



# Chicago Metropolitan Agency for Planning

233 South Wacker Drive  
Suite 800  
Chicago, Illinois 60606

312 454 0400  
www.cmap.illinois.gov

May 31, 2011

Anne Haaker  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
Preservation Services  
#1 Old State Capitol Plaza  
Springfield, Illinois 62701-1507

SUBJECT: U.S. DOE Energy Efficiency Conservation Block Grant - BetterBuildings  
Grantee: Chicago Metropolitan Agency for Planning  
Grant #: DE-EE0003561

RE: Section-106 Requirements (36 CFR Part 800) of the National Historic Preservation Act  
Request for Categorical No Effect and Protocols

REF: PROGRAMMATIC AGREEMENT BETWEEN THE UNITED STATES  
DEPARTMENT OF ENERGY, THE ILLINOIS DEPARTMENT OF COMMERCE  
AND ECONOMIC OPPORTUNITY (ILLINOIS ENERGY OFFICE AND ILLINOIS  
HOME WEATHERIZATION ASSISTANCE PROGRAM OFFICE) AND THE  
ILLINOIS HISTORIC PRESERVATION AGENCY REGARDING EECBG, SEP AND  
WAP UNDERTAKINGS (APRIL 6, 2010)

Dear Ms. Haaker:

The Chicago Metropolitan Agency for Planning (CMAP) has been awarded a competitive Energy Efficiency Conservation Block Grant (EECBG) - BetterBuildings grant by the U.S. Department of Energy (U.S. DOE) pursuant to the American Reinvestment and Recovery Act (Recovery Act) of 2009. In partnership with the City of Chicago Department of Environment, with support from the City of Rockford and suburban and regional stakeholders – CMAP's \$25 million EECBG-BetterBuildings award will be used to transform the market for carrying out energy-efficient retrofits to commercial and residential buildings in northeastern Illinois. To distribute Recovery Act funds CMAP created the *Energy Impact Illinois* (formerly the Chicago Region Initiative for BetterBuildings, "EII") initiative to provide financing for implementing energy efficiency improvements to single-family homes, multi-family homes, commercial and industrial properties in the greater Chicago region serving Cook, Kendall, Kane, Lake, DuPage, Will, and McHenry counties, and the City of Rockford.

The EII initiative utilizes a portfolio-approach to create financial tools for residential, commercial and industrial sector energy efficiency retrofits, and leverage private dollars with public dollars.

Ms. Anne Haaker  
May 31, 2011  
Page 2

Financial tools in the EII portfolio expand upon existing models, such as revolving loan funds and loan loss reserves, and compliment the current set of financial incentives and tools offered by utilities, the State of Illinois, and other financial entities. Financial institutions responded to a competitive request for proposals (RFPs) issued by CMAP for establishing new energy efficiency lending programs or supplementing existing loan program with energy efficiency measures. Loans will be issued to borrowers for implementing energy efficiency improvements to single-family homes, multi-family homes, commercial and industrial properties. Energy Efficiency improvements will be designed to achieve a minimum of 15% reduction in a building's energy usage, and will be focused on insulation, air sealing, building shell improvements, HVAC upgrades, hot water equipment upgrades, and appliance upgrades, however window and door replacement may also be a component of some projects. CMAP intends to utilize only measures categorically excluded from NEPA review by the U.S. Department of Energy.

Through a competitive process CMAP retained CNT Energy - a division of the Center for Neighborhood Technology - which specializes in helping communities and customers control their energy costs and become more energy efficient, to serve as the implementation agency of the EII program and to assist CMAP with Recovery Act compliance requirements. CNT Energy is responsible for assisting the financial institutions with program implementation; bringing financial tools to the marketplace and assuring regulatory compliance.

#### **OVERVIEW**

As a U.S. DOE Recovery Act funded grant, EII undertakings are subject to the Section-106 requirements of the National Historic Preservation Act (NHPA). Pursuant to the Section-106 requirements and the use of Recovery Act funds for EII projects, CMAP therefore requests the concurrence of the Illinois Historic Preservation Agency (IHPA) with the following stipulations and protocol for streamlining energy efficiency projects funded and implemented by EII.

By reference, CMAP incorporates the April 6, 2010 Programmatic Agreement between U.S. DOE and IHPA and specifically Appendices A and B as they apply to this Request of Categorical No Effect and Protocols for EII projects.

