



Vermont Department of Environmental Conservation

Agency of Natural Resources

Vermont Division for Historic Preservation

Agency of Commerce & Community Development

**MEMORANDUM OF AGREEMENT BETWEEN THE VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION AND THE VERMONT STATE HISTORIC PRESERVATION OFFICER REGARDING THE ADMINISTRATION OF THE FOLLOWING FUNDING PROGRAMS:
VERMONT DRINKING WATER STATE REVOLVING LOAN FUND;
VERMONT WATER INFRASTRUCTURE IMPROVEMENT FOR THE NATION GRANTS;
VERMONT CLEAN WATER STATE REVOLVING LOAN FUND;
VERMONT POLLUTION CONTROL GRANTS;
VERMONT OVERFLOW SEWER GRANTS; AND
ANY STATE OR FEDERAL FUNDS ADMINISTERED THROUGH THE MUNICIPAL POLLUTION CONTROL PROJECT PRIORITY LIST OR DRINKING WATER PROJECT PRIORITY LIST**

This Memorandum of Agreement (MOA) sets forth the agreement between the parties, Vermont Department of Environmental Conservation (DEC) of the Agency of Natural Resources and the Vermont State Historic Preservation Officer (SHPO) in the Agency of Commerce and Community Development (collectively referred to as “the Parties”), for the purpose of administering the Vermont Drinking Water State Revolving Loan Fund, Vermont Clean Water State Revolving Loan Fund, associated United States Environmental Protection Agency-sourced Federal grants, and associated State grants (collectively referred to as “the Funds”).

WHEREAS, DEC is responsible for administering and awarding loans and grants to water supply systems in Vermont through the Vermont Drinking Water State Revolving Loan Fund, under a Drinking Water State Revolving Fund Operating Agreement with the United States Environmental Protection Agency, as provided for by Section 1452 of the Safe Drinking Water Act; and

WHEREAS, DEC is responsible for administering and awarding loans and grants, and providing sponsorship through the Water Infrastructure Sponsorship Program (WISPr), to Clean Water projects in Vermont through the Vermont Clean Water State Revolving Loan Fund, under a Clean Water State Revolving Fund Operating Agreement with the United States Environmental Protection Agency, as provided for by Title VI of the Clean Water Act (CWA) (33 U.S. Code §1383); and

WHEREAS, DEC is given primary responsibility by the United State Environmental Protection Agency on February 28, 1997 through the Drinking Water State Revolving Fund Program Guidelines and Clean Water State Revolving Fund Program Guidelines for implementing the provisions of Section 800.13 of the 1986 regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (54 U.S.C. 100101) (the Act), for water supply projects and Clean Water projects receiving loans from the Funds; and

WHEREAS, DEC has determined that the administration of the Funds may have effects on buildings, structures, historic districts, objects, or archaeological sites included or eligible for inclusion in the National Register of Historic Places and has consulted with SHPO pursuant to Section 106; and

WHEREAS, DEC has an affirmative obligation under Title 22 of the Vermont Statutes Annotated (VSA) Section 742 (a)(7) and Section 743 (4) to consider historic and archaeological resources, consult with the Vermont Advisory Council on Historic Preservation (Vermont Council), and institute procedures to assure that its plans, programs, codes and regulations contribute to the preservation and enhancement of sites, structures and objects of historical, architectural, archaeological or cultural significance; and

WHEREAS, project review under National Environmental Policy Act of 1969 (NEPA) (P.L. 91- 190; 83 Stat. 852; 42 U.S.C. 4321) can be integrated and coordinated with review under Section 106 of the Act as set forth in 36 CFR Section 800.8, and the parties recognize the benefits of such integration and coordination, and can also be coordinated with review under Title 22 of the Vermont Statutes; and

WHEREAS, DEC intends to comply with the principles identified in the federal Advisory Council on Historic Preservation (Council)'s "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites" published in the Federal Register on May 18, 1999, the Council's *Handbook on Consultation with Indian Tribes in the Section 106 Review Process* (June 2021); and the Council's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (March 2023) and

WHEREAS, DEC has determined it is in the public interest to assure safe drinking water and clean water to all Vermonters at the lowest possible costs, while protecting the natural and cultural resources of Vermont, including its archaeological and historic resources, and prefers a design option providing minimum disturbance of such resources in instances where effects cannot economically be avoided; and

NOW, THEREFORE, DEC and SHPO agree that the activities associated with these Funds shall be administered in the manner described below and in accord with the herein contained stipulations in order to satisfy the DEC's responsibility under the Safe Drinking Water Act, under its most current workplan approved by the United States Environmental Protection Agency, and the Clean Water Act, for all individual undertakings under the Funds.

STIPULATIONS

Vermont DEC shall ensure that the following measures are implemented:

I. Purpose

- A. The purpose of this Memorandum of Agreement (MOA) is to ensure that Historic Properties are not affected, or if affected, are not adversely affected, when

Vermont public water systems or Clean Water project owners use loans from the Funds to upgrade their facilities and operations in order to comply with the federal Safe Drinking Water Act and the Vermont Water Supply Rule or the Clean Water Act. DEC will not normally loan funds for projects with a determination of Adverse Effect on historic properties.

II. Identification of Historic Properties

- A. For the purpose of this Agreement the term 'historic properties' means any building, structure, district, object, or archaeological (historic and precontact) site listed in, or eligible for inclusion in the State and National Registers of Historic Places.
 1. There are separate requirements for the Archaeological resources (below ground) and the Architectural resources (above ground). These stipulations outline the Requirements for each.
 2. The Procedure for the review(s) is to be run concurrently as described in Appendix A.
 3. DEC and SHPO have developed a DEC-specific Project Review Form (DEC-PRF) and flowchart to implement this Agreement. Contact DEC or SHPO for DEC-PRF. See Appendix A for flowchart.
- B. Consultation with SHPO and with any applicable Tribes (as described in Stipulation II.C.) is required to obtain their review and concurrence. Contact with SHPO and Tribes by Vermont DEC is encouraged early and often in the project planning and implementation stages.
 1. On tracts of land potentially affected by Drinking Water or Clean Water projects financed by loans or grants from the Funds, DEC shall engage or require the funding recipient to engage a qualified consultant (as set forth below) to identify and evaluate historic properties that may be affected by the activities listed in Stipulation VII.
 2. DEC shall coordinate with SHPO to ensure that all studies are completed in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and the SHPO Guidelines for Archaeological Studies in Vermont (Archaeology Guidelines).
 3. Identification of Historic Properties Sensitive to Archaeological Impacts
 - a) For projects that are not listed as exempt according to Section V or Appendix B, DEC will follow the Section 106 process and consult with SHPO, meeting the requirements of 36 CFR § 800.3 and 36 CFR § 800.4, and Title 22 of the Vermont Statutes Annotated (VSA) Section 742 (a)(7) and Section 743 (4). Projects that are exempted under Section V or Appendix B, need to be fully documented by the procedure in Sections VI and VIII.
 - b) DEC or its qualified professional will define the project's area of potential

- effect (APE), as defined in 36 CFR § 800.16(d).
- c) Consultation
- (1) Consultation between DEC and SHPO will include coordinating reviews of project plans, associated documents, and site visits.
 - (2) Project Review submittal shall include:
 - (a) Consultant Report/DEC Staff Memorandum (via email cover letter)
 - (b) DEC-Project Review Form
 - (c) Location Map (annotated Google map or other)
 - (d) Site map showing APE and ground disturbance
 - (e) Project plans/Construction drawings
 - (f) Projects involving ground-disturbing activities must be reviewed by SHPO for archaeological significance unless the project is an exempt activity under Section V.
- d) When the project information provided to SHPO is insufficient to determine if a proposed undertaking does or does not have the potential to impact historic properties that are listed in or eligible for listing in the National Register of Historic Places, SHPO may:
- (1) Request additional information
 - (2) Conduct a site visit, or
 - (3) Request that DEC hire a qualified archaeological or historic architectural professional as defined by the Secretary of the Interior's Professional Qualifications Standards (36 CFR 61) and outlined in Stipulation III.
 - (4) If the background review based on the DEC-PRF submittal identifies potential archaeological sites within the project area, DEC or their borrower will contract with qualified professional as requested by SHPO to complete field reconnaissance and/or intensive surveys, as warranted, in conformance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation: Identification (1983, as revised in the 48 FR 44716), SHPO's VARI documentation, and SHPO's Archaeology Guidelines. SHPO shall recommend that a qualified archaeological professional conduct additional study in the following progressive order:

- (a) An Archaeological Resources Assessment (ARA). The purpose of an ARA is to identify areas that have been significantly disturbed in the past; specific areas that are likely to contain archaeological sites; and potential archaeological issues that must be considered during project planning.
 - (i) In some cases, SHPO may conclude that there is enough information to initiate a Phase I site identification study without completing an ARA.
- (b) Phase I Identification Study. If the ARA concludes that potential archaeological sites exist within the project area and may be affected by the project, a qualified professional must be retained to conduct a Phase I Identification Study.
 - (i) The qualified professional recommendation for further study must be submitted to SHPO along with a copy of the DEC-PRF preliminary review determination.
 - (ii) SHPO will provide concurrence within thirty (30) days of receipt or request a Phase II Evaluation Study.
 - (iii) Non-response by SHPO within thirty (30) days will constitute concurrence.
- (c) Phase II Evaluation Study. In consultation with SHPO, a qualified professional may be required to conduct a Phase II Evaluation Study to determine whether the site meets the criteria for inclusion in the National Register of Historic Places.
 - (i) If the site cannot be avoided and will be destroyed in whole or in part by the project, the qualified archaeological consultant shall develop a mitigation plan in consultation with SHPO and any federally recognized tribe, as applicable.
 - (ii) Documentation. All archaeological studies must meet the meet the Archaeology Guidelines and the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
 - (iii) The qualified professional shall provide copies of all reports and any associated Vermont Archaeological Inventory (VAI) forms in digital formats to SHPO. SHPO may specify alternative documentation formats.

4. Identifying and evaluating historic buildings, structures, historic districts, or objects.

- a) For properties not listed in the State or National Registers of Historic

Places, the qualified professional shall evaluate the properties and make recommendations for National Register eligibility based on the Criteria for Evaluation.

- (1) SHPO has performed an initial review of Vermont Publicly Owned Treatment Works and found them to be exempt from Historic Preservation Review. See list in Appendix H.
- b) The qualified professional shall submit a determination of eligibility (DOE form) to SHPO for concurrence.
- c) For buildings or structures not documented or determined eligible within the past ten (10) years, a Vermont Architectural Inventory Form (VARI) and digital photographs are required for the determination of eligibility. SHPO may specify an alternative documentation format.
- d) Background review should include examination of:
 - (1) State or National Registers of Historic Places listings and eligibility determinations.
 - (2) Existing VARI or Historic Structures and Sites Surveys (HSSS).
 - (3) Any other readily available information in Vermont Online Resource Center (ORC).
5. SHPO will return preliminary review determination and any relevant background documentation within thirty (30) days of receipt.
 - a) Non-response by SHPO within thirty (30) days will constitute concurrence with recommendation of eligibility.
6. Disagreement about National Register Eligibility.
 - a) Should DEC or the loan or grant recipient disagree with SHPO's determination of eligibility, they shall obtain a formal determination of eligibility from the Keeper of the National Register in accordance with 36 CFR §800.4 (c) and 36 CFR 63 and notify SHPO accordingly.
7. Treatment of identified sensitive historic places.
 - a) To the extent possible, historically and archaeologically sensitive areas shall be avoided and measures to protect resources will incrementally increase until they reach the level of mitigation. DEC will not normally loan funds for projects with a determination of 'Adverse Effect' on historic properties.

