

# National Park Service

## Development of a Nationwide Programmatic Agreement for Cultural Resources Grants and Financial Assistance

September 26, 2023

### **SUMMARY**

The National Park Service (NPS) Cultural Resources, Partnerships, and Science Directorate provides Federal financial assistance to advance its mission in the protection and interpretation of the nation's heritage. Congress authorized NPS to provide Federal financial assistance to States, Tribes, local governments, and other partners to advance the purposes of the National Historic Preservation Act (NHPA) among other similar purposes. Projects, activities, or programs that are carried out with Federal financial assistance are considered undertakings (36 CFR § 800.16(y)) requiring compliance with Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108).

NPS proposes to develop a Nationwide Programmatic Agreement (Nationwide PA) that creates an efficient and consistent Section 106 process for its cultural resources financial assistance undertakings. The proposed Nationwide PA will include cultural resources activities that are considered undertakings under Section 106 within its grant programs and cooperative agreements.

NPS initiated consultation on the proposal on May 31, 2023. Initially, NPS was seeking comments on the scope and proposed agreement outline. During the comment period from May 31, 2023 through August 17, 2023, a total of twenty-eight (28) electronic or written correspondences (e.g. letters, website submissions, and emails) were received. An additional comment was received shortly after the deadline and was included as part of this analysis, for a total of twenty-nine (29) written correspondences.

Additional verbal correspondences were recorded from approximately 19 participants at five virtual consultation meetings hosted June 29, July 10, July 11, July 17, and July 18, 2023 on Microsoft Teams. Verbal correspondences made at the consultation meetings were transcribed and incorporated into this summary.

Written correspondence were submitted in writing to the dedicated program alternative inbox ([financial\\_assistance\\_pa\\_comments@nps.gov](mailto:financial_assistance_pa_comments@nps.gov)) or online at the NPS Planning, Environment and Public Comment (PEPC) website. The format of written comments included both form letters and personalized emails or letters.

Many of the correspondence addressed multiple topics. This summarizes the different concerns, issues, and opinions expressed in the comments received. The NPS will review comments and develop the proposed agreement for additional review and comment. NPS will consider all comments received throughout the development of the Nationwide PA.

## **DEFINITION OF TERMS**

**Correspondence:** A correspondence is the entire document received from a commenter, including individuals, organizations, government officials, and agency representatives. It can be in the form of a letter, written comment form, or verbal comment.

**Comment:** A comment is a portion of the text within a correspondence that addresses a single subject. It could include such information as an expression of support or opposition to the proposal, additional data regarding the existing process, a specific question or proposed edit for the proposed agreement, or an opinion about the adequacy of an analysis.

**Comment Summary:** A grouping that is centered on a common subject. Comment summaries combine similar comments. Example quotes from the comments used to create a comment summary may also be presented to highlight the type of sentiments that went into the comment summary.

## **TOPICS RAISED IN COMMENTS**

Comments broadly focused on both general and technical concepts within the proposal. 46% of the comments were related to general topics (91), with 54% of the comments addressed technical (106) elements of the proposal. Many comments addressed the proposed Section 106 process in the agreement (34) and authorizing recipients carrying out subgrant programs (25). Many comments discussed the activities in the agreement, including the activities with No Potential to Cause Effects (16) and the proposed Programmatic Allowances (49). Other comments ranged from a variety of topics related to the proposal, and some general comments related to the NPS programs were received.

### *Scope and Development of a Nationwide PA*

Several commenters expressed support for the Nationwide PA to clarify the Section 106 process for these undertakings. A few commenters expressed opposition to the general concept of a Nationwide PA to address these Section 106 undertakings. Some comments requested further consultation on the proposal, including further consultation with Tribes and Native Hawaiian organizations on the proposal.

### *Authorizing Recipients*

Many comments discussed the part of the proposal that would authorize recipients carrying out Subgrant Programs to carry out parts of the Section 106 process. Some commenters expressed concerns about this proposed authorization, while other comments suggested revisions to the proposal.

### *Proposed Section 106 Process*

Many comments discussed areas to be further defined and clarified when NPS develops the draft agreement, including providing clear definitions. Some comments discussed the timing of the Section 106 reviews and other actions under the agreement. Some comments discussed the roles and responsibilities of State and Tribal Historic Preservation Offices (SHPOs and THPOs) in the proposal. Some comments discussed the funding to Tribal Historic Preservation Offices.

Some comments suggested clarification in how the Section 106 process would be documented and suggested NPS develop templates or other resources to aid in carrying out reviews under the Nationwide PA. A commenter provided suggestions on how the grant award process could be improved with the Nationwide PA.

Some comments provided feedback on the proposed flow charts and areas to clarify the process. Some comments requested additional language on the roles of professionals meeting the Secretary of the Interior's (SOI) *Professional Qualifications Standards* in reviewing these activities. A few comments discussed the additional review process for National Historic Landmarks.

#### *Programs and Activities*

Many comments discussed the activities proposed to be addressed by the Nationwide PA as outlined in Appendix B and C of the proposal. Many comments suggested technical edits and clarifications on specific activities. Some commenters opposed the inclusion of specific activities as programmatic allowances, other commenters supported specific activities.