

**PROGRAMMATIC AGREEMENT
AMONG
THE CITY-COUNTY OF BUTTE-SILVER BOW, MONTANA,
MONTANA STATE HISTORIC PRESERVATION OFFICER,
AND
THE NATIONAL PARK SERVICE**

**Regarding properties in Silver Bow County affected by the use of
Community Development Block Grant (CDBG) Entitlement Program,
Neighborhood Stabilization Program, and other
U.S. Department of Housing and Urban Development funds**

WHEREAS, the City and County of Butte-Silver Bow, Montana (City-County) administers projects and activities in Silver Bow County with funds from the Neighborhood Stabilization Program (NSP), Community Development Block Grant (CDBG) Entitlement Program, and other programs (collectively, Program) of the U.S. Department of Housing and Urban Development (HUD), which have or may be delegated to the City-County pursuant to 24 CFR Part 58; and

WHEREAS, due to the acceptance of federal environmental review responsibilities, in accordance with Section 104(g) of the Housing and Community Development Act of 1974 [42 U.S.C.53049 (g)], the City-County assumes federal agency responsibility for compliance with Section 106 of the National Historic Preservation Act (NHPA), as amended (16.U.S.C.470f) (Section 106) for the Program; and

WHEREAS, the City-County's Program encompasses multiple projects and activities, including but not limited to property acquisition; rehabilitation, relocation and demolition of residential and nonresidential buildings; new construction; and homebuyer purchase activities; and

WHEREAS, Program projects and activities may occur within the Butte-Anaconda National Historic Landmark District (Butte-Anaconda NHL; Appendix A); and

WHEREAS, the City-County has determined that Program projects and activities may have an effect on "historic properties," i.e., properties listed in or eligible for listing in the National Register of Historic Places (National Register) and has consulted with the Montana State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR §800.14(b) of the regulations implementing Section 106; and

WHEREAS, on June 13, 2016, the ACHP declined to participate in the Agreement;

WHEREAS, the National Park Service (NPS) has participated in consultation and has been invited to sign this Programmatic Agreement (Agreement) in accordance with Section 110 of the NHPA and 36CRF 800.10 (c) and(d); and

WHEREAS, the Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation and the Confederated Salish and Kootenai Tribes of the Flathead Reservation were invited to participate in consultation to develop this Agreement, but neither of the Tribes responded to the invitation after a period of more than 30 days;

WHEREAS, the Butte-Silver Bow Historic Preservation Commission (HPC) has participated in consultations and has been invited to concur in this Agreement;

WHEREAS, all references within this Agreement are to the ACHP's regulations that became effective on August 5, 2004;

NOW, THEREFORE, the City-County, SHPO, and NPS agree that the Program shall be administered in accordance with the following stipulations to satisfy the City-County's Section 106 responsibilities for all individual undertakings of Program projects and activities.

Stipulations

The City-County shall ensure that the following measures are carried out:

I. APPLICABILITY OF AGREEMENT

The City-County shall comply with the stipulations set forth in this Agreement for all Program undertakings within Butte-Silver Bow. The review process established by this Agreement shall be completed prior to the City-County initiating or making an irrevocable commitment for construction that may affect a historic property. Any undertaking that does not qualify for review under the terms of this Agreement shall be reviewed in accordance with the procedures outlined in 36 CFR Part 800.

II. QUALIFIED PERSONNEL

- A. The City-County shall employ staff or contract with consultants that meet professional qualifications specified in the Secretary of the Interior's Historic Preservation Professional Qualification Standards (48 FR 44738-39, September 29, 1983) to perform the reviews and other duties and/or studies required of the City-County to meet the terms of this Agreement. Such qualified staff/consultant (Preservation Specialist) will be responsible for administering those terms of this Agreement that require their particular expertise.
- B. If there is a staffing change in the Preservation Specialist position, the City-County shall notify the SHPO within fifteen (15) days of the change.
- C. If the City-County determines it cannot employ qualified staff/consultants to administer the terms of this Agreement, it shall consult with the SHPO to determine whether alternate administrative arrangements should be made to allow the City-County to complete the reviews required pursuant to this Agreement.

