Background:**

All projects receiving federal funds or permits are subject to federally mandated environmental laws including Section 106 of the National Historic Preservation Act of 1966, as amended, which requires federal agencies to take into account the effect of projects on historic or archaeological resources. In Pennsylvania the Pennsylvania Historical and Museum Commission's (PHMC) Bureau for Historic Preservation serves as the State Historic Preservation Office (SHPO) and has the responsibility to review federal projects in accordance with Section 106.

All entities receiving federal funds, such as the weatherization agencies, are required to submit all project details to the SHPO office for review. However, a simplified process has been created specifically for the Weatherization Program to ensure compliance with this federal law. In most instances weatherization efforts are limited to a narrow list of project activities which have little or no potential to adversely affect historic or archaeological resources. Consequently, a list of **NO EFFECT ACTIVITIES** has been created which, when followed, will not require individual consultation for weatherization projects.

**Policy:**

The Pennsylvania SHPO has determined that the Weatherization Program as administered by DCED will have no effect on historic resources if the activities are limited to those included on the Weatherization No Effect Activities list. Therefore, consultation for weatherization activities is not required when weatherization providers are doing work included on the No Effect Activities list. When weatherization activities go beyond the scope of the No Effect Activities list, information must be submitted to the SHPO office for individual review of the project and property. Specific Weatherization Program SHPO Consultation forms have been developed for in order to facilitate the review process. If individual review is required, this will not result in exclusion of these properties from the weatherization program. Regardless of whether consultation with the SHPO is necessary, DCED is required to maintain an accurate and complete record of all weatherized homes which will be submitted to the SHPO annually.

**NO EFFECT ACTIVITIES LIST: Activities NOT Requiring SHPO Individual Consultation**

*The following list of activities includes those property types and activities that have been deemed to have 'no effect' on historical significance and therefore do not require individual SHPO consultation.*

A. Individual consultation with the SHPO is not required when Weatherization projects involve:

- (a) Properties that are less than fifty (50) years old
- (b) Mobile Homes

B. Standard weatherization NO EFFECT ACTIVITIES include (regardless of the age of the home):

1. Blower door tests
2. Caulking and sealing
3. Repairs or replacement of furnaces or heating systems
4. Repairs to or replacement of household appliances
5. Insulation of attics or floors
6. Insulation of walls, as long as the exterior appearance of the building is unchanged and the installation is done according to BPI standards to prevent moisture and water vapor infiltration.
7. Improvements to electrical, plumbing, or mechanical systems
8. Repair of windows and doors
9. Replacement of vinyl or other non-original windows and doors\*

*\* This applies to window/door replacement on homes that are more than 50 years old. Replacement of original wood windows/doors on the primary façade of properties requires individual SHPO consultation and is not a No Effect Activity.*

C. Other common house repair NO EFFECT ACTIVITIES include:

1. Repairs or in-kind (matching material) replacement of roofs
2. Repair or replacement of gutters and downspouts
3. Installation of smoke and carbon monoxide detectors
4. Installation of ventilation systems
5. Repair or in-kind replacement and/or repainting of existing siding or trim
6. Repair and/or in-kind replacement of foundations
7. Installation or repair of storm windows and/or screens, as follows:
  - Glass and screen replacement in existing storm windows units
  - Installation of new wood/baked-enamel-finished metal storm windows on the exterior (provided they completely fill original window openings with glazed window units and they match the meeting rail or other division pattern of the primary window and do not protrude beyond the face of the building)
8. Finishing of unfinished basement or attics
9. Repair of existing interior walls
10. Application of new drywall (unless it covers plaster surfaces with interior trim and architectural features)

11. Repair and refinishing of interior floors or installation of floor coverings

12. Upgrading, replacement, and repair of existing utility service lines when the work is confined to existing and disturbed rights-of-way

