

PROGRAMMATIC AGREEMENT

among

THE U.S. DEPARTMENT OF VETERANS AFFAIRS,

ADVISORY COUNCIL ON HISTORIC PRESERVATION,

U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS,

COLORADO DIVISION OF CRIMINAL JUSTICE,

COLORADO STATE HISTORIC PRESERVATION OFFICER,

and

STATE OF COLORADO, DEPARTMENT OF CORRECTIONS

for the

TRANSFER of the FORT LYON MEDICAL CENTER

TO THE STATE OF COLORADO

and ITS ADAPTIVE – USE RENOVATION

WHEREAS, the President signed on November 1, 2000, Public Law 106-419 (herein referred to as the “legislative action”) authorizing the transfer of property and improvements comprising the medical center at Fort Lyon (herein referred to as “Fort Lyon”) from the U.S. Department of Veterans Affairs (VA) to the State of Colorado to use the property for purposes of a correctional facility; and

WHEREAS, said legislative action permits the relocation of the building known as the Kit Carson Chapel to a site accessible to the public, as approved by the Secretary of VA; and

WHEREAS, the United States of America, acting by and through VA, shall transfer Fort Lyon by quitclaim deed to the State of Colorado, acting by and through the Colorado Department of Corrections (CDOC); and

WHEREAS, the U.S. Department of Justice, Corrections Program Office of the Office of Justice Programs (OJP), is administering Violent Offender Incarceration/Truth in Sentencing (VOI/TIS) grant funding and the Colorado Division of Criminal Justice (CDCJ) is a grantee of such funding; and

WHEREAS, the CDOC is the sub-grantee of VOI/TIS funding from the CDCJ relative to the adaptive-use renovation of Fort Lyon as a correctional facility; and

WHEREAS, a portion of Fort Lyon, the Fort Lyon VAMC Historic District (herein referred to as the “historic district”), was determined eligible for listing on the National Register of Historic Places by the National Park Service on September 23, 1981; and

WHEREAS, VA and OJP have determined that the transfer of Fort Lyon and its adaptive use renovation may have an effect on the historic district or other historic properties; and

WHEREAS, the VA and OJP have consulted with the Advisory Council on Historic Preservation (ACHP) and the Colorado Historical Society/State Historic Preservation Officer (CHS/SHPO) pursuant to Section 800.14 of the regulations, 36 CFR Part 800, which implement Section 106 of the National Historic Preservation Act (NHPA); and

WHEREAS, the VA has previously completed Section 106 consultation pursuant to 36 CFR Part 800 for the construction of perimeter fencing and lighting by the CDOC, which was found not to have an adverse effect on the historic district; and

WHEREAS, the VA, on behalf of the National Cemetery Administration, will retain ownership of the adjacent Fort Lyon National Cemetery, and will continue to consult with the SHPO regarding undertakings involving the Cemetery pursuant to the above regulations; and

WHEREAS, the John Martin Reservoir Levee surrounding Fort Lyon is maintained under the jurisdiction of the United States Army Corps of Engineers (USACE), under a separate MOU dated April 1942 between War Department and Veterans’ Administration, and is not subject to the provisions of this PA ; and

WHEREAS, activities that may have an effect on the historic district or other historic properties at Fort Lyon that are funded, licensed, or permitted by other federal agencies are wholly independent of this PA and may require separate consultation with the ACHP and CHS/SHPO;

NOW, THEREFORE, VA, ACHP, OJP, CDCJ, CHS/SHPO, and CDOC agree that the following stipulations shall be implemented to satisfy the VA’s and OJP’s responsibilities under Section 106 of the NHPA.

STIPULATIONS

I. NOMINATION OF FORT LYON TO THE NATIONAL REGISTER

1. Due to the age of the determination of eligibility for the historic district, a re-evaluation and Historic Assessment (HA) is needed to determine features that currently contribute to its qualities of significance, including archeological resources. VA shall commit funding for and complete a re-evaluation and HA of the historic district within eight months of the execution of this PA, to be undertaken by professional consultants meeting the appropriate qualifications as described in the Secretary of the Interior's Historic Preservation Professional Qualification Standards.
2. VA shall submit a nomination(s) for the historic district and any other historic properties identified during the re-evaluation and HA to the National Register of Historic Places within six months of completion of the re-evaluation and HA. VA shall take whatever measures are required to complete the listing process as expeditiously as possible, in consultation with the National Register.
3. VA will provide copies of all historic records relating to the site, including the current historic inventory and known archaeological information, if any, to the CDOC and the CHS/SHPO.