III. EXEMPT ACTIVITIES

If the City-County finds that Program projects/activities will involve properties less than fifty (50) years old, no further review is required, including National Register evaluations. Additionally, Program projects/activities limited solely to those included in Appendix B shall require no further review.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

The City-County shall consult with the SHPO to identify historic properties within the area of potential effect (APE) of Program undertakings as set forth in 36 CFR Section 800.2(c). The City-County shall review the current listing of the National Register, and any surveys completed in consultation with SHPO. When SHPO determines that additional information is required to adequately assess the presence of historic properties, the City-County shall conduct surveys that are responsive to the nature of the undertaking.

- A. Properties within the Butte-Anaconda National Historic Landmark District (NHL)
 - 1. Properties contributing to the Butte-Anaconda NHL have been identified and listed in the National Register.
 - 2. If a potentially affected property is currently fifty (50) years old or older but has been evaluated as noncontributing to the Butte-Anaconda NHL due to the fact it was built after the NHL's period of significance (after 1934), the City-County shall evaluate the property's eligibility for independent listing in the National Register and consult with the SHPO regarding the determination pursuant to Stipulation V.
- B. Properties outside the Butte-Anaconda National Historic Landmark District
 - 1. If a property with potential for effect has been previously evaluated and determined to be an historic property, the City-County shall proceed with the review of the project pursuant to Stipulation VI, unless the undertaking is exempt under Stipulation III.
 - 2. If a property with potential for effect has not been evaluated for the National Register within the last five (5) years prior to the current undertaking and is at least fifty (50) years old, the City-County shall evaluate the property and consult with the SHPO regarding its evaluation pursuant to Stipulation V.
 - 3. If a property with potential for effect has been previously evaluated and determined in consultation with the SHPO not eligible for the National Register within the last five (5) years prior to the current undertaking, then the undertaking may proceed without further review under the terms of this Agreement.

V. NATIONAL REGISTER EVALUATIONS

- A. The City-County will apply the National Register criteria, as set forth at 36 CFR 60.4, in evaluating the eligibility of properties. The City-County will document its evaluation for a property on a Montana Historical and Architectural Inventory Form and will provide the completed form and other information as needed pursuant to 36 CFR 800.11 to the SHPO to enable the SHPO to review the determination.
- B. If the SHPO agrees with the City-County that a property is eligible for the National Register, the City-County shall continue consultation in accordance with Stipulation VI of this Agreement.
- C. If the SHPO agrees with the City-County that a property is not eligible for the National Register, no further review is required under this Agreement.
- D. Should the SHPO disagree with the City-County's evaluation for a property, the City-County shall consult further with the SHPO to reach agreement. If an agreement cannot be reached, the City-County shall obtain a final determination from the Keeper of the National Register pursuant to 36 CFR Part 63.
- E. The City-County may submit eligibility evaluations for properties to the SHPO concurrently with proposed treatment plans to expedite the Section 106 review.

VI. TREATMENT OF HISTORIC PROPERTIES

- A. Historic Properties that contribute to the Butte-Anaconda National Historic Landmark District.
 - 1. The City-County shall make every effort to preserve historic properties that contribute to the Butte-Anaconda NHL.