(1) An Undertaking shall be deemed to have "no effect" on historic properties for the purposes of Section-106 review provided that the subject property does not meet any of the following conditions:

- The subject property is a National Historic Landmark (NHL); and/or
- The subject property is listed (or determined eligible for listing as indicated by HAARGIS, IHPA's on-line "Historic Architectural and Archeology Resources Geographic Information System") in the National Register of Historic Places, either individually or as part of a historic district; and/or
- The subject property is a locally-designated landmark, either individually or as part of a landmark district; and/or
- The subject property is identified in HAARGIS; and/or

- The subject property is color-coded “red” or “orange,” the two highest categories of potentially significant, in the City of Chicago’s “Chicago Historic Resources Survey” (CHRS) inventory;
- (2) A subject property within a historic district listed (or determined eligible for listing as indicated by HAARGIS) on the National Register, a National Historic Landmark District; and/or a locally-designated landmark district shall be deemed to be contributing to the district, and therefore a historic property, for the purposes of Section-106 review unless otherwise submitted to IHPA for a further determination.
  - (3) A subject property meeting any of the five conditions identified above shall be deemed to be a historic property for the purposes of Section-106 review unless otherwise submitted to IHPA for a further determination regarding its National Register eligibility (e.g., whether a CHRS property meets National Register criteria or whether a property no longer meets National Register criteria due to a loss of physical integrity).
  - (4) Acquisition of property shall be deemed to have “no effect” on historic properties for the purposes of Section-106 review provided that any work to such property as part of the EII program is reviewed and approved by, or otherwise submitted as part of the consultation process to IHPA.

#### **PROCESS**

The Chicago Metropolitan Agency for Planning (CMAP) will ensure that the following process is carried out for all projects funded by EII. The step-by-step questions would be used as litmus for identifying projects needing Section 106 review from IHPA.

- 1. Will any work occur on the exterior or around the building?**
  - No Stop. No further action required.
  - Yes Proceed to next question.
- 2. Is the building/ structure more than 50 years old?**
  - No Stop. No further action required.
  - Yes Proceed to next question.
- 3. Is the building/ structure located within City of Chicago?**
  - No Search the building/structure historical status using State of Illinois online HAARGIS system at <http://gis.hpa.state.il.us/hargis/> Proceed to last question.
  - Yes Search the building/structure historical status using City of Chicago's zoning map at <https://gisapps.cityofchicago.org/zoning/> Proceed to last question.
- 4. Is the Building/structure a historically listed site?**
  - No Document the historic search results and keep with the project file.

- Yes**
- building photographs (façade, sides, and details pertinent to convey project)
  - site address
  - work plans and specifications
  - project scope of work

CMAP will ensure that the subrecipients receive training in the use of this protocol, including use of the HAARGIS and Chicago Zoning systems, and will included monitoring of compliance with this protocol in subrecipient review. Additionally, the compliance procedure will be monitored using the EII reporting and compliance database, where subrecipients will track building information.

## PROTOCOLS

### A. Undertakings Exempt from Further Review

#### 1. Categorical Exemptions

The following Undertakings have little or no potential to cause effect and, therefore, are categorically exempt from further review or consultation with the IHPA under this Request for Categorical No Effect.

- a. Undertakings on Properties Less than 50 Years Old. All properties less than fifty (50) years of age and that do not meet the criteria established in National Register Bulletin 22, *Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Past Fifty Years*, do not require further review or consultation.
- b. Undertakings on Properties More than 50 Years Old. All properties more than fifty (50) years of age which will include Undertakings bounded by the categorical exemptions of Appendices A and B per the April 6, 2010 U.S. DOE - IHPA Programmatic Agreement, and are concluded as not having the potential to cause adverse effects on historic properties, do not require further review or consultation by IHPA.

#### 2. Specific Activities Exempt from Further Review

Undertakings on properties more than (or equal to) fifty (50) years old do not require further review or consultation with the IHPA provided the Undertaking complies with the National Park Service's *Secretary of the Interior's Standards for the Treatment of Historic Properties* and related technical guidelines. Undertakings meeting this requirement are limited solely to the activities described below.

For the purpose of this Request for Categorical No Effect, "in-kind" replacement/repair is defined as a replacement action or repair that uses materials that match the original material in terms of composition, appearance, dimension, detailing and durability. In addition, to the extent practicable, original materials will be preserved and reused for in-kind replacement/repair.

For all projects where no window or door alterations are involved, all materials included in Appendix A of 10 CFR 440, *Standards For Weatherization Materials*, excluding all windows and doors, are considered appropriate for use on historic properties, and do not require further review or consultation from the IHPA, provided that the activity meets one of the following exemptions:

a. Exterior Rehabilitation

- i. Installation of scaffolding and other temporary construction-related structures including barriers, screening, fences, protective walkways, signage, office trailers and restrooms.
- ii. Application of exterior paint on previously painted surfaces, including masonry.
- iii. All lead paint abatement which does not involve removal or alteration of exterior features and/or a window's surrounding casings sash components, trim and sills.
- iv. In-kind replacement/repair of:
  - 1) masonry foundations, floor joists, and ceiling joists
  - 2) basement bulkhead doors
  - 3) wood siding and trim
  - 4) porch elements such as columns, flooring, floor joists, ceilings, railing, balusters and balustrades, and lattice
  - 5) roof cladding, flashing, gutters, soffits, and downspouts and with no change in roof pitch or configuration
  - 6) doors and door frames
  - 7) window sash, frames, glazing and weather stripping. Replacement of existing clear glass with new clear glass is allowed.
  - 8) exterior vents
- v. Replacement/repair of:
  - 1) concrete foundations
  - 2) exterior heating, ventilation, and air conditioning (HVAC) mechanical units
- vi. Installation of:
  - 1) dryer vents on secondary facades
  - 2) caulk and expandable foam to prevent air infiltration so long as it is painted or color matched to match the existing exterior materials
  - 3) Insulation on the underbelly of Mobile Homes
  - 4) Removable film on windows

b. Interior Rehabilitation

- i. Interior improvements and rehabilitation where no structural alterations are made, where no demolition of walls, ceilings and/or floors occurs, and where no drop ceilings are added, and consisting of:
  - 1) plumbing work, including installation of water heaters
  - 2) electrical work
  - 3) heating, ventilation, and air conditioning (HVAC) systems and their components