C. Consultation with Tribes.

1. DEC shall take the lead in identifying and establishing consultation with Federally recognized Indian Tribes consistent with the requirements of 36 CFR § 800.2(c)(2) and 36 CFR § 800.3(c)-(f). In accordance with 36 CFR § 800.3(f)(2), any Tribe that might attach religious and cultural significance to historic properties in the APE shall be identified and invited, in accordance with 36 CFR § 800.3(f)(2), to be consulting parties.
2. DEC shall seek to establish a MOU with Tribes interested in participating.
3. Consultation with Tribes shall be concurrent with SHPO consultation.
4. The qualified professionals may provide general coordination information to

Tribes and at the direction of DEC consult with the Tribes. (see Appendices D, E, and F)

5. DEC and its qualified professional shall ensure that consultation continues with Tribes throughout the Section 106 review process prescribed by this Agreement whenever such Tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking and that any preservation measures or mitigation measures are included in the project loan agreements and contract documents.
- D. Costs for identifying and evaluating the eligibility of historic buildings, structures, and archaeological sites; for project reviews and determinations of effect; and for necessary studies, including mitigating adverse effects on historic properties shall be eligible expenses under the Funds.

III. Historic Preservation & Mitigation Measures

- A. DEC and SHPO have developed a DEC-specific Project Review Form (DEC-PRF) and flowchart to implement this Agreement. Contact DEC or SHPO for DEC-PRF. See Appendix A for flowchart.
- B. Preferred treatment of archaeologically sensitive areas and historic buildings and structures may include:
 1. Avoidance to the extent possible (preferred).
 2. Redesign of one or more project components.
 3. Specific construction conditions such as buffer areas, demarcation, and restrictions on types of equipment or methods used in construction.
 4. Construction monitoring by a qualified professional (as defined in Stipulation IV).
 5. Rehabilitation of an affected historic building or structure in accordance with the *Secretary of the Interior's Standards for Rehabilitation*.
- C. Adherence to the SHPO Archaeology Guidelines.
- D. It is desirable and most cost effective to avoid sites with appropriate conditions placed on the project design and construction specifications. Such conditions to preserve the site will be negotiated between the loan or grant recipient, the qualified professional, and SHPO. The ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" shall be followed (Appendix C).
- E. If a project has the potential for an adverse effect on a historic property, additional agreement documents may be necessary to mitigate or address the adverse effect.
- F. DEC will not normally loan funds for projects with a determination of adverse effect on historic properties.

- G. Costs for identifying and evaluating the eligibility of historic buildings, structures, and archaeological sites; for project reviews and determinations of effect; and for necessary studies, including mitigating adverse effects on historic properties shall be eligible expenses under the Funds.

IV. Qualified Professionals

- A. The qualified professional must meet the Secretary of the Interior's Professional Qualifications Standards, found in 36 CFR 61 (48 FR 44738-9), and have a clear understanding of how to interpret and apply the following documents and trainings:
 - 1. Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation.
 - 2. SHPO Archaeology Guidelines.
 - 3. National Register of Historic Places Criteria for Evaluation.
 - 4. Vermont State Historic Preservation Office qualified professionals training.
 - 5. The Vermont Division for Historic Preservation (VDHP), which serves as Vermont SHPO, should be contacted at ACCD.projectreview@vermont.gov and include a copy of the DEC-PRF to ensure proper identification of the project.

V. Exempt Properties and Activities

- A. A project is Exempt if it satisfies **all** the following criteria:
 - 1. Project does not involve ground disturbance.
Ground disturbing activities include, but are not limited to:
 - a) new construction.
 - b) construction of roads and parking lots.
 - c) land clearance and tree cutting in preparation for construction.
 - d) excavation for footings and foundations.
 - e) installation or replacement of sewer, water, and storm drains or electrical, gas, and leach lines, or septic tanks.
 - 2. Project is not located in or abuts a National Register Historic District.
 - 3. Project does not involve any buildings listed in or eligible for the National Register of Historic Places.
 - 4. Project consists of renovation of buildings or structures less than 50 years old.
 - 5. For projects identified by DEC as meeting all criteria of Section V.A., no further review under Section 106 is required unless the scope of the project changes.
- B. In August 2023, SHPO determined all existing Publicly Owned Treatment Works wastewater facilities in Vermont to be non-historic and no further review under Section 106 is required if the scope of the project is limited to the buildings and structures. See list in Appendix H.
 - 1. New construction and ground disturbance within a previously undisturbed footprint are **not** exempt.
- C. Based on archaeological analysis completed as of May 1, 2025, the existing built

footprints of mobile home parks are exempt from historic preservation review (aboveground and archaeological) by SHPO and Division for Historic Preservation. This exemption includes roadways and driveways, building pads, utilities, built infrastructure, graded yards, any other previously disturbed areas, and mobile homes. This exemption does not include manufactured housing developments, areas outside the existing built footprints of mobile home parks, and buildings over 50 years of age (except for mobile homes). Exempt mobile home parks as of May 1, 2025, are noted within the 2024 [Mobile Home Park Registry](#).

- D. In July 2025, SHPO determined the exploration for soil suitability determinations for wastewater projects is an exempt activity.
- E. A project that does not satisfy all the criteria listed in Section V.A., B., C., or D. will nonetheless be exempt from this MOA if it is limited solely to the exempt activities listed in Appendix B.
- F. For projects that are exempt under Appendix B, DEC or the qualified professional will submit a DEC-PRF recording and justifying the exemption to SHPO at ACCD.ProjectReview@vermont.gov:
 - 1. SHPO will return concurrence to DEC or the qualified professional within thirty (30) days of receipt.
 - a) No further review under Section 106 is required unless the scope of the project changes.
 - b) Non-response by SHPO within thirty (30) days will constitute concurrence.

VI. Project Review Procedure

See Appendix A for Project Review Process Flowchart

VII. Project Review Determinations

- A. It is desirable and most cost effective to avoid sites with appropriate conditions placed on the project design and construction specifications. Such conditions to preserve the site will be negotiated between the loan or grant recipient, the qualified professional, and SHPO. The ACHP's "Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites" shall be followed (Appendix C).
- B. DEC shall rely on SHPO's application of the Criteria of Effect and Adverse Effect as specified in 36 CFR 800.9 (a) and (b) for each proposed activity to determine whether an Effect will occur on any Historic Properties.
- C. Treatment of buildings, structures, districts, or historic landscapes listed or eligible for listing in the State or National Registers of Historic Places shall be undertaken in accordance with the Standards.

- D. For activities determined to have No Adverse Effect, and with SHPO concurrence, DEC will move forward with proposed plans and notify SHPO if the approved plans have changed.
- E. For activities which may have a potential Adverse Effect, DEC shall advise the loan recipient, in consultation with SHPO, to work closely with the qualified professional to seek ways to avoid or minimize the Adverse Effect.
- F. Mitigation treatment of archaeological sites listed or eligible for listing in the State or National Registers of Historic Place shall be undertaken in accordance with the Secretary of the Interior's Standards for Archeological Documentation and the Guidelines.
 - 1. The Scope of Work shall be approved by SHPO.
- G. Once SHPO approves a treatment plan to mitigate an Adverse Effect, DEC shall require the loan recipient to implement it according to the terms of the consultation. Documentation of the plan will be described on the master record.
- H. If a project has an adverse effect on a historic property, additional agreement documents may be necessary to mitigate or address the adverse effect pursuant to the National Historic Preservation Act, 59 U.S.C. 306108, and its implementing regulations (36 CFR Part 800).
- I. If the loan recipient in concert with DEC and SHPO cannot agree to satisfactory measures to avoid or minimize the Adverse Effect on historic properties or where a National Historic Landmark is present within the APE, the parties shall appeal to the federal Advisory Council on Historic Preservation.
- J. In order to prevent the destruction or damage of historic and archaeological resources during construction activities, the Department shall require as a loan condition that all construction contracts financed by the Funds contain the provisions specified in Sections (a) and (b) above, including the stoppage of work.
- K. DEC will not normally loan funds for projects with a determination of adverse effect on historic properties.

VIII. Findings of Effect

- A. Finding of No Historic Properties Affected.
 - 1. When, either through direct consultation with SHPO or through recommendations provided by a qualified professional, it is determined that there are no National Register-listed or -eligible properties within the APE that will be affected, DEC staff shall submit the DEC-PRF to SHPO of No Historic Properties Affected for concurrence.

- a) Submittal to VDHP: [CHAMP Project Submittal & Review Portal | Agency of Commerce and Community Development](#)
 2. No further review under Section 106 is required for a finding of No Historic Properties Affected unless SHPO does not concur or the scope of work or APE limits change, thus requiring additional review.
- B. Finding of No Adverse Effect.
 1. For any project that includes, within the APE, National Register-listed or -eligible properties, DEC or a qualified professional will apply the criteria of Adverse Effect set forth in 36 CFR § 800.5(a) to determine the effects of the undertaking on historic properties.
 2. Related documentation shall be forwarded to VDHP for review and concurrence.
 - a) Submittal to VDHP: [CHAMP Project Submittal & Review Portal | Agency of Commerce and Community Development](#)
 3. No further review under Section 106 is required for a finding of No Adverse Effect unless the scope of work or APE limits change, thus requiring additional review.
 4. Final documentation shall be forwarded to VDHP.
- C. Recommendation of Adverse Effect.
 1. Projects that include, within the APE, National Register-listed or -eligible properties that will or may be adversely affected by the project, as defined by the criteria of Adverse Effect set forth in 36 CFR § 800.5(a), shall be reviewed in accordance with the procedures of 36 CFR Part 800.
 - a) Submittal to VDHP: [CHAMP Project Submittal & Review Portal | Agency of Commerce and Community Development](#)
 2. Related documentation including mitigation options shall be forwarded to SHPO for review and concurrence.
 3. National Historic Landmarks. If DEC, SHPO, or a qualified professional determine that a project may adversely affect a National Historic Landmark, DEC shall request SHPO, the federal Advisory Council on Historic Preservation, and the Secretary of the Interior's National Historic Landmark staff to participate in consultation to resolve any adverse effects, as outlined in 36 CFR § 800.10. DEC shall be responsible for notifying the National Historic Landmark staff.

IX. Project Re-evaluation

- A. At any time, if there are changes to the project scope or plans, eligibility, effects, new sources of funding, or APE limits, DEC or its qualified professional will consult with VDHP to determine if the findings remain valid or if additional survey, eligibility evaluation, or effects assessment are required.
- B. Projects that have not been undertaken within the 5-year term of an Environmental Determination, which includes review by VDHP, may be subject to re-evaluation by VDHP. DEC will notify VDHP if a project is proposed for reaffirmation and VDHP will determine if they can reaffirm the findings or if they require re-evaluation.