2. Rehabilitation
 - a) The City-County shall ensure that work write-ups or plans and specifications for rehabilitation activities not listed as exempt in Appendix B are compatible with the architectural qualities of a contributing property proposed for rehabilitation in terms of size, scale, massing, form, details, and materials, and conform with the recommended approaches for rehabilitation of historic properties set forth in the Secretary of Interior's Standards for the Treatment of Historic Properties (Standards). The City-County shall submit the work write-ups or plans and specifications to the SHPO for review.
 - b) Should the SHPO recommend modifications to the work write-ups or plans and specifications to ensure that the project meets the Standards, the City-County shall make the modifications and submit revised work write-ups or plans to the SHPO.
 - c) Should the City-County determine that they cannot make the modifications recommended by the SHPO to the Standards, the City-County shall notify the SHPO and the ACHP and initiate the consultation process set forth in 36 CFR Section 800.5(e). In consideration of Section 110 of NHPA and 36CRF 800.10 (c) and (d), the City-County will invite the NPS to participate in the consultation process.
3. Relocation
 - a) The City-County shall consult with the SHPO when a contributing property is proposed for relocation as part of the implementation of a Program project/activity. The City-County shall forward documentation to the SHPO that explains why relocation is required, the basis for selection of a new site, and summarizes the alternatives to relocation which were considered.
 - b) The City-County will ensure that the new site is within a neighborhood or area of the Butte-Anaconda NHL that is compatible with the contributing property proposed for relocation in terms of construction era, use, and architectural qualities. A compatible relocation does not necessarily avoid an adverse effect to a property's National Register qualities. Contributing properties may not be relocated outside of the Butte-Anaconda NHL.
 - c) After consulting the SHPO, the City County shall ensure that the contributing property proposed for relocation is moved in accordance with the recommended approaches in Moving Historic Buildings (John Obed Curtis) by a professional mover who has the capability to move historic properties properly. A relocation plan shall be submitted to the SHPO for review and approval.
 - d) Should the SHPO disagree to the relocation of a contributing property, or the City-County determines that they cannot identify a new site acceptable to the SHPO, the City-County shall notify the SHPO and ACHP of the adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e). In accordance with of Section 110 of NHPA and 36 CRF 800.10 (c) and (d), the City-County will invite the NPS to participate in the consultation process.
4. Demolition
 - a) The City-County shall not proceed with the demolition of a contributing property until the procedures set forth in this Stipulation (VI.A.3. b and c) are completed.
 - b) The City-County shall forward documentation to the SHPO for a contributing property proposed for demolition, to include the reason for demolition, a recent structural analysis and cost estimate for rehabilitation, a summary of alternatives considered, future plans for the site, and the views of the public.
 - c) If after consultation with the SHPO the City-County chooses to demolish a contributing property, the City-County shall notify the SHPO, ACHP and the NPS of the adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e).

5. New Construction
 - a) The City-County shall ensure that design plans for new construction, including in-fill construction and additions to contributing properties, within the Butte-Anaconda NHL are compatible with the prevailing architectural qualities of adjacent historic buildings or the contributing building to be replaced in terms of size, scale, form, massing and materials, and conform with the recommended approaches for new construction set forth in the Standards. The City-County shall submit the design plans to the SHPO for review.
 - b) If the SHPO does not concur with the City-County that the design of the new construction meets the Standards or believes that the new construction would otherwise result in an adverse effect to the Butte-Anaconda NHL, the City-County shall consult with the SHPO to modify the design.
 - c) Should the City-County determine that they cannot make the modifications recommended by the SHPO to the Standards, the City-County shall notify the SHPO and the ACHP of the adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e). In accordance with Section 110 of NHPA and 36CRF 800.10 (c) and (d), the City-County will invite the NPS to participate in the consultation process.
- B. Historic Properties that do not contribute to and/or are outside of the Butte-Anaconda National Historic Landmark District.
 1. Rehabilitation
 - a) The City-County shall ensure that work write-ups or plans and specifications for rehabilitation activities not listed as exempt in Appendix B are compatible with the architectural qualities of the historic property proposed for rehabilitation in terms of size, scale, massing, form, details, and materials, and conform with the recommended approaches for rehabilitation of historic properties set forth in the Standards. The City-County shall submit work write-ups or plans and specifications to the SHPO for review.
 - b) Should the SHPO recommend modifications to the work write-ups or plans and specifications to ensure that the project meets the Standards, the City-County shall make the modifications and submit revised work write-ups or plans to the SHPO.
 - c) Should the City-County determine that they cannot make the modifications recommended by the SHPO to the Standards, the City-County shall consult further with the SHPO to develop a mitigation plan for a Memorandum of Agreement (MOA) that may include measures listed in Appendix C of this Agreement.
 - d) When the proposed rehabilitation does not adhere to the Standards and the SHPO believes that the mitigation measures listed in Appendix C are not applicable to the undertaking, the City-County shall notify the SHPO and the ACHP of the potential for adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e).
 2. Relocation
 - a) Prior to the initiation of plans for the relocation of an historic property, the City-County shall consult with the SHPO and forward to the SHPO documentation explaining why relocation is required, identifying the basis for selection of the new site, and summarizing the alternatives to relocation which were considered.
 - b) If a historic property proposed for relocation is a contributing element within a historic district listed in or eligible for listing in the National Register, the City-County shall make every effort to relocate the historic property within the same historic district.
 - c) Upon approval of a new site by the SHPO, the City County shall ensure that the historic property is moved in accordance with the recommended approaches in Moving Historic Buildings (John Obed Curtis) by a professional mover who has the capability to move historic properties properly. A relocation plan shall be submitted to the SHPO for review and approval.

