

PROGRAMMATIC AGREEMENT
among
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
regarding compliance with
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
for the
DRINKING WATER STATE REVOLVING FUND PROGRAM,
COMMONWEALTH OF PUERTO RICO

WHEREAS, the U.S. Environmental Protection Agency, Region 2 (EPA) awards capitalization grants to the Commonwealth of Puerto Rico to establish a Drinking Water State Revolving Fund (SRF) program administered by the Puerto Rico Department of Health (PRDOH) authorized under the Safe Drinking Water Act (SDWA) (42 U.S.C. § 300j-12); and

WHEREAS, the provision of financial support by the EPA through the Drinking Water SRF program is a federal action that makes such projects undertakings subject to the requirements of Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. §§ 300101 *et seq.*) and its implementing regulations, “Protection of Historic Properties” (36 CFR Part 800); and

WHEREAS, these undertakings may have effects on properties included in or eligible for inclusion in the National Register of Historic Places (NRHP) (referred to as “historic properties”); and

WHEREAS, the PRDOH is the SRF Agency responsible for the administration of Puerto Rico’s Drinking Water SRF program authorized under Article 11 of Public Law No. 5 of July 21, 1977, as amended, known as the “*Ley para proteger la pureza de las Aguas Potables*” (Law to Protect the Purity of Drinking Waters); and

WHEREAS, the EPA authorized the PRDOH to initiate consultation under Section 106 of the NHPA pursuant to 36 CFR § 800.2(c)(4) in a letter to the Puerto Rico State Historic Preservation Officer (SHPO) dated November 30, 2022, and clarification letters dated December 20, 2022, and March 6, 2023 (Appendix B); and

WHEREAS, the EPA, the National Conference of State Historic Preservation Officers (NCSHPO), and the Advisory Council on Historic Preservation (ACHP) executed a nationwide programmatic agreement in 1990 that governs Section 106 compliance for the Clean Water SRF program including delegation of the EPA’s Section 106 responsibilities to SRF Agencies in each State, but which does not apply to undertakings in other programs, including the Drinking Water SRF; and

WHEREAS, the EPA has consulted with the SHPO and ACHP to develop this Programmatic Agreement (PA) pursuant to 36 CFR § 800.14(b)(2) to address Section 106 compliance for the Drinking Water SRF program, delegate the EPA’s Section 106 responsibilities to the PRDOH, and exclude certain undertakings with no potential to adversely affect historic properties from SHPO review; and

WHEREAS, the EPA, SHPO, and ACHP agree that certain Drinking Water SRF undertakings have no or minimal potential to adversely affect historic properties (Appendix A) and agree that those projects may be excluded from further Section 106 review or consultation; and

WHEREAS, because this PA delegates the EPA’s Section 106 responsibilities to the PRDOH, the EPA invited the PRDOH to consult on this PA; and

WHEREAS, the Puerto Rico Aqueduct and Sewer Authority (PRASA) is the main subrecipient of PRDOH funding and the Puerto Rico Department of Natural and Environmental Resources (DNER) is the SRF Agency for the Clean Water SRF program in Puerto Rico, and the EPA and PRDOH identified PRASA and DNER as potentially interested parties and invited PRASA and DNER to consult on this PA; and

WHEREAS, the EPA and PRDOH identified other potentially interested parties and distributed a fact sheet about this PA for comment through emails to interested parties; and

WHEREAS, public comments were solicited through a post to the PRDOH website and a newspaper announcement in *El Vocero* on [DATE] and [X] comments were received;

NOW, THEREFORE, the EPA, SHPO, and ACHP agree that Puerto Rico’s Drinking Water SRF program shall be administered in accordance with the following stipulations, which will be deemed to satisfy the EPA’s Sections 106 responsibilities for all Drinking Water SRF actions in Puerto Rico undertaken with EPA assistance.

STIPULATIONS

The EPA will ensure that the following measures are carried out:

I. PURPOSE AND APPLICABILITY

This PA sets forth the process by which the EPA will meet its responsibilities under Sections 106 of the NHPA with the assistance of the PRDOH. As such, it sets forth the basis for PRDOH review of individual projects that may affect historic properties and establishes how the EPA will be involved in such review.

