

**Historic Preservation**

General requirements	Legislation	Regulation
Regulations under Section 106 of the National Historic Preservation Act (NHPA) require a consultative process to identify historic properties, assess project impacts on them, and avoid, minimize, or mitigate adverse effects	Section 106 of the National Historic Preservation Act (16 U.S.C. 470f)	36 CFR 800 "Protection of Historic Properties" <a href="http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html">http://www.access.gpo.gov/nara/cfr/waisidx_10/36cfr800_10.html</a>

**Threshold**

Is Section 106 review required for your project?

No, because the project consists solely of activities listed as exempt in a Programmatic Agreement (PA ). (See the PA Database to find applicable PAs.)

No, because the project consists solely of activities included in a No Potential to Cause Effects memo or other determination [36 CFR 800.3(a)(1)].

- ✓ Yes, because the project includes activities with potential to cause effects (direct or indirect).

**Step 1 – Initiate Consultation**

Select all consulting parties below (check all that apply):

- ✓ State Historic Preservation Officer (SHPO) Response Period Elapsed
- ✓ Indian Tribes, including Tribal Historic Preservation Officers (THPOs) or Native Hawaiian Organizations (NHOs)

✓ DELAWARE NATION, OKLAHOMA	Response Period Elapsed
✓ DELAWARE TRIBE OF INDIANS	Response Period Elapsed
✓ SHAWNEE TRIBE	Response Period Elapsed

Other Consulting Parties

**Describe the process of selecting consulting parties and initiating consultation here:**

Date of SHPO Submittal was on 10/7/2020, with email submittal form, consultation cover letter, site photos, site plan, and AIA plans. As of 11/10/2020, no concerns were communicated. Since SHPO did not respond within 30 days of receipt of a request for review of a finding or determination, the agency official may proceed to the next step in the process based on the finding or determination, as per Pursuant to 36 CFR 800.3 (c) 4. I researched the Tribal Directory Assessment Database and had 3 tribes listed to contact. The Tribal Consultation Request was emailed and mailed out on 2/22/21. The envelope for Delaware Tribe of Indians was returned to sender. No other correspondence received.

Document and upload all correspondence, notices and notes (including comments and objections received below).

**Step 2 – Identify and Evaluate Historic Properties**

1. Define the Area of Potential Effect (APE), either by entering the address(es) or uploading a map depicting the APE below:

1-27 JASPER ST. PATERSON, NJ 07522

In the chart below, list historic properties identified and evaluated in the APE. Every historic property that may be affected by the project should be included in the chart.

Upload the documentation (survey forms, Register nominations, concurrence(s) and/or objection(s), notes, and photos) that justify your National Register Status determination below.

Address / Location / District	National Register Status	SHPO Concurrence	Sensitive Information
----------------------------------	-----------------------------	------------------	--------------------------

**Additional Notes:**

SHPO SCREENED THE PROJECT; NO CONCERNS AROSE.

2. Was a survey of historic buildings and/or archeological sites done as part of the project?

Yes

✓ No

***Step 3 –Assess Effects of the Project on Historic Properties***

Only properties that are listed on or eligible for the National Register of Historic Places receive further consideration under Section 106. Assess the effect(s) of the project by applying the Criteria of Adverse Effect. (36 CFR 800.5)] Consider direct and indirect effects as applicable as per guidance on direct and indirect effects.

**Choose one of the findings below - No Historic Properties Affected, No Adverse Effect, or Adverse Effect; and seek concurrence from consulting parties.**

✓ No Historic Properties Affected

Based on the response, the review is in compliance with this section. Document and upload concurrence(s) or objection(s) below.

**Document reason for finding:**

No historic properties present.

✓ Historic properties present, but project will have no effect upon them.

No Adverse Effect

Adverse Effect

**Screen Summary**

**Compliance Determination**

Based on Section 106 consultation, there are No Historic Properties Affected because the project will have no effect on the historic properties that are present. The project is in compliance with Section 106. (REFER TO SHPO AND THPO CORRESPONDENCE) Ms. Thivierge (SHPO) also noted that their office is aware that the National Park Service (NPS) Historic Landmarks Program had expressed interest in reviewing the project and

should also be consulted. As such, AEI sent a Section 106 consultation package to Mr. Dennis Montagna of the NPS for review and comment on July 28, 2021. As of the date of this report, AEI has not received a response. It is AEI's understanding that a different NPS contact previously reviewed the project in 2019 and had no concerns. Therefore, it is not anticipated that the NPS would object to the proposed project.

**Supporting documentation**

GUIDANCE ON ARCHEOLOGICAL INVESTIGATIONS IN HUD PROJECTS.pdf

When to Consult with Tribal under Section 106 Checklist and docs.pdf

LUCY MAP - 1-27 JASPER ST.pdf

Re Section 106 Consultation Submittal for 1-27 Jasper St.msg

**Are formal compliance steps or mitigation required?**

Yes

✓ No

## Diana Vazquez

---

**From:** Thivierge, Lindsay <Lindsay.Thivierge@dep.nj.gov>  
**Sent:** Tuesday, February 23, 2021 12:00 PM  
**To:** Diana Vazquez  
**Subject:** Re: Section 106 Consultation Submittal for 1-27 Jasper St. Paterson, NJ

Hi Diana,

Thank you for reaching out to our office regarding the above referenced project. Unfortunately, due to lack of staff and the high volume of reviews, we are currently only responding to HUD projects for which we have a concern regarding historic properties. We screened this project and do not have concerns.

Pursuant to 36 CFR 800.3 (c) 4, if the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may proceed to the next step in the process based on the finding or determination. As the designated responsible entity on behalf of HUD, you may cite this section of the regulations in your environmental documentation.

Please let me know if you have any questions.

Sincerely,

Lindsay Thivierge, M.A.  
*Historic Preservation Specialist 2*

New Jersey Historic Preservation Office  
Phone: (609) 292-4091  
Email: [lindsay.thivierge@dep.nj.gov](mailto:lindsay.thivierge@dep.nj.gov)  
Website: <http://www.nj.gov/dep/hpo>  
**NEW:** [LUCY Online Map Viewer](#)

Mail Code 501-04B  
Historic Preservation Office  
NJDEP P.O. Box 420  
Trenton, NJ 08625-0420



STATE OF NEW JERSEY  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Connect with us:



NOTE: This E-mail is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This E-Mail and its contents, may be Privileged & Confidential due to the Attorney-Client Privilege, Attorney Work Product, and Deliberative Process or under the New Jersey Open Public Records Act. If you are not the intended recipient of this e-mail, please notify the sender, delete it and do not read, act upon, print, disclose, copy, retain or redistribute it.

---

**From:** Diana Vazquez <dvazquez@patersonnj.gov>  
**Sent:** Tuesday, February 23, 2021 11:29 AM  
**To:** Thivierge, Lindsay <Lindsay.Thivierge@dep.nj.gov>  
**Subject:** [EXTERNAL] RE: Section 106 Consultation Submittal for 1-27 Jasper St. Paterson, NJ

Good morning Lindsay,

I hope all is well.

I just wanted to follow up on this project's SHPO submittal and if I may have a response to this email to include in the environmental review.

Thank you,

*Diana Vazquez*  
Program Monitor/Inspector  
Community Development  
City of Paterson  
125 Ellison St. 2nd Floor  
Paterson, N.J. 07505  
Office #: 973-321-1212 ext. 2237

---

**From:** Diana Vazquez  
**Sent:** Wednesday, October 7, 2020 10:54 AM  
**To:** 'NJHPO@dep.nj.gov' <NJHPO@dep.nj.gov>  
**Subject:** Section 106 Consultation Submittal for 1-27 Jasper St. Paterson, NJ

Good afternoon,

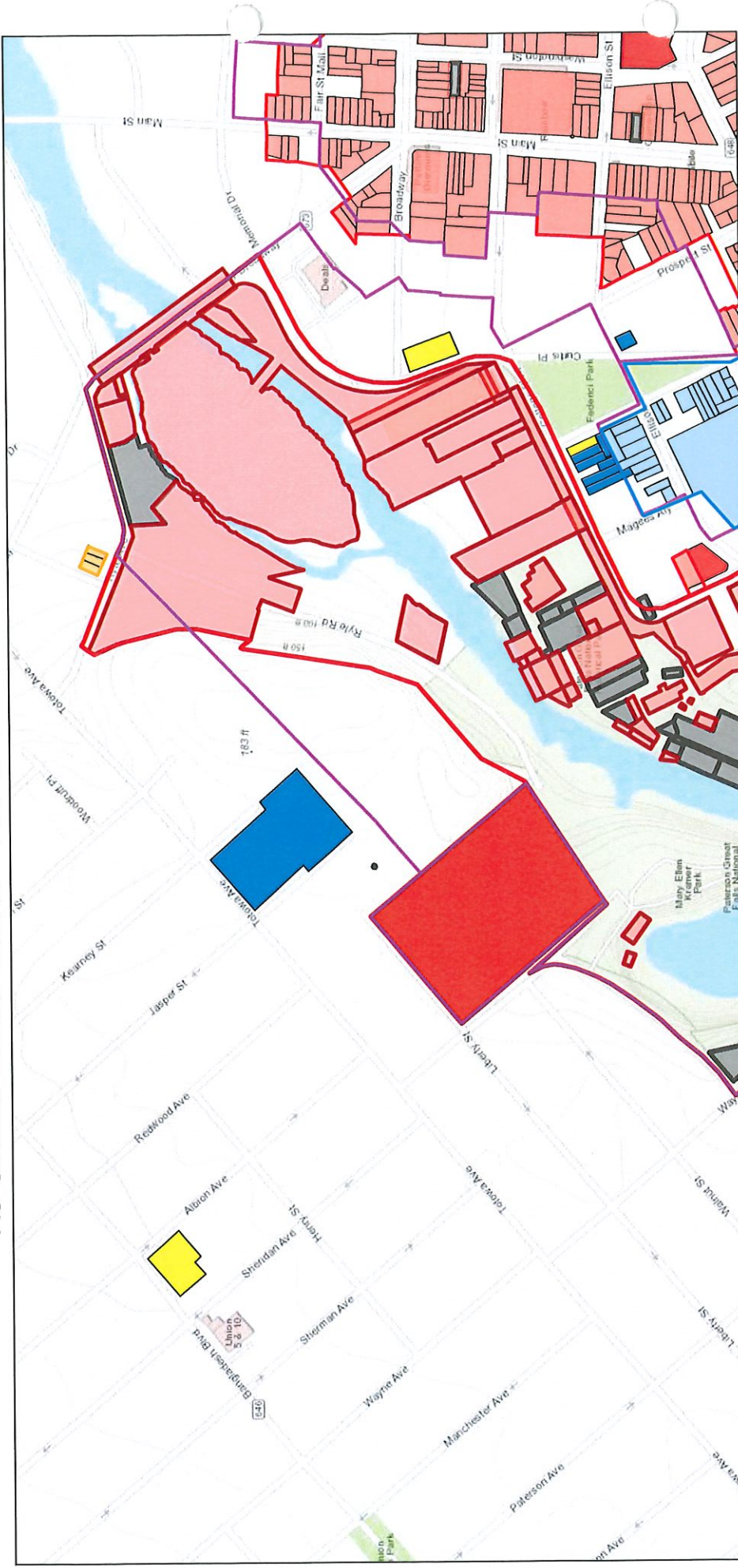
Attached are documents in PDF for the Section 106 Consultation Submittal for 1-27 Jasper St., Paterson, NJ:

- SHPO Email Submittal Form
- SHPO Consultation Request Cover Letter
- Site visit photos taken in October 2020
- Site Plan
- AIA Plans

Thank you,

*Diana Vazquez*  
Program Monitor/Inspector  
Community Development  
City of Paterson  
125 Ellison St. 2nd Floor  
Paterson, N.J. 07505  
Office #: 973-321-1212 ext. 2237

# NJ CRGIS Online Viewer - 1-27 JASPER ST PATERSON, NJ



8/21/2020, 3:31:16 PM

NJ Historic Districts

- National Historic Landmark
- Listed
- NR Eligible
- Locally Designated

Identified

Identified

Listed INDV

NHL INDV

NHL HD

Listed INDV

Listed HD

Eligible INDV

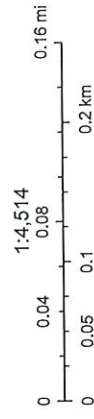
Eligible HD

Identified INDV

Identified HD

NJ Historic Properties - Demolished

New Jersey Municipalities - Municipalities



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

## Appendix A

### When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

**If a project includes any of the types of activities below, invite tribes to consult:**

**significant ground disturbance (digging)**

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

**new construction in undeveloped natural areas**

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

**incongruent visual changes**

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

**incongruent audible changes**

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

**incongruent atmospheric changes**

Examples: introduction of lights that create skyglow in an area with a dark night sky

**work on a building with significant tribal association**

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

**transfer, lease or sale of a historic property of religious and cultural significance**

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

**None of the above apply**

1 JASPER ST.

Project

SENIOR HOUSING

DIANA VAZQUEZ

Reviewed By

1/28/21

Date



U.S. Department of Housing and Urban Development  
Community Planning and Development

Special Attention of:

All Regional Directors  
All Field Office Directors  
All CPD Division Directors  
All Regional Environmental Officers  
All Responsible Entities  
All Housing Directors  
All PIH Division Directors  
All Program Environmental Clearance Officers

**Notice:** CPD 12-006

Issued: June 15, 2012

Expires: This Notice is effective until amended, superseded, or rescinded.

