

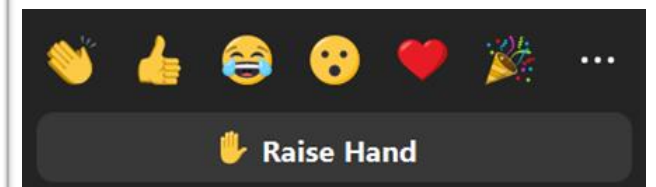
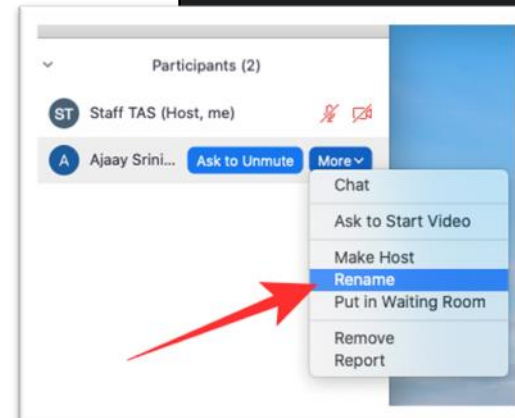
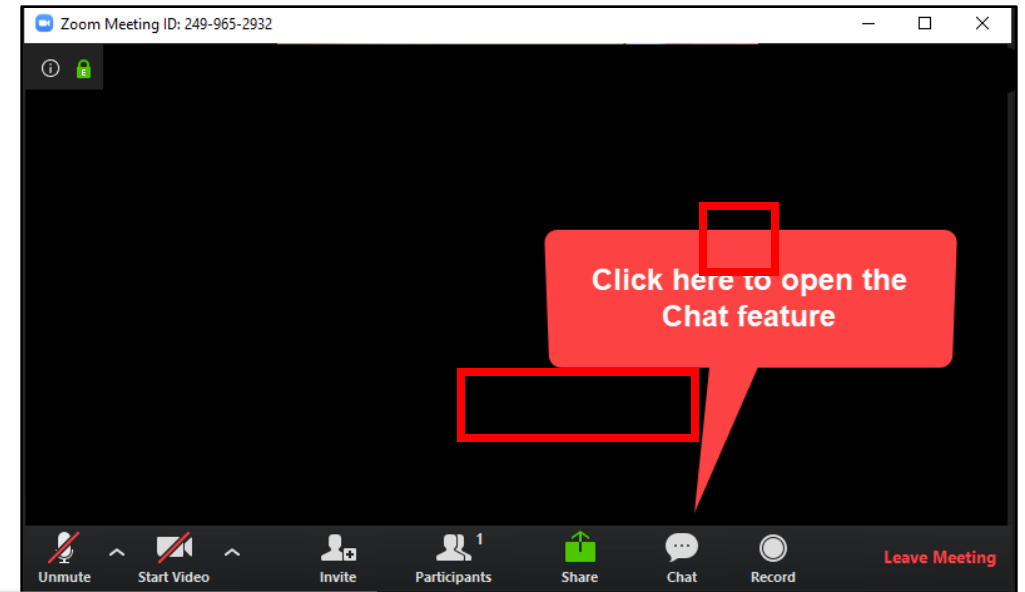
SECTION 106 Programmatic Agreement

