

Appendix B

U.S. Department of Energy Consultation Letters and Responses

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Appendix B



Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

August 13, 2010

April St. Francis Merrill, Chief
Abenaki Self Help Association
P.O. Box 276
100 Grand Avenue
Swanton, VT.

Dear Ms. Merrill,

The U.S. Department of Energy (DOE) is proposing to provide Federal funding to the City of Montpelier, in Washington County, Vermont, for the Montpelier Biomass District Energy Combined Heat and Power (CHP) System Project. In addition, the Federal Transit Administration (FTA) has provided the City of Montpelier with a Bus Discretionary grant to construct a Multi-modal Transit Center (Transit Center) in the downtown Montpelier area. The location of both proposed projects is provided in Exhibit 1. A US Geological Survey (USGS) Topographic Map of the area is presented in Exhibit 2 and an aerial photo of the proposed location is presented in Exhibit 3.

The City proposes to use the Federal funding to design, construct and operate a 41 MMBtu biomass renewable energy facility, and possibly co-locate the proposed Transit Center at this site. The proposed project would provide reliable and affordable heat for State, City, and private buildings in the City of Montpelier that chose to connect to the system, utilizing locally harvested wood rather than fossil fuels.

The proposed facility would be located at the same general location as the existing State heating plant at 122 State Street, on the south side of the street in downtown Montpelier. The Winooski River serves as the southern border for the project area. The site includes parking and access drives that surround the existing boiler building, some of which would be removed as part of the project.

The proposed system would include two separate buildings, one for the biomass boilers and wood chip storage and material handling, and one for the oil burning boilers and possible Transit Center. Two double-walled fuel oil storage tanks would be placed under the existing parking lot, west of the oil building. The biomass plant building would be an approximately 11,500 square foot structure that would house two new 600 horsepower wood chip-burning boilers and wood chip storage. Fuel for the proposed facility primarily would be wood chips, with a back-up supply of #6 fuel oil.

An environmental assessment (EA) is currently being prepared for the proposed project by the Department's Golden Field Office to meet the requirements of the *National Environmental Policy Act*. FTA is a cooperating agency in development of the EA. DOE will include correspondence with your tribe in an appendix to the EA. This letter as well as the draft EA, when it is available, will be posted in the DOE Golden Field Office online reading room: http://www.eere.energy.gov/golden/reading_room.aspx. At this time we anticipate a 15-day public comment period for this proposed project. You will receive a notice of the availability of the draft EA. Please contact DOE if you would like to receive a hardcopy of the draft EA.

DOE is initiating consultation with you as an additional consulting party under the Advisory Council on Historic Preservation regulations at 36 CFR Section 800.2(c)(5). DOE is requesting information your tribe may have on properties of traditional religious and cultural significance within the vicinity of the proposed facility and any comments or concerns you have on the potential for this proposed project to affect those properties. This information is being requested to aid in the preparation of that Environmental Assessment and to comply with the Native American Graves Protection and Repatriation Act of 1990. If you have any such information, require additional information, or have any questions or comments about that project, please me as soon as possible at the following:

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Ms. Melissa Rossiter
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado
Email: melissa.rositer@go.doe.gov
Phone: 303-356-1566

Thank you in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Rossiter', with a long horizontal flourish extending to the right.

Melissa Rossiter
DOE NEPA Document Manager

- Exhibit 1. Project Location Map
- Exhibit 2. USGS Topographic Map of area
- Exhibit 3. Location Map with Aerial Photo

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Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

August 13, 2010

Ms. Kimberly Vele, President
Stockbridge-Munsee Band of the Mohican Nation
N8476 Moh He Con Nuck Road
Bowler, WI 54416-9464

Dear Ms. Vele,

The U.S. Department of Energy (DOE) is proposing to provide Federal funding to the City of Montpelier, in Washington County, Vermont, for the Montpelier Biomass District Energy Combined Heat and Power (CHP) System Project. In addition, the Federal Transit Administration (FTA) has provided the City of Montpelier with a Bus Discretionary grant to construct a Multi-modal Transit Center (Transit Center) in the downtown Montpelier area. The location of both proposed projects is provided in Exhibit 1. A US Geological Survey (USGS) Topographic Map of the area is presented in Exhibit 2 and an aerial photo of the proposed location is presented in Exhibit 3.

The City proposes to use the Federal funding to design, construct and operate a 41 MMBtu biomass renewable energy facility, and possibly co-locate the proposed Transit Center at this site. The proposed project would provide reliable and affordable heat for State, City, and private buildings in the City of Montpelier that chose to connect to the system, utilizing locally harvested wood rather than fossil fuels.