---

Cross References:

**SUBJECT: Process for Tribal Consultation in Projects That Are Reviewed Under 24 CFR Part 58**

**I. Purpose**

The “Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities,” 24 CFR Part 58, outlines the review process for many projects assisted with HUD programs, including those funded through CDBG, HOME, HOPE VI, HOPWA, Emergency Shelter Grants, certain Indian Housing programs, Public Housing Capital Fund, and Economic Development Initiative grants, and certain loans guaranteed by HUD. Part 58 covers many environmental areas, including historic resources. It references the “Section 106” review process for historic resources, which requires federal agencies to consult with federally-recognized Indian tribes on projects that may affect historic properties of religious and cultural significance to tribes. Under Part 58, local, state, or tribal governments become Responsible Entities (REs) and assume the federal agency’s environmental review authority and responsibility for projects within their jurisdiction, including those for which they are grantees. The RE must consult with tribes to determine whether a proposed project may adversely affect historic properties of religious and cultural significance, and if so, how the adverse effect could be avoided, minimized or mitigated. This applies to projects on and off tribal lands. This Notice clarifies the steps that REs should follow in the tribal consultation process. Following this protocol ensures compliance with the requirement for certification of tribal consultation on the Request for Release of Funds and Certification (form HUD 7015.15).

**II. Background**

Section 106 of the National Historic Preservation Act (*16 U.S.C. 470f*) and its implementing regulations (36 CFR Part 800) direct federal agencies to undertake an open, consultative process to consider the impact of their projects on historic and archeological resources. The review must

be completed before an agency approves and/or commits funds to a project. In projects that are reviewed under 24 CFR Part 58, the Responsible Entity (RE), acting as HUD, consults with the State Historic Preservation Officer (SHPO), local government, individuals and organizations with demonstrated interest, the public, and representatives of federally-recognized Indian tribes and Native Hawaiian Organizations, including Tribal Historic Preservation Officers (THPOs). This Notice focuses on tribal consultation and project impacts to historic properties of religious and cultural significance to tribes. If a project includes activities that may affect such properties, the RE must consult with tribes to identify the property(ies) and consider ways to avoid, minimize or mitigate possible adverse effects to them. For guidance on consulting with Native Hawaiian Organizations, see "[Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook](#)" published by the Advisory Council on Historic Preservation in June 2011.

Effective tribal consultation begins at the earliest possible stages of a project and is carried out to meet project timeframes. It fosters meaningful dialogue that strives to protect historic properties of religious and cultural significance to tribes. As noted in 36 CFR 800.2(c)(2)(ii)(B): "Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets, or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies, or limits the exercise of any such rights." [Additional guidance](#) on working with tribal representatives is available. REs may engage cultural resource specialists to assist in the process as needed, but REs remain ultimately responsible for initiating consultation with tribes.

Further details on the Statutory and Regulatory Requirements for tribal consultation are included in Section VI. Definitions are included in Section VII.

### **III. Required Actions by Responsible Entities**

#### **A. Determine if Section 106 Review is Required**

Not all projects require Section 106 review. Some are exempted through regulation or Programmatic Agreements between the RE and the SHPO. If Section 106 review is not required, tribal consultation is not required.

##### **1. Exempt Activities**

If project activities are limited to those listed in [24 CFR 58.34 \(a\) \(1-11\)](#) as Exempt Activities and those listed in [24 CFR 58.35 \(b\)](#), as Categorical Exclusions not subject to §58.5, no further review and no consultation are required. The listed Activities and Exclusions have "No Potential to Cause Effects." Examples include: maintenance activities, tenant-based rental assistance, operating costs, affordable housing pre-development costs, studies and plans.

##### **2. Programmatic Agreement**

If the funded activity is covered by an existing Programmatic Agreement (PA), the PA may contain more Exempt activities in addition to the ones above. [\[Link to PA database\]](#) Follow the review process in the PA, including appropriate tribal consultation. If the PA does not

contain a section on tribal consultation, and the activity is not Exempt, follow the process in III. C., below.

### **3. Projects Involving Multiple Federal Agencies**

If the project involves multiple federal agencies, the RE may defer to another federal agency as the lead agency to undertake the Section 106 review. Generally, the agency with the largest stake in the project acts as the lead agency. Document the lead agency agreement in writing and retain it in the Environmental Review Record (ERR). The agreement must contain provisions for appropriate tribal consultation. If adverse effects are involved, the RE must sign the Memorandum of Agreement that resolves the adverse effect(s). Contact the HUD Federal Preservation Officer to discuss questions about a specific case.

## **B. Determine if Tribal Consultation is Required**

Not all projects that require Section 106 review require consultation with Indian tribes. Consultation with federally-recognized tribes is required when a project includes activities that have the potential to affect historic properties of religious and cultural significance to tribes.<sup>1</sup> These types of activities include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance.

### **1. Checklist on When to Consult With Tribes**

Use the When to Consult With Tribes Under Section 106 checklist (Appendix A) to determine if the project includes types of activities that have the potential to affect historic properties of religious and cultural significance. [Link to checklist] If not, tribal consultation is not required. Keep a copy of the checklist in the Environmental Review Record (ERR). If needed, you may seek technical assistance from the HUD Field Environmental Officer (FEO). If consultation is required, follow the steps below.

Through written agreement with a tribe, an RE may modify the process outlined below. [See 36 CFR 800.2(c)(2)(ii)(E)] An RE may also choose to incorporate into their consultation effort any relevant provisions in existing agreements between SHPOs and tribes and in other SHPO and THPO written guidance regarding tribal consultation.

## **C. Consult With Tribes**

If a project includes the types of activities that may affect historic properties of religious and cultural significance, the RE must consult with the relevant tribe(s) to identify any such properties in the project's Area of Potential Effect (APE). If they are present, consultation continues with evaluation of the eligibility of the properties for the National Register of Historic Places and assessment of the possible effects of the project on Register-eligible properties. The goal is to avoid adverse effects if possible.

Steps 1-4 below correspond to the steps commonly used to describe the Section 106 process in other guidance: Initiate Consultation (Step 1); Identify and Evaluate Historic Properties (Step 2); Assess Effects (Step 3); and Resolve Adverse Effects (Step 4). For the sake of efficiency, Steps

2, 3 and 4 may be treated together in consultation discussions and comments. [[See 36 CFR 800.3\(g\) Expediting consultation](#)]

**Step1. Identify federally-recognized tribes with an interest in the project area and initiate consultation**

The RE can use the [Tribal Directory Assessment Tool \(TDAT\)](#) to identify tribes with a current or ancestral interest in the county where the project is located. TDAT is a web-based directory of federally-recognized tribes and their geographic areas of interest. Tribes may have an interest in counties far from their current location, counties where the tribe lived centuries or millennia ago.

**a. Tribal Directory Assessment Tool (TDAT)**

Type the project address into the locator box in TDAT and it will return a list of tribes with interest in the area, with contact names, addresses, e-mail addresses, fax numbers and phone numbers. You can export the list as an Excel spreadsheet for mail merge in g. below. If TDAT shows no federally-recognized tribes with an interest in the area, document the result in the ERR; consultation is complete unless a previously unidentified, federally-recognized tribe expresses a desire to consult.

**b. Tribe as Grant Recipient**

If a tribe is a grant recipient in a HUD project and assumes the role of RE and conducts the Section 106 review, that tribe is responsible for inviting other tribes to consult if other tribes also have a religious or cultural interest in the project area. [Additional guidance](#) is available.

**c. Non-federally Recognized Tribes**

Although REs are only required to consult with federally-recognized tribes, the RE may invite non-federally recognized tribes with a demonstrated interest in the project to consult as additional consulting parties. They may also participate as members of the public. [See pages 9-11 of [Consultation with Indian Tribes in the Section 106 Review Process: A Handbook](#)]

**d. Contact federally-recognized tribe(s) and invite consultation**

Once the RE has identified tribes with a potential interest in the project area, the RE mails a letter to each tribe to invite consultation. The letter(s), on RE letterhead, may be transmitted by email. Keep a copy of the letter(s) in the Environmental Review Record (ERR) for monitoring purposes.

**e. Historic Properties of Religious and Cultural Significance**

The letter that invites consultation should contain a request for assistance in identifying historic properties of religious and cultural significance in the project area - archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association - and any initial concerns with impacts of the project on those resources.

**f. Tribal Historic Preservation Officer (THPO)**

Some tribes have both a tribal leader and a Tribal Historic Preservation Officer (THPO) listed in TDAT. Send letters to both and ask that the tribe's response indicate a single point of contact if possible. On tribal lands, a THPO may have assumed authority for Section 106 review in lieu of the State Historic Preservation Officer (SHPO). On non-tribal lands, the THPO may have been delegated by the tribe to represent them in Section 106 reviews, but their participation does not take the place of consultation with the SHPO. [See page 6 of [Consultation with Indian Tribes in the Section 106 Review Process: A Handbook](#)]

**g. Template Letter**

Send a letter to the tribe(s) using TDAT contact info mail merged with the template letter. The RE may customize the template letter if desired. [Link to template letter]

You must add a description of the project into the letter by editing the template. The description should include, as applicable: the location and size of the property; type of project; type and scale of new building(s) or structures; construction materials; number of housing units; depth and area of ground disturbance; introduction of visual, audible or atmospheric changes; or transfer, lease or sale of property. [Link to sample project descriptions]

The RE -- not a contractor, lender, sponsor, sub-recipient or other grantee -- must sign the letter to the tribe(s). The RE is required to conduct government-to-government consultation.

**h. Map**

Enclose a map showing the location of the project and the Area of Potential Effect (APE), which may be larger than the project property. For urban sites, a map generated from a site like Google Earth is preferred. [Link to Google Earth] For rural sites, a USGS topographic map is preferred. [Link to topo map site]

**i. Timeframes**

HUD's policy is to request a response to the invitation to consult within 30 days from the date the tribe receives the letter. For gauging the beginning and end of the 30 day period, an RE may assume that an emailed letter is received on the date it is sent. For a hard copy letter, an RE may send the letter certified mail, or, if mail delivery is predictable and reliable, the RE may assume a 5-day delivery period, and assume that the period ends 35 days after the letter is mailed.

If a tribe wishes to be a consulting party, the tribe must provide within 30 days an indication of their desire to consult. The tribe does not need to actually provide information about historic properties of religious and cultural significance within 30 days; that may take longer. If a tribe responds that they do not want to consult, document the response in the ERR. If a tribe does not respond to the invitation to consult within 30 days, the RE should document the invitation and lack of response in the ERR; further consultation is not required.

**j. Tiered Review**

If a project is utilizing a Tiered review, consultation should usually begin in the Tier 1 broad level review. If a tribe expresses interest in further consultation on specific sites, the Tier 1 review should include a written strategy for continuing consultation on site specific reviews in Tier 2. [See [24 CFR 58.15](#)]

**Step 2. Consult with the tribe(s) to identify and evaluate historic properties of religious and cultural significance**

Theoretically, the consultation process first identifies potential historic properties, then evaluates which ones are eligible for the National Register of Historic Places, and then assesses the impact(s) of the project on those resources. In practice, those efforts often occur simultaneously. It is important to remember though, that only historic properties of religious and cultural significance that are eligible for or listed on the National Register are protected under Section 106. If no such properties are present, refer to the “No Historic Properties Affected” finding in Step 3 below.

**a. Consultation Meeting(s)**

After receiving a response that a tribe wants to consult, contact the tribe(s) to arrange further consultation which may take place by phone, web meeting, or face-to-face meeting. Try to accommodate a tribe’s preferences as to meeting location and method of communication. If needed, a site visit is an eligible project expense. If more than one tribe wants to consult, consult jointly if possible. Integrate tribal consultation with consultation with other non-tribal parties, including the SHPO, as possible and appropriate. Recognize that some tribes may not want to consult jointly, particularly where there are concerns for confidentiality of information.

**b. Evaluation of Historic Properties for the National Register of Historic Places**

Gather information on known historic properties from the tribe, SHPO, consultants, and other repositories. Discuss with the tribe whether known properties appear eligible for the National Register of Historic Places. HUD acknowledges that tribes possess special expertise in evaluating the eligibility of religious and cultural properties for the National Register. Generally, if the RE disagrees with a tribe’s opinion, the RE or the tribe may ask the Advisory Council on Historic Preservation to enter the consultation. The tribe may also ask the Council to request the RE to obtain a formal determination of eligibility from the Keeper of the National Register.

**c. Surveys to Identify Additional Historic Properties**

If a convincing case is made by the tribe(s) and/or SHPO that National Register eligible historic properties potentially exist on the site, and that they may be affected by the project, the grantee may approve funding for an archeological survey as part of the project. Consult HUD’s HP Fact Sheet #6, Guidance on Archeological Investigations in HUD Projects. [Link to HP Fact Sheet #6]

Sometimes, consultation results in modification of project plans to avoid potential effects on historic properties of religious and cultural significance. If effects are avoided, e.g. by designating a sensitive area as undisturbed green space, it is generally not necessary to fully identify and document resources with an archeological survey.

An RE is not required to pay for consultation. However, an RE may choose to negotiate payment to a tribe for detailed survey documentation on historic properties of religious and cultural significance to the tribe, similar to payment to a consultant. If agreed upon ahead of time, this payment may be an eligible project expense.

#### **d. Confidentiality of Information**

Tribes may be hesitant to share information on the location, character, and use of historic properties of special religious and cultural significance. Discuss with the tribe(s) ways to protect confidentiality of such information. The RE should strive to ensure confidentiality when requested. [36 CFR 800.11\(c\)](#) outlines a formal process for obtaining federal authority to withhold sensitive information, in the event that practical means or state authority are not available.

### **Step 3. Consult with the tribe(s) to evaluate the effects of the project on identified and potential historic resources**

After discussing the possible effects of the project on historic properties of religious and cultural significance to tribes, the RE determines the appropriate finding: “No Historic Properties Affected”; “No Adverse Effect”; or “Adverse Effect”. The RE will also be consulting with other parties, like the SHPO, to determine effects of the project on these and other types of resources, like historic buildings with no tribal association. It is desirable to consolidate findings of effect for all types of historic properties in one letter. Ultimately, a project has one overall finding of effect. Tribes have 30 days to object to a finding of effect.

#### **a. Criteria of Adverse Effect**

Consult with the tribe(s) and other consulting parties to apply the [Criteria of Adverse Effect](#), and determine if the project may have an adverse effect.

#### **b. “No Historic Properties Affected” Finding**

If there are no known or potential historic properties in the project area that are listed on or eligible for the National Register of Historic Places, or if such properties exist but there will be no effect on them, notify the tribe(s) and other consulting parties of your determination of “No Historic Properties Affected.” Describe which of the above circumstances applies. It is not necessary to fully identify and document resources if they will not be affected by the project.