PUBLIC HEARING | APRIL 25, 2024

Housekeeping

Zoom Logistics

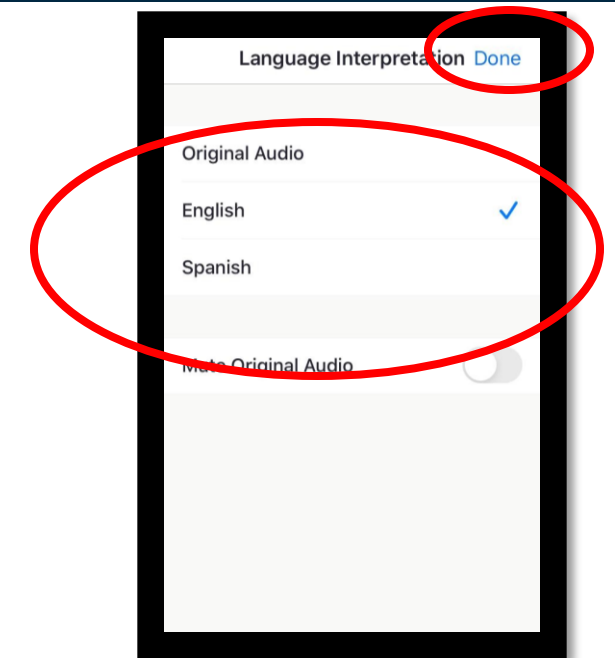
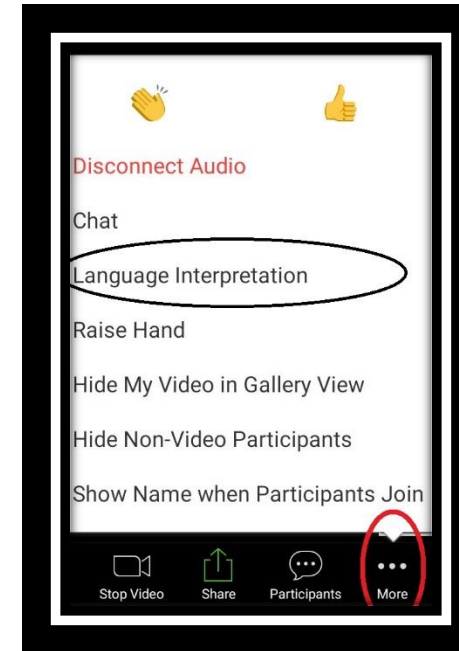
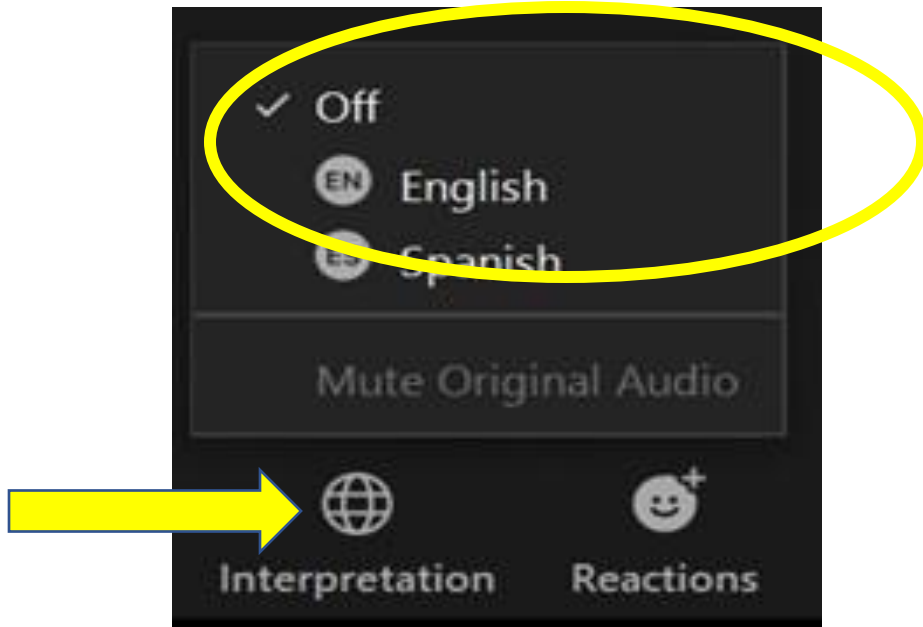
- All lines will be in listen-only mode during the presentation.
- Please edit your name so your full first and last name appear. Open the participant panel, hover over your name, click on the three-dot menu, then “more” and “rename.”
- Submit questions and comments at any time using the Chat feature and select Everyone.
- During open discussion, you can start your video and unmute your audio. Please use the “Raise Hand” feature found in the floating navigation panel at the bottom of your screen.
- Closed captioning is available by clicking on the “CC” button.
- If you have any technical issues, contact Joann Hernandez (ICF) in chat.
- This meeting is being recorded.



