

WEATHERIZATION ASSISTANCE PROGRAM
SHPO SECTION 106 INSTRUCTIONS

WAP must comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA). Section 106 applies to historic properties listed in or eligible for listing in the National Register of Historic Places. As a result, MaineHousing is required to provide information regarding Section 106 compliance in an annual Historic Preservation Report to DOE.

CAAs must complete the [Historic Preservation Review](#) section on the **Audit Information** screen in HEAT Enterprise for each dwelling being weatherized using federal funds.

Historic Preservation Review

Historic Review* [dropdown menu]

Air Leakage

Location [dropdown menu]

[dropdown menu]

- 2a Exempt due to age (50 years old or under)
- 2b Exempt due to Programmatic Agreement (outside of age)
- 2c Exempt due to a prior CDBG Review completed
- 3a Not exempt needs 106 Review completed

The choices match DOE's reporting requirements.

- 2a Exempt due to age (50 years old or under)
- 2b Exempt due to Programmatic Agreement (outside of age)
- 2c Exempt due to a prior CDBG Review completed
- 3a Not exempt needs 106 Review completed

To determine whether Section 106 review is required and to complete the [Historic Preservation Review](#) section, consider the following for each job:

Step #1

Is the dwelling a manufactured home?

If yes: Section 106 does not apply. Select 2b. Stop here.

If no: Go to Step #2.

Step #2

Is it 50 years or older?

If no: Section 106 does not apply. Select 2a. Stop here.

If yes: You must check to ensure the tasks being performed are exempt. Go to Step #3.

Step #3

Has a Section 106 Review already been completed for the dwelling?

If yes: Select 2c and upload the SHPO Report for the dwelling in job's "WAP Documents" in HEAT Enterprise. Stop here.

If no: You must check to ensure the tasks being performed are exempt. Go to Step #4.

Step #4

Review each task being completed. Is the task listed on Appendix A or Appendix B (attached)? If **any** task being completed on the job is not listed as an exempt activity on **either** Appendix A or Appendix B, then the task will require review by the Maine State Historic Preservation Office **BEFORE** the CAA can proceed with the job.

Exempt: If **ALL** items are exempt (noted on either Appendix A or Appendix B), then Section 106 does not apply. Select 2b. Stop here.

Non-exempt: If there are items determined to be non-exempt, Select 2d and follow the procedures for submitting to the SHPO as outlined in the Executed Programmatic Agreement:

1. For undertakings not exempt under Appendix A or B attached to and made part of the PA, recipient shall provide to the SHPO the following information by email submitted to kirk.mohney@maine.gov:
 - a. the project location, including the street address and town/city identified on a USGS map obtained from the National Register of Historic Places, [National Register Database and Research](#). Users can download a spreadsheet or a map to search by state, county, city or street address;
 - b. a description of the project work; and
 - c. a color photograph of the primary façade of the building and information about the building's configuration (i.e., square, rectangular, L-shaped, etc.).
2. The SHPO shall review the Recipient's submission and respond to the Recipient by e-mail within seven (7) business days after the date of the Recipient's submission to the SHPO. In the event the SHPO does not provide a response to the Recipient by the close of business on the seventh (7th) business day after the date of said submission, the Recipient shall be entitled to assume that the SHPO has concurred to the project and the Recipient shall be free to carry out the project.
3. If a project is determined to need review by SHPO, no work can be performed on that home until SHPO finds no adverse effect in a final Section 106 determination or any adverse effect is resolved to the SHPO's satisfaction.

APPENDIX A
WAP UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

All undertakings will be done in accordance with applicable local building codes or the International Building Code, where applicable. In accordance with 36 CFR §800.3(a) (l), the following undertakings have been determined to have no potential to cause effects on historic properties:

A. Exterior Work

1. Air sealing of the building shell, including caulking, weather-stripping, and other air infiltration control measures on windows and doors, and installing thresholds in a manner that does not harm or obscure historic windows or trim.
2. Thermal insulation, such as non-toxic fiberglass and foil wrapped, in walls, floors, ceilings, attics, and foundations in a manner that does not harm or damage historic fabric.
3. Blown in wall insulation where no holes are drilled through exterior siding, or where holes have no permanent visible alteration to the structure
4. Removable film on windows (if the film is transparent), solar screens, or window louvers, in a manner that does not harm or obscure historic windows or trim.
5. Storm windows or doors, and wood screen doors in a manner that does not harm or obscure historic windows or trim.
6. Repair of minor roof and wall leaks prior to insulating attics or walls, provided repairs closely resemble existing surface composite