- d) Should the City-County determine that they cannot identify an alternate site acceptable to the SHPO, the City-County shall consult with the SHPO to develop a mitigation plan for a MOA that may include measures listed in Appendix C of this Agreement.
 - e) If the SHPO determines that mitigation measures listed in Appendix C do not apply, the City-County shall notify the SHPO and the ACHP of the potential for adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e).
3. Demolition
- a) The City-County shall not proceed with the demolition of a historic property until the procedures set forth in this Stipulation (VI.B.3 b-d) are completed.
 - b) The City-County shall forward documentation to the SHPO for each historic property proposed for demolition, to include the reason for demolition, a recent structural and rehabilitation cost analysis, a summary of alternatives considered, future plans for the site, and the views of the public.
 - c) When the SHPO and City-County concur in the City-County's determination of adverse effect, the City-County shall consult with the SHPO to develop a mitigation plan for a MOA that may include measures listed in Appendix C of this Agreement.
 - d) If the SHPO does not agree with demolition as the preferred alternative or believes that the mitigation measures listed in Appendix C do not apply, the City-County shall notify the SHPO and ACHP and initiate the consultation process set forth in 36 CFR Section 800.5(e).
4. New Construction
- a) The City-County shall ensure that the design of new constructions, including infill-construction in a historic district and additions to historic properties, is compatible with the prevailing architectural qualities of the historic property or adjacent historic buildings in terms of style, size, scale, massing, form, and materials and conforms with the recommended approaches for new construction set forth in the Standards. The City-County shall submit the design plans to the SHPO for review.
 - b) If the SHPO does not concur with the City-County that the design of the new construction meets the Standards or believes that the new construction would otherwise result in an adverse effect to historic properties, the City-County shall consult with the SHPO to modify the design.
 - c) Should the City-County determine that they cannot make the modifications recommended by the SHPO to the Standards, the City-County shall consult further with the SHPO to develop a mitigation plan for a MOA that may include measures listed in Appendix C of this Agreement.
 - d) When the proposed new construction or addition does not adhere to the Standards and the SHPO believes that the mitigation measures listed in Appendix C are not applicable to the undertaking, the City-County shall notify the SHPO and the ACHP of the potential for adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e).

VII. TREATMENT OF ARCHEOLOGICAL SITES

- A. The City-County shall notify the SHPO when ground disturbing activities, to include excavation for footings and foundations or installation of utilities such as sewer, water, storm drains, electrical, gas, leach lines, and septic tanks, are proposed as part of an undertaking.
- B. The City-County shall request the SHPO's opinion regarding the potential effect of such activities on archeological properties prior to initiation of project activities. If the SHPO believes that there is a high probability for the presence of significant archeological sites or cultural remains within the project area, the City-County shall employ or contract qualified archaeologists to conduct archeological surveys and determinations of eligibility. The City-County shall consult with SHPO to develop an appropriate scope of work for the archaeological survey.

- C. If the City-County and the SHPO determine that an archeological property listed in or eligible for listing in the National Register will be affected by the undertaking, the SHPO shall advise the City-County of the appropriate treatment for the archeological property. If the City-County cannot avoid the archeological property or preserve it in-situ, the City-County shall develop a data recovery plan that is consistent with the Secretary of the Interior's Standards and Guidelines for Archeological Documentation (48 CFR 44734-37) and take into account the Council's publication, "Treatment of Archeological Properties," and subsequent revisions made by the ACHP and appropriate State guidelines. The City-County shall submit treatment plans to the SHPO for review and shall ensure that the final plan is implemented by archaeologists meeting the Secretary of the Interior's professional qualifications.
- D. If the SHPO believes that the treatment plan does not meet the Standards or would otherwise result in an adverse effect to historic properties, the City-County shall notify the SHPO and the ACHP of the potential for adverse effect and initiate the consultation process set forth in 36 CFR Section 800.5(e).