Interpretation Feature/ Función de Interpretación

On Computer – En Computadora

Mobile App – Aplicación Móvil



To listen to interpretation on a computer, **click on the globe icon along the bottom** of your screen and **select your language.**

From a mobile device, click on the **three dots** in the corner of your screen, select **"Language Interpretation,"** then choose your language and click **"Done."**

Para escuchar la interpretación al en su computadora, **haga clic** en el ícono de globo terráqueo **en la parte inferior** de la pantalla y **seleccione el idioma que quiera.**

En un dispositivo móvil, **haga clic en** los tres puntos en la esquina de la pantalla, luego seleccione **"Language Interpretation"** (interpretación de idiomas), **elija su idioma** y haga clic en **"Done" (listo)** arriba a la derecha.

Overview

Section 106 Programmatic Agreement for CDBG-DR-funded Programs

Agenda

6:35–6:45: Opening Remarks

6:45–7:30: Presentation

- Section 106 Basics
- Programmatic Agreement

7:30 – 8:00: Q&A with Oregon Housing and Community Services staff and ICF

Introductions

OHCS - Disaster Recovery & Resilience:

- OHCS Deputy Director
- DRR Director
- DRR Chief Policy Officer

ICF – Environmental Consultants:

- Nathaniel Trombley, Program Manager
- Sharon Wright, Environmental Lead
- Richard Starzak and Jesse Lattig, Senior Historic Preservation Specialists



What is Section 106?

What is Section 106?

NHPA

- National Historic Preservation Act of 1966
- Requires federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties through a review process.

Triggered by Federal Undertaking

- For projects they carry out, approve, or fund, federal agencies are responsible for consequences on historic properties.
- Lead agency is responsible for initiating Section 106 review.



Who Carries Out Section 106 Reviews?



Lead Agency for Environmental Regulatory Compliance

- Under 24 CFR Part 58, state, Tribal, and local governments can assume the U.S. Department of Housing and Urban Development (HUD) environmental compliance responsibilities (including obligations under Section 106).
- Oregon Housing and Community Services (OHCS) is the responsible entity on behalf of HUD.
- OHCS may consult with State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO), and others on the procedures and outcomes of those reviews.



What Happens in a Section 106 Review?

Historic Properties & National Register of Historic Places

- Determine if properties that may be affected by the project are listed or are eligible for listing in the National Register of Historic Places (NRHP).
- Properties recognized for their significance in American history, architecture, archaeology, engineering, and culture

Lead Agency Responsibilities

- Identify properties that may be affected by the project and if they are NRHP-eligible or listed.
- Determine how those historic properties might be affected.
- Explore measures to avoid or reduce harm (“adverse effect”) to historic properties.
- Reach agreement with the SHPO/THPO on such measures to resolve any adverse effects.



SECTION 106 Programmatic Agreement

Alternative Process for Special Circumstances

Program Alternatives

- Tailored approach to achieving the Section 106 requirements while balancing other federal requirements and needs
- Improve effectiveness and efficiency of Section 106 reviews by streamlining routine interactions.

Special Circumstances

- An agency will carry out a certain type of undertaking repeatedly.
- Addressing effects to or treatment of a category of historic properties is more efficient or consistent than individual reviews.



Streamline the Standard Section 106 Process

Agreement Among Agencies

- Govern the implementation of a particular agency program (CDBG-DR grants).
- Create a Section 106 process that differs from the standard review process for all program activities.
- Developed through negotiation among the agency, SHPO /THPO(s), the Advisory Council on Historic Preservation (ACHP), other consulting parties



Inform the Public

Consultation and Notification

Throughout the Section 106 review process, federal agencies must consider the views of the public.

- Give the public a chance to learn about the project and provide their views.
- Identify interested parties and interest groups.
- Seek comments and input on interests, benefits, and concerns.
- Provide agency contact for questions and feedback.



Draft Agreement

What Is in the Agreement?

Set document structure to guide its implementation



- **WHEREAS** (preamble)
- **STIPULATIONS** establish processes, procedures, roles, responsibilities, unanticipated issues, dispute resolution, duration, amendment
- **SIGNATORIES**
- **APPENDICES**
 - Allowances
 - Applicable Grant Programs
 - Consulting Parties
 - Treatment Measures to Resolve Adverse Effects
 - Inadvertent Discoveries Plan



Ongoing Consultation

Indian Tribes

- State and federally recognized Tribes
- Coordinated by OHCS Tribal liaison

Local Governments & Partners

- Incorporated and unincorporated cities, towns
- Commissions, departments, associated groups

Federal Agencies

- Oregon State Historic Preservation Office (SHPO)
- Tribal Historic Preservation Offices (THPO)
- Advisory Council on Historic Preservation (ACHP)



How Is Section 106 Relevant to Wildfire Recovery?

