

APPENDIX A

PROGRAMMATIC ALLOWANCES

Guidance

This list of Programmatic Allowances enumerates program activities that FEMA and SHPO concur will have no effect on historic properties, and are, therefore, excluded from case-by-case Section 106 project review by SHPO. For purposes of this Agreement, actions identified in the Programmatic Allowances fall into one of two categories: (1) those types of activities that per 36 CFR §800.3(a)(I) have "no potential to cause effects on historic properties, assuming such historic properties were present", and therefore do not qualify as undertakings as defined in § 800.16(y) and (2) undertakings that so rarely have the potential to affect a historic property that they are categorically excluded from case-by-case SHPO review.

During disaster operations, the second category typically includes repairs made to existing, public structures or facilities that were damaged during a Presidentially-declared disaster or to mitigation measures that are designed to prevent damage to those structures or facilities from future events. *All repairs and any mitigation work, including related activities, must be confined to areas that have been substantially disturbed by prior construction of the facility or to areas where substantial non-historical subsurface disturbance is present or where subsoil or bedrock without cultural deposits are exposed. Areas where historical occupation, use or near-surface modification of the soil, such as plowing or landscaping, has occurred, or where historical deposits are likely to be present, are not considered substantially disturbed.* The intent is to avoid even the potential to affect an archaeological site or historic feature. *The second category also includes limited repairs to public buildings where the repairs are in kind or conform to specifically listed standards.* The intent is to insure that the historic fabric or character of a building remains unchanged from that existing prior to the disaster. A limited list of undertakings that might be funded through IDHS-administered grant programs is also included in the Allowances.

The following are examples of when an allowance applies and when it does not.

- The replacement of surface aggregate on a gravel road damaged by sheet erosion qualifies as an Allowance under III A and B.
- Repairs that consist of replacing cobblestones with asphalt pavement on a village street are not eligible under the Allowances, because such alteration of materials is specifically excluded under III B.
- Repairs, consisting of placing granular fill capped by riprap on a 6-ft high by 30-ft long eroded shoulder of a road, qualify under I, A. All repair work can be done from the existing roadbed.
- Repairs, consisting of placing granular fill capped by riprap on a 30-ft high by 30-ft long eroded shoulder, will not likely qualify, because construction equipment and materials will have to be brought to the base of the slope. This would cause disturbance to areas beyond the existing roadway and ditch line, requiring a higher level of project review.

To assist the reviewer, qualifications, clarification or specific guidance is included for individual allowances.

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Parts I-VIII of the Allowances list the currently identified types of common repair activities that have minimal potential to affect a historic property. Actions that have no potential to affect historic properties and are, therefore, considered to be non-undertakings and exempt from Section 106 review per 36 CFR § 800.3(a)(I), are listed in Parts IX-XII. Allowances that might apply specifically to the grant programs are contained in Part XIII. Individual items may be added or deleted from the Allowances without amending this Agreement, with a letter concurred by FEMA and the SHPO.

Within the context of this Agreement, “in kind” shall mean that it is the same material and the result will match all physical and visual aspects, including form, color, and workmanship. “In kind” mortar will also match the strength, content, color and joint tooling of historic mortar.

A few areas in Indiana are so archaeologically sensitive or historically significant that repairs to existing infrastructure require special scrutiny if there is a chance that such a site may be disturbed. Projects located in the immediate vicinity of the following are specifically excluded from these Allowances, and require SHPO consultation in advance of making any permanent repairs:

- Any project in close proximity to a known or anticipated, large, multi-component, archaeological site, earthwork and/or mound;
- Any project situated adjacent to a burial ground, cemetery, and/or site where human remains are present, anticipated, or encountered;
- Any project in the vicinity of a known or anticipated Unique site or cultural landscape area (e.g., Wabash and Erie Canal sites);
- Any project involving a National Historic Landmark.

In addition, under Indiana Code (IC 14-21-1-26.5), an approved development plan may be required for disturbing ground within 100 feet of a burial ground or cemetery for the purpose of erecting, altering, or repairing any structure. Under this code, the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology is the designated consulting state agency.