- 4) insulation installation in attics and crawl spaces, including blown-in insulation
- ii. In-kind replacement/repair of:
  - 1) plaster walls and ceilings
  - 2) floors, including refinishing
- iii. Installation of drywall where original plaster wall surfaces are missing, and which will not appreciably change the trim profile. No decorative plaster or other decorative features shall be covered.
- iv. All painting and carpeting, provided that carpeting installation damages no underlying wood or masonry floor surfaces.
- v. All kitchen and bathroom remodeling provided no walls, windows, or doors are altered.
- vi. All lead paint abatement which does not involve removal or alteration of interior features.
- vii. All asbestos abatement which does not involve removal or alteration of interior features.

**B. Technical Assistance**

Nothing in this Request for Categorical No Effect shall be construed as meaning that CMAP or Subrecipients cannot request advice, counsel, or assistance of the IHPA at any time.

**C. Monitoring**

The IHPA may monitor activities carried out pursuant to this Request for Categorical No Effect. CMAP and Subrecipients will cooperate with the IHPA in carrying out their monitoring and review responsibilities. CMAP and Subrecipients shall make available project information under this Request for Categorical No Effect, as necessary.

**D. Public Objection**

At any time during implementation of an Undertaking covered by this Request for Categorical No Effect, should an objection be raised by a member of the public, the Subrecipient shall take the objection into account and consult as needed with the objecting party, CMAP, and IHPA to resolve the objection.

**E. Recordkeeping**

Compliance with the terms of this Request for Categorical No Effect will be documented by the Subrecipient through recordkeeping as required by CMAP's administration of U.S. DOE program regulations. Records will be made available to the IHPA for monitoring compliance, as necessary.

**F. Term of Request for Categorical No Effect**

This Request for Categorical No Effect will continue in full force and effect for three (3) years from the date all signatories have provided signature. At any time in the six-month period prior to the Request for Categorical No Effect's expiration, CMAP may request IHPA to extend the Request for Categorical No Effect for three (3) more years, provided the request is made in writing, that all signatories agree, and there are no substantive modifications.

### **G. Amendment**

Any signatory to this Request for Categorical No Effect may request that it be amended, whereupon the parties will consult in accordance with 36 CFR Part 800.14 to consider such amendment. CMAP will represent itself and Subrecipients petitioning singly or as a group in all requests to amend this Request for Categorical No Effect. The amendment will be effective on the date it is signed by all signatories.

### **H. Termination**

Any signatory to this Request for Categorical No Effect may terminate it by providing thirty (30) days notice to the other signatories, provided that the signatories will consult during the period prior to termination to seek amendment or other action that would avoid termination. CMAP will represent itself and Subrecipients when the latter petition as a unanimous body to terminate this Request for Categorical No Effect. In the event of termination, Subrecipients will comply with 36 CFR Parts 800.3 through 800.6 with regard to all individual undertakings heretofore covered by this Request for Categorical No Effect.

### **I. Coordination with Other Federal Funding**

Another Federal agency that provides permitting or financial assistance to an Undertaking covered by this Request for Categorical No Effect may satisfy its own Section 106 compliance responsibilities by accepting and complying with the terms of this Request for Categorical No Effect. The Federal agency shall notify CMAP, the Subrecipient, and the IHPA and of its intent to adhere to this Request for Categorical No Effect in lieu of completing a separate Section 106 review.

### **J. Contacts**

CMAP: Dan Olson  
Senior Energy Efficiency Planner  
Chicago Metropolitan Agency for Planning (CMAP)  
Tel: (312) 386-8760 Fax: (312) 386-8761  
Email: dolson@cmap.illinois.gov  
233 S. Wacker Drive, Suite 800  
Chicago, IL 60606

IHPA: Anne Haaker  
Deputy State Historic Preservation Officer  
Illinois Historic Preservation Agency  
Preservation Services  
Email: anne.haaker@illinois.gov  
#1 Old State Capitol Plaza  
Springfield, IL 62701-1507

Execution and implementation of this Request for Categorical No Effect evidences that the Chicago Metropolitan Agency for Planning and its Subrecipients have taken into account the effects of the U.S. DOE Recovery Act funding on historic properties.

Ms. Anne Haaker  
May 31, 2011  
Page 8

Thank you for your assistance in getting this ARRA funded program up and running as quickly as possible. If you have any questions, please do not hesitate to get in contact with me as noted above.

Sincerely,



Randall S. Blankenhorn  
Executive Director

DO:RSB/stk

**CONCUR**  
By: Jane E. Haaker  
Deputy State Historic Preservation Officer  
Date: 6/2/11