B. Interior Work

1 Energy efficiency work within the building shell

- a. Thermal insulation in walls, floors, ceilings, attics, crawl spaces, ducts and foundations in a manner that does not harm or damage historic fabric, it being understood by all parties to this PA that a Recipient shall be required to submit undertakings involving thermal insulation in walls, floors, ceilings, attics, crawl spaces, ducts and foundations to the SHPO for Section 106 review *only* when such undertakings will harm or damage historic fabric as determined by the Recipient
- b. Blown in wall insulation where no decorative plaster is damaged.
- c. Plumbing work, including installation of water heaters
- d. Electrical work, including improving lamp efficiency
- e. Sealing air leaks using weather stripping, door sweeps, and caulk and sealing major air leaks associated with bypasses, ducts, air conditioning units, etc.
- f. Repair or replace water heaters
- g. Adding adjustable speed drives such as fans on air handling units, cooling tower fans, and pumps
- h. Install insulation on water heater tanks and water heating pipes
- i. Install waste heat recovery devices, including desuperheater water heaters, condensing heat exchangers, heat pump and water heating heat recovery systems, and other energy recovery equipment
- j. Repair or replace electric motors and motor controls like variable speed drives
- k. Incorporate other lighting technologies such as dimmable ballasts, day lighting controls, and occupant controlled dimming

- l. Constructing or re-constructing attic hatches or installing knee-wall access doors for insulation purposes, provided that no change is made to the exterior of the building

2. *Work on heating and cooling systems:*

- a. Clean, tune, repair or replace heating systems, including furnaces, boilers, heat pumps, vented space heaters, and wood stoves
- b. Clean, tune repair or replace cooling systems, including central air conditioners, window air conditioners, heat pumps, and evaporative coolers
- c. Install insulation on ducts and heating pipes
- d. Conduct other efficiency improvements on heating and cooling systems, including replacing standing pilot lights with electronic ignition devices and installing vent dampers
- e. Modify duct and pipe systems so heating and cooling systems operate efficiently and effectively, including adding return ducts, replace diffusers and registers, replace air filters, install thermostatic radiator controls on steam and hot water heating systems
- f. Install programmable thermostats, outdoor reset controls, UL listed energy management systems or building automation systems and other HVAC control systems

3. *Energy efficiency work affecting the electric base load of the property:*

- a. Convert incandescent lighting to fluorescent
- b. Add reflectors, LED exit signs, efficient HID fixtures, and occupancy (motion) sensors
- c. Replace refrigerators and other appliances

4. *Health and safety measures*

- a. Installing fire, smoke or carbon dioxide detectors / alarms
- b. Repair or replace vent systems on fossil-fuel-fired heating systems and water heaters to ensure that combustion gasses draft safely to outside
- c. Install mechanical ventilation, in a manner not visible from the public right of way, to ensure adequate indoor air quality if house is air-sealed to building tightness limit

APPENDIX B
SEP AND EECBG UNDERTAKINGS EXEMPT FROM SECTION 106 REVIEW

Category 1 – No Consultation required

In addition to the undertakings provided in Appendix A (*WAP Undertakings exempt from Section 106 Review*), DOE and the SHPO have concluded that the following undertakings do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a)(1):

1. General efficiency measures not affecting the exterior of the building:

- a. Energy audits and feasibility studies;
- b. Weatherization of mobile homes and trailers;
- c. Caulking and weather-stripping around doors and windows in a manner that does not harm or obscure historic windows or trim;
- d. Water conservation measures -like low flow faucets, toilets, shower heads, urinals - and distribution device controls;
- e. Repairing or replacing in kind existing driveways, parking areas, and walkways with materials of similar appearance;
- f. Excavating to gain access to existing underground utilities to repair or replace them, provided that the work is performed consistent with previous conditions;
- g. Ventilating or installing vapor retarders in crawl spaces;
- h. Replacement of existing HVAC equipment including pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, heat exchangers that do not require a change to existing ducting, plumbing, electrical, controls or a new location, or if ducting, plumbing, electrical and controls are on the rear of the structure or not visible from any public right of way;
- i. Adding or replacing existing building controls systems including HVAC control systems and the replacement of building-wide pneumatic controls with digital controls, thermostats, dampers, and other individual sensors like smoke detectors and carbon monoxide detectors (wired or non-wired);
- j. New installation of non-hard wired devices including photo-controls, occupancy sensors, carbon dioxide, thermostats, humidity, light meters and other building control sensors, provided the work conforms with applicable state and local permitting requirements;
- k. Adding variable speed drive motors;
- l. Insulation of water heater tanks and pipes; and
- m. Furnace or hot water tank replacement that does not require a visible new supply or venting.