I. REPAIRS TO PUBLIC INFRASTRUCTURE INVOLVING SITE WORK

- A. The repair, replacement, or hardening of any existing footings, foundations, retaining walls, or other stabilization system (i.e., gabion baskets, etc.). The Allowance also applies to historic features that are eligible or potentially eligible for listing in the National Register, only if the work is in kind.
- B. Repair, replacement, or hardening of utilities and/or utility systems (including sewer, water, storm drains, electrical, gas, communication, leach lines, and septic tanks) under existing improved roads/roadways or within other substantially disturbed rights of way.
**** Guidance: Hardening of utilities entails reinforcing existing elements to better withstand damage. Examples include encasing replacement pipes in concrete or stone or adding additional guy wires to existing or replacement poles.*

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- C. In-kind repair or replacement of driveways, parking lots, and walkways.
- D. In-kind repair or replacement of fencing, gates and other freestanding exterior walls.
- E. In-kind repair or replacement of metal, wooden or masonry utilitarian structures (i.e. pump houses, flag poles, bleachers, dugouts, concession stands, etc.) *** *Guidance: Modern materials may be used, provided their finish is compatible with the context of the site. Structures such as bridges, water towers, and antenna towers are not considered metal utilitarian structures for the purposes of this Allowance.*
- F. Installation of scaffolding, temporary barriers (i.e., chain link fences, etc.), polyethylene sheeting, or tarps, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alterations.
- G. In-kind repair or replacement of hardscaping and utilities, such as paving, planters, trellises, irrigation, and lighting.
- H. In-kind repair, replacement or minimal upgrade to codes and standards of existing piers, docks, boardwalks, boat ramps, dune crossovers, stands and gazebos provided the footprint matches the existing footprint.
- I. Debris collection from public rights of way, transport, and disposal in existing licensed solid waste facilities. *** *Guidance: This Allowance does not include establishment or expansion of debris staging or disposal areas. However, it does apply to the use of temporary storage areas located in existing hard-topped areas with controlled drainage (such as parking lots), provided other issues do not exist.*
- J. Sediment removal from man-made drainage facilities, including retention/detention basins, ponds, ditches, and drainage canals, to restore the facility to its pre-disaster condition, provided the sediment is used to repair eroded banks or is disposed at an existing licensed or permitted spoil site. *** *Guidance: Any work in the immediate proximity of a historic canal or canal structure does not qualify under this allowance.*
- K. Dewatering flooded developed areas of up to three acres.
- L. Restoring playgrounds or athletic fields at parks or schools to pre-disaster conditions.
- M. Installation, repair or replacement of communications systems (including antennae and other equipment less than four feet tall), security lighting and cameras, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alterations.
- N. Directional boring under streams, ditches, roads or other barriers to repair or replace damaged utility lines, provided the ground disturbance at each bore hole does not disturb an area greater than approximately 10' by 10' within the area previously disturbed, and is in line with the original utility trench.

II. REPAIRS TO ELIGIBLE BUILDINGS that are more than 50 years old (or less than 50 years old if of exceptional significance) and are listed in or potentially eligible for listing in the National Register of Historic Places. The intent is to repair damaged elements while still retaining, preserving, protecting, or maintaining materials or features that contribute to the building's historic character. (Buildings less than 50 years old do not require Section 106 review.)

A. Interior Floors, Walls, Doors and Ceilings

1. In-kind repair of interior floors, walls, doors and ceilings. *** *Guidance: This Allowance also applies to the repair of interior finishes, including plaster and wallboard, provided the repair is restricted to the damaged area and does not affect adjacent materials. The Allowance does not apply to historic architectural finishes such as decorative plaster trim, or plaster substrates for decorative materials such as murals, gold leaf, etc.*
2. Repair or replacement of suspended or glued ceiling tiles.
3. Installation of grab bars and other such minor interior modifications for handicapped accessibility, when significant interior features (such as trim or architectural details) are not altered.
4. Non-destructive or concealed testing for hazardous materials (lead paint, asbestos, etc.) or damage assessment.
5. In kind repair and replacement of non historic cabinets, furniture, drawers and contents.

