

PROGRAMMATIC AGREEMENT
City of Shawnee
Community Development Block Grant / HOME Grant
Programs

Whereas, the City of Shawnee, State of Oklahoma, proposes to administer its Community Development Block Grant (CDBG) / HOME Grant programs with funds from the Department of Housing and Urban Development under Title 1 of the Housing and Community Development Act of 1974 and the State of Oklahoma funded HOME program.

Whereas, for the purposes of this agreement, the City's CDBG / HOME Programs encompasses the following activities:

Owner occupied rehabilitation

Infrastructure (street) improvements; and

Whereas, the City has determined that the administration of its program may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places and has consulted with the Oklahoma State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR 800.13 of the regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f), and Section 110(f) of the same Act (16 U.S.C. 470h-2(f); and

Whereas, the definitions given in appendix 1 are applicable throughout this Programmatic Agreement;

NOW, THEREFORE, the City of Shawnee, the Oklahoma State Historic Preservation Officer (SHPO), and the Council agree that the Program shall be administered in accordance with the following stipulations to satisfy the City's Section 106 responsibilities for all individual undertakings of the program.

Stipulations

The City will ensure that the following measures are carried out:

1. All buildings, structure, streetscape, and openspaces within the CDBG and HOME program target areas, as defined in appendix 1, shall be considered eligible for inclusion in the National Register of Historic Places (Register) and subject to the terms of this Programmatic Agreement.

2. Whenever Program assistance may be used to affect buildings that are not within the CDBG or HOME target areas, the City will consult with the SHPO and if necessary, the keeper of the National Register in accordance with 36 CFR 800.4(c) to determine whether the property or properties subject to effect is or are eligible for inclusion in the Register. All eligible properties shall be subject to the terms of this Programmatic Agreement.

3. The City shall ensure that an archeological survey is conducted of all areas where the program may result in ground disturbance. Such survey shall be consistent with the Secretary of the Interior's Standards and Guidelines for Identification (48 FR 44720-23) and take into account the National Park Service (NPS) publication, The Archeological Survey: Methods and Uses (1978, GPO stock #024-016-00091), and pertinent SHPO guidelines. The survey shall be conducted in consultation with the SHPO, and a report of the survey, meeting the standards of the SHPO, shall be submitted to the SHPO, for review and approval. The City shall evaluate properties identified through the survey in accordance with 36 CFR 800.4(c). If the survey results in the identification of properties that are eligible for the Register, the City shall comply with 36 CFR 800.5.

4. The City shall ensure that all rehabilitation of buildings, structures, streetscapes, and open spaces within the target areas, and all such rehabilitation affecting buildings, structures, streetscapes, or open spaces determined eligible for inclusion in the Register pursuant to Stipulation 2 is carried out in a manner that is compatible with the historic and architectural qualities of the affected property or properties and consistent with the recommended approaches to rehabilitation set forth in the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (U.S. Department of the Interior, National Park Service, 1983). No further review is required by the SHPO and/or the Council, except that the SHPO and/or Council may require, in accordance with 36 CFR 800.5, at their respective discretion.

5. The City shall ensure that the design and specifications for any rehabilitation project outside the target areas affecting one or more properties eligible for inclusion in the Register are developed in consultation with the SHPO and submitted to the SHPO for review and approval. Provided the SHPO approves such design and specifications, no further review is required by the Council, except that the Council may require such further review, in accordance with 36 CFR 800.5, at its discretion.

6. Where the City proposes a treatment other than rehabilitation including, but not limited to, demolition, construction of an addition, disturbance of an archeological site, and where the City proposes rehabilitation but the design and specifications for such rehabilitation are not approved by the Board under Stipulation 5 or the SHPO under Stipulation 6, the City shall comply with 36 CFR 800.5.

7. The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The City will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

8. In the event that any individual undertaking of the Program may have a direct and adverse effect on a National Historic landmark, the City shall comply with 36 CFR 800.5, 800.6, and 800.10 for the undertaking.

9. The City and the SHPO may request the Council in writing to review the City's Programmatic Agreement and consider any modification(s) to this agreement. No such modification(s) will become effective unless all parties to this agreement have been notified and acknowledgement received in writing.

10. Any party to this Programmatic Agreement may request that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such amendment.

11. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days' notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the City will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

12. In the event the City does not carry out the terms of this Programmatic Agreement, the City will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this Programmatic Agreement.

Execution and implementation of this Programmatic Agreement evidences that the City has afforded the Council a reasonable opportunity to comment on the Program and that the City has taken into account the effects of the Program on historic properties.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By: Robert W. Bush Date: 5-8-96

CITY OF SHAWNEE

By: Pierre F. Taron Date: 3-22-96
Pierre F. Taron, Mayor

OKLAHOMA STATE HISTORIC PRESERVATION OFFICER

By: J. Blake Wade Date: 4-11-96
J. Blake Wade
State Historic Preservation Officer

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BY SHPO



CDBG & HOME TARGET AREA

