

Proposed Section 106 Programmatic Agreement for HUD-assisted Projects in the State of Nevada

The U.S. Department of Housing and Urban Development (HUD) Region 9, is developing a Programmatic Agreement (PA) as an alternative procedure for compliance with Section 106 of the National Historic Preservation Act (NHPA) that will apply to review of HUD-assisted projects in Nevada subject to Part 58 and Part 50 of HUD's National Environmental Policy Act (NEPA) implementing regulations (24 CFR Part 58 and 24 CFR Part 50). The purpose of the PA is to improve the efficiency of Section 106 review of undertakings directly funded by HUD Region 9 in the State of Nevada while fostering the protection of historic properties that might be affected by the projects.

Why is HUD proposing to develop a statewide Nevada PA?

Section 106 of the NHPA requires HUD, and Responsible Entities (REs - units of state and local government) receiving HUD-funded grants, to take into account the effects of their undertakings on historic properties. A PA is an efficient way to address some types of projects under 36 CFR 800.14(b) that have limited potential to cause adverse effects to historic properties.

What will the Nevada PA cover?

The PA will address certain types of projects carried out under 24 CFR Parts 50 and 58 that have minimal or no likelihood of adversely affecting historic properties, allowing Section 106 review to be completed without consultation with the Nevada State Historic Preservation Officer. Examples of these projects may include replacement of heating systems, bathroom and kitchen remodeling, and repair of roofs or windows where HUD or an RE may normally need to complete a standard Section 106 review.

The PA will cover HUD programs such as Community Development Block Grant, Public Housing capital funds, Housing/Federal Housing Administration (FHA) financing and refinancing, Home Investment Partnerships, Project-based Vouchers, lead-based paint hazard reduction, Continuum of Care, Section 184 Loan Guarantee, and others.

Who participates?

The effort is being led by HUD's Region 9 Office of Environment and Energy, and the consultation of interested parties and organizations is welcome. The draft PA can be viewed [here](#). In order to meet program timeframes, we request that you advise David Cohen, HUD Region 9 Field Environmental Officer via email (David.R.Cohen@hud.gov) with your comments regarding this preliminary draft agreement no later than Friday, February 23, 2024.

Under separate notice, HUD has requested comments on the draft Programmatic Agreement from REs in Nevada, the Advisory Council on Historic Preservation, the Nevada State Historic Preservation Office, and Federally recognized American Indian Tribes.