



**US Army Corps
of Engineers**
Philadelphia District

Wanamaker Building
100 Penn Square East
Philadelphia, PA 19107-3390
ATTN: CENAP-OPR

Public Notice

Public Notice No. NAP-2022-00686-96	Date May 17, 2022
Application No. NAP-2022-00686-96	File No. NAP-2022-00686-96
In Reply Refer to: REGULATORY BRANCH	

THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE PROPOSED ACTIVITY AND TO SOLICIT COMMENTS.

The Philadelphia District has collaborated on a draft Programmatic Agreement (PA) for the review of transportation projects related to the requirements of the National Historic Preservation Act (NHPA), within the Commonwealth of Pennsylvania. Federal and state agencies signatory to this agreement include: the Federal Highway Administration (FHWA), the Pennsylvania Department of Transportation (PennDOT), Advisory Council on Historic Preservation (ACHP), the Pennsylvania Historical and Museum Commission (PHMC) and the Baltimore, Philadelphia, and Pittsburgh Districts of the United States Army Corps of Engineers (USACE).

The purpose of the agreement is to streamline review of transportation-related projects requiring authorization under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, by delegating compliance determinations for minor transportation-related actions requiring coordination under Section 106 of the NHPA to PennDOT cultural resource professionals meeting the Secretary of Interior's Professional Qualifications Standards.

This PA represents a renewal of prior agreements among FHWA, PennDOT, ACHP, and PHMC, notably adding the USACE Baltimore, Philadelphia, and Pittsburgh Districts as signatories.

DESCRIPTION:

This draft PA sets forth the processes by which FHWA, and/or the USACE, will meet its responsibilities under Section 106, with the assistance of PennDOT, for transportation projects under the Federal-Aid Highway Program or which require USACE Permits.

CORPS EVALUATION REQUIREMENTS:

This draft will be evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision whether to participate in the PA will be based on an evaluation of the

probable impacts, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important cultural resources. The benefit, which reasonably may be expected to accrue from the PA must be balanced against its reasonably foreseeable detriments. All factors, which may be relevant to the proposal will be considered. The Corps will consider all relevant comments from the public in reaching its decision.

HISTORIC RESOURCES:

Pursuant to Section 106 of the NHPA of 1966 and applicable guidance, the Corps has reviewed the latest published version of the National Register of Historic Places and initially determined that implementation of the PA will not adversely affect registered properties listed as eligible for inclusion, therein. Participation in the PA will streamline coordination and review of projects that have no effect or no adverse effects on properties listed or eligible for listing on the National Register of Historic Places.

TRIBAL RESOURCES:

Section 106 of the NHPA also requires federal agencies to consult with federally recognized American Indian Tribes that attach religious and cultural significance to historic properties that may be affected by the agency's undertaking. Corps Tribal Consultation Policy mandates an open, timely, meaningful, collaborative, and effective deliberative communication process that emphasizes trust, respect, and shared responsibility. The policy further emphasizes that, to the extent practicable and permitted by law, consultation works toward mutual consensus and begins at the earliest planning stages before decisions are made and actions taken. The Corps final eligibility and effect determination will be based on coordination with interested tribes, in accordance with the Corps current tribal standard operating procedures as appropriate and required, and with full consideration given to the proposed undertaking's potential direct and indirect effects on tribal resources.

The Corps has contacted all federally recognized American Indian Tribes declaring an interest in resources located within the Commonwealth of Pennsylvania, regarding its participation in the PA and will consider any comments received in response to tribal notifications.

SUBMISSION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; American Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this PA. Any comments received will be considered by the USACE to determine whether to amend, revise, and/or participate in this PA. To make this decision, comments are used to assess impacts on historic properties and the other public interest factors. Comments provided will become part of the public record for this action and are subject to release to the public through the Freedom of Information Act.

Written comments concerning the action described above related to the factors listed above or other pertinent factors must be received by the USACE, Philadelphia District within the comment period specified above through postal mail at the address below or electronic

submission to the project manager email address below. Written comments should reference the Application Number NAP-2022-00686-96 (PADOT- Statewide Section 106 Programmatic Agreement).

Any person who has an interest which may be adversely affected by the implementation of this agreement may request a public hearing. The request, which must be in writing, must be received within the comment period as specified above to receive consideration. Also, it must clearly set forth the interest which may be adversely affected by this activity and the manner in which the interest may be adversely affected. The public hearing request may be submitted by electronic mail or mailed to the following address:

Mr. Nikolas Tranchik
Nikolas.P.Tranchik@usace.army.mil
U.S. Army Corps of Engineers, Philadelphia District
Regulatory Branch
100 East Penn Square, 6th Floor
Philadelphia, Pennsylvania 19107

It is requested that you communicate this information concerning the proposed work to any persons known by you to be interested, who did not receive a copy of this notice.

General information regarding the Corps' permitting process can be found on our website at <https://www.nap.usace.army.mil/Missions/Regulatory/>. This public notice has been prepared in accordance with Corps implementing regulations at 33 CFR 325.3. If you have any questions concerning this specific project or would like to request a paper copy of this public notice, please contact Mr. Nikolas Tranchik at Nikolas.P.Tranchik@usace.army.mil.

Todd Schaible
Chief, Regulatory Branch