II. INTERIM MAINTENANCE AND PROTECTION PENDING TRANSFER

1. VA, in conjunction with the CDOC, will ensure the provision of caretaker, building maintenance, security, and fire protection pending the transfer of the historic properties at Fort Lyon. These properties will be inspected routinely to ensure that they are secure. VA will continue to consult with the CHS/SHPO in accordance with 36 CFR Part 800 relative to activities that could have an effect on historic properties at Fort Lyon pending transfer.

III. REVIEW OF FUTURE UNDERTAKINGS

1. Prior to the listing of Fort Lyon historic properties on the National Register:
 - A. The CDOC shall submit documentation to the CHS/SHPO for review and comment on any projects by the CDOC that are not covered by Appendix A and that may affect contributing elements of the historic district identified in the 1981 National Register eligibility determination or historic district properties that have turned fifty years of age since 1981. The re-evaluation and HA shall be considered upon their completion. Documentation submitted shall include a detailed explanation of the scope of the proposed project with appropriate drawings and photographs of the contributing buildings, structures, or landscape features to be affected by the proposed additions, alterations, or modifications. CHS/SHPO comments will be provided within 15 working days of receipt at the CHS/SHPO office. CHS/SHPO review will be consistent with current federal and state regulations and the Secretary of Interior's Standards for Treatment of

Historic Properties. CDOC will make changes in keeping with the comments of the CHS/SHPO or, if the CDOC disagrees with such comments, the CDOC shall seek resolution in accordance with Stipulation VI(2)-(3), as applicable.

- B. When a proposed project is limited to the maintenance, repair or rehabilitation of a listed, eligible or contributing building's interior, the area of potential effects (APE) is the individual building. For projects involving exterior work not identified in Attachment A, ground disturbing activities not addressed in Stipulation III(1)(E), and for projects involving new construction or additions, the CDOC shall consult with the CHS/SHPO to determine the APE. Demolition and any resulting new construction shall be reviewed as a single project.
- C. Routine maintenance and repair activities listed in Attachment A involving contributing buildings, structures or landscape features do not require written approval from the CHS/SHPO after the transfer. The CDOC shall provide the CHS/SHPO with documentation (as part of the annual report required in Stipulation VII(2)) indicating on which buildings, structures and landscape features Attachment A activities were performed. These reports will be submitted annually to the CHS/SHPO no later than January 30.
- D. Routine maintenance and repair activities involving buildings, structures and landscape features not contributing to the historic district may be carried out without consultation with the CHS/SHPO.
- E. The CDOC will employ the services of a qualified professional archaeological consultant for Fort Lyon construction, including consultation during preliminary site investigation by the geotechnical engineer and to conduct shovel testing at localities having subsurface resource potential for the excavation for building foundations and sitework associated with the main building complex and the relocated Kit Carson Chapel. Prior to completion of the re-evaluation and HA, demolition or other activities at locations having potential historical archaeological resources, as determined in consultation with the CHS/SHPO, will require monitoring by a qualified professional archaeologist.

2. After listing of Fort Lyon historic properties on the National Register:

- A. For projects by the CDOC that may affect contributing elements of the historic district identified in the National Register listing, and not covered by Attachment A, and which are funded entirely or in part with federal funds through the OJP and CDCJ, CDOC will follow the provisions of Stipulation III(1).
- B. Review of all other actions will be governed by the State Register of Historic Places Act (CRS 24-80.1-101ff). CDOC hereby acknowledges that it will consult with the CHS/SHPO pursuant to that Act.

- C. Within three months after the listing of Fort Lyon on the National Register, the CHS/SHPO and CDOC shall execute a Memorandum of Understanding to address all future activities between the two parties relative to Fort Lyon, to be consistent with provisions established in this PA and the State Register of Historic Places Act.