The proposed facility would be located at the same general location as the existing State heating plant at 122 State Street, on the south side of the street in downtown Montpelier. The Winooski River serves as the southern border for the project area. The site includes parking and access drives that surround the existing boiler building, some of which would be removed as part of the project.

The proposed system would include two separate buildings, one for the biomass boilers and wood chip storage and material handling, and one for the oil burning boilers and possible Transit Center. Two double-walled fuel oil storage tanks would be placed under the existing parking lot, west of the oil building. The biomass plant building would be an approximately 11,500 square foot structure that would house two new 600 horsepower wood chip-burning boilers and wood chip storage. Fuel for the proposed facility primarily would be wood chips, with a back-up supply of #6 fuel oil.

An environmental assessment (EA) is currently being prepared for the proposed project by the Department's Golden Field Office to meet the requirements of the *National Environmental Policy Act*. FTA is a cooperating agency in development of the EA. DOE will include correspondence with your tribe in an appendix to the EA. This letter as well as the draft EA, when it is available, will be posted in the DOE Golden Field Office online reading room: http://www.eere.energy.gov/golden/reading_room.aspx. At this time we anticipate a 15-day public comment period for this proposed project. You will receive a notice of the availability of the draft EA. Please contact DOE if you would like to receive a hardcopy of the draft EA.

DOE is initiating consultation and requesting information your tribe may have on properties of traditional religious and cultural significance within the vicinity of the proposed facility and any comments or concerns you have on the potential for this proposed project to affect those properties. This information is being requested to aid in the preparation of that Environmental Assessment and to meet our obligations under Section 106 of the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act of 1990. If you have any such information, require additional information, or have any questions or comments about that project, please contact me as soon as possible at the following:

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The DOE and the City of Montpelier have concluded that there are no feasible alternatives to removing the existing State Boiler Plant and constructing the new plant at the same location. The State Boiler Plant has no room for expansion and the boilers, which are located in the basement and below the flood level, must be moved above that level for safe operations. Installing new boilers above the flood level will require a larger, taller building. In addition, it is not feasible to use a different location for the new boiler plant because the hot water distribution pipes that serve surrounding State facilities originate at that location; moving that distribution system would be cost prohibitive and would require substantial construction within the historic district.

DOE has sent letters to two tribal organizations requesting information on properties of traditional religious and cultural significance within the vicinity of the proposed facility and inviting the Tribes to participate in the consultation process. Neither Tribe has responded to our request. DOE also will be sending a letter to the Advisory Council on Historic Properties to inform them of the adverse effects finding.

Pursuant to 36 CFR 800.6, DOE is requesting consultation with your office to develop an MOA for this project. We would appreciate your comments on the attached Draft MOA, and if necessary, on the survey reports within the next 30 days so that DOE and the City can move forward with the development of the Montpelier District Energy System.

If you any questions or require additional information, I can be reached at the following address and phone number.

Melissa Rossiter
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado
Email: melissa.rossiter@go.doe.gov
Phone: 720-356-1566

Sincerely,



Melissa Rossiter
NEPA Document Manager

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Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

September 15, 2010

Ms. Giovanna Peebles
State Historic Preservation Officer
Vermont Division for Historic Preservation
National Life Building, 6th Floor
Montpelier, VT 05620-1201

Subject: Consultation Pursuant to the National Historic Preservation Act (Section 106)
for the Montpelier District Energy System

Dear Ms. Peebles:

The U.S. Department of Energy (DOE) Golden Field Office is proposing to provide funding under the *American Recovery and Reinvestment Act of 2009* (Recovery Act; Public Law 111 5, 123 Stat. 115) to the City of Montpelier, Vermont, for the Montpelier District Energy System. The City, in cooperation with the Vermont Department of Building and General Services (DBGS), is proposing to use that federal assistance to demolish the State of Vermont Boiler Plant building, construct and operate a new boiler plant, and install new hot water distribution pipes within the downtown area of Montpelier.

The Montpelier District Energy System is further described in the attached project description and survey reports for archeological and architectural resources. The Area of Potential Effects considered for those surveys includes the entire Montpelier Historic District and all locations outside of that district that would be directly disturbed during installation of new hot water distribution pipes. Note that the reports describe a Transit Center to be co-located with the new boiler plant; the City is no longer considering developing the Transit Center at that location.