X. Emergency Projects Exemptions

- A. If the emergency undertaking is an immediate rescue and salvage operation conducted in response to an event to preserve life (health and safety) and property, the project is exempt from 22 VSA requirements.
- B. These projects include but are not limited to:
 - 1. Restoration of roadways, power, communications, water, and sewer to a qualifying wastewater treatment facility or water treatment facility.
 - 2. Leach field and other septic failures
 - 3. Remediation for spills of hazardous materials
- C. All efforts should be reported to VDHP after the fact in writing within thirty (30) days of the undertaking.
- D. DEC may inform VDHP of the emergency project through written requests, telephone conversations, meetings, or electronic media. In all cases, DEC shall clarify it is an approved expedited review for an emergency undertaking.
- E. VDHP shall respond through email acknowledging the emergency undertaking.
- F. DEC shall consider any timely comments provided by VDHP in deciding on how to proceed.
- G. VDHP shall complete the project review process within three (3) days of receipt of emergency submittal.
- H. Project review evaluation period may be shortened upon mutual agreement of SHPO and DEC if the nature of the emergency warrants.
- I. DEC shall provide all available information at the time of the expedited emergency review request.

XI. DISCOVERY OF HISTORIC PROPERTIES OR ARCHAEOLOGICAL SITES DURING CONSTRUCTION

- A. If unanticipated effects on historic properties or previously unidentified archaeological sites are discovered during project construction, that portion of the project will stop immediately. The loan recipient or qualified professional shall notify DEC, which will inform SHPO of the discovery within 48 hours of the discovery. SHPO shall begin consultation within two (2) business days of the notification to determine actions the loan recipient can take to resolve potential adverse effects.
- B. Whenever previously unknown belowground historic properties of religious and cultural significance are discovered during construction, excavation in the areas of the resources must immediately stop until tribal consultation can occur. The loan recipient shall notify DEC, which will inform SHPO. DEC in coordination with SHPO will notify the tribe(s) and Tribal Historic Preservation Officer (THPO) within 48 hours of the discovery. A site visit with tribe(s), THPO, loan recipient, DEC, and SHPO (all as appropriate) is recommended to resolve any potential adverse effect(s) to the historic property of religious and cultural significance.
- C. For language for construction contracts related to historic preservation services regarding the discovery of historic properties or archaeological sites during construction, see Appendix G.

XII. Treatment of Human Remains

- A. If human remains are discovered during any phase of archaeological study or during construction, the study or that portion of the project will stop immediately. The remains shall be respectfully covered and secured. The Recipient shall immediately report the discovery to local police and the Office of the Chief Medical Examiner and follow applicable state laws and procedures. Please refer to the following State of Vermont Statutes:
 - 1. Title 13, Chapter 81: §3761. Unauthorized removal of human remains.
 - 2. Title 13, Chapter 81: §3764. Cemeteries and Monuments-Grave markers and historical tablets.
 - 3. Title 18, Chapter 107, § 5212b. Unmarked burial sites special fund.
- B. If the human remains are determined to be archaeological, the Recipient shall immediately contact the State Archaeologist at VDHP. If the human remains are determined to be Native burials, the Recipient should follow the guidance in the Council's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects*, dated March 1, 2023. (Attachment E). A treatment and reburial plan shall be developed by the Recipient's qualified archaeological professional, in consultation with SHPO and appropriate tribe(s) and Tribal Historic Preservation Officer, if applicable. DEC shall ensure that the treatment and reburial plan is fully implemented. Avoidance and preservation in place are the preferred option for treating human remains.

1. In many cases, burial sites, human remains, and funerary objects are subject to other applicable federal, Tribal, state, or local laws or protocols that may prescribe a specific outcome, such as the Native American Graves Protection and Repatriation Act (NAGPRA). In those scenarios, the federal agency should identify and follow all applicable laws or protocols and implement any prescribed outcomes. See Appendix E.
- C. For language for engineering and construction contracts related to historic preservation services regarding the treatment of human remains during construction, see Appendix G.

XIII. Monitoring

- A. SHPO may monitor any activities carried out pursuant to this Agreement. DEC shall cooperate with SHPO in carrying out these monitoring and review responsibilities.
- B. DEC shall prepare an Annual Report of activities conducted under this Agreement for the Federal fiscal reporting year (October 1st-September 30th) and submit it to the SHPO by December 1st. The Annual Report shall include but not be limited to: a list of all projects with their effect determinations and any recommendations for changes to this Agreement. DEC and SHPO shall meet annually to review the process and recommend changes to the MOU.
- C. Compliance with Title 22 VSA Section 742(a)(7) and Section 734(4).
- D. Implementation of the stipulations in this Agreement, including the Project Review Procedures set forth in Appendix A, satisfies DEC's responsibilities for the program under Title 22 VSA Section 742(a)(7) and Section 743(4).

XIV. Redaction

- A. DEC will support SHPO and the State Archaeologist in their obligations and efforts to protect confidential archaeological site location information pursuant to 22 V.S.A. § 761(b) and 1 V.S.A. § 317(c) (20). Specifically, the qualified professional, in consultation with SHPO, shall redact any location information before providing documents to the public.
- B. Title 22, chapter 14: §761(b). All information regarding the location of archaeological sites and underwater historic properties shall be confidential barring statutory exemptions.
- C. Title 1, chapter 5: § 317(c) (20). Information that would reveal the location of archaeological sites and underwater historic properties is exempt from public records access, except as provided in Title 22 §761(b).

- D. Consultants, State and Federal agencies, non-governmental organizations, and other stewards of archaeological information should appropriately redact archaeological site and underwater historic property locational information from document before disseminating them to the public at large or making them available on public-facing databases. Although it is not possible to enumerate every circumstance where redaction might be appropriate, in general maps that show these site locations with enough specificity to navigate to them, maps that depict intra-site artifact distributions and densities, and textual information such as directions or detailed topographic descriptions that could reveal these site locations should be redacted. Refer to the Guidelines for Conducting Archaeology in Vermont for further details.

XV. Effective Date; Modification

- A. This MOA will become effective on the date signed by DEC and SHPO and will continue in force for five (5) years. At the end of that period, the parties shall consult to determine whether the MOA remains satisfactory.
- B. Either party to the MOA may terminate it by providing thirty (30) days' written notice to the other party, provided that the parties consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, DEC will comply with 36 CFR 800.4 through 800.6 and 22 VSA Section 742(a)(7) with regard to individual undertakings covered by this MOA.

XVI. Program Contacts

- A. Division for Historic Preservation
802-461-6191
ACCD.ProjectReview@vermont.gov
[CHAMP Project Submittal & Review Portal | Agency of Commerce and Community Development](#)
- B. VDEC Water Investment Division (WID)
WID Director
802-828-1556 (DEC Main Phone Number)
ANR.DECSRFS106Consultation@vermont.gov

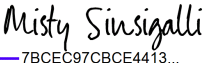
ATTACHMENTS

- Appendix A:** DEC and VT SHPO Project Review Flowchart
- Appendix B:** Exempt Activities
- Appendix C:** Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites (Federal Register 1999)
- Appendix D:** Handbook on Consultation with Indian Tribes in the Section 106 Review Process (June 2021) ([Link to Handbook](#))
- Appendix E:** ACHP Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects (March 2023)
- Appendix F:** Map of Stockbridge Munsee Band of the Mohicans Tribal Interest
- Appendix G:** Construction Contract Federal Requirement Language Related to Historic Preservation Services
- Appendix H:** List of Vermont Publicly Owned Treatment Works Exempted Buildings and Structures from Historic Preservation Review

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ANY STATE OR FEDERAL FUNDS ADMINISTERED THROUGH THE MUNICIPAL POLLUTION
CONTROL PROJECT PRIORITY LIST OR DRINKING WATER PROJECT PRIORITY LIST**

Signatory

VERMONT DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Signed by:

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Misty Sinsigalli, Commissioner

Date 3/13/2026

**MEMORANDUM OF AGREEMENT BETWEEN THE VERMONT DEPARTMENT OF
ENVIRONMENTAL CONSERVATION AND THE VERMONT STATE HISTORIC PRESERVATION
OFFICER REGARDING THE ADMINISTRATION OF THE FOLLOWING FUNDING PROGRAMS:
VERMONT DRINKING WATER STATE REVOLVING LOAN FUND;
VERMONT WATER INFRASTRUCTURE IMPROVEMENT FOR THE NATION GRANTS;
VERMONT CLEAN WATER STATE REVOLVING LOAN FUND;
VERMONT POLLUTION CONTROL GRANTS;
VERMONT OVERFLOW SEWER GRANTS; AND
ANY STATE OR FEDERAL FUNDS ADMINISTERED THROUGH THE MUNICIPAL POLLUTION
CONTROL PROJECT PRIORITY LIST OR DRINKING WATER PROJECT PRIORITY LIST**

Signatory

VERMONT STATE HISTORIC PRESERVATION OFFICE

Signed by:

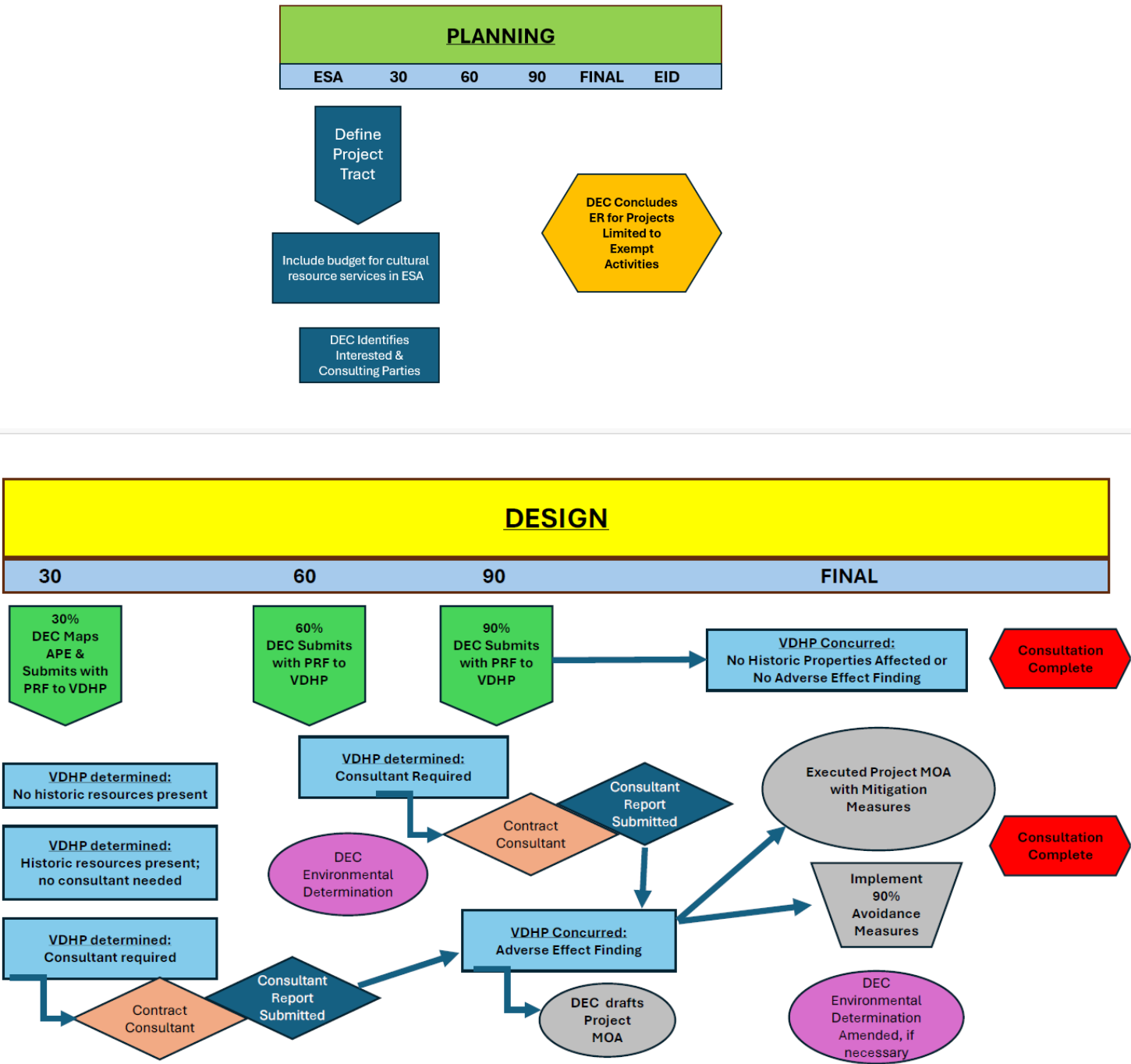
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Laura V. Trieschmann, SHPO

Date 3/13/2026

MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX A

DEC and VT SHPO PROJECT REVIEW FLOWCHART



**MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX B**

EXEMPT ACTIVITIES

All proposed activities not specifically listed in Appendix B require consultation with SHPO.