IV. RELOCATION OF THE KIT CARSON MEMORIAL CHAPEL

1. The building known as the Kit Carson Memorial Chapel will be relocated by the CDOC to an area near the main gate. It will not be placed on Fort Lyon National Cemetery property. The legislative action requires that the 1957 building be available to visits from the public, either in its current site, or on a new site. CDOC will make the Kit Carson Chapel available for public visits, and endeavor to provide for public safety while on the property. This will meet the requirements of the legislative action requiring the Secretary of VA to make the property available to the public.
2. The plans for the Chapel will be submitted for review and comment to the CHS/SHPO by the CDOC in accordance with Stipulation III.

V. DISCOVERIES AND EMERGENCIES

1. All contractors engaged in ground disturbing activities will be required by the CDOC to allow reasonable delay in the work in the vicinity of any discovered historic property or archaeological deposit; and will be required to immediately notify the CDOC of the encounter of any such resource or deposit. Construction in the vicinity of the discovery will not be resumed until CDOC has completed the consultation in accordance with the following stipulations and authorized the contractor to resume work.
2. If during the performance of any project, a historic property is discovered or unanticipated effects are found, or a previously unidentified property which may be considered a historic property is newly discovered, the CDOC will take all reasonable measures to avoid or minimize harm to the property until it concludes consultation with the CHS/SHPO pursuant to Stipulation V(3).
3. The CDOC will notify CHS/SHPO as soon as practical and develop actions that will take the effects of the undertaking into account, with on-site monitoring by qualified personnel, and prompt notification (by telephone, fax, or e-mail) to the CHS/SHPO. At the time of notification, the CDOC will advise the CHS/SHPO of any proposed action or time constraints. The parties will seek to mutually agree upon the time frame for this consultation but in no instance will the consultation exceed ten working days. The CHS/SHPO will provide prompt response (by telephone, fax, or e-mail) with recommendations reflecting its consultation. If the CDOC does not object to the CHS/SHPO's recommendations, the CDOC will modify the scope of work as necessary to implement the recommendations. Should the CHS/SHPO not respond during the ten working day consultation time frame, the CDOC may proceed with the proposed action included with the notification. Within 30 days following this notification, the CDOC shall provide the SHPO a written report documenting the discovery and actions taken.

4. In the event that natural disasters, fires, sudden disruptions of utilities service, spill events or other emergency events occur, the CDOC may take actions without consultation to stabilize any involved historic properties and prevent further damage. Where possible, such emergency measures will be undertaken in a manner that does not foreclose future preservation or restoration, with on-site monitoring by qualified personnel, and prompt notification (by telephone, fax, or e-mail) to the CHS/SHPO. Emergency response work will be undertaken in a manner to avoid or minimize effects on historic properties. Should historic properties be discovered during emergency repair or response activity, work in the immediate area of the property will cease if the CDOC has determined that a work stoppage at the site will not impede emergency response activities. The CDOC will advise the CHS/SHPO by telephone, fax or e-mail of the emergency, the steps being taken to address the emergency, the discovered property and its apparent significance, and a description of the emergency work and potential effects on historic properties or the discovered property. Within 30 days following this notification, the CDOC will provide the SHPO a written report documenting the actions taken to minimize effects, the work's present status and the planned treatment of the property, to be noted in the Annual Report in accordance with Stipulation VII(2).

VI. DISPUTE RESOLUTION

1. Disputes regarding VA activities or interim maintenance before transfer of Fort Lyon:

Should any signatory to this PA object in writing to the VA regarding VA interim maintenance before transfer or regarding any VA action carried out or proposed with respect to the implementation of this PA, VA shall consult with the objecting party. If after initiating such consultation VA determines that the objection cannot be resolved through consultation, it shall forward all documentation relevant to the objection to the ACHP, including VA's proposed response to the objection. Within 30 calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

- A. Advise VA that the ACHP concurs with the VA's proposed response to the objection, whereupon VA will respond to the objection accordingly;
- B. Provide VA with recommendations, which VA shall take into account in reaching a final decision regarding its response to the objection; or
- C. Notify VA that the objection will be referred to the ACHP membership for formal comment and proceed to refer the objection and comment within 45 calendar days. The resulting comment shall be taken into account by VA in accordance with Section 110(1) of the NHPA.