The State Boiler Plant is within the Montpelier Historic District and is considered eligible for nomination to the National Register of Historic Places (NR Site #482 within that historic district). Pursuant to Section 106 of the National Historic Preservation Act, DOE has concluded that demolition of that building, and construction of a new facility would adversely affect that historic property and the surrounding Historic District. DOE therefore has developed, in cooperation with the City and DBGS, the attached draft Memorandum of Agreement (MOA). The stipulations identified in the draft MOA were developed based in part on the recommendations in the attached survey reports and conversations with Devin Colman of your staff.

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Ms. Melissa Rossiter
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado
Email: melissa.rositer@go.doe.gov
Phone: 303-356-1566

Thank you in advance for your consideration.

Sincerely,



Melissa Rossiter
DOE NEPA Document Manager

Exhibit 1. Project Location Map
Exhibit 2. USGS Topographic Map of area
Exhibit 3. Location Map with Aerial Photo

CC: Ms. Sherry White
Tribal Historic Preservation Officer
Stockbridge-Munsee Band of the Mohican Nation
N8476 Moh He Con Nuck Road
Bowler, WI 54416-9464

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Department of Energy

Golden Field Office
1617 Cole Boulevard
Golden, Colorado 80401-3393

September 10, 2010

Mr. Reed Nelson, Director
Office of Federal Agency Programs
Advisory Council on Historic Preservation
1100 Pennsylvania Ave., N.W., Suite 809
Washington, D.C. 20004

Subject: Consultation Pursuant to the National Historic Preservation Act (Section 106)
for the Montpelier District Energy System

Dear Mr. Nelson:

The U.S. Department of Energy (DOE) Golden Field Office is proposing to provide funding under the *American Recovery and Reinvestment Act of 2009* (Recovery Act; Public Law 111 5, 123 Stat. 115) to the City of Montpelier, Vermont, for the Montpelier District Energy System. The City, in cooperation with the Vermont Department of Buildings and General Services, is proposing to use that federal assistance to demolish the State of Vermont Boiler Plant building, construct and operate a new boiler plant, and install new hot water distribution pipes within the downtown area of Montpelier. Attachment 1 is a description of the City's proposed project.

The State Boiler Plant is within the Montpelier Historic District and is considered eligible for nomination to the National Register of Historic Places (NR Site #482 within that historic district). Pursuant to Section 106 of the National Historic Preservation Act, the DOE has concluded that demolition of that building, and construction of a new facility would adversely affect that historic property and the surrounding Historic District. In accordance with 36 CFR 800.6, DOE is notifying the Advisory Council on Historic Properties of this adverse effect and asking whether the Council intends to participate in the associated consultation for this project.

Survey reports for archeological and architectural resources that may be affected by this project have been prepared. The area of potential effects evaluated for those surveys included the entire Montpelier Historic District and all areas outside of the district that would be directly disturbed during installation of new hot water distribution pipes. If required, copies of those reports can be provided to the Advisory Council after they have been reviewed by the Vermont State Historic Preservation Office.

DOE and the City of Montpelier agree that, in the absence of appropriate mitigation, this project would cause an adverse effect to historic properties because the State Boiler Plant must be removed to make room for the new boiler plant, and there are no feasible alternatives to constructing the new plant at the same location. The State Boiler Plant has no room for expansion and the boilers, which are located in the basement and below the

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flood level, must be moved above that level for safe operations. Installing new boilers above the flood level will require a larger, taller building. In addition, it is not feasible to use a different location for the new boiler plant because the hot water distribution pipes that serve surrounding State facilities originate at that location; moving that distribution system would be cost prohibitive and would require substantial construction within the historic district.

To mitigate adverse impacts to the extent possible, the City has suggested documenting the current conditions of the State Boiler Plant prior to demolition; designing and constructing the new boiler plant using materials, massing, and design elements that blend with the surrounding environment and historic resources that are part of the City of Montpelier Historic District; and preserving and using the existing chimney, which is the dominant visual element of the existing plant.

DOE understands that a finding of adverse effect must be resolved in a Memorandum of Agreement (MOA), pursuant to 36 CFR 800.6(b) and (c), and has worked with the City, Vermont Department of Buildings and General Services, and staff of the Vermont Division for Historic Preservation to develop a draft MOA. DOE has submitted that Draft MOA to the Vermont State Historic Preservation Officer and has requested consultation on this project. DOE also has sent letters to interested parties requesting their comments and input on the project.

Please advise me at the address below within 30 days from the date of receipt of this letter whether the Advisory Council plans to participate in this consultation process.

