



**U.S. Army Corps  
of Engineers**

Baltimore District  
SPN-23-12

# Public Notice

**In Reply to Application Number  
NAB-2021-00410-P07 (PA DOT - Statewide Section 106  
Programmatic Agreement)**

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## **THE PURPOSE OF THIS PUBLIC NOTICE IS TO INFORM INTERESTED PARTIES OF THE FINAL ACTION.**

On May 27, 2022, the Baltimore District issued a Public Notice (PN-22-11) concerning the 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. This Public Notice provides notification of the finalization of the PA. 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 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 PA was evaluated pursuant to Corps Regulatory Program Regulations (33 CFR Parts 320-332). The decision to participate in the PA was based on an evaluation of the probable impacts, including cumulative impacts of the proposed activity on the public interest.

**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 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 was 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 considered comments received in response to tribal notifications. Comments were received from the Delaware Tribe, Eastern Shawnee Tribe, and Stockbridge-Munsee Community in response to a Public Notice announcing the draft PA in May 2022.

General information regarding the Corps' permitting process can be found on our website at <https://www.nab.usace.army.mil/Missions/Regulatory.aspx>. 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 or the PA, please contact Mr. John Gible at 717-249-9457, or [john.gible@usace.army.mil](mailto:john.gible@usace.army.mil). This public notice is issued by the Chief, Regulatory Branch.