Proposed Activities Not Requiring SHPO Consultation

- A. As outlined in Section V.F., DEC or the qualified professional will individually review these types of projects and submit a DEC-PRF recording and justifying the exemption to SHPO at ACCD.ProjectReview@vermont.gov
1. In August 2023, SHPO determined all existing Publicly Owned Treatment Works wastewater facilities in Vermont to be non-historic and no further review under Section 106 is required if the scope of the project is limited to the buildings and structures. See list in Appendix H.
 - a. New construction and ground disturbance within a previously undisturbed footprint are **not** exempt.
 2. Based on archaeological analysis completed as of May 1, 2025, the existing built footprints of mobile home parks are exempt from historic preservation review (aboveground and archaeological) by SHPO and VDHP. This exemption includes roadways and driveways, building pads, utilities, built infrastructure, graded yards, any other previously disturbed areas, and mobile homes. This exemption does not include manufactured housing developments, areas outside the existing built footprints of mobile home parks, and buildings over 50 years of age (except for mobile homes). Exempt mobile home parks as of May 1, 2025, are noted within the 2024 [Mobile Home Park Registry](#).
 3. Construction within previously disturbed footprint of existing non-historic building or structure (unless in a floodplain),
 - a. Definition of a Building: A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity.
 - b. Definition of a Structure: The term structure is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter, such as gas or liquid storage tanks.
 - c. Definition of a Footprint: Footprint is the foundation of the building or structure, including the builders trench.
 4. Incidental Ground Disturbance - The development, construction, or renovation that involves the disturbance of an area less than 100 square feet to a depth diameter less

than six (6) inches. Examples include drilled wells, springs, and water storage facilities.

- a. Presumes existing or non-vehicular access: any undeveloped vehicular access will need SHPO consultation.

5. Drilled Wells, Geotechnical Borings and other soil tests.

- a. In July 2025, SHPO determined the exploration for soil suitability determination for wastewater projects is an exempt activity.

- i. Backhoe test pits are **not** exempt, except for exploration for feasibility soil suitability determinations for wastewater projects.
- b. Mechanically drilled and hand auger boring/ holes must be eight (8) inches in diameter or less.
- c. Presumes existing or non-vehicular access: any undeveloped vehicular access will need SHPO consultation

6. Tree, shrub, and herbaceous plantings that involve:

- a. The emplacement of bare-root stock in shovel slits or root balls in holes up to 24" diameter planted within slumped material along an eroded streambank or within plow zone soils;
 - i. Definition of Plow Zone Soils: Plow Zone Soil is the top layer of soil that is disturbed by plowing.

7. Purchase, expansion, or demolition of an existing building or structure that is less than fifty (50) years old, that is not located in or abutting a historic district, and that does not involve new ground disturbance or earthwork to any depth.

8. Purchase of lands, easements, and rights of way that does not involve ground disturbance or earthwork to any depth.

9. Earthwork within existing documented disturbed areas such as:

- a. Disturbed areas of a non-historic residential, industrial, or commercial development.
 - i. Definition of Development: Development means any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.
- b. Earthwork and infrastructure replacement within existing documented trenching.

12. Lead Service Line Inventory related work as required under the Safe Drinking Water Act and related Rules:

- a. Inventory work involving excavation at the curb stop and within the public right-of-way limited to a 5-foot by 5-foot footprint or less.

- b. Inventory work involving excavation outside the right-of-way if the vactor method is used.
 - i. Vactor Method: Vactor and water extraction of earth for one test pit, 30-inches in diameter or less per service line to be located at the curb stop.
- c. Service line replacement is **not** exempt.
- d. Exploratory excavation to locate service lines is **not** exempt.

**MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX C**

**RECOMMENDED APPROACH FOR CONSULTATION ON RECOVERY OF
SIGNIFICANT INFORMATION FROM ARCHAEOLOGICAL SITES**

FR Doc No: 99-12055]

Federal Register / Vol. 64, No. 95 / Tuesday, May 18, 1999

Sections 800.5 and 800.6 of the Council's revised regulations, "Protection of Historic Properties" (36 CFR part 800) detail the process by which Federal agencies determine whether their undertakings will adversely affect historic properties, and if they will, how they are to consult to avoid, minimize, or mitigate the adverse effects in order to meet the requirements of Section 106 to "take into account" the effects of their undertakings on historic properties. One such category of historic properties is comprised of prehistoric or historic archaeological resources. The National Register of Historic Places defines an archaeological site as "the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains" (National Register Bulletin 36, "Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts," 1993, p. 2). Such properties may meet criteria for inclusion in the National Register of Historic Places for a variety of reasons, not the least of which may be because "they have yielded, or may be likely to yield, information important to prehistory or history" (National Register Criteria for Evaluation, 36 CFR 60.4).

In the context of taking into account the effects of a proposed Federal or federally assisted undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register, potential impacts to archaeological sites often need to be considered. Appropriate treatments for affected archaeological sites, or portions of archaeological sites, may include active preservation in place for future study or other use, recovery or partial recovery of archaeological data, public interpretive display, or any combination of these and other measures.

Archaeological Sites and Their Treatment

The nature and scope of treatments for such properties should be determined in consultation with other parties, but in the Council's experience they generally need to be guided by certain basic principles:

The pursuit of knowledge about the past is in the public interest.

An archaeological site may have important values for living communities and cultural descendants in addition to its significance as a resource for learning about the past; its appropriate treatment depends on its research significance, weighed against these other public values.

Not all information about the past is equally important; therefore, not all archaeological sites are equally important for research purposes.

Methods for recovering information from archaeological sites, particularly large-scale excavation, are by their nature destructive. The site is destroyed as it is excavated. Therefore, management of archaeological sites should be conducted in a spirit of stewardship for future generations, with full recognition of their non-renewable nature and their potential multiple uses and public values.

Given the non-renewable nature of archaeological sites, it follows that if an archaeological site can be practically preserved in place for future study or other use, it usually should be (although there are exceptions). However, simple avoidance of a site is not the same as preservation.

Recovery of significant archaeological information through controlled excavation and other scientific recording methods, as well as destruction without data recovery, may both be appropriate treatments for certain archaeological sites.

Once a decision has been made to recover archaeological information through the naturally destructive methods of excavation, a research design and data recovery plan based on firm background data, sound planning, and accepted archaeological methods should be formulated and implemented. Data recovery and analysis should be accomplished in a thorough, efficient manner, using the most cost-effective techniques practicable. A responsible archaeological data recovery plan should provide for reporting and dissemination of results, as well as interpretation of what has been learned so that it is understandable and accessible to the public. Appropriate arrangements for curation of archaeological materials and records should be made. Adequate time and funds should be budgeted for fulfillment of the overall plan.

Archaeological data recovery plans and their research designs should be grounded in and related to the priorities established in regional, state, and local historic preservation plans, the needs of land and resource managers, academic research interests, and other legitimate public interests.

Human remains and funerary objects deserve respect and should be treated appropriately. The presence of human remains in an archaeological site usually gives the site an added importance as a burial site or cemetery, and the values associated with burial sites need to be fully considered in the consultation process.

Large-scale, long-term archaeological identification and management programs require careful consideration of management needs, appreciation for the range of archaeological values represented, periodic synthesis of research and other program results, and professional peer review and oversight.

Resolving Adverse Effects Through Recovery of Significant Information from Archaeological Sites

Under 36 CFR 800.5, archaeological sites may be “adversely affected” when they are threatened with unavoidable physical destruction or damage. Based on the principles articulated above, the

Council recommends that the following issues be considered and addressed when archaeological sites are so affected, and recovery of significant information from them through excavation and other scientific means is the most appropriate preservation outcome.

If this guidance is followed, it is highly unlikely that the Council would decide to enter the consultation process under 36 CFR 800.6 or raise objections to the proposed resolution of adverse effects in a given case, unless it is informed of serious problems by a consulting party or a member of the public.

1. The archaeological site should be significant and of value chiefly for the information on prehistory or history they are likely to yield through archaeological, historical, and scientific methods of information recovery, including archaeological excavation.
2. The archaeological site should not contain or be likely to contain human remains, associated or unassociated funerary objects, sacred objects, or items of cultural patrimony as those terms are defined by the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001).
3. The archaeological site should not have long-term preservation value, such as traditional cultural and religious importance to an Indian tribe or a Native Hawaiian organization.
4. The archaeological site should not possess special significance to another ethnic group or community that historically ascribes cultural or symbolic value to the site and would object to the site's excavation and removal of its contents.
5. The archaeological site should not be valuable for potential permanent in-situ display or public interpretation, although temporary public display and interpretation during the course of any excavations may be highly appropriate.
6. The Federal Agency Official should have prepared a data recovery plan with a research design in consultation with the SHPO/THPO and other stakeholders that is consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and the Advisory Council on Historic Preservation's Treatment of Archaeological Properties: A Handbook. The plan should specify: (a) The results of previous research relevant to the project; (b) research problems or questions to be addressed with an explanation of their relevance and importance; (c) the field and laboratory analysis methods to be used with a justification of their cost-

effectiveness and how they apply to this particular property and these research needs; (d) the methods to be used in artifact, data, and other records management; (e) explicit provisions for disseminating the research findings to professional peers in a timely manner; (f) arrangements for presenting what has been found and learned to the public, focusing particularly on the community or communities that may have interests in the results; (g) the curation of recovered materials and records resulting from the data recovery in accordance with 36 CFR part 79 (except in the case of unexpected discoveries that may need to be considered for repatriation pursuant to NAGPRA); and (h) procedures for evaluating and treating discoveries of unexpected remains or newly identified historic properties during the course of the project, including necessary consultation with other parties.