CDBG-DR-funded Disaster Recovery Programs

- HUD Community Development Block Grant-Disaster Recovery (CDGB-DR) funds to Oregon for \$422,286,000 in response to 2020 Labor Day wildfires and straight-line winds
- Established multiple grant programs defined in 2023 Action Plan.

OHCS Administered Grants

- Homeowner Assistance and Reconstruction Program (HARP)
- Homeownership Opportunities Program (HOP)
- Planning, Infrastructure, and Economic Revitalization program (PIER)



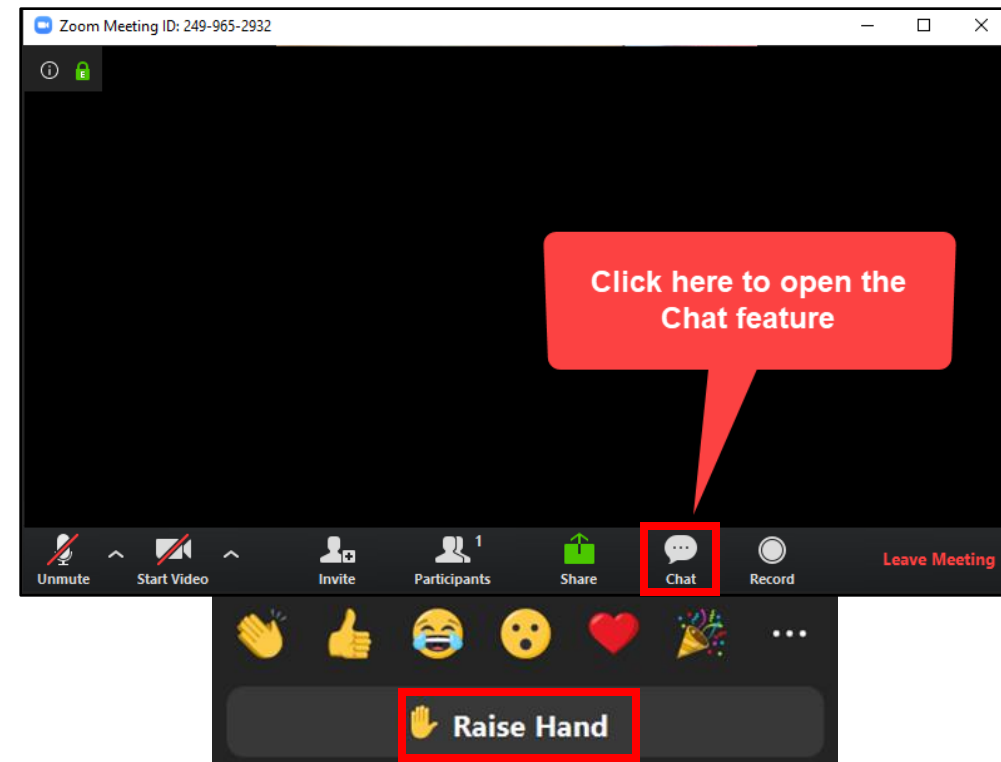
Summary

- HUD funding for disaster recovery grants (CDBG-DR) triggers federal environmental review.
- OHCS assumes Responsible Entity role on behalf of HUD for environmental reviews.
- Federal Section 106 Review for Effects on Historic Properties
- Development of Section 106 Programmatic Agreement to streamline reviews of projects receiving grant funding
- Agreement is among OHCS, SHPO/THPO, Tribes, ACHP.
- Draft agreement is posted online for public review and shared with consulting parties.
- OHCS is seeking comments on the draft agreement from the general public and consulting parties.
- Future revisions and the final agreement will also be posted online and distributed to all participating parties.



Open Discussion

- Submit questions and comments by typing your question in the Chat feature and select *Everyone*.
- Or to ask a question, please use the **Raise Hand** feature found in the floating navigation panel at the bottom of your screen under *Reactions*. The moderator will call on you to ask your question.



Contact

Download draft document at re.oregon.gov.

Submit comments and questions to drd.enviro@hcs.oregon.gov.

Phone: 1-877-510-6800 or 541-250-0938