B. Utilities and Mechanicals

1. Minor interior mechanical (HVAC), electrical, or plumbing work, limited to upgrading, elevation, or in-kind replacement, including fixtures, such as toilets, sinks and stoves. *** *Guidance: An exception applies to historic fixtures, which must be repaired in kind for this Allowance to apply. This Allowance does not apply to exposed new ductwork.*
2. Installation, repair or replacement of interior fire detection, fire suppression, or security alarm, lighting, communication (including antennae) or camera systems. *** *Guidance: This Allowance does not apply to exposed wiring such as surface mounted wiring, conduits, piping, or to the installation of new systems where they will affect significant interior features.*

C. Windows and Doors

1. In-kind repair or replacement of windows and doors damaged by the disaster, where profiles, elevations, details and materials match those of the original windows and doors. *** *Guidance: This Allowance does not apply to replacement of windows and doors undertaken as security upgrades in historic structures.*

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2. Replacement of windowpanes in kind, provided the result does not alter the existing window material and form. *** *Guidance: This Allowance does not apply to the replacement of existing archaic or decorative glass.*
3. In-kind repair of historic door and window hardware.
4. Installation of clear window films to historic windows or glazing.

D. Exterior Walls, Cornices, Porches and Foundations

1. Refinishing or repainting of surfaces, provided that destructive surface preparation treatments are not used, such as water blasting, sandblasting, power sanding, and chemical cleaning.
2. In-kind repair or partial replacement of carports, porches, cornices, exterior siding, doors, balustrades, stairs, or trim, as long as the replacement pieces match the original in detail and material.
3. In-kind repair or in-kind replacement of signs or awnings.
4. Temporary stabilization bracing or shoring, provided such work does not result in additional damage, significant loss of historic fabric, or irreversible alterations.
5. In-kind repair or reconstruction of concrete/masonry walls, parapets, chimneys, or cornices, including comparable brick, and mortar that matches the color, strength, content, rake, and joint width, where occurring.
6. Bracing and reinforcing of chimneys and fireplaces, provided the bracing and reinforcing are concealed from exterior view. *** *Guidance: If the bracing is visible, this allowance does not apply.*

E. Roofing

1. In-kind repair, replacement, or strengthening of roofing, gutters, or downspouts. Also, cement asbestos shingles may be replaced with asphalt-based shingles.
2. Repairs to built up flat roofs that are obscured from view.

F. Weatherproofing and Insulation

1. Caulking and weather-stripping to complement the color of adjacent surfaces.
2. In-kind replacement of insulation in floors, attics and openings and side walls from the interior with a vapor barrier on the inside, provided that interior plaster or woodwork are not altered.

G. Seismic Upgrades

The installation of the following seismic upgrades, provided that such upgrades are not visible on the exterior or within character-defining historic interiors: cross bracing on pier and post foundations; metal fasteners; collar ties; gussets; tie downs; strapping and anchoring of mechanical, electrical and plumbing equipment; concealed anchoring of furniture; installation of plywood diaphragms beneath first floor joists, above top floor ceiling rafters, and on roofs; and automatic gas shut off valves.

III. REPAIRS TO ROADS AND ROADWAYS

- A. Repair of roads to pre-disaster geometric design standards and conditions using in-kind materials, number and width of lanes, shoulders, medians, curvature, grades, clearances, and side slopes, provided that all work is conducted from within the existing roadway.
- B. Repair of road composition with in-kind surface materials to maintain pre-disaster size, traffic capacity, and load classifications of motor vehicles, including the reshaping and compacting of road bed soil and the repair of asphaltic or Portland cement concrete pavements. *** *Guidance: This Allowance does not apply to the repair of brick or cobblestone paving.*
- C. Repairs to road slips and landslides that do not require grading of undisturbed soils on the up-hill side of the slip and that do not require work or staging areas in sites or near properties where buildings or structures are more than fifty years old.
- D. Rebuilding or re-establishing an eroded or slumped roadbed on the downhill side of the road using such methods as lag and piling walls, gabions, rock fill, etc. when all work is contained within the right-of-way.
- E. In-kind repair, replacement, or minimal upgrade of culverts within rivers, streams or drainage ways, beneath existing roadways or within ditches. This allowance also includes any modest increase in capacity for mitigation purposes or to meet current codes and standards. This allowance also includes the installation of new metal, concrete or plastic culverts beneath roads or within drainage ditches, as well as to related concrete or synthetic features (such as headwalls and wing walls). *** *Guidance: Culverts that are more than 50 years old but not of a standard design or made from metal, concrete or plastic do not qualify under this allowance. An example would be a stone arch culvert built in 1920.*
- F. Repair or replacement in kind of traffic control devices such as traffic signs and signals, delineators, pavement markings, and traffic surveillance systems.
- G. In-kind repair of road lighting systems, such as period lighting.
- H. In-kind repair of road appurtenances such as curbs, berms, fences, and sidewalks. *** *Guidance: Sidewalks that are clearly old and made from brick or cobblestone are not covered under this allowance.*

