

City of Chicago Draft Programmatic Agreement - Section 106 Administration

Response to Consulting Party Comments – April 1, 2022

The Chicago Department of Assets, Information and Services (AIS) contacted potentially interested members of the public, organizations, and tribes on February 18, 2022 to solicit comments to a proposed Programmatic Agreement between the City of Chicago, the Illinois State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) for the administration of Section 106 of the National Historic Preservation Act for certain programs funded by the U.S. Department of Housing and Urban Development (HUD). AIS included a copy of the draft Programmatic Agreement and established a 30-day comment period which ended on March 21, 2022. Comments and questions from the consulting parties are presented below in order of receipt. This document has been developed to meet documentation requirements under 36 CFR 800.4 and is intended to provide a response to the comments received.

Consulting Party Comments Received

1. **Consulting Party:** Mr. Benjamin Rhodd, MS, RPA, Tribal Historic Preservation Officer, Forest County Potawatomi Community of Wisconsin
Date: February 22, 2022

Comments: While the agreement appears as a comprehensive document and as the Tribal Historic Preservation Officer (THPO) for the Forest County Potawatomi of Wisconsin, I concur with the spirit of the documents' intent. However, I do need to know how soon your Office is expecting to implement this PA? Before I can sign this as a signatory or the Tribal Chairman of the FCPC as signatory, the draft has to go through our legal department and then to the Executive Council for approval.

Response: AIS replied to Mr. Rhodd on February 22, 2022 to indicate the City's intent to have a signed Programmatic Agreement by April 15, pending comments received, to help implement review efficiencies and remove some of the burden from Illinois SHPO.

2. **Consulting Party:** City of Chicago Department of Planning and Development (DPD) Historic Preservation Division
Date: February 28, 2022 and March 9, 2022

Summary of Comments: DPD Historic Preservation Division asked if the Programmatic Agreement was a renewal of an existing agreement regarding certain HUD programs.

Response: AIS replied on March 1, 2022, indicating that the Programmatic Agreement would be a new agreement intended to replace a previous 2014 categorical no effect memorandum issued by SHPO. The 2014 memorandum expired at the end of 2019 but was temporarily

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extended by agreement with SHPO in order to respond to the COVID pandemic. On March 9, 2022, DPD requested clarification to the agreement currently in place. AIS provided a copy of the 2014 categorical no effect memorandum and extension to DPD Historic Preservation.

3. **Consulting Party:** Advisory Council on Historic Preservation (ACHP)

Date: March 21, 2022 and March 22, 2022.

Summary of Comments: On March 21, 2022, ACHP requested a copy of the current Programmatic Agreement that the City of Chicago has been operating under in regard to its HUD funded programs. On March 22, 2022, AIS received a letter from ACHP declining to participate as a consulting party. ACHP concluded that Appendix A, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, of their regulations, "Protection of Historic Properties" (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act, does not apply to this undertaking as the City of Chicago and SHPO are involved in productive consultation to develop a Programmatic Agreement. ACHP reserved its right to reconsider its decision in the event it received a request for participation from SHPO, THPO, affected Indian tribe, a consulting party, or other party. ACHP advised, pursuant to Section 800.6(b)(1)(iv), that AIS will need to file the final Programmatic Agreement, developed in consultation with the SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process.

Response: AIS provided a copy of the 2014 categorical no effect memorandum and extension to ACHP on March 21, 2022. AIS acknowledges ACHP's March 22, 2022 letter. No additional response required at this time.