

Proposed Programmatic Agreement Regarding Section 106 Review of HUD-assisted Projects in Erie County, New York

The Erie County Community Development Block Grant Consortium, acting in its capacity as Responsible Entity, is working with the Region 2 Office of the U.S. Department of Housing and Urban Development (HUD), to develop a Programmatic Agreement (PA) that will apply to Section 106 review of projects in Erie County that are subject to Part 58 and Part 50 of HUD's environmental regulations (24 CFR Part 58 and 24CFR Part 50). The PA will cover review of HUD-assisted projects in CDBG, HOME, and ESG. The purpose of the PA is to improve the efficiency of Section 106 review of HUD projects while fostering the protection of historic properties that might be affected by the projects.

As the Responsible Entity for Part 58 reviews, we would like to invite interested parties and the public to provide feedback and participate in the development of this PA, as part the Section 106 consultation process.

The draft Programmatic Agreement is attached. Appendix A on page 23 lists all the proposed "Exempt Activities" that fall under this new agreement.

Please provide any comments by: October 29, 2021 to Marie.Thornton@erie.gov

The PA will cover various CDBG and economic development projects, as well as housing rehabilitation projects. The PA exempts from Section 106 review a list of types of activities that do not cause effects to historic resources, like refinancing of existing buildings without any rehabilitation; replacement of heating systems, bathroom and kitchen remodeling, and repair of roofs and windows; and replacement in-kind (with no increase in size) of water/sewer/sidewalks, etc... Projects that include activities other than those types of exempted activities, like substantial rehabilitation and new construction, will still undergo a complete Section 106 review, including consultation with SHPO, tribes and other consulting parties.

The streamlined process outlined in the PA will apply to HUD offices and Responsible Entities (units of state and general local government and tribes) that conduct Section 106 review of HUD projects and that have signed the PA as Signatory Parties.

The draft Programmatic Agreement can be found here by clicking this link:

<https://www2.erie.gov/environment/sites/www2.erie.gov.environment/files/uploads/PA%20for%20HUD%20Programs-Draft.pdf>