7. The Federal Agency Official should ensure that the data recovery plan is developed and will be implemented by or under the direct supervision of a person, or persons, meeting at a minimum the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-44739).
8. The Federal Agency Official should ensure that adequate time and money to carry out all aspects of the plan are provided and should ensure that all parties consulted in the development of the plan are kept informed of the status of its implementation.
9. The Federal Agency Official should ensure that a final archaeological report resulting from the data recovery will be provided to the SHPO/THPO. The Federal Agency Official should ensure that the final report is responsive to professional standards, and to the Department of the Interior's Format Standards for Final Reports of Data Recovery Programs (42 FR 5377-79).
10. Large, unusual, or complex projects should provide for special oversight, including professional peer review.
11. The Federal Agency Official should determine that there are no unresolved issues concerning the recovery of significant information with any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to the affected property.
12. Federal Agency Officials should incorporate the terms and conditions of this recommended approach into a Memorandum of Agreement or Programmatic Agreement, file a copy with the Council per Sec. 800.6(b)(iv), and implement the agreed plan. The agency should retain a copy of the agreement and supporting documentation in the project files.

**MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX D**



**CONSULTATION WITH INDIAN TRIBES IN THE SECTION 106 REVIEW PROCESS:
THE HANDBOOK**

June 2021

An independent federal agency, the Advisory Council on Historic Preservation (ACHP) promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing federal activities, programs, and policies that affect historic properties.

Advisory Council on Historic Preservation 401 F Street, NW, Suite 308
Washington, D.C. 20001

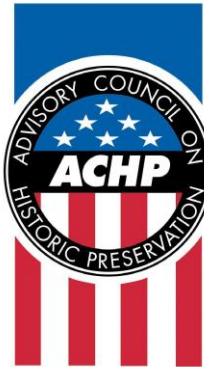
Access to the full Handbook can be found here:

<https://www.achp.gov/sites/default/files/2021-06/ConsultationwithIndianTribesHandbook6-11-21Final.pdf>

Table of Contents

- I.** About this Handbook
- II.** Federal Government Consultation with Indian Tribes
- III.** General Information about Consultation with Indian Tribes in the Section 106 Process
- IV.** General Questions and Answers
- V.** Consultation with Indian Tribes for Proposed Undertakings Off—and On—Tribal Lands
- VI.** Consultation Tools and Strategies
- VII.** Principles and Tips for Successful Consultation

**MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX E**



ADVISORY COUNCIL ON HISTORIC PRESERVATION

**POLICY STATEMENT ON BURIAL SITES, HUMAN REMAINS, AND FUNERARY
OBJECTS**

March 1, 2023

Preamble. The Advisory Council on Historic Preservation (ACHP) developed this policy statement to establish a set of principles and rules that the ACHP will encourage federal agencies to adopt as they carry out their day-to-day responsibilities under Section 106 of the National Historic Preservation Act (NHPA). This statement also establishes a set of standards and guidelines that federal and state agencies, local entities, Indian Tribes, industry applicants, and other relevant entities should, at a minimum, seek to implement in order to provide burial sites, human remains, and funerary objects the consideration and protection they deserve.

This policy statement is not bound by geography, ethnicity, political or socioeconomic status, or a system of belief and recognizes that the respectful consideration for burial sites, human remains, and funerary objects is a human rights concern shared by all. However, the burial sites, human remains, and funerary objects of certain groups of people, including but not limited to Indian Tribes, Native Hawaiians, enslaved Africans and their descendants, and other Indigenous Peoples, have a higher probability of being unmarked and undocumented and thus more likely to be affected by development projects. As such, this policy statement emphasizes the need for consultation and coordination with those communities, including seeking consensus in decision making and providing deference to their practices, protocols, and preferences, where feasible.

Section 106 requires agencies to consult and seek agreement with consulting parties on measures to avoid, minimize, or mitigate adverse effects to historic properties. Accordingly, and consistent with Section 106, this policy does not recommend a specific outcome from the consultation process. Rather, it focuses on issues and perspectives that federal agencies should consider while carrying out their

consultation and decision-making responsibilities. The ACHP will incorporate these principles in its work and encourages federal agencies and other entities to apply the principles in this policy any time there is potential to encounter burial sites, human remains, or funerary objects.

In many cases, burial sites, human remains, and funerary objects are subject to other applicable federal, Tribal, state, or local laws or protocols that may prescribe a specific outcome, such as the Native American Graves Protection and Repatriation Act (NAGPRA). In those scenarios, the federal agency should identify and follow all applicable laws or protocols and implement any prescribed outcomes.

NHPA and NAGPRA are separate and distinct laws, with separate and distinct implementing regulations and categories of parties that must be consulted. Compliance with one of these laws does not equate to or fulfill the compliance requirements of the other. Implementation of this policy and its principles does not, in any way, change, modify, or detract from NAGPRA or other applicable laws.

Authority: The authority for this policy stems from the ACHP’s statutory responsibility to advise on matters relating to historic preservation (which includes the role of Indian Tribes, Tribal Historic

Preservation Officers [THPOs], and Native Hawaiian organizations [NHOs] in that process), to advise the President and Congress regarding historic preservation matters, and to recommend methods to federal agencies to improve the effectiveness, coordination, and consistency of their historic preservation policies. While the ACHP recognizes that not all burial sites, human remains, and funerary objects may constitute or be associated with historic properties eligible for or listed in the National Register of Historic Places, the consideration and treatment of such places fall within the concerns of the historic preservation community.

This policy statement recognizes the unique legal and political relationship between the federal government and federally recognized Indian Tribes as set forth in the Constitution of the United States, treaties, statutes, and court decisions, and acknowledges that the federal Indian trust responsibility is a legal obligation under which the United States “has charged itself with moral obligations of the highest responsibility and trust” toward Indian Tribes.¹ Part of the ACHP’s trust responsibility is to ensure that the regulations implementing Section 106 incorporate the procedural requirement that federal agencies consult with Indian Tribes and NHOs that attach religious and cultural significance to historic properties that may be affected by undertakings the federal agency proposes to carry out, license, permit, or assist.² In general, the trust responsibility establishes fiduciary obligations on the part of federal agencies to Tribes, including a duty to protect Tribal lands and cultural and natural resources for the benefit of Tribes and individual Tribal members.

The ACHP views its trust responsibility as encompassing all aspects of historic resources including intangible values. As part of that trust responsibility, the ACHP offers this policy statement to inform how the Section 106 consultation process

¹ *Seminole Nation v. United States*, 316 U.S. 286 (1942)

² “The Advisory Council on Historic Preservation’s Statement on Its Trust Responsibility” (Advisory Council on Historic Preservation, 2004)

should consider burial sites, human remains, and funerary objects.

Principles. The care for and consideration of burial sites, human remains, and funerary objects is of significant social and moral consequence in the United States and U.S. territories. When burial sites, human remains, or funerary objects are or have the potential to be encountered during the planning or implementation of a proposed federal undertaking, the following principles should be adhered to:

Principle 1: Burial sites, human remains, and funerary objects should be treated with dignity and respect in all circumstances regardless of National Register eligibility or the circumstances of the action. This includes, but is not limited to, all times prior to and during consultation, during field surveys, when handling must occur, in documenting and/or reporting, if treatment actions occur, and in all other forms of interaction.

Principle 2: Disturbing or disinterring burial sites, human remains, or funerary objects, when not requested by descendants, associated Indian Tribes or NHOs, or required by applicable law or regulation, should not be pursued unless there are no other alternatives available and only after consultation with descendants or associated communities and fully considered avoidance of impact and preservation in place.

Principle 3: Only through consultation, which includes the early and meaningful exchange of information and a concerted effort to reach consensus, can informed decisions be made about the identification, documentation, National Register eligibility, and treatment of burial sites, human remains, and funerary objects.

Principle 4: To the maximum extent possible, decision making should give deference to the treatment requests of descendants or associated communities. Where known, and in accordance with applicable law, cultural practices of the descendants or associated communities should be followed if burial sites, human remains, or funerary objects may be encountered, are inadvertently identified, impacted, or must be disinterred.

Principle 5: The Indigenous Knowledge held by an Indian Tribe, NHO, or other Indigenous Peoples is a valid and self-supporting source of information. To the fullest extent possible, deference should be provided to the Indigenous Knowledge and expertise of Indian Tribes, NHOs, and Indigenous Peoples in the identification, documentation, evaluation, assessment, and treatment of their burial sites, human remains, and funerary objects.

Principle 6: Burial sites, human remains, and funerary objects are important in and of their own right. They may also constitute or be part of a sacred site and may include or incorporate several possible elements of historic significance including religious and cultural significance. The integrity of burial sites, human remains, and funerary objects is best informed by those who ascribe significance to them.

Principle 7: Burial sites, human remains, and funerary objects are frequently associated with cultural practices, sacred sites, Indigenous Knowledge, and other forms of culturally sensitive actions and/or information unique to a people. Maximum

effort should be taken to limit the disclosure of confidential or sensitive information through all available mechanisms including, but not limited to, the proper handling and labeling of records, limiting documentation to necessary information, and through the application of existing law.

Principle 8: The federal Indian boarding school system directly targeted American Indian, Alaska Native, and Native Hawaiian children in the pursuit of a policy of cultural assimilation that coincided with territorial dispossession. In partnership with the historic preservation community, federal agencies should seek to implement the recommendations identified in the Department of the Interior's Federal Indian Boarding School Investigative Report by supporting community-driven identification, documentation, interpretation, protection, preservation, reclamation, and co-management of burial sites, human remains, and funerary objects across that system, including marked and unmarked burial areas, and supporting repatriation where appropriate.

Principle 9: The legacies of colonization, including cultural assimilation, forced relocation, and slavery, have led to an uneven awareness of where and why practitioners are likely to encounter burial sites, human remains, and funerary objects across the United States and its territories. The historic preservation community has a key role in expanding public education to support greater awareness of and consideration for the histories and lifeways of Indian Tribes, Native Hawaiians, enslaved Africans and their descendants, and Indigenous Peoples including recognizing and respecting the historical trauma that these groups and individuals may experience.

Principle 10: Access to and/or repatriation of burial sites, human remains, and funerary objects should be enabled through fair, transparent, and effective mechanisms developed in conjunction with descendant communities to the fullest extent of the law.

Principle 11: Human remains and funerary objects may be relocated or removed from a location by or at the request of descendant communities for a variety of reasons. The continued presence of human remains or funerary objects may not be essential to the ongoing significance and integrity of a site or its relevance to a broad theme in history. The historic significance and integrity of such sites are best determined in consultation with lineal descendants and/or associated communities.

Principle 12: Climate change can impact the burial sites, sacred sites, cemeteries, and associated cultural practices significant to Indian Tribes, NHOs, and other groups of people. Climate plans should be developed in consultation and should include mechanisms to support the advanced identification and protection or treatment of these locations.