Should the ACHP not exercise one of the above options within 30 calendar days after receipt of the pertinent documentation, VA may assume the ACHP's concurrence in its proposed response to the objection. VA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; VA's responsibility to carry out all actions under this PA that are not the subjects of the objection shall remain unchanged.

2. Disputes regarding CDOC actions funded through OJP:

Should any signatory to this PA object in writing to the CDOC regarding any action carried out or proposed for projects funded entirely or in part with federal funds through the OJP, the CDOC shall consult with the objecting party. If after initiating such consultation the CDOC determines that the objection cannot be resolved through consultation, it shall forward all documentation relevant to the objection to the OJP, including the CDOC's proposed response to the objection. Within 30 calendar days after receipt of all pertinent documentation, the OJP shall consult with the CDCJ and CDOC and the objecting party. If the OJP determines that the objection cannot be resolved through consultation, it will notify the CDCJ and CDOC that the objection will be referred to the ACHP, and it shall forward all documentation relevant to the objection to the ACHP including OJP's proposed response to the objection. Within 30 calendar days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:

- A. Advise OJP that the ACHP concurs with the OJP's proposed response to the objection, whereupon CDCJ and CDOC will respond to the objection accordingly;
- B. Provide OJP with recommendations, which OJP, after discussing them with CDCJ and CDOC, shall take into account in reaching a final decision regarding its response to the objection; or
- C. Notify OJP that the objection will be referred to the ACHP membership for formal comment and proceed to refer the objection and comment within 45 calendar days. The resulting comment shall be taken into account by OJP in accordance with Section 110(1) of the NHPA.

Should the ACHP not exercise one of the above options within 30 calendar days after receipt of the pertinent documentation, OJP may assume the ACHP's concurrence in its proposed response to the objection. OJP shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection; OJP, CDCJ and CDOC's responsibility to carry out all actions under this PA that are not the subjects of the objection shall remain unchanged.

3. Disputes regarding other CDOC actions subject to review under the PA:

Should the CDOC disagree with the comments of the CHS/SHPO, the dispute will be resolved in accordance with the terms of the State Register of Historic Places Act (CRS 24-80.1-101ff).

4. Public Objections:

At any time during implementation of any stipulation in this PA, should an objection to any such stipulation or its manner of implementation be raised by a member of the public, the VA or CDOC shall take the objection into account and consult as needed with the objecting party, the ACHP, OJP, CDCJ, and the CHS/SHPO to resolve the objection.

VII. ADMINISTRATIVE STIPULATIONS

1. Applicability and Duration:

This PA will apply to all activities at Fort Lyon carried out by the VA prior to the transfer, to VA's activities to nominate Fort Lyon historic properties to the National Register, to all OJP-funded activities carried out by the CDOC at Fort Lyon, and to all other activities carried out by the CDOC at Fort Lyon. This PA shall become effective upon execution by VA, ACHP, OJP, CDCJ, CHS/SHPO, and CDOC and shall remain in effect unless terminated in accordance with Stipulation VII(5).

2. Annual Report:

An Annual Report shall be submitted by the CDOC summarizing the CDOC's activities or actions following the transfer.

- A. Schedule and Distribution: For the first year following execution of this agreement and any future years until completion of the listing of Fort Lyon historic properties on the National Register, the CDOC shall, by January 30, provide the ACHP, OJP, CDCJ, CHS/SHPO, and VA with a report that summarizes CDOC activities or actions under this PA. After VA obligations are completed, the CDOC will provide such report annually to the CHS/SHPO. Electronic reporting will be utilized as the preferred method to transmit this information.
- B. Review of CDOC Report: Parties receiving each report as indicated in item A above may provide CDOC with comments, and request additional documentation or further explanations from CDOC. The CDOC will provide responses until such time the responses are deemed acceptable to the ACHP and CHS/SHPO.
- C. Routine Maintenance and Repair: Activities listed in Attachment A completed prior to the transfer shall be documented as part of the Annual Report indicating on which buildings, structures and landscape features Attachment A activities were performed.
- D. Review: The CHS/SHPO may review activities carried out pursuant to this PA, and will review such activities if so requested. The CDOC will cooperate with the CHS/SHPO in carrying out their review responsibilities.
- E. Report Contents: The annual report will include the following information, subject to the confidentiality requirements of 36 CFR Part 800.11(e) and other applicable laws:
 1. Summary of all actions taken under this PA, including specific actions taken under Stipulations, to contain, as applicable:
 - a. Building name and number/unit identification code;
 - b. Project name (if applicable) with a brief description of proposed action;
 - c. List of policies or codes (if applicable) that may affect property treatment;
 - d. Modifications as a result of on-going consultations, if any;
 - e. Date of project completion;
 - f. Summary of any photographs that document the historic property before and after construction, including photographs documenting conditions justifying changes in the scope of work and other relevant conditions and information shall also be included;
 - g. A list of any reports that present the findings of archaeological monitoring work associated with historic property; and
 2. Any recommendations to amend this PA or improve communications among the parties.