This PA is applicable to the review of SDWA Section 1452 (42 U.S.C. § 300j-12) projects that receive EPA assistance under the PRDOH’s Drinking Water SRF program. The Drinking Water SRF program provides financial assistance to the PRDOH to improve, replace, or install water systems that achieve the health protection objectives of the SDWA. Many of the eligible projects are small in scope, involving upgrades to existing facilities and replacement of existing lines in previously disturbed areas. The PRDOH awards capitalization grants in the form of direct loans, refinancing, and subsidies to facilitate compliance with, and further the purposes of, the SDWA in public water systems. PRASA is a public corporation and instrumentality of the Commonwealth of Puerto Rico responsible for the operation of Puerto Rico’s public water systems (Act No. 40 of May 1, 1945), and, as such, is the main subrecipient of the PRDOH’s Drinking Water SRF capitalization grants.

II. ROLES AND RESPONSIBILITIES

- A. The EPA shall ensure that the PRDOH carries out the requirements of 36 CFR § 800.3 through 800.7 and applicable ACHP guidelines for all Drinking Water SRF undertakings in Puerto Rico that use EPA assistance, except those that have been excluded from

further review in consultation with the SHPO and ACHP pursuant to Stipulation III and Appendix A.

- B. The EPA shall participate in the Section 106 review of a particular undertaking if requested by the PRDOH and/or the SHPO. The EPA may choose, at its discretion, to participate in the Section 106 review of a particular undertaking without such a request.
- C. The PRDOH shall ensure that all Section 106 reviews conducted pursuant to this PA are performed in accordance with the 36 CFR Part 800 regulations, applicable ACHP guidance, and Stipulations III, through VII, below. The PRDOH shall also ensure that it, or its contractors or subrecipients, conducts investigations, evaluations, and resolution efforts in accordance with any additional guidance documents provided by the SHPO and with all other federal or state standards.
- D. The PRDOH shall notify the EPA if, after consultation with the SHPO, disputes remain pursuant to Stipulation VIII or if the criteria for ACHP involvement are met pursuant to 36 CFR Part 800, Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases.

III. PROJECTS NOT REQUIRING REVIEW

- A. Projects Not Requiring SHPO Review. The signatories to this PA agree that some projects that fall under Puerto Rico's Drinking Water SRF program have no or minimal potential to affect historic properties and are therefore excluded from further Section 106 review and no further consultation with the SHPO is required. The PRDOH will review all projects to determine which are excluded from further review by the SHPO. Appendix A sets forth the categories of Drinking Water SRF projects that are excluded from further Section 106 review. If a project in its entirety does not qualify for exclusion under Appendix A, the PRDOH is responsible for consulting with the SHPO and following the Project Review Process in Stipulation VI.
- B. Project Tiers. Appendix A includes two tiers of Drinking Water SRF projects excluded from further Section 106 review. Tier 1 includes types of projects that have no potential to affect historic properties. The PRDOH can exclude Tier 1 projects from further SHPO review with a note in the project file. Tier 2 includes types of projects with little potential to affect historic properties in areas with no historic properties. The PRDOH can exclude Tier 2 projects from further SHPO review only if evaluated by an appropriately qualified professional and documented in an Exclusion Memorandum. An appropriately qualified professional meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) in history, archeology, architectural history, architecture, or historic architecture as necessary to evaluate the type(s) of historic properties present in the area of potential effects. The Exclusion Memorandum shall be sent to the SHPO within 30 days of completion and shall include the following information:
 - 1. A description of the undertaking and the area of potential effects;
 - 2. A description of the steps taken to identify historic properties;
 - 3. A list of historic properties, if any, present within a ¼ mile of the APE; and
 - 4. The basis for determining that the undertaking is a Tier 2 project.

Pursuant to Stipulation IX, the PRDOH shall include all Tier 1 and Tier 2 projects excluded from SHPO review in an annual report.