Principle 13: Respectful consideration of burial sites, human remains or funerary objects may require additional assistance from consulting parties to properly identify, document, evaluate for National Register eligibility, and/or conduct treatment actions. If a federal agency requests or relies on an Indian Tribe, NHO, or other party to carry out activities that are the federal agency's responsibility under the NHPA, the Indian

Tribe, NHO, or other consulting party should be reimbursed or compensated.³

Implementation of the Policy. Implementation of this policy statement is the responsibility of the ACHP's leadership and staff; however, the ACHP recognizes that appropriate expertise and experience to ensure effective implementation may also reside in other parties. Accordingly, the ACHP commits to advancing consideration of burial sites, human remains, and funerary objects in the Section 106 process with its preservation partners through the following:

- A. Train ACHP staff regarding the implementation of this policy statement.
- B. Development of informational resources that address the NHPA, Section 106, and the following:
 - i. The Federal Indian Boarding School Initiative
 - ii. The intersection of NAGPRA
 - iii. Acquiring and managing sensitive information
 - iv. Climate change and burial sites, human remains, and funerary objects
 - v. Best practices in the treatment of marked and unmarked burial sites, human remains, and funerary objects.
- C. ACHP staff will seek opportunities to implement the policy principles into Section 106 agreement documents and program alternatives to advance consideration of burial sites, human remains, and funerary objects.
- D. The ACHP will advise federal agencies, Indian Tribes, Tribal and State Historic Preservation Officers, and NHOs in their development of historic preservation protocols for appropriate consideration of burial sites, human remains, and funerary objects.
- E. Encourage federal agencies and other relevant parties to give full and meaningful consideration to burial sites, human remains, and funerary objects consistent with this policy statement.

Policy Review Period. The ACHP commits to reviewing this policy statement approximately every five years from the date of its adoption to ensure its continued applicability. The ACHP executive director will seek input regarding the need to update this policy statement through appropriate ACHP committees, including Federal Agency Programs and Native American Affairs. Amendments shall be pursued when the executive director or ACHP members determine that such action is required and/or would significantly improve the policy statement. This policy statement shall be in effect until rescinded by ACHP members.

Definitions. The definitions provided below are meant to inform the application of this policy statement. However, terms such as burial site, intact, disturbance, and human remains, among others, often require the input of associated parties to more fully understand how to interpret or apply each term. The definitions provided below are intended to be inclusive and to advance the preservation and protection of burial sites, human remains, and funerary items, as appropriate.

-Burial Site: Any location, whether originally below, on, or above the surface of the earth, where human remains are or have been located.

³ Consistent with ACHP's Guidance on Assistance to Consulting Parties in the Section 106 Review Process, when the federal agency (or in some cases the applicant) seeks the views and advice of any consulting party in fulfilling its legal obligation to consult with them, the agency or applicant is not required to pay that party for providing its views.

-Confidential: Information that is protected by law, regulation, or federal policy. Preserving authorized restrictions on information access and disclosure, including means for protecting personal privacy and proprietary information.

-Consultation: The process of seeking, discussing, and considering the views of other participants and, where feasible, seeking agreement with them. A foundational activity in the Section 106 review process.

-Consulting parties: Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; Tribal Historic Preservation Officer; Indian Tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties.⁴ Additional consulting parties may include individuals and organizations with a demonstrated interest in the undertaking due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.⁵

-Culturally sensitive: Tangible and intangible property and knowledge which pertains to the distinct values, beliefs, and ways of living for a culture. It often includes property and knowledge that is not intended to be shared outside the community of origin or outside of specific groups within a community.⁶

-Disturbance: Disturbance of burial sites that are listed in or eligible for listing in the National Register of Historic Places likely would constitute an adverse effect under Section 106. An adverse effect occurs when "an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, setting, materials, workmanship, feeling, or association".⁷ Determination of what constitutes a "disturbance" should be defined in consultation with proper deference provided to the views and opinions of descendant individuals and/or communities.

-Funerary objects: Objects that, as part of the death rite or ceremony of a culture, are reasonably believed to be associated with human remains.

-Historic property: Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. It includes artifacts, records, and remains that are related to and located within such properties, and it includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register of Historic Places criteria.⁸

-Human remains: The physical remains of a human body including cremains, fragmented human remains, hair, and fluid, among other components. When human

⁴ Based on 36 CFR § 800.2(c)

⁵ 36 CFR § 800.2(c)(6)

⁶ "Native American Archival Materials," (First Archivist Circle, 2007)

⁷ 36 CFR § 800.5(a)(1)

⁸ 36 CFR § 800.16(1)

remains are believed to be comingled with other material (such as soil or faunal), the entire admixture should be treated as human remains.

-Indian Tribe: An Indian Tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act⁹, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.¹⁰

-Indigenous Knowledge (IK): Information provided by an Indian Tribe, Tribal member, Native Hawaiian, or other Indigenous person uniquely reflective of their knowledge, experience, understanding, or observation relating to cultural resources, practices, or actions. Indigenous Knowledge often constitutes sensitive information.

-Native Hawaiian: Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the state of Hawaii.¹¹

-Native Hawaiian organization (NHO): Any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.¹²

-Preservation in place: Taking active steps to avoid disturbing a burial site, human remains, or funerary objects including, to the maximum extent practical, any access, viewsheds, setting, and/or ongoing cultural activity that may be associated with the location.

-Section 106: That part of the NHPA which establishes a federal responsibility to take into account the effects of undertakings on historic properties and to provide the ACHP a reasonable opportunity to comment with regard to such action.

-Sensitive: Information that may be protected by law, regulation, or federal policy; information that may be identified as sensitive by the sponsoring entity/original source.

-State Historic Preservation Officer (SHPO): The official appointed to administer a state's historic preservation program.¹³

-Tribal Historic Preservation Officer (THPO): The official appointed or designated to administer the Tribe's historic preservation program.¹⁴

-Treatment: Measures developed and implemented to avoid, minimize, or mitigate adverse effects to historic properties.

⁹ 43 U.S.C. § 1602

¹⁰ 36 CFR § 800.16(m)

¹¹ 36 CFR § 800.16(s)(2)

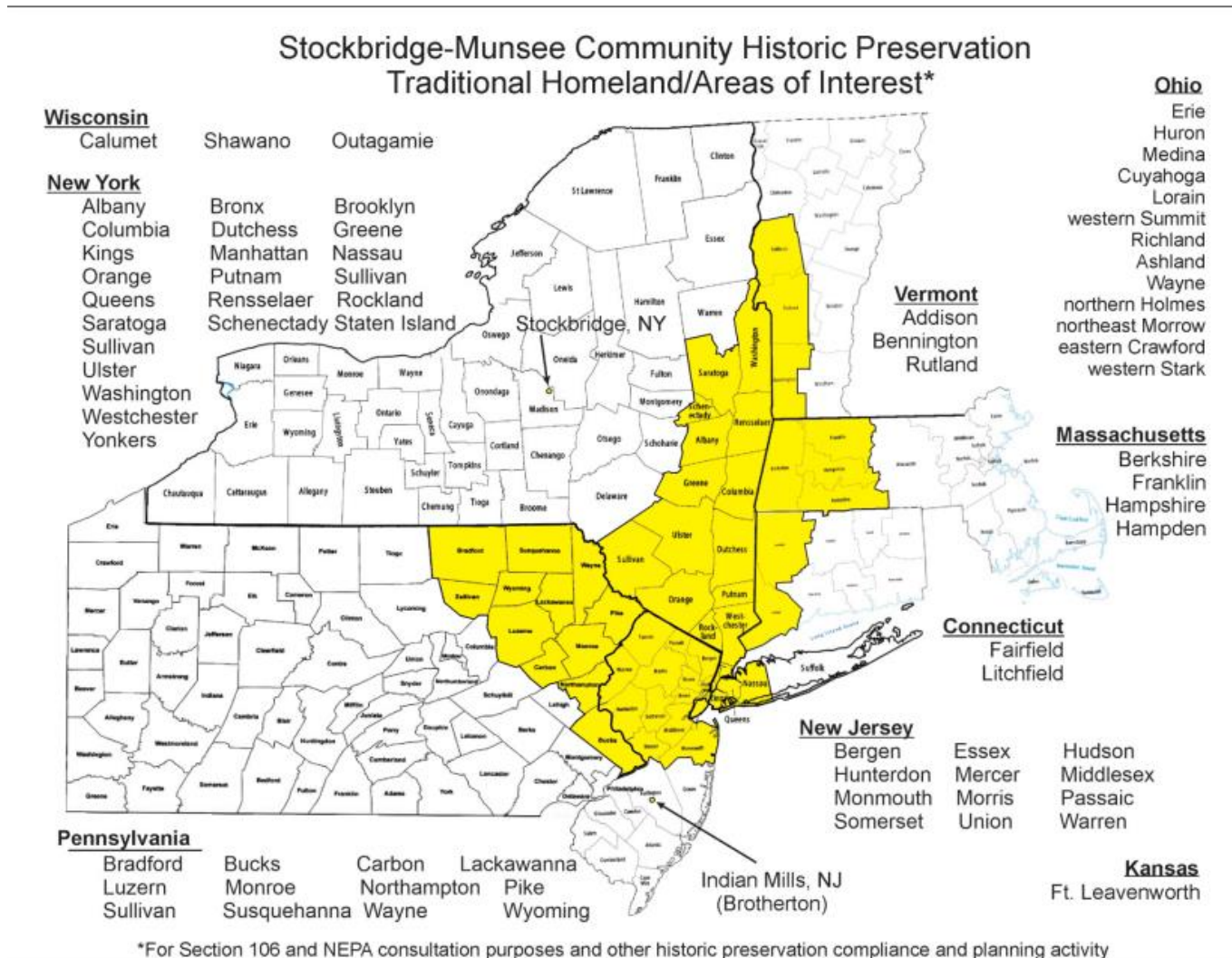
¹² 36 CFR § 800.16(s)(1)

¹³ 54 U.S.C. § 302301

¹⁴ 54 U.S.C. § 302702

MOA Between DEC and SHPO for DWSRF & CWSRF APPENDIX F

MAP OF STOCKBRIDGE MUNSEE BAND OF THE MOHICAN TRIBAL INTEREST



**MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX G**

**Construction Contract Federal Requirement Language
Related to Historic Preservation Services**

For Engineering Services Agreements:

When constructing a Project involving trenching and/or other related earth excavations, Contractor shall comply with the following environmental conditions:

When the discovery contains burial sites or human remains, the Contractor shall immediately notify the appropriate personnel who will contact the State Archaeologist at VDHP. The Relevant law enforcement authorities and the Office of the Chief Medical Examiner shall be immediately contacted by onsite personnel to reduce delay times, in accordance with tribal, state, or local laws including:

1. 36 CRF Part 800.13; 43 CRF Part 10, Subpart B;
2. Advisory Council on Historic Preservation's *Policy Statement on Burial Sites, Human Remains, and Funerary Objects* (March 2023).
3. Vermont Statute Title 13, Chapter 81: §3761. Unauthorized removal of human remains.
4. Vermont Statute Title 13, Chapter 81: §3764. Cemeteries and Monuments- Grave markers and historical tablets.
5. Vermont Statute Title 18, Chapter 107, § 5212b. Unmarked burial sites special fund.

For Construction Front End Contract Document Special Conditions:

S.XX Historic Preservation

- A. If at any time during construction, human remains are discovered at or proximate to a construction site, the Contractor shall cease work in the affected area. The remains shall be respectfully covered and secured. The Contractor shall immediately contact the local medical examiner and law enforcement official in addition to notifying the Owner or Owner's Representative, verbally and in writing. The Contractor shall take all action necessary and appropriate for the protection and safety of the public and the site. The Owner is responsible for promptly notifying the Agency representative.