3. Amendment:

The VA, ACHP, OJP, CDCJ, CHS/SHPO, or CDOC may request that this PA be amended, whereupon they will consult to consider such amendment. In particular, they will consider the information developed to determine if CDOC can effectively or efficiently carry out activities to support its mission through revisions to this PA. No amendment shall take effect until it has been executed by all parties.

4. Failure of the CDOC to Carry Out the PA:

In the event that CDOC fails to meet its obligations under the terms of this PA, and following written notice of same and an opportunity to cure the default in performance, the OJP may terminate or withdraw, in part or in whole, VOI/TIS grant funding for the Fort Lyon project.

5. Termination:

The VA, ACHP, OJP, CDCJ, CHS/SHPO, or CDOC may propose to terminate this PA by providing 30 calendar days notice to the other parties explaining the reasons for the proposed termination. The parties will consult during this period to seek agreement on amendments or other actions that would avoid termination. If such agreement cannot be reached, this PA will be terminated, and:

- A. OJP will comply with 36 CFR Sections 800.3 through 800.7 with regard to individual OJP-funded projects covered by this PA.
- B. VA shall either execute a Memorandum of Agreement with the ACHP and the CHS/SHPO or request the comments of the Council under 36 CFR Section 800.7(a).

Execution of this Programmatic Agreement by VA, OJP, CDCJ, CHS/SHPO, CDOC, and ACHP, and implementation of its terms, evidence that VA and OJP have taken into account the effects of these undertakings on historic properties and has satisfied their Section 106 and Section 110 responsibilities for all undertakings relative to the transfer of Fort Lyon to the State of Colorado.

SIGNATORIES:

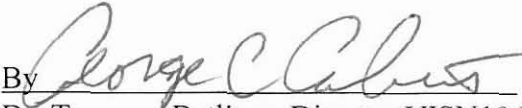
U.S. Department of Justice, Office of Justice Programs

By Deborah J. Daniels Date 04/17/02
Deborah J. Daniels, Assistant Attorney General Office of Justice Programs

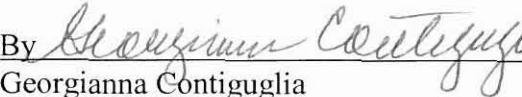
Advisory Council on Historic Preservation

By John M. Fowler Date 5/3/02
John M. Fowler, Executive Director

U.S. Department of Veterans Affairs

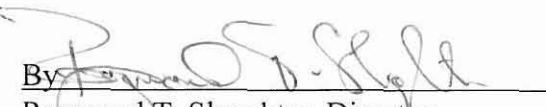
By  Date 4-10-02
for Dr. Terrance Batliner, Director VISN19 Rocky Mountain Network
On behalf of the Secretary of the Department of Veterans Affairs

Colorado State Historic Preservation Officer

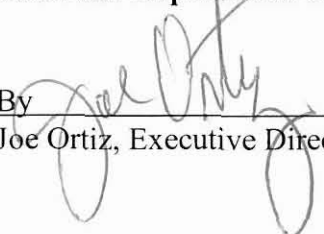
By  Date 4/22/02
Georgianna Contiguglia

INVITED SIGNATORIES:

Colorado Division of Criminal Justice

By  Date 4/10/02
Raymond T. Slaughter, Director

Colorado Department of Corrections

By  Date 040902
Joe Ortiz, Executive Director

ATTACHMENT A

ACTIONS NOT REQUIRING FURTHER CONSULTATION UNDER THIS PA

A simple rule of thumb to remember is that any activity that impacts the facade of a structure in a significant manner will require consultation. This includes additions to the structure or grounds, alterations of existing features such as doors, windows and porches, new windows or doors added to the facade, porch replacement or removals, the removal of additions or support structures (outbuildings), the removal of historic elements such as fences, trees, windmills, etc.