2. Insulation measures not affecting the exterior of the building:

- a. Thermal insulation installation in walls, floors and ceilings (excluding spray foam insulation) in a manner that does not harm or damage historic fabric, it being understood by all parties to this PA that (i) a Recipient shall be required to submit undertakings involving thermal insulation installation in walls, floors and ceilings to the SHPO for Section 106 review *only* when such undertakings will harm or damage historic fabric as determined by the Recipient and (ii) the exclusion for spray foam insulation is not affected under part (i) hereof;
- b. Duct sealing, insulation, repair or replacement in unoccupied areas;

- c. Attic insulation with proper ventilation; if under an effective R8 - add additional R-19 up to R-38 (fiberglass bat only);
- d. Band joist insulation - R-II to R19 as applicable; and
- e. Water heater tank and pipe insulation.

.3. *Electric base load measures not affecting the exterior of the building:*

- a. Appliance replacement (upgrade to Energy Star appliances);
- b. Compact fluorescent light bulbs;
- c. Energy efficient light fixtures, including ballasts (replacement);
- d. LED light fixtures and exit signs (replacement); and
- e. Upgrade exterior lighting (replacement with metal halide bulbs, LEDs, or others) along with ballasts, sensors and energy storage devices not visible from any public right of way.

Category 2 - No Consultation Required

1. *Efficiency and repair measures:*

- a. Painting over previously painted exterior surfaces, provided destructive surface preparation treatments are not used (such as water-blasting, sandblasting and chemical removal);
- b. Installation or replacement of downspout extensions, provided that the color of the extensions is historically appropriate for the period and style of the property;
- c. Repairing or upgrading electrical or plumbing systems and installing mechanical equipment, in a manner that does not permanently change the appearance of the interior or exterior of the building;
- d. Installation of new HVAC equipment (such as pumps, motors, boilers, chillers, cooling towers, air handling units, package units, condensers, compressors, or heat exchangers) in a manner that does not permanently change the appearance of the building;
- e. Wind system additions to existing wind power facilities that will not require ground disturbance and if building mounted will not require building reinforcement;
- f. Building cleaning, provided that no cleaning of exterior masonry, stucco or decorative metal or decorative exterior or interior wood or millwork is done and that cleaning of other areas is undertaken using the gentlest means possible and avoiding cleaning treatments that can cause damage to materials;
- g. New lighting controls including photo-sensors and shading elements if not visible from the public right of way;
- h. New metering devices in a manner that does not permanently change the appearance of the interior or exterior of the building, or if the addition is on the exterior of the structure and is not visible from the public right of way; and
- i. New water efficient fixtures and fittings in a manner that does not permanently change the appearance of the interior or exterior of the building.

2. Installation or repair of roofing, siding and ventilation:

- a. Rainwater catches and/or gray water systems not viewable from the public right of way;
- b. In-kind repair or replacement of existing exterior siding provided that new siding closely resembles the existing siding in dimension, profile, texture and materials;
- c. Flat or shallow pitch roof replacement (shallow pitch is defined as a pitch with a rise-to-run ratio equal to or less than 3" to 12") with no part of the surface of the roof visible from the ground;
- d. In-kind roof repair or replacement with materials that closely resemble the historic materials and form, or with replacement materials that are close to the original in color, texture, composition and form to restore the original feature based on historic evidence, and in a manner that does not alter the roofline;
- e. Installing vents (such as continuous ridge vents covered with ridge shingles or boards, roof vents, bath and kitchen vents, soffit and frieze board vents or combustion appliance flues) if not located on a primary roof elevation or not visible from the public right-of-way; and
- f. Installing foundation vents, if painted or finished to match the existing foundation material.

3 Windows and doors:

- a. Installing storm windows, storm doors or wood screen doors in a manner that does not harm or obscure historic windows, doors or trim;
- b. Installing insulated exterior replacement doors where the door openings are not altered and are not visible from the public right-of-way;
- c. Replacement of broken window panes that do not change the appearance of the interior or exterior of the building;
- d. Installing interior basement doors; and
- e. Installing door or window locks.