INTRODUCTION
<table>
<thead>
<tr>
<th>Applications &amp; Best Practices, Part 1</th>
<th>10:00 to 11:30</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Introduction</strong></td>
<td>Serena Bellew</td>
</tr>
<tr>
<td><strong>What’s New: Environmental Review</strong></td>
<td>Emma Diehl</td>
</tr>
<tr>
<td><strong>Section 106 and the Public</strong></td>
<td>Pam Reilly</td>
</tr>
<tr>
<td><strong>Archaeology Case Studies</strong></td>
<td>Mark Shaffer</td>
</tr>
<tr>
<td><strong>Questions/Conclusion</strong></td>
<td>Serena Bellew</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applications &amp; Best Practices, Part 2</th>
<th>1:00 to 3:00</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Opening</strong></td>
<td>Serena Bellew</td>
</tr>
<tr>
<td><strong>What’s New: Survey and Disaster Planning</strong></td>
<td>Jeremy Young</td>
</tr>
<tr>
<td><strong>Recording Historic Districts &amp; Understanding the Data</strong></td>
<td>Andrea MacDonald, Dave Maher &amp; Noel Strattan</td>
</tr>
<tr>
<td><strong>Historic Tax Credits and Keystone Grants</strong></td>
<td>Karen Arnold</td>
</tr>
<tr>
<td><strong>Questions/Conclusion</strong></td>
<td>Serena Bellew</td>
</tr>
</tbody>
</table>
WHAT’S NEW IN ENVIRONMENTAL REVIEW
Western Region
Barbara Frederick
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Central Region
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Environmental Review Regions
NEW GUIDELINES

http://phmc.info/historicpreservation > Forms and Guidance
Guidelines for Architectural Investigations in Pennsylvania (Updated December 2014)
Survey Guidelines for Pipeline Projects – Above Ground Resources (June 2013)
Guidelines for Projects with Potential Visual Effects (September 2014)
Criteria for Meaningful Mitigation

"Within 12,000 miles of this spot, all world history took place."
PUBLIC PARTICIPATION AND CONSULTATION IN THE SECTION 106 PROCESS
Public participation under Section 106 of the National Historic Preservation Act is one of the least understood, but most important elements of the project consultation process.
Section 106 Statute

The head of any **Federal agency** shall . . . prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license . . . **take into account** the effect of the undertaking on any [resource] that is included in or eligible for inclusion in the **National Register** and . . . afford the Advisory Council on Historic Preservation . . . a reasonable opportunity to comment with regard to such undertaking.  

16 USC 470f
What is the purpose of Section 106?

To identify historic properties and avoid, minimize or mitigate project effects

To balance project needs alongside historic preservation concerns through consultation
Section 106 Public Participation Requirements

The agency official must . . . provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decision making.

36 CFR 800.2 d(2)
Section 106 Public Participation

• Federal agency must notify the general public and solicit their input (can use agency procedures under NEPA)

• Level of effort commensurate with the effect of the project on historic resources
How does the federal agency reach out to the public?

• Established agency requirements for public notification and involvement
• Published legal notices and public meetings
• Letters to nearby property owners
• Public posting of the project
• Municipal council meetings
Who are consulting parties?

By Regulation:

• Federal agency
• Applicant
• SHPO
• Tribes
• Local government
• Advisory Council on Historic Preservation (ACHP)
Who are consulting parties?

By Invitation:

Those with a demonstrated economic, legal or historic preservation interest

– Local preservation organizations
– Historical societies
– Community organizations
– Property owners
How do federal agencies solicit consulting party input?

• Letters and emails
• Conference calls
• Site visits
• Public meetings or presentations
• Drafting of a mitigation agreement to address adverse effects
What is consultation under Section 106?

*Consultation* means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. *36 CFR 800.1(f)*
When Does Consultation/Public Involvement Occur?