#### **c. “No Adverse Effect” Finding**

If the project will have an effect, but it will not be adverse, notify the tribe(s) and other consulting parties of your determination of “No Adverse Effect.” They have 30 days to object. If a tribe objects, the RE should consult to resolve the objection. The tribe or the RE may also ask the Advisory Council on Historic

Preservation to review the determination. The request must be made within the 30-day period and must include the documentation listed in [36 CFR 800.11 \(e\)](#).

**d. “Adverse Effect” Finding**

If the project will affect National Register listed or eligible historic properties in any of the ways outlined in the Criteria of Adverse Effect, notify the tribe(s) and other consulting parties of your determination of “Adverse Effect” and consult to resolve the adverse effects. Typical activities that could adversely affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building or structure with significant tribal association, or transfer, lease or sale of historic properties of religious and cultural significance.

**Step 4. Consult to resolve adverse effects**

If there are possible “Adverse Effects”, consult with the tribe(s) and other consulting parties to consider alternatives that would avoid or minimize adverse effects, including possible mitigation measures.

**a. Notification of Advisory Council**

The RE must notify the Advisory Council on Historic Preservation (ACHP) about the adverse effect and give them an opportunity to enter the consultation. The Council will decide whether to enter the consultation based on established [criteria](#) that include whether a project “Presents issues of concern to Indian tribes or Native Hawaiian organizations.” The Advisory Council must respond within 15 days of receipt of the request. [See link to on-line ACHP notification system – pending]

**b. Consideration of Alternatives**

Consult with the tribe(s) and other consulting parties about possible ways to modify a project to avoid adverse effects. If initial discussion does not resolve the issue(s), a site visit with consulting parties and project developers is often helpful. An agreed upon alternative may be stipulated with “conditions” in a revised “No Adverse Effect” finding for the project.

**c. Consideration of Mitigation Measures**

If adverse effects cannot be fully resolved, and there is a compelling need for the project to proceed despite the adverse effect(s), consider ways to mitigate or compensate for the harm to the historic property(ies). Mitigation measures may include data recovery, documentation, research, publication, education, interpretation, curation, off-site preservation, and/or monitoring and may relate to the specific resource that is being affected, or other historic properties in a similar location or of a similar type.

**d. If needed, prepare and execute a Memorandum of Agreement (MOA)**

An MOA stipulates the agreed upon measures to minimize and/or mitigate adverse effects. It is a legally binding document that obligates all named parties

to the agreement. The RE is responsible for ensuring that the measures required by the MOA are satisfactorily carried out. Model language is available. At the discretion of the RE, where deemed necessary, an MOA may also be used to codify agreed upon measures to avoid an adverse effect, in conjunction with a conditional “No Adverse Effect” finding.

**e. Execution of the MOA**

The MOA must be executed prior to the decision point for the project -- as applicable, prior to the dissemination or publication of public notices required by 24 CFR Part 58 (e.g., notice of finding of no significant impact (§58.43), and notice of intent to request the release of funds (§58.70)). The RE should send a digital copy of the MOA to the HUD Field Environmental Officer (FEO) who will file it in the MOA file in the central HUD shared drive. A copy must also be provided to the Advisory Council on Historic Preservation and the consulting tribe(s).

**f. Signatories to the MOA**

The Responsible Entity may invite the tribe(s) to sign the MOA as a consulting party. The tribal leader and the THPO may sign the MOA. For projects on tribal lands, if the tribe has a THPO who has assumed Section 106 responsibilities for the tribe, the THPO must be a signatory.

HUD does not sign Section 106 agreement documents covered by 24 CFR Part 58. HUD does sign agreements covered by 24 CFR Part 50. If a project is subject to both, HUD may sign as long as the agreement states the appropriate program reference. [See CPD [Memo on HUD Environmental Regulations and Section 106 Agreement Documents](#)]

**g. Completion of MOA requirements**

The RE must ensure that the stipulations and mitigation measures in the MOA are carried out and inform the tribe(s) of completion. Document completion in the Environmental Review Record (ERR).

**h. Termination of Consultation**

If consulting about properties on tribal lands, a THPO may determine that further consultation will not be productive and terminate consultation. Likewise, an RE, SHPO, or, if participating, the Advisory Council on Historic Preservation, may terminate consultation. Termination of consultation is detailed at [36 CFR 800.7](#). A tribe that is consulting about properties off tribal lands may decline an invitation to sign an MOA, but does not have a right to terminate consultation under 36 CFR 800.7.

#### **IV. Record of Compliance**

Include evidence of compliance with this protocol in the Environmental Review Record (ERR), including notes, letters, e-mails, reports, etc.

Failure to consult with tribes per this protocol may lead to HUD issuing a finding of non-compliance with 36 CFR Part 800, the regulations that implement Section 106. If HUD makes a finding, HUD may initiate sanctions, corrective actions, or other remedies specified in program regulations or agreements or contracts with the RE which may include terminating grants where appropriate and repayment of funds expended with non-federal funds. (See [24 CFR 58.77](#))

#### **A. Request for Release of Funds (RROF) (Form 7015.15)**

REs and grantees must certify on the Request for Release of Funds and Certification (form HUD 7015.15) that they have consulted with federally-recognized tribes per this protocol. [See Part 2, #3 of [form](#)]

#### **V. Discoveries During Construction**

Whenever previously unknown below ground historic properties of religious and cultural significance are discovered during construction, excavation in the area of the resources must immediately stop until tribal consultation can occur. The RE must notify tribes (including the THPOs), the Advisory Council on Historic Preservation, and the SHPO within 48 hours of the discovery. [See [36 CFR 800.13\(b\)](#)] Contact the tribes identified in Step 1 and reenter consultation which should take place under an accelerated timeframe. A site visit with the RE, tribe(s), and SHPO (as appropriate) is recommended to resolve any potential adverse effect(s) to the historic property(ies) of religious and cultural significance.

##### **A. Human Remains**

If the discovery includes human remains, they should be respectfully covered over and secured, and the RE should contact law enforcement authorities as well as tribes and other consulting parties. If the human remains are determined to be Indian burials, the RE should follow the guidance in the “[Advisory Council on Historic Preservation Policy Statement Regarding Treatment of Burial Sites, Human Remains and Funerary Objects.](#)”

##### **B. Native American Graves Protection and Repatriation Act (NAGPRA)**

In undertakings on federal or tribal lands, the Native American Graves Protection and Repatriation Act (NAGPRA) (*25 U.S.C. 3001 et seq*) requires that cultural items excavated or inadvertently discovered be returned to their respective peoples. Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony. [More information](#) is available.

#### **VI. Statutory and Regulatory Requirements**

Federal law directs federal agencies to consult with tribes when there is a potential for a federally-funded project to affect a historic property of religious and cultural significance to tribes.

Section 106 of the National Historic Preservation Act ([16 U.S.C. 470f](#)) requires that prior to approving the expenditure of funds for a project, a federal agency must take into account the effect of the undertaking on historic resources.

Section 101 (d)(6)(A) and (B) of the National Historic Preservation Act identifies the types of properties to be considered and the obligation to consult. The Act provides that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined to be eligible for inclusion in the National Register of Historic Places. In carrying out its responsibilities under Section 106 of the Act, a Federal agency is required to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to such properties. In projects that are reviewed under 24 CFR Part 58, the Responsible Entity (RE) assumes the role of the Federal agency, including tribal consultation. [\[See 24 CFR 58.4\]](#)

The regulations that implement Section 106 of the Act, [36 CFR Part 800](#) – “Protection of Historic Properties,” define “Indian tribe” as federally-recognized tribes, and limit the need to consult to projects that have the potential to affect historic properties of religious and cultural significance to tribes.

### **36 CFR 800.2 (c )(2)(ii)**

*Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations.*

Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking...

### **36 CFR 800.3**

(a) *Establish undertaking.* The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects.* If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

Therefore, the consultation process outlined in this Notice starts by first establishing whether the project includes a type of activity that has the potential to affect historic properties of religious and cultural significance to tribes. If it does, it outlines the steps to consult with tribes to identify and evaluate resources, and to assess the effects of the project on the resources.

## **VII. Definitions**

Definitions of some of the terms used in this Notice may be found in 24 CFR Part 58 and 36 CFR Part 800, “Protection of Historic Properties”, and are repeated here for convenience.

The definition of *Responsible Entity* is found in 24 CFR 58.2(a)(7).

**Responsible Entity.** Responsible Entity means:

- (i) With respect to environmental responsibilities under programs listed in §58.1(b)(1), (2), (3)(i), (4), and (5), a recipient under the program.
- (ii) With respect to environmental responsibilities under the programs listed in §58.1(b)(3)(ii) and (6) through (12), a state, unit of general local government, Indian tribe or Alaska Native Village, or the Department of Hawaiian Home Lands, when it is the recipient under the program. Under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.* ) listed in §58.1(b)(10)(i), the Indian tribe is the responsible entity whether or not a Tribally Designated Housing Entity is authorized to receive grant amounts on behalf of the tribe. The Indian tribe is also the responsible entity under the Section 184 Indian Housing Loan Guarantee program listed in §58.1(b)(11). Regional Corporations in Alaska are considered Indian tribes in this part. Non-recipient responsible entities are designated as follows:
  - (A) For qualified housing finance agencies, the State or a unit of general local government, Indian tribe or Alaska native village whose jurisdiction contains the project site;
  - (B) For public housing agencies, the unit of general local government within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;
  - (C) For non-profit organizations and other entities, the unit of general local government, Indian tribe or Alaska native village within which the project is located that exercises land use responsibility, or if HUD determines this infeasible, the county, or if HUD determines this infeasible, the State;

Definitions of some other parties in the Section 106 process are found in 36 CFR 800.16.

**Council** means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

**Indian tribe** means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

**Native Hawaiian organization** means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

***Native Hawaiian*** means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

***State Historic Preservation Officer (SHPO)*** means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

***Tribal Historic Preservation Officer (THPO)*** means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

Other relevant definitions found in 36 CFR 800.16 include:

***Area of potential effects*** means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

***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. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

***Effect*** means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

***Eligible for inclusion in the National Register*** includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

***Historic property*** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

***Memorandum of agreement*** means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

***National Register*** means the National Register of Historic Places maintained by the Secretary of the Interior.

***Programmatic agreement*** means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with §800.14(b).

***Tribal lands*** means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

***Undertaking*** means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

### **Acronyms Used in This Notice**

<b>ACHP</b>	Advisory Council on Historic Preservation (federal)
<b>APE</b>	Area of Potential Effect
<b>CPD</b>	Community Planning and Development Office
<b>ERR</b>	Environmental Review Record
<b>FEO</b>	Field Environmental Officer
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>MOA</b>	Memorandum of Agreement
<b>NAGPRA</b>	Native American Graves Protection and Repatriation Act
<b>PA</b>	Programmatic Agreement
<b>RE</b>	Responsible Entity
<b>REO</b>	Regional Environmental Officer
<b>RROF</b>	Request for Release of Funds and Certification
<b>SHPO</b>	State Historic Preservation Officer
<b>TDAT</b>	Tribal Directory Assessment Tool
<b>THPO</b>	Tribal Historic Preservation Officer

### **Appendix A**

#### When To Consult With Tribes Under Section 106 Checklist

---

Yolanda Chávez  
Deputy Assistant Secretary for Grant  
Programs

## Appendix A

### When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

**If a project includes any of the types of activities below, invite tribes to consult:**

**significant ground disturbance (digging)**

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

**new construction in undeveloped natural areas**

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

**incongruent visual changes**

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

**incongruent audible changes**

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

**incongruent atmospheric changes**

Examples: introduction of lights that create skyglow in an area with a dark night sky

**work on a building with significant tribal association**

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

**transfer, lease or sale of a historic property of religious and cultural significance**

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

**None of the above apply**

1 JASPER ST.

Project

SENIOR HOUSING

DIANA VAZQUEZ

Reviewed By

Date

1/28/21



# Tribal Directory Assessment Information


[Download Excel](#)

1-27 JASPER ST.  
PATERSON, NJ.

## Contact Information for Tribes with Interests in Passaic County, New Jersey

Tribal Name					County Name		
- Delaware Nation, Oklahoma					Passaic		
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Nekole Alligood	Director of Cultural Resources & Section 106	PO Box 825 Anadarko, OK 73005	(405) 247-8903	(405) 247-9393		Nalligood@delawarenation.com	www.delawarenation.com
Deborah Dotson	President	PO Box 825 Anadarko, OK 73005	(405) 247-2448	(405) 247-9393		ddotson@delawarenation.com	www.delawarenation.com
- Delaware Tribe of Indians					Passaic		
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Dr. Brice Obermeyer	Historic Preservation	1 Kellog Circle Emporia, KS 66801	(620) 341-6699			bobermeyer@delawaretribe.org	www.delawaretribe.org
Susan Bachor	Preservation Representative (East Coast)	P.O. Box 64 Pocono Lake, PA 18347	(610) 761-7452			sbachor@delawaretribe.org	www.delawaretribe.org
Chester "Chet" Brooks	Chief	5100 Tuxedo Boulevard Bartlesville, OK 74006	(918) 337-6590	(918) 337-6591		cbrooks@delawaretribe.org	www.delawaretribe.org
- Shawnee Tribe					Passaic		
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Benjamin Barnes	Chief	29 South Highway 69A Miami, OK 74355	(918) 542-2441	(918) 542-2922		rondede@gmail.com	http://www.shawnee-tribe.com/

1 - 3 of 3 results

« &lt; 1 &gt; » 10

[Download Excel](#)

emailed 2/22/21  
mailed 2/22/21  
out

CITY OF PATERSON



DEPARTMENT OF  
COMMUNITY  
DEVELOPMENT

Barbara A. Blake-McLennon,  
Acting Director

André Sayegh  
Mayor

125 Ellison St. 2<sup>nd</sup> Floor  
Paterson, NJ 07505  
Phone: (973) 321-1212

**Memorandum**

**Date:** February 17, 2021  
**To:** Andre Sayegh, Mayor  
**From:** Diana Vazquez, Program Monitor  
**Re:** Environmental Assessment – Tribal Consultation Submittal  
1 Jasper St. Paterson, NJ – Senior Housing Project – HOME Project

---

Enclosed please find six (6) documents that require the signature of the Mayor in order to submit for review as per HUD regulations.