VIII. REVIEW OF MODIFICATIONS TO APPROVED ACTIVITIES

- A. The City-County shall notify the SHPO in writing or by email of any modifications to final work write-ups, plans and/or specifications, previously concurred upon by the SHPO under the terms of this Agreement.
- B. If the SHPO finds that modifications to a previously reviewed project will not adversely affect historic properties, the SHPO will notify the City-County of this finding in writing within 15 working days. If the SHPO does not notify the City-County in writing within 15 working days, the City-County may assume that the SHPO concurs with the finding of no historic properties affected and the City-County may proceed with the undertaking.
- C. If the SHPO concurs with the City-County that modifications to a project or the inclusion of additional properties will adversely affect historic properties, the City-County shall notify the SHPO and ACHP and initiate the consultation set forth in 36 CFR Section 800.5(e). In accordance with Section 110 of NHPA and 36 CFR 800.10 (c) and(d), the City-County will invite the NPS to participate in the consultation process for undertaking that will adversely affect the Butte-Anaconda NHL.

IX. POST REVIEW DISCOVERY

- A. The City-County shall notify the SHPO immediately if human remains or unidentified cultural resources are discovered during the implementation of project activities previously agreed to under the terms of this Agreement or unexpected effects to known historic properties occur. The City-County must also notify Indian tribes that might attach religious and cultural significances to the affected property. All construction work involving subsurface disturbance or other action that could affect said remains or resources will be immediately halted in the area of the discovery and in the surrounding area where further remains or resources can reasonably be expected to occur.
- B. The City-County shall forward appropriate documentation to the SHPO, compiled on an appropriate Montana cultural resources site form so that the City-County and the SHPO can evaluate the properties in accordance with Stipulation V.
- C. If the City-County and the SHPO determine that the properties are eligible for listing in the National Register and cannot be avoided during implementation project activities, the City-County shall consult with the SHPO to develop a MOA, or a treatment plan in accordance Stipulation VII of this Agreement.
- D. The SHPO will forward comments to the City-County within five (5) business days after receipt of adequate documentation or within a time frame mutually acceptable to the SHPO and the City-County.

X. INVOLVEMENT OF OTHER INTERESTED PARTIES

- A. In addition to the ACHP and NPS, the City-County shall invite interested parties to participate as consulting parties in the consultation process for adverse effects in accordance with 36 CFR Section 800.5(e)(1).
- B. At any time during the implementation of the measures stipulated in this Agreement, should any interested parties raise an objection pertaining to the treatment of an historic property, the City-County shall notify the SHPO and take the objection into account. The City-County and the SHPO, and the ACHP when requested by the objector, shall consult to resolve the objection according to processes specified by Stipulation XI of this Agreement. The City-County is not required to cease work while objections are being reviewed.

XI. DISPUTE RESOLUTION

- A. Should the ACHP or the SHPO object within the time frames outlined in this Agreement to any plans, specifications, or actions provided for review pursuant to this Agreement, the City-County will consult further with the objecting party to seek resolution. The City-County shall forward all documentation relevant to the dispute to the ACHP.
- B. Within thirty (30) calendar days of receipt of all pertinent documentation, the ACHP will provide the SHPO with recommendations or comments in accordance with 36 CFR Section 800.6(b). The SHPO will take into account the ACHP's recommendations or formal comments in reaching a final decision regarding the dispute.
- C. Any ACHP comment provided to the SHPO in response to such a request will be taken into account by the City-County in accordance with 36 CFR Section 800.6(c)(2) with reference to the subject of the dispute. Any recommendation or comment provided by the ACHP will be interpreted to pertain only to the subject of the dispute, and the responsibility of the City-County to carry out all actions under this Agreement that are not the subject of the dispute will remain unchanged.

XII. ADMINSTRATIVE COORDINATION

The SHPO shall provide comments within thirty (30) calendar days for reviews required under the terms of this Agreement with the exception of emergency undertakings. In the event that the SHPO fails to comment within the 30-day time period, the City-County can assume the SHPO concurs.

XIII. MONITORING

The SHPO and the ACHP may monitor any activities carried out pursuant to this Agreement, and the ACHP will review any activities if requested. The City-County will cooperate with the SHPO and ACHP should they request to monitor or to review project files for activities at specific project sites.