- C. All Other Projects. The PRDOH is responsible for consulting with the SHPO for all Drinking Water SRF projects that are not included in Appendix A and shall follow the Project Review Process contained in Stipulation VI.

IV. DISASTER AND/OR EMERGENCY RESPONSES

Pursuant to 36 CFR § 800.12(d), projects for disaster and/or emergency relief in response to immediate rescue and salvage operations conducted to preserve life or property are exempt from Section 106 review before initiation. The PRDOH shall notify the SHPO within 3 days if it undertakes a project for disaster and/or emergency relief and shall consult and coordinate with the SHPO consistent with this Stipulation and Stipulation VI as soon as the immediate threat to life or property is resolved.

V. ADOPTION

If a Drinking Water SRF project is funded (or permitted or licensed) by another federal agency, the other federal agency may, for the purpose of that particular project, adopt this PA and use the exclusions contained in Appendix A, as appropriate, to allow the PRDOH to complete Section 106 review for the entire project. The other federal agency shall notify the EPA, SHPO, PRDOH, and ACHP in writing that it intends to adopt the provisions of this PA for a particular project before approving the application of the PA. The PRDOH shall maintain a record of these notifications to include in its annual report per Stipulation IX. Such use by another federal agency of the exclusions in Appendix A will not require an amendment to this PA, or the addition of that agency as a signatory to the PA. The federal agency remains responsible for the Section 106 review for all undertakings not meeting the terms of the list of excluded activities in Appendix A.

VI. PROJECT REVIEW PROCESS

For all projects not excluded from further Section 106 review pursuant to Stipulation III.A-B, the PRDOH shall ensure it complies with the procedures outlined in 36 CFR §§ 800.3-800.7. The PRDOH may authorize subrecipients to initiate consultation under Section 106 of the NHPA pursuant to 36 CFR § 800.2(c)(4), with notification to the EPA and SHPO, but remains responsible for ensuring the review process is conducted in accordance with 36 CFR §§ 800.3-800.7.

VII. UNANTICIPATED DISCOVERIES

This Stipulation shall govern for all Drinking Water SRF undertakings, including those otherwise excluded from further Section 106 review pursuant to Stipulation III. The PRDOH and SHPO may agree on additional procedures to govern unanticipated discoveries within a memorandum of agreement or project programmatic agreement for a particular project. The PRDOH shall ensure that these procedures for unanticipated discoveries are followed by recipients of Drinking Water SRF capitalization grants and their contractors.

- A. If historic materials (i.e., human remains or cultural materials that are thought to be at least 50 years old or that may be significant to archaeological understanding) are discovered during an undertaking covered by this PA, the recipient of Drinking Water

SRF funding shall immediately cease work within a 50-foot radius of the discovery and any other areas where additional historic materials are reasonably expected to be found. The PRDOH shall ensure that the unanticipated discovery is protected from additional effects until evaluated for NRHP eligibility.

- B. The PRDOH or funding recipient (copying the PRDOH) shall notify the SHPO and EPA of the unanticipated discovery within 48 hours.
- C. Work can continue in areas outside the 50-foot radius of discovery where no historic materials are present or reasonably expected to be present.
- D. An appropriately qualified professional shall evaluate the NRHP eligibility of the discovered materials consistent with the procedures in 36 CFR § 800.4(c)(2) and 36 CFR Part 63. An appropriately qualified professional meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) in history, archaeology, architectural history, architecture, or historic architecture as necessary to evaluate the type(s) of historic materials present.
- E. If the appropriately qualified professional determines that the unanticipated discovery is not eligible for listing on the NRHP, the PRDOH shall consult with the SHPO to obtain concurrence. The SHPO shall respond to a request for concurrence within 72 hours. Work can continue in all areas once the SHPO concurs or fails to respond within 72 hours.
- F. If the appropriately qualified professional determines that the unanticipated discovery is eligible for listing on the NRHP, but adverse effects can be avoided, work can continue in all areas.
- G. If the appropriately qualified professional determines that the unanticipated discovery is eligible for listing on the NRHP and adverse effects cannot be avoided, the PRDOH shall consult with the SHPO in accordance with Stipulation VI to assess effects and resolve adverse effects, as necessary, except that the PRDOH and SHPO can agree to resolve adverse effects without a separate memorandum of agreement.