Please call ext. 1212 or email me at [dvazquez@patersonnj.gov](mailto:dvazquez@patersonnj.gov) when these documents are ready for pick up. Thank you.

## Diana Vazquez

---

**From:** Diana Vazquez  
**Sent:** Monday, February 22, 2021 9:31 AM  
**To:** 'Nalligood@delawarenation.com'  
**Subject:** Tribal Consultation Request - Senior Housing. Paterson, NJ 07522  
**Attachments:** Site Plan.pdf; Subdivision Sketch Plat.pdf; Architectural Plans.pdf; Delaware Nation Oklahoma - 02.16.2021.pdf

Good afternoon Director Alligood,

In accordance with Section 106 of the National Historic Preservation Act of 1966, I am initiating consultation regarding the attached property. Please review the attached documents for Tribal Historic Preservation approval. Please note that I would appreciate a reply within 30 days of your interest and/or concerns with the project, or if you wish not to consult on this project.

Thank you,

*Diana Vazquez*  
Program Monitor/Inspector  
Community Development  
City of Paterson  
125 Ellison St. 2nd Floor  
Paterson, N.J. 07505  
Office #: 973-321-1212 ext. 2237

CITY OF PATERSON

DEPARTMENT OF  
COMMUNITY  
DEVELOPMENT

Barbara A. Blake McLennon,  
Acting Director



125 Ellison St.  
2<sup>nd</sup> Floor  
Paterson, NJ 07505  
Phone: (973) 321-1212

February 16, 2021

Nekole Alligood, Director of Cultural Resources & Section 106  
Delaware Nation, Oklahoma  
PO Box 825 Anadarko, OK 73005

Re: Hinchliffe Senior Housing Project  
1 Jasper St. Paterson, NJ 07522 – Passaic County  
HUD HOME Project Funding

Dear Director Alligood,

The City of Paterson is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Paterson has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

City of Paterson will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

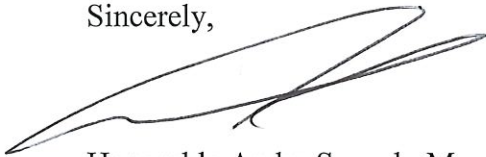
Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project will consist of redevelopment of a vacant lot adjacent to Hinchliffe Stadium with a six-story mixed-use building. The project will consist of 75 units, age-restricted to households ages 55 years old and up, on the second through the sixth floor. The first floor of the building will include a childcare facility of approximately 5,800 sq. ft. In addition, a new four-story accessory parking garage consisting of approximately 315 parking spaces is proposed, located in the rear of the proposed six-story building.

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,



Honorable Andre Sayegh, Mayor  
Responsible Entity Official  
City of Paterson  
City Hall  
155 Market St  
Paterson, NJ 07505  
(973) 321-1212

cc: Diana Vazquez, Program Monitor, Community Development, City of Paterson

**Diana Vazquez**

---

**From:** Diana Vazquez  
**Sent:** Monday, February 22, 2021 9:26 AM  
**To:** 'sbachor@delawaretribe.org'  
**Subject:** Tribal Consultation Request - Senior Housing. Paterson, NJ 07522  
**Attachments:** Delaware Tribe of Indians - 02.16.2021.pdf; Site Plan.pdf; Subdivision Sketch Plat.pdf; Architectural Plans.pdf

Good afternoon Preservation Rep. Bachor,

In accordance with Section 106 of the National Historic Preservation Act of 1966, I am initiating consultation regarding the attached property. Please review the attached documents for Tribal Historic Preservation approval. Please note that I would appreciate a reply within 30 days of your interest and/or concerns with the project, or if you wish not to consult on this project.

Thank you,

*Diana Vazquez*  
Program Monitor/Inspector  
Community Development  
City of Paterson  
125 Ellison St. 2nd Floor  
Paterson, N.J. 07505  
Office #: 973-321-1212 ext. 2237

DEPARTMENT OF  
COMMUNITY  
DEVELOPMENT

Barbara A. Blake McLennon,  
Acting Director



125 Ellison St.  
2<sup>nd</sup> Floor  
Paterson, NJ 07505  
Phone: (973) 321-1212

February 16, 2021

Susan Bachor, Preservation Representative (East Coast)  
Delaware Tribe of Indians  
P.O. Box 64 Pocono Lake , PA 18347

Re: Hinchliffe Senior Housing Project  
1 Jasper St. Paterson, NJ 07522 – Passaic County  
HUD HOME Project Funding

Dear Preservation Representative Bachor,

The City of Paterson is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Paterson has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

City of Paterson will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project will consist of redevelopment of a vacant lot adjacent to Hinchliffe Stadium with a six-story mixed-use building. The project will consist of 75 units, age-restricted to households ages 55 years old and up, on the second through the sixth floor. The first floor of the building will include a childcare facility of approximately 5,800 sq. ft. In addition, a new four-story accessory parking garage consisting of approximately 315 parking spaces is proposed, located in the rear of the proposed six-story building.

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,



Honorable Andre Sayegh, Mayor  
Responsible Entity Official  
City of Paterson  
City Hall  
155 Market St  
Paterson, NJ 07505  
(973) 321-1212

cc: Diana Vazquez, Program Monitor, Community Development, City of Paterson

CITY OF PATERSON

DEPARTMENT OF COMMUNITY DEVELOPMENT

125 ELLISON STREET 2ND FLR  
PATERSON, NEW JERSEY 07505-1379

DV DANIELS NJ 070

15 MAR 2021PM 8 L



US POSTAGE

\$00.71<sup>9</sup>

First-Class

Mailed From 07505

03/15/2021

032A 0061805203

SUSAN BACHOR, PRESERVATION REP.  
DELAWARE TRIBE OF INDIANS  
P.O. BOX 64  
POCONO LAKE, PA

171 NEE 1 R19C00003/29/21  
FORWARD TIME EXP RTN TO SEND  
DELAWARE TRIBE OF INDIANS  
126 UNIVERSITY CIR 437  
E STROUDSBURG PA 18381

RETURN TO SENDER

FWD  
07505-1379  
10947-008464

7/20/21-

MADE COPY TO SCAN W/ DOCS

## Diana Vazquez

---

**From:** Diana Vazquez  
**Sent:** Monday, February 22, 2021 9:33 AM  
**To:** 'rondede@gmail.com'  
**Subject:** Tribal Consultation Request - Senior Housing. Paterson, NJ 07522  
**Attachments:** Site Plan.pdf; Subdivision Sketch Plat.pdf; Architectural Plans.pdf; Shawnee Tribe - 02.16.2021.pdf

Good afternoon Chief Barnes,

In accordance with Section 106 of the National Historic Preservation Act of 1966, I am initiating consultation regarding the attached property. Please review the attached documents for Tribal Historic Preservation approval. Please note that I would appreciate a reply within 30 days of your interest and/or concerns with the project, or if you wish not to consult on this project.

Thank you,

*Diana Vazquez*  
Program Monitor/Inspector  
Community Development  
City of Paterson  
125 Ellison St. 2nd Floor  
Paterson, N.J. 07505  
Office #: 973-321-1212 ext. 2237

**DEPARTMENT OF  
COMMUNITY  
DEVELOPMENT**

Barbara A. Blake McLennon,  
Acting Director



**125 Ellison St.  
2<sup>nd</sup> Floor  
Paterson, NJ 07505  
Phone: (973) 321-1212**

February 16, 2021

Benjamin Barnes, Chief  
Shawnee Tribe  
29 South Highway 69A Miami, OK 74355

Re: Hinchliffe Senior Housing Project  
1 Jasper St. Paterson, NJ 07522 – Passaic County  
HUD HOME Project Funding

Dear Chief Barnes,

The City of Paterson is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Paterson has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

City of Paterson will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

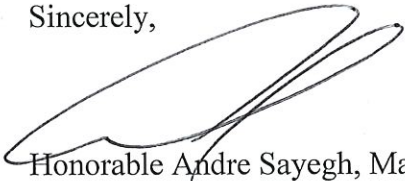
Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project will consist of redevelopment of a vacant lot adjacent to Hinchliffe Stadium with a six-story mixed-use building. The project will consist of 75 units, age-restricted to households ages 55 years old and up, on the second through the sixth floor. The first floor of the building will include a childcare facility of approximately 5,800 sq. ft. In addition, a new four-story accessory parking garage consisting of approximately 315 parking spaces is proposed, located in the rear of the proposed six-story building.

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Andre Sayegh", written over the printed name.

Honorable Andre Sayegh, Mayor  
Responsible Entity Official  
City of Paterson  
City Hall  
155 Market St  
Paterson, NJ 07505  
(973) 321-1212

cc: Diana Vazquez, Program Monitor, Community Development, City of Paterson

## Noise Abatement and Control

General requirements	Legislation	Regulation
HUD's noise regulations protect residential properties from excessive noise exposure. HUD encourages mitigation as appropriate.	Noise Control Act of 1972  General Services Administration Federal Management Circular 75-2: "Compatible Land Uses at Federal Airfields"	Title 24 CFR 51 Subpart B

**1. What activities does your project involve? Check all that apply:**

- ☒ New construction for residential use

NOTE: HUD assistance to new construction projects is generally prohibited if they are located in an Unacceptable zone, and HUD discourages assistance for new construction projects in Normally Unacceptable zones. See 24 CFR 51.101(a)(3) for further details.

Rehabilitation of an existing residential property

A research demonstration project which does not result in new construction or reconstruction

An interstate land sales registration

Any timely emergency assistance under disaster assistance provision or appropriations which are provided to save lives, protect property, protect public health and safety, remove debris and wreckage, or assistance that has the effect of restoring facilities substantially as they existed prior to the disaster  
None of the above

**4. Complete the Preliminary Screening to identify potential noise generators in the vicinity (1000' from a major road, 3000' from a railroad, or 15 miles from an airport).**

**Indicate the findings of the Preliminary Screening below:**

There are no noise generators found within the threshold distances above.

- ✓ Noise generators were found within the threshold distances.

5. **Complete the Preliminary Screening to identify potential noise generators in the**

- ✓ Acceptable: (65 decibels or less; the ceiling may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Indicate noise level here: 65

Based on the response, the review is in compliance with this section. Document and upload noise analysis, including noise level and data used to complete the analysis below.

Normally Unacceptable: (Above 65 decibels but not exceeding 75 decibels; the floor may be shifted to 70 decibels in circumstances described in §24 CFR 51.105(a))

Unacceptable: (Above 75 decibels)

HUD strongly encourages conversion of noise-exposed sites to land uses compatible with high noise levels.

Check here to affirm that you have considered converting this property to a non-residential use compatible with high noise levels.

Indicate noise level here: 65

Document and upload noise analysis, including noise level and data used to complete the analysis below.

**Screen Summary**

**Compliance Determination**

A Noise Assessment was conducted. The noise level was acceptable: 65.0 db. See noise analysis. The project is in compliance with HUD's Noise regulation. (REFER TO NEPASSIT MAPS - NOISE GENERATOR MAPS AND ESSEX COUNTY AIRPORT NOISE CONTOUR MAP.)

**Supporting documentation**

NOISE GENERATOR SCREENING 101.docx

Noise contour map - Essex County Airport.pdf

NOISE - 151 miles from airport.pdf

NOISE - 1000 ft from RAILROAD.pdf

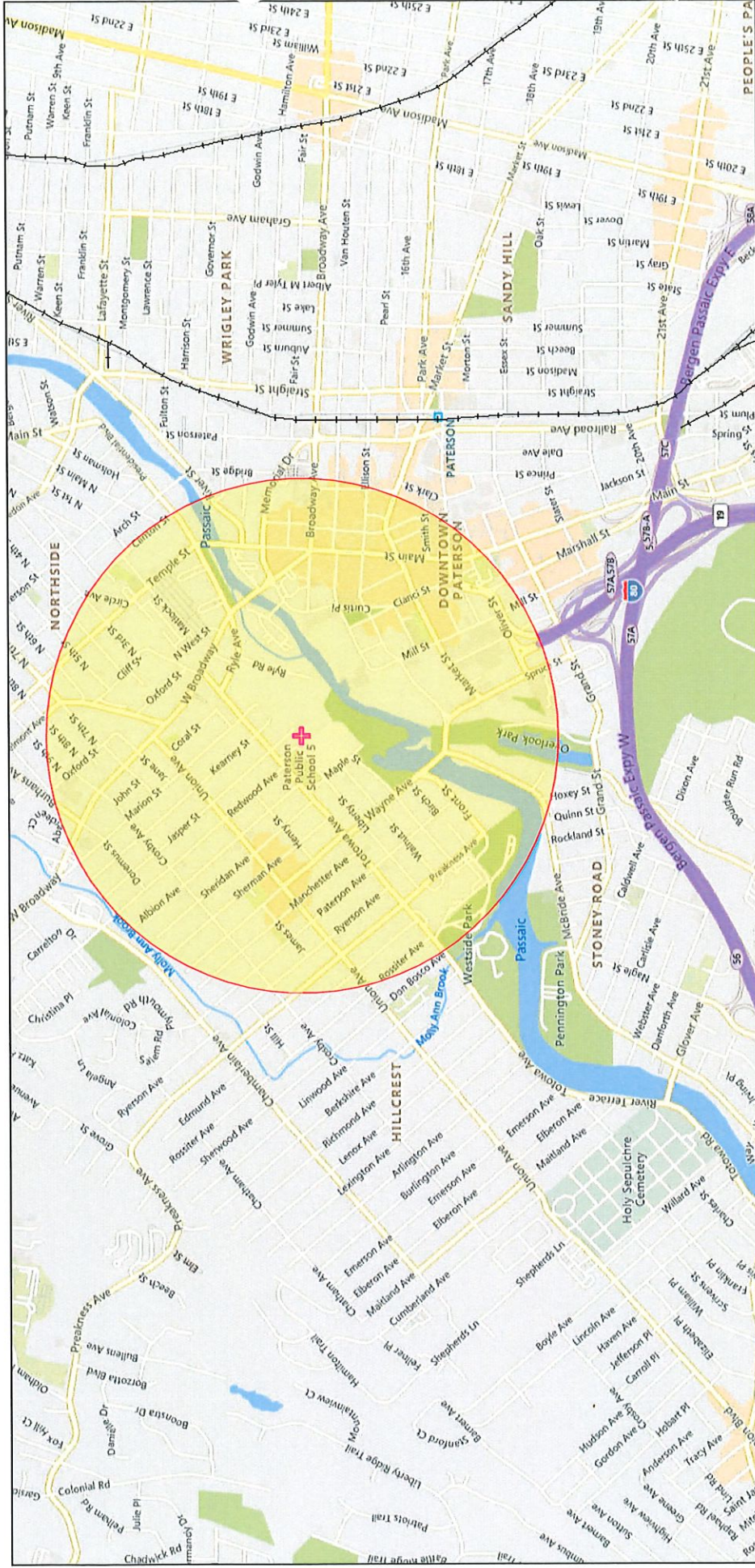
NOISE - 1000 ft from major road.pdf

**Are formal compliance steps or mitigation required?**

Yes

✓ No

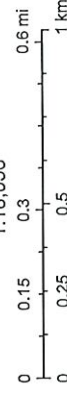
# NOISE GENERATORS SCREENING: 3,000 FT FROM A RAILROAD TO 1-27 JASPER ST PATERSON, NJ