**THE SECTION 106 PROCESS**

1. **INITIATE the process [800.3]**
   - Establish undertaking
   - Notify SHPO/THPO
   - Identify tribes and other consulting parties
   - Plan to involve the public

2. **IDENTIFY historic properties [800.4]**
   - Determine APE
   - Identify historic properties
   - Consult with SHPO/THPO, tribes, and other consulting parties
   - Involve the public

3. **ASSESS adverse effects [800.5]**
   - Apply criteria of adverse effect
   - Consult with SHPO/THPO, tribes, and other consulting parties
   - Involve the public

4. **RESOLVE adverse effects [800.6]**
   - Notify ACHP
   - Avoid, minimize, or mitigate adverse effects
   - Consult with SHPO/THPO, tribes, and other consulting parties
   - Involve the public

**FAILURE to agree [800.7]** → Formal ACHP comments

No undertaking/potential to cause effects

No historic properties present/affected

No historic properties adversely affected

Memorandum of Agreement
Why is local involvement important?

• Greater local voice in the project planning and decision making
• Greater consideration of historic properties in the project planning process
• Exploration of additional project alternatives
• Improved project design
• More meaningful mitigation outcomes
How can the public be aware of ongoing projects?

• Make calls or inquiries to the local government or sponsoring agency or SHPO
• Attend regularly scheduled or special borough/city/twp meetings
• Read local newspapers or internet articles to stay abreast of local issues and projects
• Check municipal websites
• Request the environmental review record for federally sponsored projects
• Consult with online notification tools like Project PATH for PennDOT projects
Even with public participation and consultation . . . Section 106 does not mandate a preservation outcome
Case Study in Public Participation: Wayne Junction RR Station Project

- $20 million FTA project
- SEPTA route in Nicetown/Germantown
- Improve safety, ADA accessibility and rehab of station and headhouse
- Optimize use and spur neighborhood development
Wayne Junction Project:

Identified Historic Properties

Colonial Germantown Historic District
(NR Listed 1966)

Wayne Junction Station
(NR Eligible 2003)

Philadelphia & Reading Railroad
(NR Eligible 1993)
NR eligible Wayne Junction Station on eligible Philadelphia & Reading RR line

HRSF for Wayne Junction Station

Original stairs to station from platform
106 Consultation Participants

Lead Federal Agency: FTA, FHWA

Project Applicant: SEPTA

Consulting Parties

By Right
- Pennsylvania Historical and Museum Commission (PHMC)
- Native American Tribes
- Representatives of Local Governments

Demonstrated Interest
- Local Preservation Organizations
- Historical Societies
- Community Organizations
- Property Owners

The Public

Advisory Council on Historic Preservation (ACHP)
Germantown Avenue Headhouse
Proposed for Demolition
Public Participation Changes Design

- Renovation not demolition of headhouse building
- Increased public awareness of project and historic buildings
- Balanced design
Germantown Avenue Headhouse Rehabilitation

Headhouse before

Headhouse after
Wayne Junction Station: Adverse Effect

Obscure character-defining feature

Physical destruction or damage
Wayne Junction Station: Mitigation

• Interpretive plan for the station

• Promotion of 15 local historic sites consortium (Historic Germantown Preserved)

• Design review by SHPO and consulting parties
Case Study in Public Participation: Montgomery County Hospital, Norristown

Demolition of NR eligible historic hospital in Norristown, Montgomery County

New construction planned at site
- Possible use of HUD funds
- Rehab plans failed
- Redevelopment needed
- Many community concerns- preservation and other
- Consulting parties help to devise a more meaningful mitigation outcome
Norristown Preservation Fund established to assist historic properties

Selma Mansion
Case Study in Public Participation: Roxbury School Demolition
Johnstown, Cambria County

- Use of HUD funds
- NR eligible school
- Rehab economically infeasible
- Johnstown Area Heritage Association consulting party and mitigation partner
Mitigation plans led by community preservation group

- Photo exhibit of historic schools in Johnstown
- Interpretive wayfarer marker for Roxbury neighborhood
- Architectural salvage of key building features for reuse at site
Public Participation Impacts Archeological Sites, Too
President’s House Project
Market Street, Philadelphia