VIII. DISPUTE RESOLUTION

- A. Either the PRDOH or the SHPO may, at its own discretion, request that the EPA assist in resolving disputes that may arise between the PRDOH and SHPO. The EPA will participate in reviewing the project and consulting with the PRDOH and SHPO if so requested.
- B. Should any signatory to this PA object at any time to the manner in which the terms of this PA are implemented, the PRDOH shall consult with such party and with the SHPO to resolve the objection.
 - 1. If the PRDOH and SHPO cannot resolve the objection, the PRDOH shall forward all documentation relevant to the objection, including the PRDOH's proposed resolution, to the EPA.
 - 2. If the EPA, through further consultation with the PRDOH, SHPO, and the objecting party is not able to resolve the objection, the EPA shall forward all

documentation relevant to the objection, including the EPA's proposed resolution to the ACHP

3. The ACHP shall provide the EPA with its advice within 30 days of receiving adequate documentation. Prior to reaching a final decision on the objection, the EPA shall prepare a written response, taking into account any timely advice regarding the objection from the ACHP and any comments received from other parties to the PA, and provide them with a copy of the written response. The EPA will then advise PRDOH to proceed according to its final decision.
4. If the ACHP does not provide advice regarding the objection within the 30-day period, the EPA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, the EPA shall prepare a written response taking into account any comments received from other parties to the PA regarding the objection, and provide them and the ACHP with a copy of the written response.

- C. The PRDOH's responsibility to carry out all other actions subject to the terms of this PA that are not under dispute or objection remain unchanged throughout the dispute resolution process.

IX. ANNUAL REPORTING AND MEETING

The PRDOH shall prepare a summary report detailing work undertaken without SHPO review pursuant to Stipulation III and Appendix A during each federal fiscal year by October 31 each year this PA is in effect. The PRDOH shall provide all signatories with the report, and shall include any problems encountered and any disputes or objections received in the PRDOH's efforts to carry out the terms of this PA.

After a 30-day review period following the first annual report, the signatories shall schedule a meeting to discuss the contents of the report and the operation of this PA. After a 30-day review period following subsequent annual reports, any of the signatories may request a meeting to discuss the contents of the report and the operation of this PA. The signatories shall schedule a meeting within 30 days of such a request.

X. AMENDMENT

This PA may be amended when such amendment is agreed to in writing by all signatories. Appendix A may be modified when agreed to in writing by all of the signatories or their authorized representatives. The amendment to the PA or Appendix A will be effective on the date that it is signed by all signatories. The EPA will transmit a copy of the amended PA and/or Appendix A to all signatories and consulting parties upon execution.

XI. DURATION

This PA will be effective for 5 years from the date of its execution. The EPA will notify all signatories in writing 6 months prior to the expiration of this PA. If all signatories agree, this PA may be extended in accordance with the procedures of Stipulation X, above.

XII. TERMINATION

- A. If any signatory to this PA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment pursuant to Stipulation X above, or other action that would avoid termination. If within 90 days, an agreement cannot be reached, any signatory may terminate the PA upon written notification to all other parties.
- B. If the PA is terminated, the EPA will follow the procedures set forth at 36 CFR §§ 800.3 through 800.7 with regard to individual undertakings that would have been covered by this PA. If the PA is terminated, the PRDOH may continue to initiate consultation pursuant to the EPA's authorization letters (Appendix B).

XIII. EFFECTIVE DATE

This PA shall be effective when signed by all signatories.

Execution of this PA, and carrying out its terms, evidences that the EPA has satisfied its Section 106 responsibilities under the NHPA for the Drinking Water SRF program of the SDWA in Puerto Rico and has afforded the ACHP an opportunity to comment.