October 28, 2020

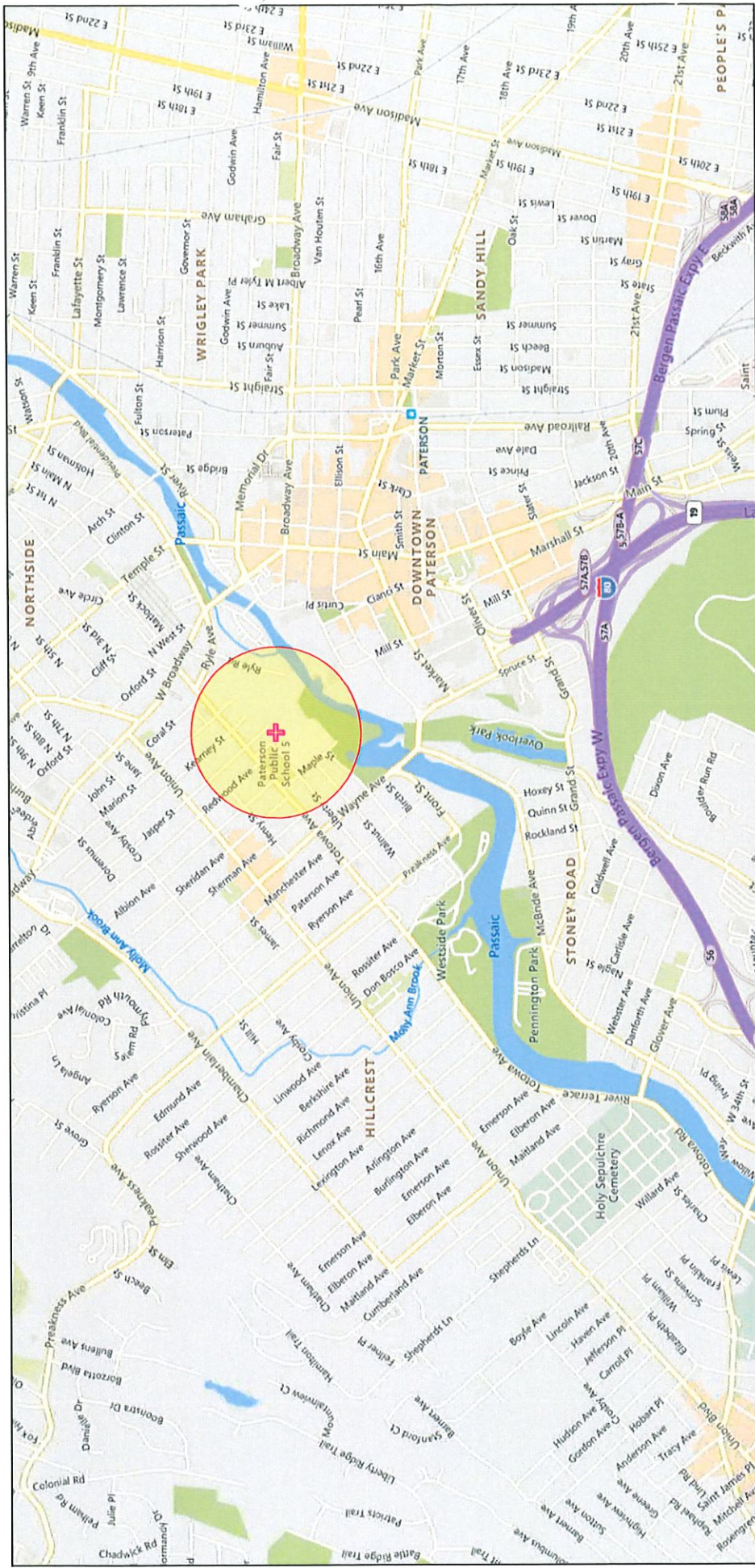
- Project Buffer
- Search Result (point)
- Railroads

1:18,056



© 2020 Microsoft Corporation © 2020 HERE, EPA OEI

# NOISE GENERATORS SCREENING: 1,000 FT FROM A MAJOR ROAD TO 1-27 JASPER ST PATERSON, NJ

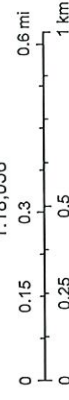


October 28, 2020

Project Buffer

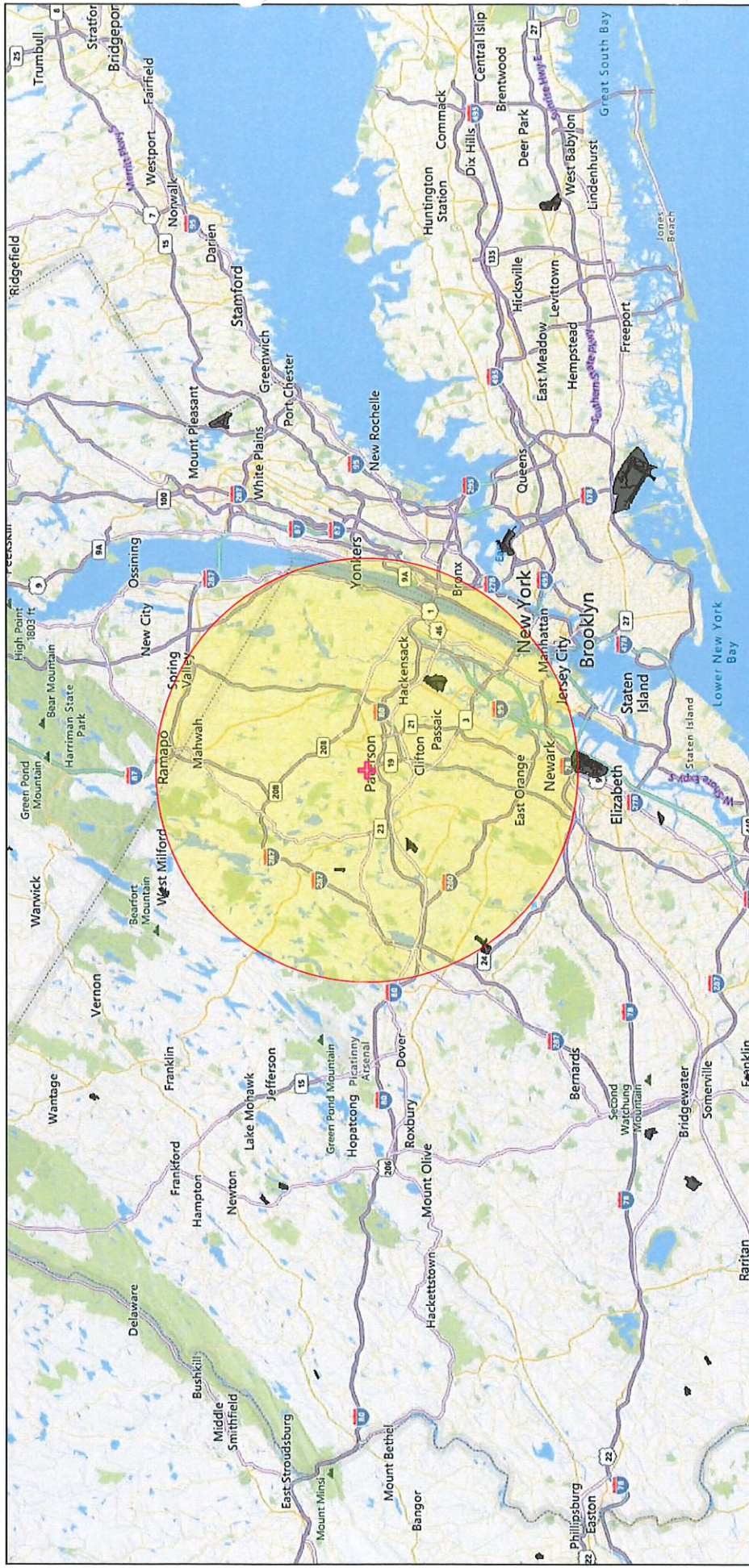
Search Result (point)

1:18,056



© 2020 Microsoft Corporation © 2020 HERE

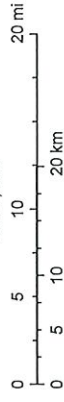
# NOISE GENERATORS SCREENING: 15 MILES FROM AN AIRPORT TO 1-27 JASPER ST PATERSON, NJ



October 28, 2020

- Project Buffer
- + Search Result (point)
- Airport Polygons

1:577,791

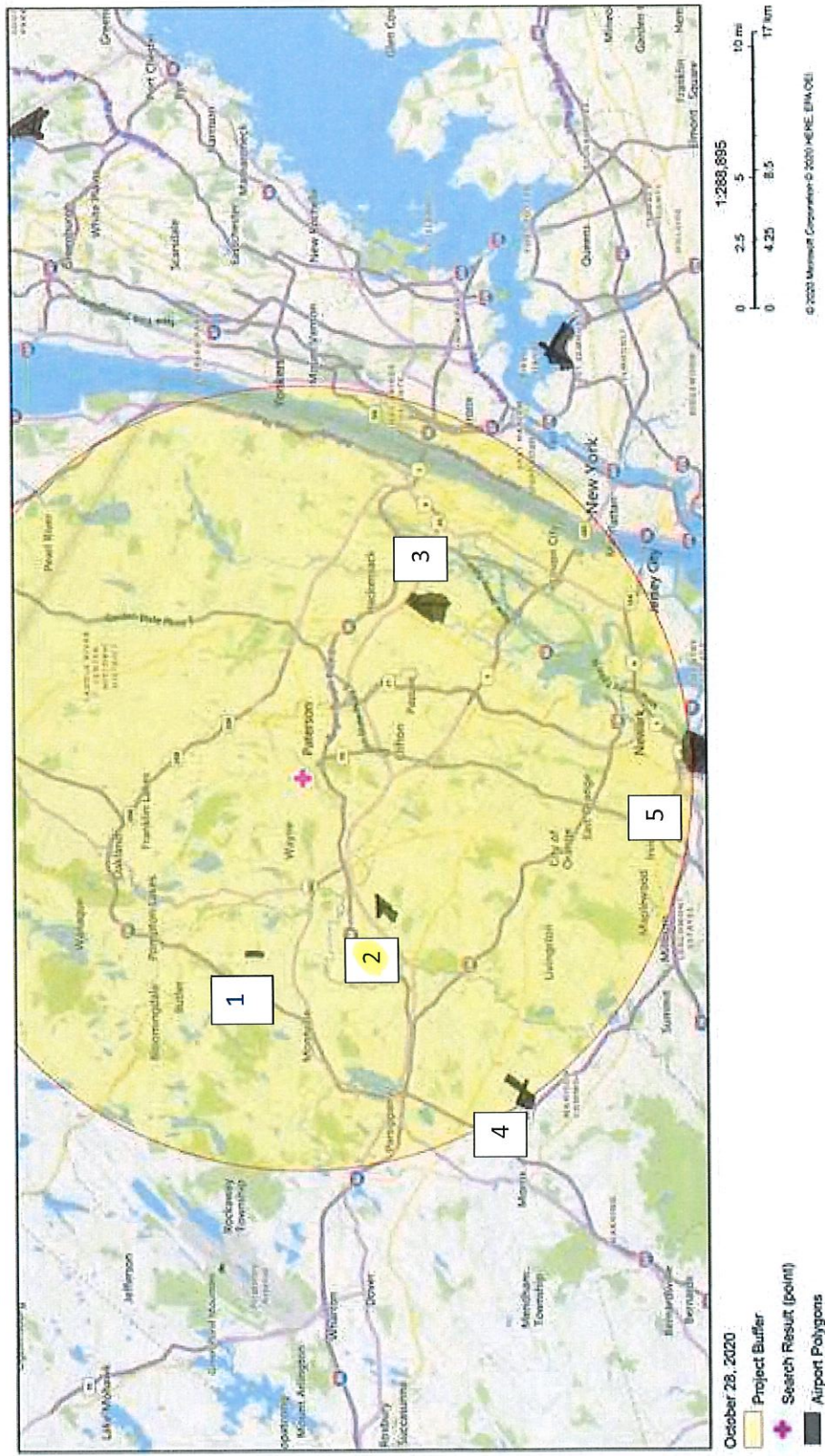


© 2020 Microsoft Corporation © 2020 HERE, EPA OEI

1 JASPER ST.

## NOISE GENERATOR SCREENING: 15 MILES FROM AN AIRPORT

\*\*I ran the map on NEPAAssist, using the airport polygons, and came across 3 runways within the 15 mile radius from the site.\*\*



I also used the measuring tool, and found that Morristown and Newark are beyond the 15-mile radius which would leave the Essex County Airport as the nearest runway.