- National Park Service funding
- Tourism and heritage interpretation
- Great public interest
- African American history site
- Broadened site interpretation efforts
Applications & Best Practices
CRE 2015

Slavery at the Philadelphia President’s House
“a story too important to go untold”

“A Story Too Important ... To Go Untold”
— John F. Street

A rendering of the President’s House memorial, which is scheduled to open in 2010 outside the front door of the Liberty Bell Center.
News coverage and public involvement demanded design changes
Public involvement helped shape interpretation of this historic site.
ARCHAEOLOGY CASE STUDY: PARKE FARM
Parke Farm

Consultation initiated by land owner for potential subdivision requiring U.S. Army Corps of Engineers permit.

PHMC review determined a known archaeological site present in project area.
Parke Farm Site

PASS #36CH283

Late Woodland Period Hamlet
Mechanical Removal of Plow-Disturbed Soil
Parke Farm Site Plan
Showing distribution of Post Molds and Other Features
Testing of Grave Shaft

Human Remains Identified
Ceramic Smoking Pipe

Found in Grave Shaft
Late Woodland Period

Projectile Points
Post Molds Near Grave Shaft
When human remains were verified at the Parke Farm Site, the property owner abandoned his plans to sell his property for development. Brandywine Conservancy and Natural Lands Trust acquired an easement that preserves the Parke Farm Site.
This is a rare example of a private land owner forgoing monetary profit in the interest of historic preservation.
Camp Letterman

The largest hospital site established in the aftermath of the Battle of Gettysburg

Never acquired and preserved by the Federal Government
Camp Letterman

• Occupied an area of 80 to 100 acres
• In 1997, a portion of the site proposed for commercial development
• Required a U.S. Army Corps of Engineers permit
• As per Section 106 Regulations and in consultation with SHPO, Corps required a Phase I Archaeological Survey
Camp Letterman
1863 Conditions
Based on
National Park Service
Research
Camp Letterman
Current Conditions
Identification and Determination of Historic Properties

• Corps determined site to be National Register eligible
• SHPO concurred
• Consulting Party, Gettysburg Battlefield Preservation Assoc., concurred
• All parties agreed, adverse effect
Memorandum of Agreement

• Mitigation:
  • Wayside exhibits on Camp Letterman
  • Archaeological monitoring during earth moving activities
  • Monetary contribution to Gettysburg Battlefield Preservation Assoc. for historic preservation activities in the vicinity of Camp Letterman
New Proposed Project in 2006

- Proposed residential subdivision
- Corps of Engineers permit required
- SHPO requests, and Corps agrees, Phase I archaeological survey necessary
Ground Penetrating Radar
Cadaver Dogs
Results of Survey

• No Camp Letterman related features identified

• Site previously determined eligible therefore MOA developed
Mitigation

• Archaeological monitoring during earth moving activities

• If Camp Letterman related artifacts/ features encountered, activities suspended, consultation occurs, avoid and preserve sensitive areas.
Camp Security/
Camp Indulgence

- Believed to be the last remaining Revolutionary War POW camp site in the country
- Proposed for a residential development in 1999
Site was identified by PHMC archaeologists in 1979
Phase I Archaeological Identification Survey carried out at the request of the permitting agency, US Army Corps of Engineers
USACOE and other reviewing agencies, including the SHPO, did not concur with the recommendation made by the consultant that no further archaeological work was warranted.
• Strong local support grew for the preservation of the site and the grass roots organization, The Friends of Camp Security, was created.
• Preservation
Pennsylvania listed the site on its most endangered list, as did the National Trust for Historic Preservation.
After over 10 years in limbo, the developer abandoned his plans and the property was acquired by the Friends of Camp Security with considerable grant funding.
QUESTIONS?

COMMENTS?

CRE 2015 APPLICATIONS & BEST PRACTICES
BREAK

• Lunch on your own from 11:30 – 1:00
• *Please remember to sign out for credit*
• Sign up for our blog and newsletter if you haven’t already!
• Part 2 will begin promptly at 1:00