B. If at any time during construction, unanticipated historic and archaeological resources are detected at or proximate to a construction site, the Contractor shall cease work in the affected area, take all action necessary and appropriate for the protection and safety of the public and the site, and immediately perform the following:

1. Notify the Owner verbally and in writing. The Owner is responsible for promptly notifying the Agency representative.
2. Notify the Vermont Division of Historic Preservation at: (802) 272-2509 or (802) 272-7358.

C. Actions at the construction site following completion of these steps shall be at the direction of the local medical examiner, law enforcement agent, or the Vermont Division for Historic Preservation, as appropriate. Nothing in this Article shall be construed to require the Engineer and/or the Contractor to perform work for which adequate compensation has not been contracted for other than to ensure that basic measures necessary to protect the safety and welfare of the workers and the site.

S.XX Project is subject to mitigation measures to protect historic and cultural resources.

1. Areas identified on Drawings as sensitive where avoidance has been selected as the mitigation measure may not be disturbed during construction without prior authorization from VHDP.

[insert project specific mitigation measures]

MOA Between DEC and SHPO for DWSRF & CWSRF
APPENDIX H

List of Vermont Publicly Owned Treatment Works Buildings and Structures Exempted from Historic Preservation Review
VERMONT MUNICIPAL WASTEWATER TREATMENT FACILITIES
State & National Register Eligibility Evaluations
August 2023

Summary of Findings: The first chemically based sewage treatment plant in the United States was built in Worcester, MA, in 1890. 45 years later, in 1935, the first wastewater treatment facility in Vermont was built in St. Albans City. A year later, a similar facility was built in Manchester. It does not appear that any facilities were built in the 1940s. The Main treatment plant in Burlington opened in 1953, followed by the North plant in 1958 and the Riverside plant in 1963. New plants were built in 19 communities in the 1960s, and generally in larger towns such as Springfield, Vergennes, Woodstock, Brandon, and Newport City. Passage of the Clean Water Act in 1972 resulted in EPA funding for new treatment plants, which led to the construction of at least 19 additional facilities throughout the state in the 1970s. From 1980 – 2023 at least 26 plants were built, either as new installations or replacements of older facilities. A total of 92 municipal plants are in operation in 2023.

The relatively late commencement of the construction of wastewater treatment facilities in Vermont indicates that they were based on existing technology and construction methodologies and are therefore unlikely to represent significant advances in water treatment facility design or engineering. Control buildings tend to be of modest and utilitarian design, built of concrete and brick for durability. Auxiliary buildings are often prefabricated metal structures. Treatment plants are frequently upgraded and expanded to accommodate new technologies and growing populations, and no plants were identified that appear to retain their original design and configuration. Based on the above, the Vermont SHPO does not recommend any municipal treatment plants as individually eligible for the State or National Register of Historic Places. Those that are less than 50 years old in 2023 are not anticipated to be eligible for listing once they reach the 50-year mark. A treatment plant located in a potential or listed historic district should be evaluated for significance in relation to the history of community planning and development, and such evaluation should include the entirety of the wastewater collection and treatment network, including pumping stations.

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
1	3-0293	Otter Valley Union HS	Route 7 South, 2997 Franklin Street	Brandon	Built 1978 Upgrade early 2000s	Not Eligible	Age – built 1978	2023 DOE by SHPO
2	3-0330	Canaan	281 Treatment Plant Road	Canaan	Built 1973 Upgrade 1979 Major Upgrade 2014	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
3	3-0365	Wallingford FD 1	84 Creek Road	Wallingford	Built 1972 Upgrade 1992	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
4	3-0368	Vergennes	Canal Street	Vergennes	Built 1965 Upgrade 1976 Upgrade c. 2000	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
5	3-0381	Plainfield	28 Recreation Field Road	Plainfield	Built 1968 Upgrade 1998-99	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1997 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Plainfield_EnvironmentalReview_WA-97-0013_LegacyDocuments_00000061.pdf
6	3-1108	Sheldon Springs	350 Mill Street	Sheldon Springs	Built 1976 Upgrade 2003-04	Not Eligible	Age – built 1976	2023 DOE by SHPO 2002 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Sheldon_EnvironmentalReview_FR-

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
								02-0006 LegacyDocuments 00000108.pdf
7	3-1111	Lyndon	217 Rose Lane	Lyndonville	Built 1977 Upgrade 2012	Not Eligible	Age – built 1977	2023 DOE by SHPO 2001 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Lyndon EnvironmentalReview CA-01-0003 LegacyDocuments 00000095.pdf 2009 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Lyndon EnvironmentalReview CA-09-0009 LegacyDocuments 00000112.pdf
8	3-1139	North Troy	122 Elkins Drive	North Troy	Built 1977 Upgrade 2005	Not Eligible	Age – built 1977	2023 DOE by SHPO
9	3-1140	Lunenburg FD 2	Treatment Plant Road	Gilman	Built c. 1978	Not Eligible	Age – built c. 1978	2023 DOE by SHPO EPA grant awarded in July 1976
10	3-1143	Hardwick	107 Treatment Plant Road	Hardwick	Built c. 1978 Upgrade 2007	Not Eligible	Age – built c. 1978	2023 DOE by SHPO 1976 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Hardwick EnvironmentalReview LegacyDocuments 00000051.pdf 1986 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Hardwick EnvironmentalReview CA-86-0005 LegacyDocuments 00000059.pdf
11	3-1147	Richford	1 Sewer Plant Road	Richford	Built 1970 Upgrade 1997-98 Upgrade 2006	Not Eligible	Lack of Significance & Integrity	2023 DOE by VDHP 2005 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Richford EnvironmentalReview FR-05-0028 LegacyDocuments 00000085.pdf
12	3-1149	Johnson	110 Sewer Plant Road	Johnson	Built 1995	Not Eligible	Age – built 1995	2023 DOE by SHPO
13	3-1153	Manchester	136 Battenkill Lane	Manchester	Built 1978 Upgrade 2005 Upgrade 2009	Not Eligible	Age – built 1978	2023 DOE by SHPO
14	3-1154	Springfield	325 Clinton Street	Springfield	Built 1960 Upgrade 1979	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
					Upgrade 2005			
15	3-1155	Morrisville	Sewer Plant Road	Morrisville	Built 1974			2023 DOE by SHPO
16	3-1156	Bridgewater	7335 US Route 4	Bridgewater	Built 1978	Not Eligible	Age – built 1978	2023 DOE by SHPO 1996 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Bridgewater_EnvironmentalReview_WN-96-0022_LegacyDocuments_00000032.pdf
17	3-1157	Bradford	94 Depot Street	Bradford	Built 1978	Not Eligible	Age – built 1978	2023 DOE by SHPO 2001 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Bradford_EnvironmentalReview_OR-01-0022_LegacyDocuments_00000093.pdf
18	3-1158	Northfield	242 Dog River Road	Northfield	Built late 1960s Upgrade 2000s	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
19	3-1160	Waterbury	187 US Route 2	Waterbury	Built 1978 Upgrade 2014	Not Eligible	Age – built 1978	2023 DOE by SHPO
20	3-1165	Royalton	120 Dutton Road	Royalton	Built ? Upgrade 2018	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
21	3-1166	Benson	2760 Stage Road	Benson	Built 1974 Pump Station 1986 Upgrade 2006	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
22	3-1167	Saxtons River	21 Plant Road	Rockingham	Built 1973 Upgrade 1989	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1989 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Rockingham_EnvironmentalReview_WD-89-0014_LegacyDocuments_00000149.pdf
23	3-1168	Windsor Weston Heights	2379 US Route 5 South	Windsor	Built 1972-73 Upgrade 2000s	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
24	3-1172	Hinesburg	10632 Route 116/Lagoon Road	Hinesburg	Built 1967 Upgrade 1986 Major Upgrade 1992 Upgrade 2009-10	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1991 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Hinesburg_EnvironmentalReview_CH-91-0018_LegacyDocuments_00000085.pdf
25	3-1173	Richmond	281 Esplanade	Richmond	Built 1973 Replaced 2005	Not Eligible	Age – built 2005	2023 DOE by SHPO
26	3-1176	Williamstown	61 Vesper Road	Williamstown	Built 1970	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
27	3-1177	Chester	Treatment Plant Road	Chester	Built 1972 Upgrade 2005	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2002 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Chester_EnvironmentalReview_WN-02-0011_LegacyDocuments_00000089.pdf
28	3-1178	Woodstock – South	Route 106, 63 South Road	Woodstock	Built 1966-67 Upgrade 2021	Not Eligible	Lack of Significance & Integrity	2021 DOE by VDHP WN20-039
29	3-1179	Woodstock – Taftsville	Route 4 East, Covered Bridge Road	Woodstock	Built 1968 Upgrade 2019	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
30	3-1180	Alburgh	1 Firehouse Road	Alburgh	Built ?	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2010 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Alburgh_EnvironmentalReview_GI-10-0002_LegacyDocuments_00000149.pdf
31	3-1185	Hartford – Quechee	142 Izzo Place	Hartford	Built early 1970s Upgrade 2010	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2009 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Hartford_EnvironmentalReview_WN-09-0016_LegacyDocuments_00000285.pdf
32	3-1189	Pittsford	305 Arch Street	Pittsford	Built 2002 Upgrade 2010-12	Not Eligible	Age – built 2002	2023 DOE by SHPO
33	3-1194	Fairfax	142 Hunt Street	Fairfax	Built 1980	Not Eligible	Age – built 1980	2023 DOE by SHPO
34	3-1195	Marshfield	232 School Street	Marshfield	Built 1981	Not Eligible	Age – built 1981	2023 DOE by SHPO
35	3-1196	Brandon	500 Union Street	Brandon	Built 1960 Rebuilt 1976 Upgrade 2005 Upgrade 2014	Not Eligible	Age – built 1976	2023 DOE by SHPO
36	3-1197	Chelsea	234 VT Route 110	Chelsea	Built 1974	Not Eligible	Age – built 1974	2023 DOE by SHPO 2004 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Chelsea_EnvironmentalReview_OR-04-0007_LegacyDocuments_00000028.pdf
37	3-1198	Randolph	18 Hedding Drive	Randolph	Built 2014-16	Not Eligible	Age – built 2014-16	2023 DOE by SHPO
38	3-1201	Orleans	187 Maple Street	Orleans	Built c. 1980	Not Eligible	Age – built c. 1980	2023 DOE by SHPO
39	3-1202	Barton	112 Municipal Lane	Barton	Built 1987 Upgrade 2008-09	Not Eligible	Age – built 1987	2023 DOE by SHPO

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
								1987 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Barton_EnvironmentalReview_OL-87-0007_LegacyDocuments_00000051.pdf 2007 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Barton_EnvironmentalReview_OL-07-0011_LegacyDocuments_00000110.pdf
40	3-1203	Milton	145 Lamoille Terrace	Milton	Built 1979 Upgrade 1980 Upgrade 2006	Not Eligible	Age – built 1979	2023 DOE by SHPO 1994 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Milton_EnvironmentalReview_CH-94-0013_LegacyDocuments_00000215.pdf 1998 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Milton_EnvironmentalReview_CH-98-0041_LegacyDocuments_00000267.pdf
41	3-1205	Cavendish	37 Power Plant Road	Cavendish	Built 1975 Upgrade 1990s	Not Eligible	Age – built 1975	2023 DOE by SHPO 2017 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Windsor_EnvironmentalReview_WN17-030_ApplicantSubmittal-DivisionResponse_90504-3354.pdf
42	3-1207	Montpelier	949 Dog River Road	Montpelier	Built 1964 Upgrade 1978	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1978 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Montpelier_EnvironmentalReview_LegacyDocuments_00000177.pdf
43	3-1208	Ludlow	212 Pleasant Ext Road	Ludlow	Built 1971 Upgrade 2001	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1990 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Ludlow_EnvironmentalReview_WN-90-0030_LegacyDocuments_00000080.pdf
44	3-1210	Middlebury	243 Industrial Drive	Middlebury	Built 2001	Not Eligible	Age – built 2001	2023 DOE by SHPO
45	3-1211	Putney	23 Treatment Plant Road	Putney	Built 1975 Upgrade 2006	Not Eligible	Age – built 1975	2023 DOE by SHPO
46	3-1213	Brighton	365 Meadow Street	Brighton	Built 1977	Not Eligible	Age – built 1977	2023 DOE by SHPO