1. Lincoln Park Airport (9.59 miles from site)
2. **Essex County Airport (7.50 miles from site)**
3. Teterboro Airport (9.88 miles from site)
4. Morristown Municipal Airport (18.71 miles from site)
5. Newark International Airport (19.46 miles from site)

AIRPORT LAYOUT PLAN UPDATE  
 LAND USE AND  
 GROUND ACCESS PLAN

ESSEX COUNTY AIRPORT  
ESSEX COUNTY  
IMPROVEMENT AUTHORITY  
FAIRFIELD, NEW JERSEY

PROJECT NO: 23194201	DATE: JUNE 80	SCALE: AS SHOWN	DRAWN BY: SSS	CHECKED BY:
<p>NO ALLOWANCE IS ALLOWED IN CASES OF ALTERATION          AND WORK IN THE DIRECTION OF A LARGER OR SMALLER          DIMENSION SHALL BE TO THE LINE AND THE WORKER SHALL BE          RESPONSIBLE FOR THE PROPER DIMENSION OF SUCH          ALTERATION</p>				

[illegible][illegible]

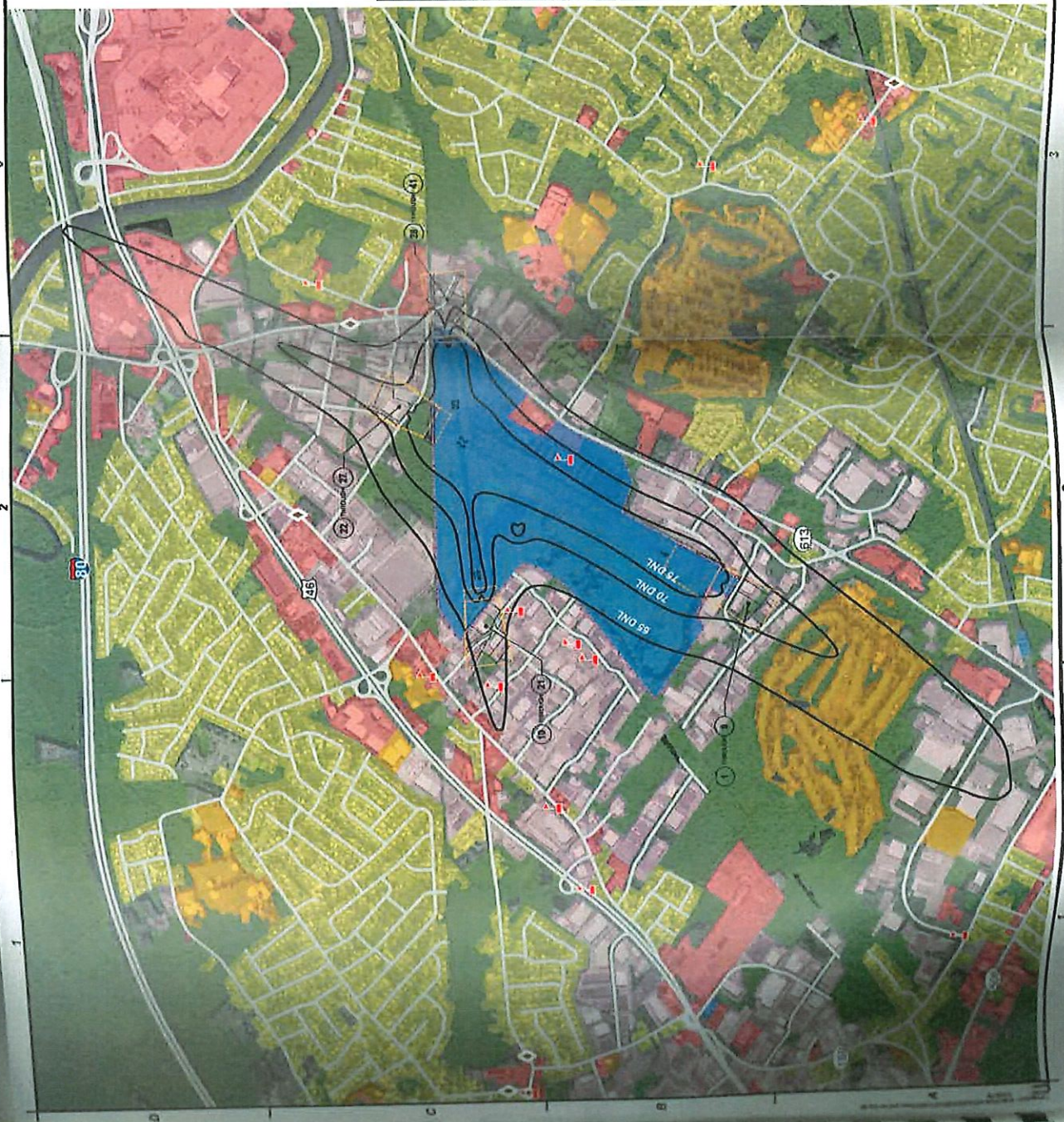
EC-A

C&amp;S Engineers, Inc.



### Legend

- Other Properties  
Departure RPZ  
Approach RPZ  
Church  
School  
Roads  
DNL Contour  
Airport Property  
Transportation  
Recreation  
Commercial  
Forested Lands  
Industrial  
Residential  
Other

[illegible]

### Sole Source Aquifers

General requirements	Legislation	Regulation
The Safe Drinking Water Act of 1974 protects drinking water systems which are the sole or principal drinking water source for an area and which, if contaminated, would create a significant hazard to public health.	Safe Drinking Water Act of 1974 (42 U.S.C. 201, 300f et seq., and 21 U.S.C. 349)	40 CFR Part 149

1. Does the project consist solely of acquisition, leasing, or rehabilitation of an existing building(s)?

Yes

✓ No

2. Is the project located on a sole source aquifer (SSA)?

A sole source aquifer is defined as an aquifer that supplies at least 50 percent of the drinking water consumed in the area overlying the aquifer. This includes streamflow source areas, which are upstream areas of losing streams that flow into the recharge area.

✓ No

Based on the response, the review is in compliance with this section. Document and upload documentation used to make your determination, such as a map of your project (or jurisdiction, if appropriate) in relation to the nearest SSA and its source area, below.

Yes

#### Screen Summary

##### **Compliance Determination**

The project is not located on a sole source aquifer area. The project is in compliance with Sole Source Aquifer requirements. (REFER TO MAP)

##### **Supporting documentation**

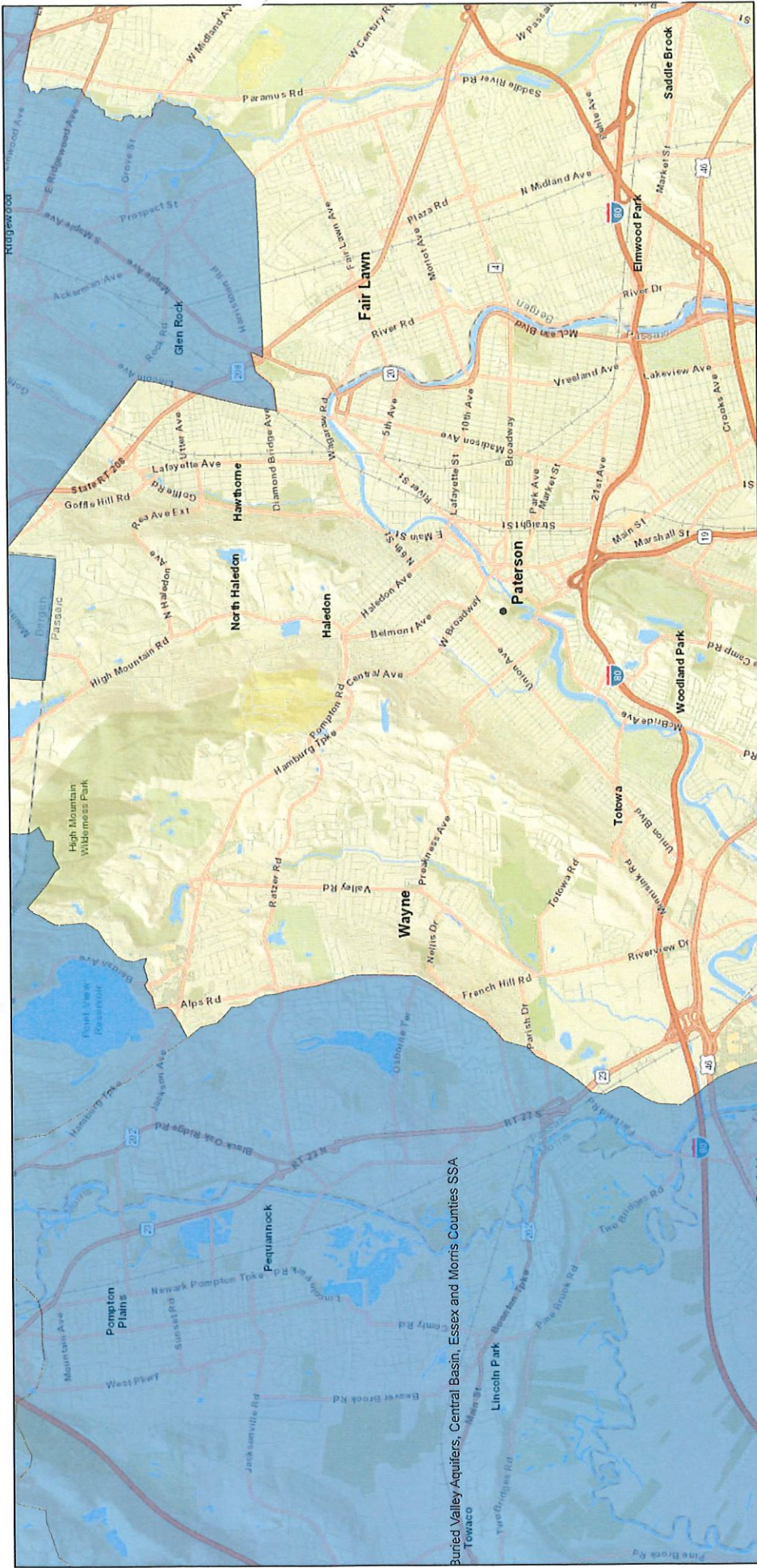
SSA MAP - 1-27 JASPER ST.pdf

**Are formal compliance steps or mitigation required?**

Yes

✓ No

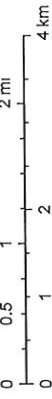
# Sole Source Aquifer Map - 1-27 JASPER ST PATERSON, NJ



8/21/2020, 3:26:32 PM

1:72,224

■ Sole\_Source\_Aquifers



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

U.S. Environmental Protection Agency

## Wetlands Protection

General requirements	Legislation	Regulation
Executive Order 11990 discourages direct or indirect support of new construction impacting wetlands wherever there is a practicable alternative. The Fish and Wildlife Service's National Wetlands Inventory can be used as a primary screening tool, but observed or known wetlands not indicated on NWI maps must also be processed. Off-site impacts that result in draining, impounding, or destroying wetlands must also be processed.	Executive Order 11990	24 CFR 55.20 can be used for general guidance regarding the 8 Step Process.

1. Does this project involve new construction as defined in Executive Order 11990, expansion of a building's footprint, or ground disturbance? The term "new construction" shall include draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order

No

✓ Yes

2. Will the new construction or other ground disturbance impact an on- or off-site wetland? The term "wetlands" means those areas that are inundated by surface or ground water with a frequency sufficient to support, and under normal circumstances does or would support, a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction. Wetlands generally include swamps, marshes, bogs, and similar areas such as sloughs, potholes, wet meadows, river overflows, mud flats, and natural ponds.

"Wetlands under E.O. 11990 include isolated and non-jurisdictional wetlands."

✓ No, a wetland will not be impacted in terms of E.O. 11990's definition of new construction.

Based on the response, the review is in compliance with this section. Document and upload a map or any other relevant documentation below which explains your determination

Yes, there is a wetland that be impacted in terms of E.O. 11990's definition of new construction.

## Screen Summary

**Compliance Determination**

The project will not impact on- or off-site wetlands. The project is in compliance with Executive Order 11990. (REFER TO MAP)

**Supporting documentation**

NATIONAL WETLANDS INVENTORY - 1-27 JASPER ST.pdf

**Are formal compliance steps or mitigation required?**

Yes

✓ No



U.S. Fish and Wildlife Service  
National Wetlands Inventory

1-27 JASPER ST PATERSON, NJ



August 21, 2020

Wetlands

- |  |                                |  |                                   |  |          |
|--|--------------------------------|--|-----------------------------------|--|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|  |                                |  | Freshwater Pond                   |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

### Wild and Scenic Rivers Act

General requirements	Legislation	Regulation
The Wild and Scenic Rivers Act provides federal protection for certain free-flowing, wild, scenic and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS) from the effects of construction or development.	The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287), particularly section 7(b) and (c) (16 U.S.C. 1278(b) and (c))	36 CFR Part 297

**1. Is your project within proximity of a NWSRS river?**

☒ No

Yes, the project is in proximity of a Designated Wild and Scenic River or Study Wild and Scenic River.

Yes, the project is in proximity of a Nationwide Rivers Inventory (NRI) River.