XIV. REPORTING

- A. The City-County shall provide the SHPO, ACHP, NPS, and HPC with an annual report on or before July 31 of each year summarizing activities carried out under the terms of this Agreement. The first report will be submitted by the City-County on July 31, 2017, and subsequent reports each July thereafter.
- B. Annual reports shall include a list of Program projects/activities that involved historic properties, a summary of the status of Memorandum of Agreements executed with the SHPO, and the views of the City-County regarding the effectiveness of this Agreement.
- C. The signatories to this Agreement shall review this information to determine what, if any, amendments are necessary.

- D. The City-County shall ensure that the annual report is posted on the Butte-Silver Bow government's website with an invitation for the public to provide comments to the HPC, SHPO, ACHP, NPS, and the City-County. Additionally, the City-County will ensure that the annual report is an agenda item open for public comment on the September or October meeting of the HPC.

XV. ANNUAL PRE-WORK INSPECTION OF PROPOSED NSP PROJECTS

The City-County, the SHPO, and grantees or subgrantees for HUD funds will meet annually by May 31 to visit and inspect properties proposed for HUD-assisted projects.

XVI. AMENDMENTS

- A. Any signatory party to this Agreement may request that it be amended or modified, whereupon the City-County, SHPO, and NPS will consult in accordance with 36 CFR Section 800.13 to consider such revisions.
- B. Any resulting amendments or addenda shall be developed and executed among the City County, SHPO, and NPS in the same manner as the original Agreement.

XVII. TERMINATION

Any signatory party to this Agreement may terminate the Agreement by providing thirty (30) calendar days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination.

XVIII. FAILURE TO COMPLY WITH AGREEMENT

In the event that City-County does not carry out the terms of this Agreement, the City-County and the SHPO will comply with 36 CFR Sections 800.4 through 800.6 with regard to each individual Program project for which the City-County has been awarded funding.

EXECUTION AND IMPLEMENTATION of this Programmatic Agreement evidences that the City-County has satisfied its Section 106 responsibilities for all individual undertakings HUD programs administered by the City-County.

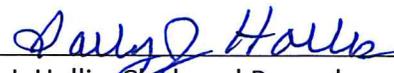
SIGNATORY PARTIES

CITY-COUNTY OF BUTTE-SILVER BOW

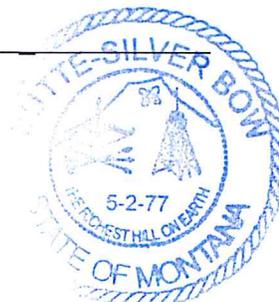
By: 
Matt Vincent, Chief Executive

Date: 7/8/16

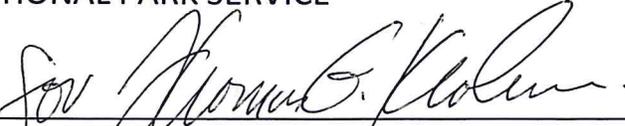
ATTEST:

By: 
Sally J. Hollis, Clerk and Recorder

Date: 7-8-16

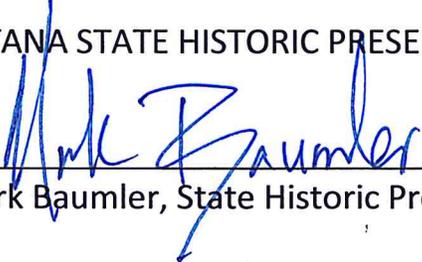


NATIONAL PARK SERVICE

By: 
Alexandra Hernandez, Acting Program Manager,
Heritage Partnerships Program

Date: 6/27/16

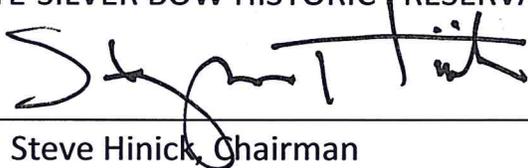
MONTANA STATE HISTORIC PRESERVATION OFFICER

By: 
Mark Bauml, State Historic Preservation Officer

Date: 7/14/2016

CONCURRING PARTY

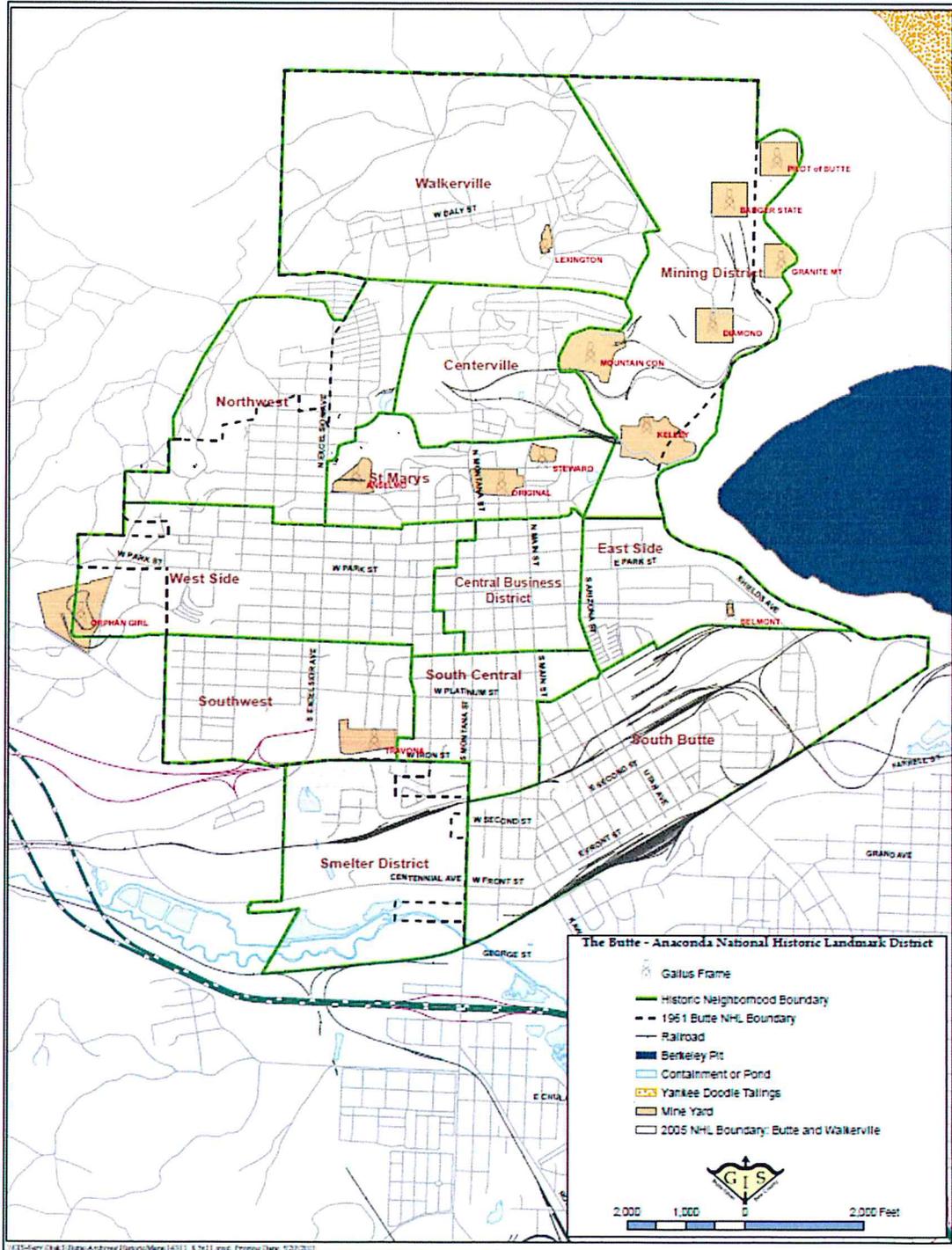
BUTTE-SILVER BOW HISTORIC PRESERVATION COMMISSION

By: 
Steve Hinick, Chairman

Date: 07.13.2016

APPENDIX A

MAP OF THE BUTTE-ANACONDA NATIONAL HISTORIC LANDMARK DISTRICT
IN SIVER BOW COUNTY



APPENDIX B

EXEMPTIONS FROM REVIEW

The following project activities do not require review by the SHPO pursuant to Stipulation III.

