

**PROGRAMMATIC AGREEMENT  
BETWEEN  
THE CITY OF CUMBERLAND, MARYLAND**

**THE MARYLAND STATE HISTORIC PRESERVATION OFFICE  
AND  
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION  
FOR REVIEW OF  
COMMUNITY DEVELOPMENT BLOCK GRANT PROJECTS**

**WHEREAS**, The City of Cumberland, Maryland (City) expends funds for housing rehabilitation, infrastructure improvements, economic development and public service projects financed in part by Community Development Block Grant (CDBG) funds from the U.S. Department of Housing and Urban Development (HUD) under Title I of the Housing and Community Development Act of 1974; and

**WHEREAS**, the City, as the authorized administering agency of federal Housing and Community Development projects, assumes HUD's environmental review responsibilities in accordance with HUD's Environmental Review Procedures, 24 CFR Part 58; and

**WHEREAS**, the City also assumes responsibility for compliance with Section 106 of the National Historic Preservation Act (NHPA), 16 U.S.C. 470, for use of CDBG funds; and

**WHEREAS**, the City maintains staff within its Department of Community Development who meet *The Secretary of the Interior's Professional Qualifications Standards*, 36 CFR Part 61, and who perform Section 106 reviews for the City; and

**WHEREAS**, the City has determined that the administration of said funds may have an effect on properties included in or eligible for inclusion in the National Register of Historic Places, and has consulted with the Maryland Historical Trust/Maryland State Historic Preservation Office (MD SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR 800.14 of the regulations governing the implementation of Section 106 of the National Historic Preservation Act (16 U.S.C. 470 f); and

**WHEREAS**, the City, in consultation with the MD SHPO, has determined that certain types of CDBG projects typically have no effect or no adverse effect upon historic properties included in or eligible for inclusion in the National Register of Historic Places/Maryland Register of Historic Properties (National Register/Maryland Register); and

**WHEREAS**, the MD SHPO agrees that fulfillment of the terms of this Agreement will generally satisfy the requirements of Article 83B, Sections 5-617 and 5-618 of the Annotated Code of Maryland for any state agency which provides any form of licensing, permitting, or financing directly related to a City CDBG-funded project;

**NOW, THEREFORE**, the City, the MD SHPO, and the ACHP agree that these projects will be administered in accordance with the following stipulations in order to satisfy the Section 106 responsibilities for all individual undertakings that are or may be a part of said projects.

### STIPULATIONS

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

#### I. IDENTIFICATION OF HISTORIC PROPERTIES

The City will evaluate the potential historic significance of all properties that are at least fifty years of age in the manner described below. The MD SHPO does not require documentation or identification for properties less than fifty years old that are not within eligible or listed historic districts.

- A. City Evaluations of Historic Significance For purposes of this Agreement, and for all properties not already included within National Register/Maryland Register-listed districts, the City will utilize the most current information available from the MD SHPO regarding National Register/Maryland Register-eligible districts and will assume that individual properties within those districts are contributing elements which do not require further evaluation by the MD SHPO. The City will follow the MD SHPO's *General Guidelines for Compliance-Generated Determinations of Eligibility* in deciding whether to produce a DOE Form or a Short Form in cases where any undertaking has the potential to affect a property that is suspected to be non-contributing to an eligible district, or for any district or individual property that has not already been formally evaluated by the MD SHPO.
- B. Determinations of Eligibility and Short Forms
  - 1) the City will ensure that all DOEs and Short Forms meet the requirements set forth in the MD SHPO's *General Guidelines for Compliance-Generated Determinations of Eligibility*.
  - 2) labeling of photographs, slides, and negatives, when applicable, will follow the standards described in the MD SHPO's *Standards and Guidelines for Architectural and Historical Investigations in Maryland*.
  - 3) the City will complete all DOEs and Short Forms and submit them to the MD SHPO for 30-day review and comment.
- C. Determination of Ineligibility No further review will be required in those cases where the City and the MD SHPO agree that a property is ineligible for the National Register/Maryland Register.
- D. Determination of Eligibility The City will review work write-ups for the proposed project in accordance with Stipulation II of this Agreement for all properties that