#### Screen Summary

##### **Compliance Determination**

This project is not within proximity of a NWSRS river. The project is in compliance with the Wild and Scenic Rivers Act. (REFER TO THE MAPS AND WILD AND SCENIC RIVER STUDIES)

##### **Supporting documentation**

WILD SCENIC RIVERS MAPS - 1-27 JASPER ST.docx  
WILD AND SCENIC RIVER STUDIES.pdf

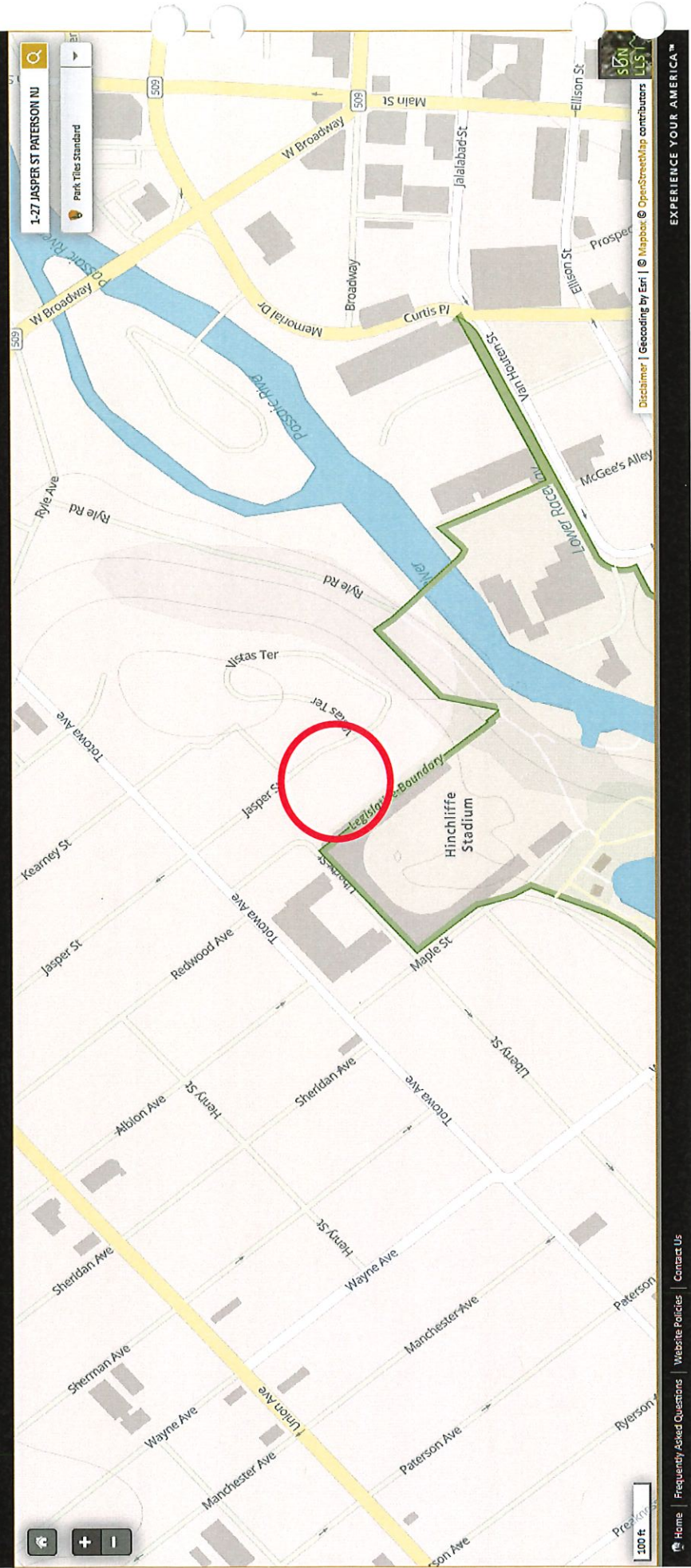
##### **Are formal compliance steps or mitigation required?**

Yes

☒ No

# Wild and Scenic Rivers – Paterson, New Jersey







NATIONAL SYSTEM | MANAGEMENT | RESOURCES | PUBLICATIONS | CONTACT US | 50 YEARS | SITE INDEX

## WILD & SCENIC RIVER STUDIES

### Wild & Scenic River Studies

There are two study provisions in the Act — Section 5(a), through which Congress directs the study of select rivers, and Section 5(d)(1), which directs federal agencies to identify potential additions to the National Wild and Scenic Rivers System (National System) through federal agency plans. A brief explanation is provided in the following respective sections.



Choose A State

Choose A River

*While progress should never come to a halt,  
there are many places it should never come to  
at all. — Paul Newman*

### Current Active Studies

Currently, there are three rivers or river systems under "authorized" study—two under Section 5(a) of the Wild & Scenic Rivers Act and one under Section 2(a)(ii). This does not include those that might be under assessment as part of normal agency land-planning processes.

#### Rivers Currently Under Study

- **Cave, Lake, No Name and Panther Creeks, Oregon** (Public Law 113-291, December 19, 2014) — Under study by the National Park Service.
- **Housatonic River, Connecticut** (Governor Malloy Request for Section 2(a)(ii) Designation, November 16, 2016) — Under study by the National Park Service.
- **York River, Maine.** (Public Law 113-291, December 19, 2014) — Under study by the National Park Service.

### Section 2(a)(ii) Studies

Under Section 2(a)(ii) of the Act, a governor (or governors for a river in multiple states) of a state can request that a river be designated, provided certain conditions are met (refer to the Council White Paper on Section 2(a)(ii) for specifics). The NPS then conducts a study to determine if certain conditions are met. Here are some of the studies conducted under Section 2(a)(ii). Again, if you don't see a study listed, we do not have a copy.

#### Section 2(a)(ii) Studies Available for Download

- Allagash River Study Report, Maine
- American River Eligibility Report, California
- American River Environmental Impact Statement, California
- Big & Little Darby Creeks Study Report & Environmental Assessment, Ohio
- Eel River Eligibility Report, California
- Eel River Environmental Impact Statement, California

- Klamath River Eligibility Report, California
- Klamath River Environmental Impact Statement, California
- Klamath River Study Report, Oregon
- Lumber River Study Report, North Carolina
- Smith River Eligibility Report, California
- Smith River Environmental Impact Statement, California
- Trinity River Eligibility Report, California
- Trinity River Environmental Impact Statement, California
- Wallowa River Study Report, Oregon
- Westfield River Study Report & Environmental Assessment (Initial Study 1993), Massachusetts
- Westfield River Draft Study Report (Expansion 2002), Massachusetts

#### Section 5(d)(1), Agency-Identified Studies

In recent years, hundreds of rivers have been identified for study through Section 5(d)(1) of the Act. This provision directs federal agencies to identify potential addition to the National System through their respective resource and management plans. Its application has resulted in numerous individual river designations, statewide legislation (e.g., Omnibus Oregon Wild and Scenic Rivers Act, P.L. 100-557; Michigan Scenic Rivers Act, P.L. 102-249) and multi-state legislation (e.g., Omnibus Public Land Management Act of 2009, P.L. 111-11). Here are examples of agency-identified studies and transmittal documents (if available).

#### Section 5(d)(1) Studies Available for Download

- Arizona Bureau of Land Management Statewide Study LEIS (8.6 MB PDF)
- Arizona Bureau of Land Management Statewide Study River Assessments (10.5 MB PDF)
- Blue River & KP Creek (Arizona) (11.9 MB PDF)
- Flathead River Draft Proposed Addition & Environmental Impact Statement, Montana

#### Utah Statewide Suitability Study:

- Record of Decision (19.9 MB PDF)
- EIS Cover (697 KB PDF)
- Summary & Table of Contents (138 KB PDF)
- Chapter 1 - Purpose & Need (734 KB PDF)
- Chapter 2 - Alternatives (2.8 MB PDF)
- Chapter 3 - Environmental Consequences (1.4 MB PDF)
- Chapter 4 - Consultation & Coordination (109 KB PDF)
- Chapter 5 - References (183 KB PDF)
- Chapter 6 - Comments & Responses (22.4 MB PDF)
- Appendix A - Table of Contents (799 KB PDF)
- Appendix A - Ashley NF Suitability Evaluation Report (36.7 MB PDF)
- Appendix A - Dixie & Fishlake NFs Suitability Evaluation Report (13.7 MB PDF)
- Appendix A - Manti La Sal NF Suitability Evaluation Report (10.8 MB PDF)
- Appendix A - Uinta & Wasatch NF Suitability Evaluation Report (52.5 MB PDF)
- Appendix B - BLM & NPS Rivers (686 KB PDF)
- Appendix C - Statutory Requirements (146 KB PDF)
- Appendix D - Effects of Managing Rivers (155 KB PDF)
- Appendix E - Water Rights Maps (16.7 MB PDF)

### Congressionally Authorized Study Reports

We have collected a few of the study reports prepared at the direction of Congress (see next section, "Section 5(a), Congressionally Authorized Studies," for the complete list of congressionally authorized studies). If you do not see a report here, we do not have it, and you will have to contact the study agency at the local level for a copy.

#### Congressionally Authorized Study Reports Available for Download

- Allegheny River Study Report & Draft Environmental Impact Statement, Pennsylvania
- Assabet, Concord & Sudbury Rivers Draft Study Report, Massachusetts
- AuSable River Study Report & Environmental Impact Statement, Michigan
- Black Creek Draft Study Report & Draft Environmental Impact Statement, Mississippi
- Bluestone River Study Report, West Virginia
- Bruneau River Study Report, Idaho
- Buffalo River Study Report, Tennessee
- Cache la Poudre River Study Report & Environmental Impact Statement, Colorado
- Chattooga River Study Report, Georgia, North Carolina & South Carolina
- Clarion River Study Report, Pennsylvania
- Concord, Assabet & Sudbury Rivers Draft Study Report, Massachusetts
- Delaware (Lower) River Study Report, New Jersey, New York & Pennsylvania
- Delaware (Upper) River Study Report, New Jersey, New York & Pennsylvania
- Farmington River Study Report, Connecticut
- Farmington (Lower) River Study Report & Environmental Assessment, Connecticut
- Flathead River Study Report, Montana
- Great Egg Harbor River Study Report, New Jersey
- Housatonic River Study Report, Connecticut
- Illinois River Study Report, Oregon
- John Day River Study Report, Oregon
- Kern (North Fork) River Study Report, California
- Kern (North Fork) River Study Environmental Impact Statement, California
- Kern (South Fork) River Study & Environmental Impact Statement, California
- Kern (North & South Forks) River Record of Decision, California
- Klamath River Draft Study Report (Section 5(d)(2) of the Act), Oregon
- Lamprey River Study Report, New Hampshire
- Lamprey River Resource Assessment, New Hampshire
- Little Beaver Creek Study Report, Ohio
- Little Miami River Study Report, Ohio
- Loxahatchee River Study Report & Environmental Impact Statement, Florida
- Malhuer (North Fork) River Study Report, Oregon
- Manistee River Study Report & Environmental Impact Statement, Michigan
- Maurice River Eligibility & Classification Report, New Jersey
- Maurice River Study Report, New Jersey
- Merrimack (Upper) River Draft Study Report, New Hampshire
- Missisquoi River Study Report & Environmental Assessment, Vermont
- Missouri River Study Report, Montana

- Missouri River Environmental Statement, Montana
- Musconetcong River Study Report, New Jersey
- New River Study Report, Virginia & West Virginia
- New River Study Transmittal Memorandums, Virginia & West Virginia
- New River (South Fork) Study Report & Environmental Impact Statement, North Carolina
- Niobrara River Study Report, Nebraska
- Obed River Study Report, Tennessee
- Oregon Caves (Lower & Upper Cave Creek, Lake Creek, No Name Creek, Panther Creek, & Waterfelt Creek) Study Report, Oregon
- Owyhee River Study Report, Idaho
- Pemigewasset River Draft Study Report, New Hampshire
- Pemigewasset River Draft Study Report Appendices, New Hampshire
- Pere Marquette River Study Report, Michigan
- Red River Draft Study Report & Environmental Impact Statement, Kentucky
- Rio Grande River Study Report, Texas
- Rio Grande River Study Environmental Impact Statement, Texas
- St. Croix River Study Report, Minnesota & Wisconsin
- St. Marys River Study Report, Florida
- Sheenjek River Study Report & Legislative Environmental Impact Statement, Alaska
- Skagit River Study Report, Washington
- Snake River Study Report & Environmental Impact Statement, Idaho, Oregon & Washington
- Sudbury, Assabet & Concord Rivers Study Report, Massachusetts
- Suwannee River Study Report, Florida & Georgia
- Sweetwater River Study Report, Wyoming
- Taunton River Draft Study Report & Environmental Assessment, Massachusetts
- Trout-Missisquoi River Study Report & Environmental Assessment, Vermont
- Tuolumne River Study Report, California
- Verde River Study Report & Environmental Assessment, Arizona
- Wekiva River Study Report, Florida
- White Clay Creek Draft Study Report, Delaware & Pennsylvania
- Wildcat Brook Draft Study Report, New Hampshire
- Wolf River Bureau of Outdoor Recreation Study Report, Wisconsin
- Wolf River Lake Central Regional Task Group Draft Study Report, Wisconsin
- Yellowstone (Clarks Fork) River Study Report & Environmental Statement, Wyoming

---

#### Section 5(a), Congressionally Authorized Studies

Through Section 5(a), Congress authorizes the study of select rivers and directs one of the four federal river-administering agencies to conduct the study, as outlined in Sections 4(a) and 5(c) of the Wild & Scenic Rivers Act. The enabling legislation of 1968, P.L. 90-542, authorized 27 rivers for study as potential components of the National System. Amendments to the law have increased the number of studies authorized by Congress to 144.

These studies have lead to 48 designations by either Congress or the Secretary of the Interior. One study led to the establishment of a National Recreation Area.

The number of rivers included in the National System differs from the number of rivers authorized for study by Congress for the following reasons:

- Not all rivers studied are found eligible or suitable for designation—many study rivers will not be included in the National System.
- Some rivers are designated by Congress or the Secretary of the Interior without a pre-authorization or 5(a) study (e.g., Niobrara River).

- Some rivers are designated as a result of recommendation in federal agency plans (e.g., 49 rivers designated in Oregon in 1988).

The 144 rivers below have been authorized for study. The agency leading the study is indicated as National Park Service (NPS), Bureau of Outdoor Recreation (BOR), Heritage Conservation and Recreation Service (HCRS), Bureau of Land Management (BLM), or U.S. Forest Service (USFS). Within the Department of the Interior, the study function was transferred from the HCRS (formerly the BOR) to the NPS by Secretarial Order Number 3017, January 25, 1978. All studies indicated as BOR or HCRS were completed by these agencies before the program was transferred to the NPS. The BLM was delegated responsibility for conducting studies on Public Lands on October 11, 1988. The USFS (Department of Agriculture) has always conducted studies on National Forest System Lands and as directed by Congress.

For each study river, the number in parentheses is the approximate number of miles to be studied. If river segments were designated, the total designated mileage appears in the text.