PROGRAMMATIC AGREEMENT
among
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
regarding compliance with
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
for the
DRINKING WATER STATE REVOLVING FUND PROGRAM,
COMMONWEALTH OF PUERTO RICO

Signatory

U.S. Environmental Protection Agency, Region 2

By: _____ Date: _____

Carmen Guerrero

Director, Caribbean Environmental Protection Division

PROGRAMMATIC AGREEMENT
among
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
regarding compliance with
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
for the
DRINKING WATER STATE REVOLVING FUND PROGRAM,
COMMONWEALTH OF PUERTO RICO

Signatory

Puerto Rico State Historic Preservation Officer

By: _____

Carlos Rubio Cancela

Puerto Rico State Historic Preservation Officer

Date: _____

PROGRAMMATIC AGREEMENT
among
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
regarding compliance with
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
for the
DRINKING WATER STATE REVOLVING FUND PROGRAM,
COMMONWEALTH OF PUERTO RICO

Signatory

Advisory Council on Historic Preservation

By: _____
Reid J. Nelson
Executive Director

Date: _____

PROGRAMMATIC AGREEMENT
among
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY,
THE PUERTO RICO STATE HISTORIC PRESERVATION OFFICER,
and
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION
regarding compliance with
SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT
for the
DRINKING WATER STATE REVOLVING FUND PROGRAM,
COMMONWEALTH OF PUERTO RICO

Concurring Party

Puerto Rico Department of Health

By: _____
Carlos R. Mellado López, MD
Secretary

Date: _____

ATTACHMENTS

Appendix A: Drinking Water SRF Projects Not Requiring SHPO Review

Appendix B: November 30, 2022 Authorization Letter and December 20, 2022, and March 6, 2023 Clarification Letters

APPENDIX A

Drinking Water SRF Projects Not Requiring SHPO Review

Pursuant to Stipulation III of the PA, some projects funded by the PRDOH's Drinking Water SRF can be excluded from further Section 106 review. The projects cannot be segmented into excluded activities and non-excluded activities. If a project in its entirety does not qualify for exclusion, the PRDOH must consult with the SHPO following the Project Review Process in Stipulation VI. The parties agree that the following Tier 1 activities **do not** have the potential to cause adverse effects to historic properties, even if historic properties are present, and, therefore, that no further review is required under Section 106. The PRDOH can exclude Tier 1 projects from further SHPO review with a note in the project file. The parties further agree that the following Tier 2 activities have little potential to cause adverse effects to historic properties. The PRDOH can exclude Tier 2 projects from further SHPO review only if evaluated by an appropriate qualified professional and documented in an Exclusion Memorandum before work begins. An appropriate qualified professional meets the Secretary of the Interior's Professional Qualification Standards (48 FR 44738-9) in history, archeology, architectural history, architecture, or historic architecture as necessary to evaluate the type(s) of historic properties present in the area of potential effects. The Exclusion Memorandum shall be sent to the SHPO within 30 days of completion and shall include the following information:

1. A description of the undertaking and the area of potential effects;
2. A description of the steps taken to identify historic properties;
3. A list of historic properties, if any, present within ¼ mile of the APE; and
4. The basis for determining that the undertaking is a Tier 2 project.

Pursuant to Stipulation IX, the PRDOH shall include all Tier 1 and Tier 2 projects excluded from SHPO review in an annual report.

Tier 1

The following Tier 1 projects can be excluded from SHPO review. An Exclusion Memorandum is not required. The PRDOH will document Tier 1 projects by noting in the file that no Section 106 review is required pursuant to this PA.

- A. Connection Fee Only – A loan that pays only for connection to an existing water supply with no ground disturbance or impacts to existing structures.
- B. Video Scoping of Existing Lines – A loan that pays only for video scoping of existing lines with no ground disturbance or impacts to existing structures.
- C. Emerging Contaminant Study – A loan that pays only for the study of the presence and/or treatment of emerging contaminants in the water supply with no ground disturbance or impacts to existing structures.
- D. Lead Service Line Inventory – A loan that pays for the inventory of lead service lines with no ground disturbance or impacted structures.