Properties at Fort Lyon that have been determined not to be either individually eligible for National Register listing or contributing to the Fort Lyon National Register nomination as a result of the re-evaluation may be demolished without review by CHS/SHPO. However, demolition or other activities at locations having historical archaeological potential, as determined by the re-evaluation survey, will require monitoring by a qualified professional archaeologist.

Any activity that impacts the character-defining historical features of building interiors will require consultation. Those buildings having such interior features will be identified in the re-evaluation and HA.

The following list outlines those activities that will not require consultation with the CHS/SHPO. Activities may be added to or deleted from this list without amending the entire PA through a Letter Agreement that includes concurrence by the CHS/SHPO and CDOC.

A. Site Modifications

- (1) The construction of utility, water and sewer projects through previously disturbed utility corridors.
- (2) Repair or replacement of driveways and walkways following the existing or historic configuration and with in-kind or historic material.
- (3) Repair or replacement of fences which follow the existing or historic configuration and design and are constructed with in-kind or historic material.
- (4) Constructing temporary wooden ramps to one entrance of a given structure. The ramp will be placed at an entrance other than the main entry. These ramps will not be attached to the selected building and will not damage the existing material.

- (5) Site clean-up including trimming trees or other plantings provided that such activity does not change the characteristic size or shape of the tree or planting. Replacement of dead trees or other plantings with in-kind species or in accordance with any CHS/SHPO approved planting plan. The removal of superficial on-site debris and abandoned personal property less than fifty years old.
- (6) Infilling abandoned wells, shafts and basements when the infilling does not remove or destroy supporting walls or character-defining elements. The feature can be infilled but not obliterated. Structural characteristics such as well houses and support walls will be preserved.

B. Weatherizing and Energy Conservation

- (1) Installation of insulation in the attic, basement, crawl space, beneath floors and around pipes and ducts in such cases where the installation can be accomplished without permanent visual changes to the character-defining features of the exterior or interior. This exclusion does not include urea formaldehyde or other materials that induce or introduce moisture into a building.
- (2) Application of caulking in a color that is compatible with the existing finishes.
- (3) Replacement of window panes in-kind. Window panes may be double or triple glazed as long as the glazing is clear and replacement does not alter existing window material and form.
- (4) Installation of interior storm windows.
- (5) Repair or replacement of historic awnings in-kind.
- (6) Insulating window treatments, such as installation of insulated shades and blinds if the installation does not detract from the significant visual qualities of the building.
- (7) Installing water heater tank insulated blankets.
- (8) Installing wood or raw aluminum storm windows which are painted to match window sash. Enameled aluminum storm windows and doors are acceptable provided that these items match the size and configuration of the historic window or door and do not detract from the appearance of the building.

C. Exterior and Interior Repairs

- (1) Repair of existing deteriorated materials with sound material of like species, grade, dimension, composition, and finish in a manner which duplicates the existing design of the deteriorated feature.
- (2) Repair or partial replacement of porches, cornices, exterior siding, doors, balustrades, stairs, or other trim when the repair or replacement is done in-kind to match existing material and form.
- (3) Repair or replacement of deteriorated window frames when the repair or replacement is done in-kind to match the existing size, material, color and configuration.
- (4) Removal of deteriorated paint and preparation of the exterior surfaces by hand scraping, hand sanding, and heat plates or guns used according to the manufacturer's instructions. New paint color to match existing.
- (5) Cleaning masonry surfaces with natural bristle brushes and mild detergent using low pressure water (30 psi) at such a time when the outside temperature is not expected to dip below freezing. The use of wire brushes for such cleaning is not permissible.
- (6) Repointing with mortar which matches the original in strength, composition, color, texture and duplicates the rake and other joints which define the existing historic characteristics.
- (7) Correcting structural deficiencies in basements, crawl spaces and beneath porches. Temporary bracing or shoring as part of stabilization.
- (8) Reconstruction or repair of parapets, chimneys, and cornices to match existing in all material and visual aspects. Bracing and reinforcing of chimneys and fireplaces as long as bracing and reinforcing are either concealed from exterior view or removable in the future.
- (9) Floor refinishing and replacement of non-historic flooring material, or historic materials, if work is done in-kind to match existing materials. Repair or replacement of floors when work is done in-kind to match existing materials and form.
- (10) Repair or replacement of exterior or interior stairs following the existing or historic configuration done in-kind to match the existing in size, material, color and configuration or with appropriate historic material.
- (11) Installation of grab bars and minor interior modifications for handicap accessibility.

