

# Notice of Intent to Enter into Programmatic Agreement with North Carolina State Historic Preservation Officer

October 24, 2018

This notice is to inform the public and citizens of the City of Wilmington that the City of Wilmington (City) is requesting to enter into a Programmatic Agreement (PA) with the North Carolina State Historic Preservation Officer (SHPO). The proposed Programmatic Agreement (PA) is a contract between the City of Wilmington (City) and the North Carolina State Historic Preservation Officer (SHPO) stipulating specific measures that must be implemented in order to adequately avoid or satisfactorily mitigate any adverse effect on historic properties.

These specific measures are outlined in the agreement as the following: Qualifications of City Staff, Identification of Historic Properties, Exempt Activities, Rehabilitation and New Construction, Adverse Effects, Archaeology, Project Documentation and Record-keeping, Dispute Resolution, Agreement Modification and Termination. Further, the PA demonstrates the City's intent to comply with the historic review portion of the HUD-mandated environmental review process. The goal of the PA is to reduce the burden of requests sent to the State as well as the response time, while still implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470F).

Historically, the City has had programmatic agreements with the SHPO. At the expiration of the last PA, the SHPO was unable to extend the agreement and the City returned to directly contacting the SHPO and Tribal Historic Preservation Officer (THPO). The implementation of a new PA is warranted as the City will be entering into a new tiered review Environmental Review. The City, in accordance with the provisions of the Housing and Community Development Act of 1974, as amended (CDBG) and the HOME Investment Partnership Program Act (HOME) will administer projects and act as the Responsible Entity for acquisition, rehabilitation, demolition, new construction and infrastructure improvements throughout its jurisdiction for the 2019 – 2023 fiscal years.

The City has determined that the execution of the individual activities of these programs may have an effect upon properties and districts that are listed in or may be eligible for listing in the National Register of Historic Places (National Register) as defined in 36 CFR Part 800, the regulation of the Advisory Council on Historic Preservation for implementing Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f). Certain activities under the programs noted above may depart from the normal Section 106 process only if and when those programs involving historic properties have limited potential to affect historic properties and are approved by the Certified Staff. These activities are outlined in the PA under Section III titled "Exempt Activities".

It is unknown at this time if there are any similarities or repetitive effects to historic properties; additionally only limited effects such as deterioration, physical destruction and neglect can be fully determined prior to the approval of an undertaking. Under the PA, the City will contract with a consultant approved by the SHPO to conduct historic reviews and determine if the SHPO or THPO will need to be consulted. The City has also sent correspondence to the Catawba Indian Nation (CIN) THPO with the proposed PA and has asked for concurrence, should they accept. In absence of the previous PA, the City has continued to contact the CIN on all projects involving ground disturbance. The City will be

receiving comments on the proposed PA from October 24, 2018 until 5:00 PM on November 8, 2018. Please contact Rachel LaCoe, Community Development Analyst, in writing with any questions or comments for a copy of the proposed PA.

Contact Information:

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