## **WEATHERIZATION ACTIVITIES REQUIRING INDIVIDUAL SHPO CONSULTATION**

*Most weatherization projects will have little or no chance to adversely affect historic or archaeological resources and will NOT require individual review by the SHPO office. However, certain weatherization activities trigger the need to submit project information to the SHPO office.*

**The following activities, when performed on homes over 50 years old, require consultation:**

1. **Changes to the exterior appearance of a building**  
Such as closing in of windows or doors or porches, removal or covering of decorative trim, covering of wall surfaces with new and different materials, and altering or removal of chimneys. Anytime the completed building will look different from its appearance prior to weatherization treatments, consultation is required.
2. **Replacement of original, non-replacement windows/doors on facades visible from the street with new modern material (vinyl or aluminum) windows or metal doors.**
3. **Replacement of any window or door with a new window or door of a different size, shape or placement from the original\***  
\*Except for ground level basement or cellar windows

## **HOW TO INITIATE SHPO INDIVIDUAL CONSULTATION PROCESS**

When it has been determined that the identified property is older than 50 years old AND

- ~~(a) Weatherization techniques to be used are identified above as requiring consultation OR~~
- (b) Weatherization techniques to be used DO NOT appear on the "No Effect" Activities List

the weatherization agency, or subcontractor (whoever will perform the work) is required to abide by the following procedures to remain compliant with Section 106 of the National Historic Preservation Act.

**Submit the completed SHPO Weatherization Consultation Form** along with a USGS or city map with the location of the building clearly marked and exterior photographs (front, side, and rear of property, as well as a streetscape view showing neighboring buildings) to the SHPO office for evaluation for eligibility for the National Register of Historic Places. Historic or potentially historic buildings may require special consideration in developing an appropriate scope of work for Weatherization. USGS quad maps are available on the Cultural Resource Geographic Information System (CRGIS) at <http://crgis.state.pa.us> which also provides information about historic resources across the state of Pennsylvania. Though it is not an exhaustive list of historic resources, it includes all currently collected information on potential historic sites and districts. Access to CRGIS is free, and users will need to log in as a 'public user' with the user name and password "Public".

The Weatherization SHPO Consultation Form should be used for all submissions to expedite review and response; however by law the SHPO has 30 days from receipt of complete project information to return the signed SHPO Weatherization Program Consultation Form. This form should be retained as it serves as proof of Section 106 compliance for projects warranting individual review.

(a) *If the SHPO office determines that the property is eligible for the National Register, the Weatherization Individual Property Information Form must be completed and submitted. A description of the proposed Weatherization treatments must be included so the effects of the project on National Register eligible buildings can be properly assessed. If the effect of the project is adverse, the agency will consult with the Bureau for Historic Preservation to discuss ways to avoid, lessen or mitigate the adverse effect. A Memorandum of Agreement (MOA) with notification of the Advisory Council on Historic Preservation is necessary to resolve adverse effects. Any approved project work must be carried out in accordance with the Secretary of the Interior's Standards; however the Affordable Housing Rehabilitation Guidelines permitting a more relaxed interpretation of the Standards for vernacular style houses in historic districts may be applicable for some projects. Consultation with the Bureau for Historic Preservation is necessary to determine when the less stringent Guidelines are appropriate*

(b) *If the SHPO office determines that the property is NOT eligible for the National Register or that the nature of the work will have no adverse effect on National Register eligible buildings, the Section 106 consultation requirements are considered satisfied and the project may proceed. However, the agency must retain appropriate documentation, including photographs and the comments of the State Historic Preservation Office, to evidence compliance pursuant to 36 CFR Part 800.6 (e), should they be required to submit project documentation.*

**Documentation/Reporting:**

If properties less than 50 years old are identified for weatherization work, they need not be submitted for review. However, the agency must document the date of construction and maintain this information. It must then be provided to DCED who will be responsible for the yearly submission to the SHPO.

