Historic Preservation (CEST and EA)

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 4150f)	36 CFR 800 "Protection of Historic Properties"
References		
https://www.hudexchange.info/environmental-review/historic-preservation		

Threshold

Is Section 106 review required for your project?

X No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA). (See the PA Database to find applicable PAs.)
Either provide the PA itself or a link to it here. Mark the applicable exemptions or include the text here:

https://nationalregisterofhistoricplaces.com/pa/mercer/state.html
Each property will be sent to SHPO for compliance regardless if a registered historical property or not to attempt to comply and maintain historical nature of the county.

→ *Continue to the Worksheet Summary.*

☐ No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].
Either provide the memo itself or a link to it here. Explain and justify the other determination here:

→ *Continue to the Worksheet Summary.*

☐Yes, because the project includes activities with potential to cause effects (direct or indirect). → *Continue to Step 1.*

The Section 106 Process
After determining the need to do a Section 106 review, initiate consultation with regulatory and other interested parties, identify and evaluate historic properties, assess effects of the project on properties listed on or eligible for the National Register of Historic Places, and resolve any adverse effects through project design modifications or mitigation.
Note that consultation continues through all phases of the review.
Step 1: Initiate consultation
Step 2: Identify and evaluate historic properties
Step 3: Assess effects of the project on historic properties
Step 4: Resolve any adverse effects

Step 1 - Initiate Consultation

The following parties are entitled to participate in Section 106 reviews: Advisory Council on Historic Preservation; State Historic Preservation Officers (SHPOs); federally recognized Indian tribes/Tribal Historic Preservation Officers (THPOs); Native Hawaiian Organizations (NHOs); local governments; and project grantees. The general public and individuals and organizations with a demonstrated interest in a project may participate as consulting parties at the discretion of the RE or HUD official. Participation varies with the nature and scope of a project. Refer to HUD's website for guidance on consultation, including the required timeframes for response. Consultation should begin early to enable full consideration of preservation options.

Use the When To Consult With Tribes checklist within Notice CPD-12-006: Process for Tribal Consultation to determine if you should invite tribes to consult on a particular project. Use the Tribal Directory Assessment Tool (TDAT) to identify tribes that may have an interest in the area where the project is located. Note that consultants may not initiate consultation with Tribes.

Select all consulting parties below (check all that apply):

☐State Historic Preservation Officer (SHPO)
☐Advisory Council on Historic Preservation
☐Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

List all tribes that were consulted here and their status of consultation:

☐Other Consulting Parties

List all consulting parties that were consulted here and their status of consultation:

Describe the process of selecting consulting parties and initiating consultation here:

Provide all correspondence, notices, and notes (including comments and objections received) and continue to Step 2.

Step 2 - Identify and Evaluate Historic Properties

Define the Area of Potential Effect (APE), either by entering the address(es) or providing a map depicting the APE. Attach an additional page if necessary.

Gather information about known historic properties in the APE. Historic buildings, districts and archeological sites may have been identified in local, state, and national surveys and registers, local historic districts, municipal plans, town and county histories, and local history websites. If not already listed on the National Register of Historic Places, identified properties are then evaluated to see if they are eligible for the National Register. Refer to HUD's website for guidance on identifying and evaluating historic properties.

In the space below, list historic properties identified and evaluated in the APE.
Every historic property that may be affected by the project should be listed. For each historic property or district, include the National Register status, whether the SHPO has concurred with the finding, and whether information on the site is sensitive. Attach an additional page if necessary.

Provide the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination.

Was a survey of historic buildings and/or archeological sites done as part of the project?
If the APE contains previously unsurveyed buildings or structures over 50 years old, or there is a likely presence of previously unsurveyed archeological sites, a survey may be necessary. For Archeological surveys, refer to HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects.

☐ Yes → *Provide survey(s) and report(s) and continue to Step 3.*
Additional notes:

☐ No → *Continue to Step 3.*

Step 3 - Assess Effects of the Project on Historic Properties

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per HUD guidance.

Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.

☐ No Historic Properties Affected

Document reason for finding:

☐ No historic properties present. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ Historic properties present, but project will have no effect upon them. → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to (36 CFR 800.4(d)(1)) and consult further to try to resolve objection(s).

☐ No Adverse Effect

Document reason for finding:

Does the No Adverse Effect finding contain conditions?

☐ Yes

Check all that apply: (check all that apply)

☐ Avoidance
☐ Modification of project
☐ Other

Describe conditions here:

→ *Monitor satisfactory implementation of conditions. Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

☐ No → *Provide concurrence(s) or objection(s) and continue to the Worksheet Summary.*

If consulting parties concur or fail to respond to user's request for concurrence, project is in compliance with this section. No further review is required. If consulting parties object, refer to (36 CFR 800.5(c)(2)) and consult further to try to resolve objection(s).

☐ Adverse Effect

Document reason for finding:

Copy and paste applicable Criteria into text box with summary and justification.
Criteria of Adverse Effect: 36 CFR 800.5]

Notify the Advisory Council on Historic Preservation of the Adverse Effect and provide the documentation outlined in 36 CFR 800.11(e). The Council has 15 days to decide whether to enter the consultation (Not required for projects covered by a Programmatic Agreement).

→ *Continue to Step 4.*

Step 4 - Resolve Adverse Effects

Work with consulting parties to try to avoid, minimize or mitigate adverse effects. Refer to HUD guidance and 36 CFR 800.6 and 800.15.

Were the Adverse Effects resolved?

☐ Yes

Describe the resolution of Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation:

For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the exact measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Provide signed Memorandum of Agreement (MOA) or Standard Mitigation Measures Agreement (SMMA). Continue to the Worksheet Summary.*

☐ No

The project must be cancelled unless the "Head of Agency" approves it. Either provide approval from the "Head of Agency" or cancel the project at this location.

Describe the failure to resolve Adverse Effects, including consultation efforts and participation by the Advisory Council on Historic Preservation and "Head of the Agency":

Explain in detail the exact conditions or measures that must be implemented to mitigate for the impact or effect, including the timeline for implementation.

→ *Provide correspondence, comments, documentation of decision, and "Head of Agency" approval. Continue to the Worksheet Summary.*

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates; initial consultation sent to SHPO for each site-specific location
- Names of all consulted parties and relevant consultation dates; Pamela Reilly, SHPO 5/26/2020
- Names of plans or reports and relevant page numbers; National Register of Historic Places; State, Districts, Vacant.
- Any additional requirements specific to your region NO

Are formal compliance steps or mitigation required?

☐X Yes

No

Sites below to be used once projects are selected in Tier 2.

https://nationalregisterofhistoricplaces.com/pa/lawrence/state.html

https://nationalregisterofhistoricplaces.com/pa/lawrence/districts.html

https://nationalregisterofhistoricplaces.com/pa/lawrence/vacant.html

Attachments:

- Attachment 11 State Listings
- Attachment 11 Historic Districts
- Attachment 11 Vacant

- Section 106 Disaster Recovery Agreement Database

Pennsylvania			Preservation and Disaster Planning Projects	Westmoreland County MOA
			Preservation Crisis Handbook	
				West Pittston Borough MOA
				Mocanaqua MOA

Section 106 Agreement Database – Lawrence County is not listed.