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- I. In-kind repair of roadway safety elements such as barriers, guardrails, and impact attenuation devices. In the case of guardrails, the addition of safety end treatments is allowed.
- J. Re-establishment and/or armoring of existing ditches.
- K. In-kind repair of gravel paths

IV. REPAIRS TO BRIDGES

- A. In-kind repair or replacement of ineligible or Non-Select bridges, including decks, side rails, piers, fenders, abutments, and bridge head or wing walls on their original locations to pre-disaster conditions provided no new construction is proposed or where the footprint will not exceed the existing footprint. ****Guidance: This Allowance applies only to bridges that are less than 50 years old or have been determined to be ineligible for listing in the National Register of Historic Places or Non-Select through the Indiana Historic Bridge Inventory 2007-2011. Bridges determined to be Select or are more than 50 years old but not included in the Indiana Historic Bridge Inventory 2007-2011 are not covered under this allowance.*
- B. Repair or replacement of previously replaced decks.

V. REPAIRS TO UTILITIES AND POLES

- A. In residential or urban settings, replacement or relocation of existing utility poles between the edge of a sidewalk and road.
- B. In rural settings, replacement of poles located in substantially disturbed road shoulders.
- C. In off-road alignments, relocations of poles in existing holes or within substantially disturbed areas within 5 ft of damaged poles. ****Guidance: Projects involving extensive replacement of utility poles or replacement of poles on new alignments do not qualify under this allowance.*
- D. The addition of 1-4 new poles per mile in existing utility corridors in substantially disturbed areas if the impacted area is 8 miles or less in length.

VI. E. **Repair or replacement of damaged equipment, such as generators, switch boards, etc.** REPAIRS TO AIRPORTS, provided that excavation or site work will not disturb more soil than substantially disturbed by the original construction.

- A. Repair of existing runways, taxiways, roadways, aprons and other hard surface facilities.
- B. In-kind repair of safety components, including beacons, on airport property, *as long as no new access is required.*

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- C. In-kind replacement or repair of existing beacons not on airport property, *as long as no new access is required.*

VII. REPAIRS TO RAILROADS, provided that excavation or site work will not disturb more soil than substantially disturbed by the original construction.

- A. In-kind repair or replacement of railroad safety components.
- B. Repair of railroad crossings to pre-disaster condition.
- C. In-kind replacement of existing bolt-connected railroad tracks and wood ties.
- D. Repair of passenger loading areas or platforms to pre-disaster conditions using in-kind materials and workmanship.

VIII. ACQUISITIONS

- A. Funding the administrative action of acquiring properties, but specifically excluding demolition. **** Guidance: The following are the types of administrative actions funded under this category: studies, development of mitigation plans, engineering and design, hydrology and hydrologic analyses and certain operating costs. Such actions typically occur during the planning process related to project selection in the grants programs.*

IX. FEES, SERVICES, EQUIPMENT AND FURNISHINGS

- A. Miscellaneous labor and equipment costs, including reimbursement for wages and/or equipment used in implementing emergency protective measures.
- B. Repair, rental or purchase of vehicles or equipment.
- C. Builders fees.
- D. Fees for architectural, engineering or other design services, provided the services will not result in an adverse effect on a property listed in or eligible for the Register.
- E. Reimbursement of a sub-grantee's insurance deductible, not to exceed \$1,000.
- F. Reimbursement for the damaged contents of a building, including replacement of rugs, other floor coverings or furnishings.
- F. Replacement of damaged materials used in composting or sewerage treatment.
- H. Installation of security measures on mobile units (buses, train cars, ferries, etc.) as long as these mobile units are less than 50 years old.

X. HUMAN SERVICES

Pursuant to 44 CFR § 206.110(m), assistance to individuals and households provided under 44 CFR Part 206, Subpart D and Section 408 of the Stafford Act, including funding for home repair and replacement, content replacement, personal property, transportation and healthcare expenses, is exempt from the provisions of Section 106. This exemption does not apply, however, to ground disturbing activities and construction related to 44 CFR §§ 206.117(b)(1)(ii) (temporary housing), 206.117(b)(3) (replacement housing), and 206.117(b)(4) (permanent housing construction). FEMA will conduct Section 106 review for these non-exempt activities, including assistance for privately owned access routes.