- E. Treatment Changes – A project that consists of treatment changes at an existing water treatment plant with no ground disturbance or impacts to existing structures.
- F. Equipment Updates – A project that consists of equipment replacement, purchase, removal, and/or installation that does not result in ground disturbance outside existing disturbed areas and depths and in which no structures will be impacted.

Tier 2

The following Tier 2 projects can be excluded from SHPO review. An Exclusion Memorandum is required to be filed with the project and sent to the SHPO.

- G. Utility Upgrades – A project that consists of utility upgrades without new ground disturbance and no NRHP-eligible or listed historic properties are present within the APE.
- H. Hydrants or Manholes – A project that consists of hydrant or manhole replacement and repair projects that are not within NRHP-eligible or listed historic districts and there is a low potential for encountering significant archeological resources.
- I. Lining Less Than 45 Years – A project that consists of lining of water pipe less than 45 years of age and possible minor repairs, with no ground disturbance.
- J. Lining Greater Than 45 Years – A project that consists of lining of water pipe older than 45 years of age that are not brick, stone, or wood, so long as the cured process doesn't degrade the piping material, and possible minor repairs, with no ground disturbance.
- K. Repairs Less Than 45 Years – A project that consists of point and/or spot repairs of water pipe where the water pipe is less than 45 years of age, and all work can be completed before the pipes become 50 years of age.
- L. Repairs Greater Than 45 Years – A project that consists of point and/or spot repairs of water pipe where the water pipe is greater than 45 years of age, as long as it is not made of brick, stone, or wood and there is a low potential for encountering significant archaeological resources.
- M. Water Meter Replacements with No Historic Properties – A project that consists of water meter replacements at existing water meter locations and no NRHP-eligible or listed historic properties are present.
- N. Water Meter Replacements with Potential or Known Historic Properties – A project that consists of water meter replacements at existing water meter locations within basements or outside structures with no new openings on the outside of the structures.
- O. Replacement of Water Service Lines Using Boring or Slit Trenches – A project that consists of replacement service lines and related appurtenances involving boring or slit trenches up to one (1) foot in width and up to 100 feet in length with connecting pits no

bigger than 10 feet by 10 feet relating to connecting to utility lines, if no NRHP-eligible or listed properties are present within the APE and there is low potential for significant archaeological resources within ¼ mile of the APE.

- P. In-Place Replacement of Water Mains – A project that consists of in-place replacement of water mains and related appurtenances less than 45 years old (i.e., polyvinyl, fiber cement, and other generic composite or plastic pipe; clay pipe less than 24 inches in diameter, post-Works Progress Administration pre-cast concrete pipe and boxes), if no NRHP-eligible or listed properties are present within the APE and there is low potential for significant archaeological resources within ¼ mile of the APE; work can be completed before the water mains become 50 years old; and all ground disturbance is confined to existing utility trenches or previously disturbed rights-of-way.

- Q. Modifications to Existing Treatment Plants – A project that consists of ground disturbances confined to the current disturbed footprint of an existing water treatment plant in which no structures will be impacted and there is low potential for significant archaeological resources within ¼ mile of the APE.

- R. Test Boring or Test Wells – A project that consists of test boring to determine soil suitability and/or test wells of less than 12-inch diameter, if no NRHP-eligible or listed properties are present within the APE and there is low potential for significant archaeological resources within ¼ mile of the APE.

- S. Demolition – A project that consists of demolition of buildings or structures less than 45 years old if all activity is confined to the current footprint of the original construction; ground surface conditions are stable enough to support the weight and movement of heavy equipment on bare ground or on temporary mats without sinking into the ground, rutting the ground surface, or resulting in any form of earthmoving at the demolition site; work can be completed before the building(s) or structure(s) becomes 50 years of age; and there are no NRHP-eligible or listed historic properties within the APE and there is low potential for significant archaeological resources within ¼ mile of the APE.

APPENDIX B

**November 30, 2022 Authorization Letter and December 20, 2022, and March 6, 2023
Clarification Letters**