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
47	3-1214	Orwell	Sewer Plant Road	Orwell	Built ? Upgrade 1976 Upgrade 1988	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
48	3-1215	Readsboro	392 Harriman Station Road	Readsboro	Built 1979	Not Eligible	Age – built 1979	2023 DOE by SHPO
49	3-1218	Ryegate Town – South	Church Street	South Ryegate	Built 1983 Upgrade 2017	Not Eligible	Age – built 1983	2023 DOE by SHPO
50	3-1220	Pawlet	49 Railroad Avenue	West Pawlet	Built 1982	Not Eligible	Age – built 1982	2023 DOE by SHPO 2011 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Pawlet_EnvironmentalReview_RU-11-0031_LegacyDocuments_00000046.pdf
51	3-1225	Hartford – WRJ	319 Latham Works Lane	Hartford	Built 1998 Upgrade 2014	Not Eligible	Age – built 1998	2023 DOE by SHPO 2009 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Hartford_EnvironmentalReview_WN-09-0016_LegacyDocuments_00000285.pdf Archaeology: VT-WN-460
52	3-1228	Woodstock	21705 Maxham Meadow Way	Woodstock	Built 1966-67	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
53	3-1229	Whitingham	6966 VT Route 100	Whitingham	Built 1982	Not Eligible	Age – built 1982	2023 DOE by SHPO
54	3-1230	Whitingham – Jacksonville	930 VT Route 112	Jacksonville	Built 1982	Not Eligible	Age – built 1982	
55	3-1231	Poultney	685 York Street	Poultney	Built 1969 Major Upgrade 2002			2023 DOE by SHPO 1999 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Poultney_EnvironmentalReview_RU-99-0002_LegacyDocuments_00000093.pdf
56	3-1232	Stowe	56 River Road	Stowe	Built 2002	Not Eligible	Age – built 2002	2023 DOE by SHPO
57	3-1234	Enosburg Falls	39 St. Albans Street	Enosburg Falls	Built 1977	Not Eligible	Age – built 1977	2023 DOE by SHPO 2001 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/EnosburgFalls_EnvironmentalReview_FR-01-0014_LegacyDocuments_00000019.pdf 2011 VDHP Review: http://accdservices.vermont.gov/ORCDo

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
								cs/Enosburg_EnvironmentalReview_FR-11-0004_LegacyDocuments_00000220.pdf
58	3-1235	Danville	406 Route 2 East	Danville	Built ?	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
59	3-1237	West Rutland	336 Clearwater Blvd	West Rutland	Built 1971 Upgrade 2001	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
60	3-1238	Castleton	320 VT Route 30	Castleton	Built ? Upgrade late 1990s	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1996 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Castleton_EnvironmentalReview_RU-96-0017_LegacyDocuments_00000094.pdf
61	3-1241	Newport City	94 Treatment Plant Lane	Newport City	Built 1965 Upgrade 1983	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2000 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/NewportCity_EnvironmentalReview_OL-03-0004_LegacyDocuments_00000125.pdf
62	3-1242	Brattleboro	340 Riverside Drive	Brattleboro	Built 1983	Not Eligible	Age – built 1983	2023 DOE by SHPO
63	3-1243	Sherburne FD1	107 Dean Hill Road	Killington	Built c. 1984 Upgrade 2012	Not Eligible	Age – built c. 1984	2023 DOE by SHPO
64	3-1245	Burlington North	3000 North Avenue	Burlington	Built 1958 Upgrade 1973 Upgrade 1993	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
65	3-1247	Burlington River	267 ½ Riverside Avenue	Burlington	Built 1963 Upgrade 1975 Upgrade early 1990s	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
66	3-1248	Winooski	250 West Allen Street	Winooski	Built 1970 Upgrade 1980s Upgrade 1990s Upgrade 2019	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1997 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Winooski_EnvironmentalReview_CH-97-0005_LegacyDocuments_00000092.pdf
67	3-1253	Windsor Main	123 Pasco Way	Windsor	Built c. 1991	Not Eligible	Age – built c. 1991	2023 DOE by SHPO 1984 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Windsor_EnvironmentalReview_WN-84-0018_LegacyDocuments_00000051.pdf

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
68	3-1254	Essex Junction	39 Cascade Street	Essex Junction	Built c. 1964 Major Upgrade 1983 Upgrade 1999 Upgrade 2003	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2011 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Essex_EnvironmentalReview_CH-11-0100_LegacyDocuments_00000391.pdf
69	3-1260	St. Albans NW Correctional	Lower Newton Road	St. Albans	Built 1970 Upgrade 1985 Upgrade 2008-09	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
70	3-1261	Bennington	244 Harrington Road	Bennington	Built 1985	Not Eligible	Age – built 1985	2023 DOE by SHPO
71	3-1272	Barre City	69 Treatment Plant Road	Barre City	Built 1960 Upgrade 1977 Upgrade 1996 Upgrade 2001 Upgrade 2012	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1990 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Barrecity_EnvironmentalReview_WA-90-0031_LegacyDocuments_00000093.pdf
72	3-1274	St. Albans Creamery	140 Federal Street	St. Albans	Built ?	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
73	3-1278	South Burlington – Airport Parkway	1015 Airport Parkway	South Burlington	Built ? Upgrade 2004 Major upgrade 2011	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2004 VDHP review: http://accdservices.vermont.gov/ORCDo cs/SouthBurlington_EnvironmentalReview_CH-04-0092_LegacyDocuments_00000391.pdf
74	3-1279	St. Albans City	190 Rewes Drive	St. Albans	Built 1935 Upgrade 1939	Not Eligible	Lack of integrity	2023 DOE by SHPO This was the first sewage disposal plant in Vermont. Built by the P.W.A.: https://www.newspapers.com/article/the-barre-daily-times-first-sewage-dispo/129370211/ 1939 upgrade by P.W.A.: https://livingnewdeal.org/projects/sewage-disposal-plant-saint-albans-vt/
75	3-1280	Bethel	66 Vermont Casting Road	Bethel	Built 1978	Not Eligible	Age – built 1978	2023 DOE by SHPO 1985 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Bethel_EnvironmentalReview_WN-85-0023_LegacyDocuments_00000086.pdf

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
76	3-1281	Wilmington	59 Fairview Avenue	Wilmington	Built 1965 Upgrade 1987	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO
77	3-1284	South Burlington – Bartlett Bay Road	15 Bartlett Bay Road	South Burlington	Built 1970 Upgrade 1999	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1986 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/SouthBurlington_EnvironmentalReview_CH-86-0017_LegacyDocuments_00000186.pdf 1996: Living Machine wastewater treatment plant added to existing facility
78	3-1285	Rutland	10 Greens Hill Lane	Rutland	Built ? Upgrade 1994	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2006 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/RutlandCity_EnvironmentalReview_RU-06-0018_LegacyDocuments_00000317.pdf
79	3-1289	Shelburne 1	81 Crown Road	Shelburne	Built ?	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1986 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Shelburne_EnvironmentalReview_CH-86-0001_LegacyDocuments_00000181.pdf Archaeology: VT-CH-286
80	3-1290	St. Johnsbury	799 Bay Street	St. Johnsbury	Built 1963 Major Upgrade 1988-91 Upgrade 2015-16	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1986 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/SaintJohnsbury_EnvironmentalReview_CA-86-0003_LegacyDocuments_00000128.pdf 2010 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/SaintJohnsbury_EnvironmentalReview_LegacyDocuments_00000273.pdf
81	3-1292	Swanton	33 North Street	Swanton	Built 1977	Not Eligible	Age – built 1977	2023 DOE by SHPO
82	3-1296	Cold Brook FD 1	18 Cold Brook Road	Wilmington	Built 1987	Not Eligible	Age – built 1987	2023 DOE by SHPO
83	3-1297	Bellows Falls	80 Mill Street	Bellows Falls	Built ? Upgrade 1989 Upgrade 2012 Upgrade 2017	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1986 VDHP Review: http://accdservices.vermont.gov/ORCDo

	Permit ID	Facility Name	Facility Location	City	Date of Construction	Historic Status: - Listed - Eligible - Not Eligible - Needs Evaluation	Justification - Age - Loss of Integrity - Not Significant	Notes
								cs/Rockingham_EnvironmentalReview_WD-86-0011_LegacyDocuments_00000142.pdf
84	3-1298	Proctor	29 Patch Street	Proctor	Built early 1960s Upgrade 1988 Upgrade 2009	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 2009 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Proctor_EnvironmentalReview_RU-09-0011_LegacyDocuments_00000041.pdf
	3-1304	Shelburne 2 – Harbor Road	53 Turtle Lane	Shelburne	Built ? Upgrade 2003	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1990 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Shelburne_EnvironmentalReview_CH-90-0035_LegacyDocuments_00000219.pdf
86	3-1307	Fair Haven	193 Montgiven Avenue	Fair Haven	Built 1969 Upgrade 1989 Upgrade 2000 Replaced 2020	Not Eligible	Age – built 2020	2023 DOE by SHPO
87	3-1311	Troy & Jay	355 Starr Drive	Troy	Built 1991 Upgrade 2006 Upgrade 2013	Not Eligible	Age – built 1991	2023 DOE by SHPO 2007 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Jay_EnvironmentalReview_OL-07-0021_LegacyDocuments_00000016.pdf
88	3-1323	Jeffersonville	244 Upper Pleasant Valley Road	Jeffersonville	Built 1989-90	Not Eligible	Age – built 1989-90	2023 DOE by SHPO 1987 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Cambridge_EnvironmentalReview_LA-85-0001_LegacyDocuments_00000044.pdf
89	3-1331	Burlington Main	53 Lavalley Lane	Burlington	Built 1953 Upgrade 1970s Upgrade 1994	Not Eligible	Lack of Significance & Integrity	2023 DOE by SHPO 1988 VDHP Review: http://accdservices.vermont.gov/ORCDo cs/Burlington_EnvironmentalReview_CH-90-0003_LegacyDocuments_00001163.pdf
90	3-1440	Cabot	183 Sawmill Road	Cabot	Built 2000	Not Eligible	Age – built 2000	2023 DOE by SHPO
91	3-1459	Shoreham	Route 22A	Shoreham	Built 2000-01	Not Eligible	Age – built 2000-01	2023 DOE by SHPO
92	3-1493	Pownal	52 Dean Road	North Pownal	Built 2006 Upgrade 2012	Not Eligible	Age – built 2006	2023 DOE by SHPO