**Resources:**

Forms and information on this process are available at [www.phmc.state.pa.us/bhp](http://www.phmc.state.pa.us/bhp). Questions regarding SHPO compliance should be directed to Ann Safley at 717.787.9121 [rsafley@state.pa.us](mailto:rsafley@state.pa.us) or Pamela Reilly at 717.720.1441 at [preilly@state.pa.us](mailto:preilly@state.pa.us).

**This directive is effective immediately.**

JR/lh

**Attachments:**

Weatherization SHPO Consultation Form  
Weatherization Individual Property Information Form

cc: Craig Heim  
Regional Offices  
Weatherization Staff

**WEATHERIZATION PROGRAM  
SHPO CONSULTATION FORM**

Comments from the State Historic Preservation Officer (Bureau for Historic Preservation, PHMC) are requested in accordance with Section 106 of the National Historic Preservation Act of 1966, as amended, and the regulations (36 CFR Part 800) of the Advisory Council on Historic Preservation as revised and the management directive of DCED as Weatherization program administrator.

From: \_\_\_\_\_ Contact person: \_\_\_\_\_  
 \_\_\_\_\_ Phone & Fax # \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_ Date: \_\_\_\_\_

<b>Project #</b>	<b>Project Name Location: Street, Twp/Boro County</b>	<b>Previously Reviewed? ER #</b>	<b>SHPO COMMENTS</b>
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**SHPO FINDING:** ER # \_\_\_\_\_

No Historic or Archaeological Resources Affected: \_\_\_\_\_

No Adverse Effect: \_\_\_\_\_

Conditional No Adverse Effect:  
 Concurrence signature required: \_\_\_\_\_  
 Accept conditions: \_\_\_\_\_ Date: \_\_\_\_\_

More Information Required: \_\_\_\_\_

Adverse Effect, Continued Consultation Required: \_\_\_\_\_

The project may proceed without further consultation with the Bureau for Historic Preservation or the Advisory Council on Historic Preservation with a finding of No Effect or No Adverse Effect. If you accept the conditions, sign the concurrence line and mail back a copy for Conditional No Adverse Effect findings. More Information findings require the submission of additional project details. An Adverse Effect finding requires continued consultation with the Bureau for Historic Preservation to explore options to avoid or reduce the project's adverse effect on historic resources and notification of the ACHP. Your compliance with the Section 106 process is subject to monitoring by BHP, DCED or DE.

Review Date: \_\_\_\_\_ By: \_\_\_\_\_  
**Douglas McLearn, Division Chief**  
**PHMC Bureau for Historic Preservation**  
**Commonwealth Keystone Building, 2nd Floor**  
**400 North Street,**  
**Harrisburg, PA 17120-0093**

**Project Area of Potential Effect (APE)**  
**Approved:**  
 yes \_\_\_\_\_ no \_\_\_\_\_



**WEATHERIZATION Program  
Individual Property Information Form**

Submitted by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Weatherization treatments beyond those activities included on the No Effect List are proposed for the below property:

Street Address: \_\_\_\_\_ village \_\_\_\_\_

Municipality: \_\_\_\_\_

County: \_\_\_\_\_

**Historic Information:**

Original construction date: \_\_\_\_\_

Other background information: \_\_\_\_\_

Has this property been individually listed or determined eligible for the National Register?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure \_\_\_\_\_

Is this property located near or within a National Register listed or eligible historic district?

Yes \_\_\_\_\_ No \_\_\_\_\_ Unsure \_\_\_\_\_

**PROPOSED WEATHERIZATION WORK:** Describe proposed changes to original features

Windows: \_\_\_\_\_

Siding: \_\_\_\_\_

Doors: \_\_\_\_\_

Porches: \_\_\_\_\_

Roof & Chimneys: \_\_\_\_\_

Cornice & Trim: \_\_\_\_\_

Dormers: \_\_\_\_\_

Other: \_\_\_\_\_

Provide a **USGS map or city street map** with the project clearly marked and showing historic district boundaries, if present.

Provide property **photographs** : front & rear views, and streetscape view to show setting.