Melissa Rossiter
U.S. Department of Energy
1617 Cole Boulevard
Golden, Colorado
Email: melissa.rossiter@go.doe.gov
Phone: 303-275-4950

Sincerely,



Melissa Rossiter

attachments: **Project Description**

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Preserving America's Heritage

September 21, 2010

Ms. Melissa Rossiter
Department of Energy
Golden Filed Office
1617 Cole Boulevard
Golden, CO 80401-3393

***Ref: Proposed Demolition of the State Boiler Plant Building
Montpelier, Vermont***

Dear Ms. Rossiter:

On September 16, 2010, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the adverse effects of the referenced project on the Montpelier Historic District, which is eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Vermont SHPO, and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with the opportunity to review this undertaking. If you have any questions, please contact Tom McCulloch at 202-606-8554, or via email at tmcculloch@achp.gov.

Sincerely,

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 | Washington, DC 20004
Phone: 202-606-8503 | Fax: 202-606-8647 | achp@achp.gov | www.achp.gov



United States Department of the Interior



FISH AND WILDLIFE SERVICE

New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
<http://www.fws.gov/newengland>

January 4, 2010

To Whom It May Concern:

This project was reviewed for the presence of federally-listed or proposed, threatened or endangered species or critical habitat per instructions provided on the U.S. Fish and Wildlife Service's New England Field Office website:

<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm>

Based on the information currently available, no federally-listed or proposed, threatened or endangered species or critical habitat under the jurisdiction of the U.S. Fish and Wildlife Service (Service) are known to occur in the project area(s). Preparation of a Biological Assessment or further consultation with us under Section 7 of the Endangered Species Act is not required.

This concludes the review of listed species and critical habitat in the project location(s) and environs referenced above. No further Endangered Species Act coordination of this type is necessary for a period of one year from the date of this letter, unless additional information on listed or proposed species becomes available.

Thank you for your cooperation. Please contact Mr. Anthony Tur at 603-223-2541 if we can be of further assistance.

Sincerely yours,

A handwritten signature in black ink, appearing to read "T. Chapman".

Thomas R. Chapman
Supervisor
New England Field Office

**MEMORANDUM OF AGREEMENT
BETWEEN THE U.S. DEPARTMENT OF ENERGY
AND THE
VERMONT STATE HISTORIC PRESERVATION OFFICER
REGARDING THE
CITY OF MONTPELIER
BIOMASS DISTRICT ENERGY COMBINED HEAT AND POWER PROJECT**

WHEREAS the City of Montpelier, Vermont, (the City), and the State of Vermont (the State) hereinafter collectively referred to as the "parties" have agreed to collaborate toward the design and implementation of a new biomass-fueled district energy system to be constructed and operated by the State of Vermont (undertaking); and

WHEREAS the U.S. Department of Energy (DOE) has provided a Federal Community Renewable Energy Development Grant to the City for the design and construction of the district energy system pursuant to the American Recovery and Reinvestment Act; and

WHEREAS the undertaking consists of razing the State of Vermont's existing Boiler Plant to its foundation and then the construction and operation of a new power plant, and installation of new hot water distribution pipes within the downtown area of Montpelier; and

WHEREAS, DOE, in consultation with the Vermont State Historic Preservation Officer (SHPO), has defined the undertaking's area of potential effect (APE) as the entire Montpelier Historic District and the area outside of that District that will be disturbed for the installation of new hot water distribution pipes; and

WHEREAS the DOE has determined that the undertaking may have an adverse effect on the 64-year-old State Boiler Plant, which is eligible for listing in the National Register of Historic Places as a contributing resource within the Montpelier Historic District, and has consulted with the Vermont State Historic Preservation Officer (SHPO) pursuant to the regulations implementing Section 106 of the National Historic Preservation Act of 1966, as amended; and

WHEREAS, the DOE has consulted with the City of Montpelier and the State of Vermont Department of Building and General Services (which owns and operates the State Boiler Plant), regarding the effects of the undertaking on historic properties and has invited them to sign this Memorandum of Agreement (MOA); and

WHEREAS, the City and the State of Vermont Department of Building and General Services have consulted with the Vermont Advisory Council on Historic Preservation regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a consulting party; and

WHEREAS, in accordance with 36 C.F.R. § 800.6(a)(1), the DOE has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with

specified documentation and the ACHP has chosen not to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

NOW, THEREFORE, the DOE, the City, the State, and Vermont SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

The DOE shall ensure that the following measures are carried out:

- I. Photographic documentation of the State Boiler Plant will be completed by the City prior to demolition of that facility. That document will be completed in accordance with the *Vermont Division for Historic Preservation Photographic Documentation Requirements for Historic Structures*. The City will submit a draft of the documentation to the SHPO for review. If the SHPO requires any changes to the documentation prior to it being finalized, the SHPO will provide the City with written comments on the draft documentation within 15 calendar days of receipt of the draft and the City will work with the SHPO to address its concerns before finalizing the documentation. If the City does not receive any comment from the SHPO during that 15 day review period, the City may proceed with finalizing the documentation. Final versions of the documentation will be submitted by the City to the Vermont Historical Society and SHPO.
- II. The existing chimney at the State Boiler Plant will be retained. The parties will ensure that measures are implemented during demolition and construction to protect that chimney, and that any damage that may be incurred will be repaired to original condition.
- III. The parties will strive to design the new power plant building in a manner that takes into consideration the objectives of Standards #9 and #10 in the *Secretary of the Interior's Standards for Rehabilitation* and the construction guidelines in *The Montpelier Cityscape Workbook*. The parties shall comply with the requirements of Title 29, Chapter 6 (Capitol Complex Commission) of the Vermont Statutes Annotated. Wherever possible, and in conformance with the requirements of the Capital Complex Commission, the new power plant will be designed and constructed with materials, massing, and design elements that do not strive to replicate nearby historic buildings, but respond to the surrounding environment and historic resources that are part of the City of Montpelier Historic District. The parties will submit draft design plans to the SHPO through the qualified architectural historian working on the project and to the Capitol Complex Commission for review in accordance with Title 29, Chapter 6 of the Vermont Statutes Annotated. The SHPO shall coordinate its review and comment on the draft design plans with the Capitol Complex Commission's review.
- IV. The parties will ensure that a qualified archeological monitor will be onsite during any excavations that are (1) below the existing fill adjacent to the State Power Plant between the railroad tracks and State Street and (2) outside of existing streets or outside of existing buried

utility line corridors to identify and record any cultural resources discovered during those excavations. Discoveries will be handled as described in Section VII of this MOA.

- V. The City will be responsible for, in consultation with the Division for Historic Preservation, producing a public education product that supports energy conservation in historic buildings, with an emphasis on the preservation of historic windows.

VI. DURATION

This MOA will be null and void if its terms are not carried out within five (5) years from the date of the last signatory's execution. Prior to such time, DOE and the SHPO may consult with the other signatories to reconsider the terms of this MOA and amend it in accordance with Stipulation X below.

VII. POST-REVIEW DISCOVERIES

If historic properties are discovered or unanticipated effects on historic properties located within the project's APE after the undertaking has been initiated, the affected party will immediately stop construction activities in the vicinity of the discovery and take all reasonable measures to avoid or minimize harm to the historic property. The affected party will notify DOE and the SHPO and other interested parties of the discovery, at the earliest possible time after the discovery. The affected party will consult with the SHPO and other interested parties to address the effects of the project. If archeological studies are necessary, they will be consistent with the Secretary of the Interior's Standards and Guidelines and take into account the Vermont SHPO Guidelines for Conducting Archeology in Vermont.

VIII. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires, or until the District Energy System is constructed, whichever comes first, the City shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received regarding efforts to carry out the terms of this MOA. The City shall consult with the State in preparing these reports.

IX. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the DOE shall consult with such party to resolve the objection. If DOE determines that such objection cannot be resolved, DOE will:

- A. Forward all documentation relevant to the dispute, including the DOE's proposed resolution, to the ACHP. The ACHP shall provide DOE with its advice on the resolution

of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, DOE shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. DOE will then proceed according to its final decision.

B. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, DOE may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, DOE shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the MOA, and provide them and the ACHP with a copy of such written response.

C. DOE's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

X. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

XI. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other parties to attempt to develop an amendment per Stipulation X, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking, DOE must either (a) execute an MOA pursuant to 36 CFR § 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR § 800.7. DOE shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the DOE and SHPO and implementation of its terms evidence that the DOE has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES:

U.S. Department of Energy

By: Steven P. Lindenberg Date: 6/20/11
Steve Lindenberg, Senior Advisor, Renewable Energy

United States Department of Energy

Vermont State Historic Preservation Officer

By: Nancy E. Bove Date: 6.15.11
Giovonna Peebles
State Historic Preservation Officer

INVITED SIGNATORIES:

City of Montpelier

By: William Fraser Date: 6.16.11
William Fraser
City Manager

State of Vermont Department of Building and General Services

By: Michael Obuchowski Date: 6/14/11
Michael Obuchowski
Commissioner

CONSULTING PARTY:

Vermont Advisory Council on Historic Preservation

By: George Turner Date: 6.19.11
George Turner
Chair