- (12) Repair or replacement of roofing, gutters and downspouts when replacement is done in-kind to match existing materials and form, however, cement asbestos shingles may be replaced with asphalt based shingles and untreated wood shingles may be replaced with fire resistant wood shingles.
- (13) Installation of security devices including dead bolts, door locks, window latches and door peepholes.
- (14) Installation of wood storm windows and doors that match the dimensions and arrangement of lights of the primary sashes and/or doors.
- (15) Replacement or installation of caulking and weather stripping around windows, doors, walls and roofs.
- (16) Installation of ridge vents or "Midget Louver" type soffit vents.
- (17) The redesigning of interior spaces which impact non-character-defining architectural elements within the structure. The new configuration is essential in making the building more efficient but has a minimal impact on the interior room layout. The new design reuses removed architectural elements or uses contemporary material that matches the historic elements.
- (18) Interior work which minimally impacts the historic character of the structure's architectural elements (baseboards, fireplaces, paneling, doors, light fixtures and hardware as well as decorative materials including stenciling, marbling and graining.)
- (19) Replacement or repair of suspended or glued ceiling tiles.

D. Mechanical and Electrical Repairs

- (1) Repair of existing mechanical or electrical systems if no alterations of character-defining features are required in the work plan or the work follows existing pathways.
- (2) Electrical work which is limited to upgrading or in-kind replacement. If possible, the work will reuse and rewire historic light fixtures. Replacement, removal, or upgrading of electrical wiring and replacement, removal or upgrading of standing steam radiators with fin tube radiators.
- (3) Plumbing work which is limited to upgrading or in-kind replacement. In the case of new plumbing, providing that the work is situated within existing stud and joist cavities.
- (4) Installation of fire or smoke detectors.

- (5) Installation of mechanical equipment which does not affect the exterior of the building or required installation of new duct work throughout the interior.

E. Landscaping

- (1) Pruning or replacement of damaged historic landscaping in-kind or with a similar species. Repair or replacement of related historic hardscaping and utilities including paving, planters, trellises, irrigation, and lighting if done in-kind to match existing materials and form.
- (2) Ongoing maintenance of immediately surrounding landscaping, including such modifications as removing hazardous vegetation or adding rocks to define paths, and provide drainage away from building foundations.

F. Temporary Systems and Facilities

- (1) Rental and installation of scaffolding; and
- (2) Installation of temporary, reversible barriers such as chain link fences, and polyethylene sheeting or tarps.
- (3) Installation of temporary structures to house uses such as classrooms, offices or housing.
- (4) Non-destructive testing for hazardous materials (lead paint, asbestos, etc.) or testing in concealed/concealable locations.

G. Roads and Paving

- (1) Repair of traffic control devices such as traffic signs, delineators, pavement markings, ramp and traffic surveillance control systems, and traffic signals;
- (2) Repair of road lighting systems;
- (3) Repair of other road appurtenances with in-kind appurtenances such as curbs, berms, sidewalks, and fences.
- (4) Repair of roadway safety elements with in-kind elements such as barriers, guardrails and impact-attenuation devices.
- (5) Repair or replacement of driveways and walkways done in-kind to match existing materials and design.

H. Ground Disturbing Activities

- (1) Excavations for repair or replacement of building footings or foundation work within two (2) feet of existing footings and foundations.
- (2) Installation of utilities, such as sewer, water, storm, electrical, gas, leach lines, and septic tanks, where installation is restricted to areas previously disturbed by installation of these utilities.
- (3) Installation of underground utilities that will not require relocation of streets and sidewalks and restore ground surfaces to the original grade. See the Discovery Stipulation at V in the Agreement.

END OF ATTACHMENT A