1. Demolition and rehabilitation on a non-historic property, except when a proposed addition to an existing property may impact a surrounding historic district.
2. Modifications to secondary interior spaces such as mudrooms, laundry rooms, bedrooms, bathrooms, kitchens, closets, basements, attics, garages that do not result in the loss of woodwork, fireplaces, historic light fixtures, pressed metal ceilings, or other decorative details, if such modifications do not affect the exterior appearance of the property. This does not include primary spaces such as lobbies, corridors, assembly spaces, living and dining rooms.
3. Repainting of exterior surfaces provided that destructive surface preparation treatments, including, but not limited to water blasting, sandblasting, and chemical cleaning are not used.
4. Cleaning masonry surfaces with low pressure water and detergents using natural bristle brushes.
5. Masonry repairs with masonry units and mortar that match the original in strength, composition, color, aggregate size, texture, and duplicating the joints and profiles.
6. Repair or partial in kind replacement of features found on porches, cornices, exterior siding, doors, balustrades, stairs, or other trim. The repair or replacement will match existing material, finish, and form.
7. Installation of new window jambs or jamb liners.
8. Caulking, weatherstripping, reglazing, and repainting of windows.
9. Repair, replacement or installation of storm windows (exterior, interior, metal, or wood) provided they match the shape and size of historic windows and that the meeting rail or horizontal muntin coincides with that of the historic window. Color should match trim.
10. Repair or replacement of awnings that have a historic precedent on the building when work is done in-kind to closely match historic materials and form.
11. Roof repair or replacement of historic roofing with material which closely matches the historic material and form. Cement asbestos, and cedar shingles may be replaced with asphalt based shingles.
12. Repair, replacement, or installation of gutters and downspouts.
13. Exterior lead paint abatement that includes scraping and repainting of exterior wood and masonry surfaces.

14. Installing plywood on openings of vacant buildings in a manner than does not result in permanent damage to existing window or door frames, or architectural features such as siding and cornices.
15. Repairing, replacing or modifying mechanical, electrical or plumbing systems, if this activity does not require the removal of historically or architecturally significant systems or building fabric.
16. Repair or replacement of water, gas, storm, and sewer lines if it occurs within the dimension of the original trench.
17. In kind sidewalk and exterior stair replacement.
18. Temporary installation of modular accessibility ramps provided that fasteners engage only repairable materials such as concrete, mortar, or wood.

APPENDIX C

PROPOSED MITIGATION MEASURES FOR MEMORANDUM OF AGREEMENTS

The City-County and the SHPO may develop and execute a Memorandum of Agreement that includes the following proposed mitigation measures for undertakings not listed in Stipulation VI or Appendix B, when the SHPO deems it appropriate.

1. The City-County shall ensure that any historic property is recorded prior to its demolition, alteration, or relocation. The City-County will consult with the SHPO to determine its interest in Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscape Record (HABS/HAER/HALS) documentation of the property. SHPO may defer to the NPS to set the level of documentation for properties in the Butte-Anaconda NHL. If the SHPO does not recommend the property be documented to HABS/HAER/HALS Standards, recordation will at minimum involve production of a report similar in scope and content to a HABS/HAER/HALS report in the outline format, but without a HABS/HAER/HALS number assignment. The report will be accompanied by high-quality digital photographs including views of the property in context with the surrounding neighborhood, views of all four facades, and details of significant architectural features. The City-County will provide a draft copy of the report and photographs to the SHPO for review and approval. The City-County will address the SHPO's comments and revise the draft materials into a final report and photographs. The City-County will be responsible for submitting original copies of the final report and photographs to the SHPO, and to the Butte-Silver Bow Public Archives, where they will be made available to the public for research.
2. The City-County shall ensure that significant architectural features are salvaged prior to the initiation of demolition activities and properly stored and curated. The City-County, in consultation with the SHPO, shall identify appropriate parties to receive salvaged architectural features. When feasible, salvaged architectural features shall be reused in other preservation projects.
3. The City-County shall ensure that a marketing plan proposed by the SHPO is implemented for a mutually agreed upon period prior to the demolition or relocation of historic properties. The City-County shall review all purchase offers in consultation with the SHPO. If no successful purchaser is identified, the City-County may proceed with the demolition or relocation after the historic properties have been recorded pursuant to HABS/HAER/HALS standards or SHPO guidelines, and approved by the SHPO.