XI. VECTOR CONTROL

A. Application of pesticides to reduce adverse public health effects, including aerial and truck mounted spraying.

XII. OTHER PROGRAM ACTIVITIES

The following program activities derived from 44 CFR § 1 0.8 that are not otherwise provided for:

- A. Administrative actions such as personnel actions, travel, procurement of supplies, etc., in support of normal day-to-day activities and disaster related activities;
- B. Preparation, revision, and adoption of regulations, directives, manuals, and other guidance documents related to actions that qualify for categorical exclusions;
- C. Studies that involve no commitment of resources other than manpower and associated funding;
- D. Inspection and monitoring activities, granting of variances, and actions to enforce Federal, state, or local codes, standards or regulations;
- E. Training activities and both training and operational exercises utilizing existing facilities in accordance with established procedures and land use designations;
- F. Procurement of goods and services for support of day-to-day and emergency operational activities, and the temporary storage of goods other than hazardous materials, so long as storage occurs on substantially disturbed land or in existing facilities;
- G. Acquisition or lease of existing facilities where planned uses conform to past use or local land use requirements;
- H. Acquisition, installation, or operation of utility and communication systems that use existing distribution systems or facilities, or currently used infrastructure rights-of-way;
- I. Planting of indigenous vegetation;

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- J. Granting of community-wide exceptions for flood proofed residential basements meeting the requirements of 44 CFR 60.6(c) under the National Flood Insurance Program;
- K. Actions conducted within enclosed facilities where all airborne emissions, waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste disposal practices comply with existing Federal, state, and local laws and regulations;
- L. The following planning and administrative activities in support of emergency and disaster response and recovery:
 - 1. Activation of the Emergency Support Team and convening of the Catastrophic Disaster Response Group at FEMA headquarters;
 - 2. Activation of the Regional Operations Center and deployment of the Emergency Response Team, in whole or in part;
 - 3. Deployment of Urban Search and Rescue teams;
 - 4. Situation Assessment including ground and aerial reconnaissance;
 - 5. Information and data gathering and reporting efforts in support of emergency and disaster response and recovery and hazard mitigation.
- M. The following emergency and disaster response, recovery and hazard mitigation activities authorized under the Stafford Act:
 - 1. Unemployment Assistance (Sec. 410);
 - 2. Food Commodities (Sec. 413);
 - 3. Community Disaster Loans (Sec. 417);
 - 4. Emergency Communications (Sec. 418);
 - 5. Emergency Public Transportation (Sec. 419); and
 - 6. Federal Emergency Assistance (Sec. 502).

XIII. The IDHS Division of Emergency Response and Recovery, Mitigation and Recovery Branch works closely with FEMA Region V in addressing post-disaster mitigation and recovery activities. Many of these activities do not result in the disturbance of soils outside of an already existing disturbed area. Projects eligible for funding under the HMGP or other IDHS-managed grants program not covered under previous allowances may include the following.

- A. Purchase, elevation, demolition or retrofitting of any structure that is less than fifty years old and that is not located in or adjacent to a historic district or archaeologically sensitive area.

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- B. Grading of the top 2-3 inches of soil in the immediate vicinity of a demolished structure to clean up debris and/or re-seeding of properties where demolition has occurred.
- C. Vegetation management, including installation of natural wind breaks, living snowfences, shoreline stabilization, natural dune restoration using native vegetation and sand-fencing, urban-forest practices and landslide stabilization.
- D. Phase I or II Design, Engineering, of Feasibility Study for complex mitigation projects.
- E. Five-percent Initiative Projects, including research and development of hazard warning systems, generators for non-critical facilities; hazard mitigation planning, development of Codes and Standards and education/public awareness programs with mitigation as central feature.
- F. Replacement of weather-warning sirens where the location does not change or the installation of sirens on structures or buildings that are less than 50 years old.
- G. Retrofitting of existing structures that are less than 50 years old for purposes of flood proofing, seismic retrofits, wind proofing, or to provide safe rooms.
- H. Retrofitting of equipment for damage prevention (lightning arrestors, etc.) within the exiting footprint.