



Legislation Details (With Text)

File #: 71270 **Version:** 1 **Name:** Authorizing the Mayor, on behalf of the City of Madison, to execute a Section 106 Programmatic Agreement with the Wisconsin Historical Society's State Historic Preservation Office (SHPO) to provide HUD-mandated environmental review-related services, in co

Type: Resolution **Status:** Passed

File created: 5/4/2022 **In control:** Community Development Division

On agenda: 5/24/2022 **Final action:** 5/24/2022

Enactment date: 5/31/2022 **Enactment #:** RES-22-00405

Title: Authorizing the Mayor, on behalf of the City of Madison, to execute a Section 106 Programmatic Agreement with the Wisconsin Historical Society's State Historic Preservation Office (SHPO) to provide HUD-mandated environmental review-related services, in compliance with federal regulations at 36 CFR Part 800.

Sponsors: Nikki Conklin, Barbara Harrington-McKinney

Indexes:

Code sections:

Attachments: 1. HUD CDBG FINAL Draft 04.08.22 for Signatures.pdf

Date	Ver.	Action By	Action	Result
5/24/2022	1	COMMON COUNCIL	Adopt	Pass
5/16/2022	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
5/10/2022	1	COMMON COUNCIL	Referred	Pass
5/4/2022	1	Community Development Division	Referred for Introduction	

Fiscal Note

This Resolution authorizes the Mayor to execute an agreement with the Wisconsin Historical Society's State Historic Preservation Office regarding the City's provision of required environmental review services. There is no fiscal impact associated with adoption of this Resolution.

Title

Authorizing the Mayor, on behalf of the City of Madison, to execute a Section 106 Programmatic Agreement with the Wisconsin Historical Society's State Historic Preservation Office (SHPO) to provide HUD-mandated environmental review-related services, in compliance with federal regulations at 36 CFR Part 800.

Body

BACKGROUND

Grant programs funded by the U.S. Department of Housing and Urban Development (HUD) - including the Community Development Block Grant (CDBG), HOME Investment Partnerships (HOME) and Emergency Solutions Grant (ESG) programs, among others - support and facilitate the use of historic properties for affordable housing, economic development, and community revitalization. HUD encourages the rehabilitation of historic buildings and the preservation of irreplaceable resources. The National Historic Preservation Act (NHPA), 16 U.S.C. 470 et seq., directs each federal agency, and those tribal, state, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions. The review process, known as "Section 106" review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with

interested parties are key to effective compliance with Section 106. The State Historic Preservation Office (SHPO) is the primary consulting party in the process.

All HUD-funded activities require Section 106 review, except projects that are exempt or "*categorically excluded not subject to*" under HUD regulations (24 CFR Parts 50 and 58) or that are determined by HUD to have "*No potential to Affect Historic Properties*" as defined at 36 CFR 800.3. Local HUD Grantees, like the City of Madison, serve as the "Responsible Entity," tasked with performing this Section 106 review, to ensure compliance with the applicable historical preservation regulations outlined in 36 CFR Part 800.

As part of ensuring local Section 106 compliance, the City is required to have a current, executed "Programmatic Agreement" (PA) with the State SHPO to provide these services. This Resolution authorizes the Mayor to sign that agreement.

ACTION

WHEREAS, HUD requires local Grantees like the City of Madison to provide mandated Section 106 environmental review services as a "Responsible Entity" to ensure the City's compliance with federal historic preservation regulations described in detail at 36 CFR Part 800; and,

WHEREAS, as part of providing these mandated services, the City is required to execute a Section 106 Programmatic Agreement (PA) with the State Historic Preservation Office (SHPO), approximately every ten years;

NOW, THEREFORE, BE IT RESOLVED, that the Common Council hereby authorizes the Mayor to sign a new Section 106 PA with the Wisconsin Historical Society's SHPO; and,

BE IT FURTHER RESOLVED, that the Common Council hereby authorizes the Mayor to execute any and all additional documents that may be deemed necessary to carry out the goals of this Resolution.