#### Section 5(a), Congressionally Authorized Studies

For each study river, the number in parentheses is the approximate number of miles to be studied. If river segments were designated, the total designated mileage appears in the text.

Several of these studies are available in the section above (Section 5(a), Congressionally Authorized Studies).

#### *I. Public Law 90-542 (October 2, 1968) — 27 rivers, studies due October 2, 1978*

- (1) Allegheny, Pennsylvania. (BOR) Letter report to Congress on January 23, 1974. River not qualified. (69.5 miles)
- (2) Bruneau, Idaho. (BOR) Report recommending congressional designation transmitted to Congress on May 23, 1977. (121 miles)
- (3) Buffalo, Tennessee. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (117 miles)
- (4) Chattooga, North Carolina, South Carolina, and Georgia. (USFS) Fifty-six point nine miles added to the National System, Public Law 93-279, May 10, 1974. (56.9 miles)
- (5) Clarion, Pennsylvania. (BOR) Letter report to Congress on February 22, 1974. River not qualified. (90 miles)
- (6) Delaware, Pennsylvania and New York. (BOR) Seventy-five point four miles added to the National System, Public Law 95-625, November 10, 1978. (75.4 miles)
- (7) Flathead, Montana. (USFS) Two hundred nineteen miles added to the National System, Public Law 94-486, October 12, 1976. (219 miles)
- (8) Gasconade, Missouri. (BOR) Report transmitted to Congress on May 23, 1977. Preservation of river by state recommended. (265 miles)
- (9) Illinois, Oregon. (USFS) Fifty point four miles added to the National System, Public Law 98-494, October 19, 1984. (88 miles)
- (10) Little Beaver, Ohio. (BOR) Thirty-three miles added to the National System by the Secretary of the Interior on October 23, 1975. Report transmitted to Congress on February 10, 1976. (33 miles)
- (11) Little Miami, Ohio. (BOR) Sixty-six miles added to the National System by the Secretary of the Interior on August 20, 1973. Report transmitted to Congress on November 5, 1973. An additional 28-mile segment was added by the Secretary of the Interior on January 28, 1980. (94 miles)
- (12) Maumee, Ohio and Indiana. (BOR) Report transmitted to Congress on September 13, 1974. River not qualified. (236 miles)
- (13) Missouri, Montana. (BOR) One hundred forty-nine miles added to the National System, Public Law 94-486, October 12, 1976. (180 miles)
- (14) Moyie, Idaho. (USFS) Report transmitted to Congress on September 13, 1982. Designation not recommended. (26.1 miles)
- (15) Obed, Tennessee. (BOR/NPS) Forty-five miles added to the

National System, Public Law 94-486, October 12, 1976. Report transmitted to Congress on April 26, 1985. Submission of final report was in abeyance pending completion of a mineral evaluation. Further designation was not recommended. (100 miles)

(16) Penobscot, Maine. (BOR) Report transmitted to Congress on May 23, 1977. Preservation of river by state recommended. (327 miles)

(17) Pere Marquette, Michigan. (USFS) Sixty-six point four miles added to the National System, Public Law 95-625, November 10, 1978. (153 miles)

(18) Pine Creek, Pennsylvania. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (51.7 miles)

(19) Priest, Idaho. (USFS) Report recommending congressional designation transmitted to Congress on October 2, 1979. (67 miles)

(20) Rio Grande, Texas. (BOR) One hundred ninety-one point two miles added to the National System, Public Law 95-625, November 10, 1978. (556 miles)

(21) Saint Croix, Minnesota and Wisconsin. (BOR) Twenty-seven mile federally administered segment added to the National System by Public Law 92-560, October 25, 1972. Twenty-five mile state-administered segment added by the Secretary of the Interior on June 17, 1976. (52 miles)

(22) St. Joe, Idaho. (USFS) Sixty-six point three miles added to the National System, Public Law 95-625, November 10, 1978. (132.1 miles)

(23) Salmon, Idaho. (USFS) One hundred twenty-five miles added to the National System, Public Law 96-312, July 23, 1980. Additional 53 miles subject to provisions of Section 7(a) of Public Law 90-542. (237 miles)

(24) Skagit, Washington. (USFS) One hundred fifty-seven point five miles added to the National System, Public Law 95-625, November 10, 1978. (166.3 miles)

(25) Suwannee, Florida and Georgia. (BOR) Report transmitted to Congress on March 15, 1974. Preservation of river by state recommended. (272 miles)

(26) Upper Iowa, Iowa. (BOR) Report transmitted to Congress on May 11, 1972. Preservation of river by state recommended. (80 miles)

(27) Youghigheny, Maryland and Pennsylvania. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (49 miles)

*II. Public Law 93-621 (January 3, 1975) — 29 rivers, studies due October 2, 1979, except the Dolores River due October 2, 1976, and the Green and Yampa Rivers due January 1, 1987*

(28) American, California. (USFS) Thirty-eight point three miles added to the National System, Public Law 95-625, November 10, 1978. (41.1 miles)

(29) AuSable, Michigan. (USFS) Twenty-three miles added to the National System, Public Law 98-444, October 4, 1984. (165 miles)

(30) Big Thompson, Colorado. (NPS) Report transmitted to Congress on October 2, 1979. Designation not recommended. (13.6 miles)

(31) Cache la Poudre, Colorado. (USFS) Seventy-six miles added to the National System, Public Law 99-590, October 30, 1986. (76 miles)

(32) Cahaba, Alabama. (USFS) Report transmitted to Congress on December 14, 1979. River not qualified. (116 miles)

(33) Clarks Fork, Wyoming. (USFS) Twenty point five miles added to the National System, Public Law 101-628, November 28, 1990. (23 miles)

(34) Colorado, Colorado and Utah. (NPS) Report transmitted to

Congress on April 26, 1985. Designation not recommended. (75.7 miles)

(35) Conejos, Colorado. (USFS) Report recommending congressional designation transmitted to Congress on September 13, 1982. (48.8 miles)

(36) Elk, Colorado. (USFS) Report recommending congressional designation transmitted to Congress on September 13, 1982. (35 miles)

(37) Encampment, Colorado. (USFS) Report recommending congressional designation transmitted to Congress on October 2, 1979. (19.5 miles)

(38) Green, Colorado and Utah. (NPS) Report transmitted to Congress in combination with the Yampa River on November 14, 1983. The river was determined eligible, but the Secretary did not include a recommendation for designation. (91 miles)

(39) Gunnison, Colorado. (NPS) Report recommending congressional designation transmitted to Congress on October 2, 1979. (29 miles)

(40) Illinois, Oklahoma. (HCRS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (115 miles)

(41) John Day, Oregon. (NPS) One hundred forty-seven point five miles added to the National System, Public Law 100-557, October 28, 1988. (149 miles)

(42) Kettle, Minnesota. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (79 miles)

(43) Los Pinos, Colorado. (USFS) Report recommending congressional designation transmitted to Congress on September 13, 1982. (54 miles)

(44) Manistee, Michigan. (USFS) Twenty-six miles added to the National System, Public Law 102-249, March 3, 1992. (232 miles)

(45) Nolichucky, Tennessee and North Carolina. (NPS) Report transmitted to Congress on April 26, 1985. River not qualified. (110 miles)

(46) Owyhee, Oregon. (NPS) One hundred twenty miles added to the National System, Public Law 98-494, October 19, 1984. (192 miles)

(47) Piedra, Colorado. (USFS) Report recommending congressional designation transmitted to Congress on September 13, 1982. (53 miles)

(48) Shepaug, Connecticut. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state and local action recommended. (28 miles)

(49) Sipsey Fork, Alabama. (USFS) Sixty-one miles added to the National System, Public Law 100-547, October 28, 1988. (71 miles)

(50) Snake, Wyoming. (USFS) Report recommending congressional designation transmitted to Congress on September 13, 1982. (50 miles)

(51) Sweetwater, Wyoming. (NPS) Report transmitted to Congress on November 14, 1979. Designation not recommended. (9.5 miles)

(52) Tuolumne, California. (NPS/USFS) Eighty-three miles added to the National System, Public Law 98-425, September 28, 1984. (92 miles)

(53) Upper Mississippi, Minnesota. (BOR) Report recommending congressional designation transmitted to Congress on August 25, 1977. (466 miles)

(54) Wisconsin, Wisconsin. (NPS/USFS) Report transmitted to Congress on October 2, 1979. Preservation of river by state recommended. (82.4 miles)

(55) Yampa, Colorado. (NPS) Report transmitted to Congress in

combination with Green River on November 14, 1983. The river was determined eligible, but the Secretary did not include a recommendation for designation. (47 miles)

(56) Dolores, Colorado. (BOR/USFS) Report recommending Congressional designation transmitted to Congress on May 23, 1977. (105 miles)

*III. Public Law 94-199 (December 31, 1975) — 1 river, study due October 1, 1979*

(57) Snake, Washington, Oregon and Idaho. (NPS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (33 miles)

*IV. Public Law 94-486 (October 12, 1976) — 1 river, study due October 1, 1980*

(58) Housatonic, Connecticut. (NPS) Report transmitted to Congress on October 2, 1979. Preservation of river by state and local action recommended. (51 miles)

*V. Public Law 95-625 (November 10, 1978) — 17 rivers, studies due October 1, 1984*

(59) Kern (North Fork), California. (USFS) One hundred fifty-one miles of the North and South Forks added to the National System, Public Law 100-174, November 24, 1987. (74 miles)

(60) Loxahatchee, Florida. (NPS) Seven point five miles added to the National System by the Secretary of the Interior on May 17, 1985. (25 miles)

(61) Ogeechee, Georgia. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state recommended. (246 miles)

(62) Salt, Arizona. (USFS) Report transmitted to Congress on September 13, 1982. Designation not recommended. (22 miles)

(63) Verde, Arizona. (USFS) Forty point five miles added to the National System, Public Law 98-406, August 28, 1984. (78 miles)

(64) San Francisco, Arizona. (USFS) Report transmitted to Congress on September 13, 1982. Designation not recommended. (29 miles)

(65) Fish Creek, East Branch, New York. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state and local action recommended. (49 miles)

(66) Black Creek, Mississippi. (USFS) Twenty-one miles added to the National System, Public Law 99-590, October 30, 1986. (122.8 miles)

(67) Allegheny, Pennsylvania. (USFS) Eighty-five miles added to the National System, Public Law 102-271, April 20, 1992. (128 miles)

(68) Cacapon, West Virginia. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state and local action recommended. (114 miles)

(69) Escatawpa, Alabama and Mississippi. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state and local action recommended. (72 miles)

(70) Myakka, Florida. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state recommended. (37 miles)

(71) Soldier Creek, Alabama. (NPS) Report transmitted to Congress on April 26, 1985. River not qualified. (.2 miles)

(72) Red, Kentucky. (USFS) Nineteen point four miles added to the National System, Public Law 103-170, December 2, 1993. (19.4 miles)

(73) Bluestone, West Virginia. (NPS) Ten miles added to the National System, Public Law 100-534, October 26, 1988. (40 miles)

(74) Gauley, West Virginia. (NPS) A 25-mile segment established as a National Recreation Area on October 26, 1988. (164 miles)

(75) Greenbrier, West Virginia. (USFS) Report transmitted to Congress on January 7, 1993. Preservation of river by state and local action recommended. (175 miles)

*VI. Public Law 96-199 (March 5, 1980) — 1 river, study due October 1, 1984*

(76) Birch, West Virginia. (NPS) Report transmitted to Congress on April 26, 1985. Preservation of river by state and local action recommended. (20 miles)

*VII. Public Law 96-487 (December 2, 1980) — 12 rivers, studies due October 1, 1984, except the Sheenjek and Squirrel Rivers due January 1, 1987. The following rivers were added for study by the Alaska National Interest Lands Conservation Act (ANILCA.)*

(77) Colville, Alaska. (NPS) Study submitted to Congress on April 12, 1979, as part of 105(c) study mandated by Public Law 94-258. This was prior to passage of ANILCA. (428 miles)

(78) Etivluk-Nigu, Alaska. (NPS) Study submitted to Congress on April 12, 1979, as part of 105(c) study mandated by Public Law 94-258. This was prior to passage of ANILCA. (160 miles)

(79) Utukok, Alaska. (NPS) Study submitted to Congress on April 12, 1979, as part of 105(c) study mandated by Public Law 94-258. This was prior to passage of ANILCA. (250 miles)

(80) Kanektok, Alaska. (NPS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (75 miles)

(81) Kisaralik, Alaska. (NPS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (75 miles)

(82) Melozitna, Alaska. (NPS) Report transmitted to Congress on April 26, 1985. River not qualified. (270 miles)

(83) Sheenjek (lower segment), Alaska. (NPS) Report recommending congressional designation transmitted to Congress on January 19, 2001. (109 miles)

(84) Situk, Alaska. (USFS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (21 miles)

(85) Porcupine, Alaska. (NPS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (75 miles)

(86) Yukon (Ramparts section), Alaska. (NPS) Report transmitted to Congress on April 26, 1985. Designation not recommended. (128 miles)

(87) Squirrel, Alaska. (Initiated by NPS/Completed by BLM) Final report/EIS issued January 26, 1999. Designation not recommended. (72 miles)

(88) Koyuk, Alaska. (NPS) Report transmitted to Congress on April 26, 1985. River not qualified. (159 miles)

*VIII. Public Law 98-323 (June 6, 1984) — 1 river, study due October 1, 1990*

(89) Wildcat Creek, New Hampshire. (NPS) Fourteen point five miles added to the National System, Public Law 100-554, October 28, 1988. (21 miles)

*IX. Public Law 98-484 (October 17, 1984) — 1 river, study due October 17, 1987*

(90) Horsepasture, North Carolina. (USFS) Four point two miles added to the National System, Public Law 99-530, October 27, 1986. (4.2 miles)

*X. Public Law 98-494 (October 19, 1984) — 1 river, study due October 1, 1988*

(91) North Umpqua, Oregon. (USFS) Thirty-three point eight miles added to the National System, Public Law 100-557, October 28, 1988. (33.8 miles)

*XI. Public Law 99-590 (October 30, 1986) — 2 rivers, studies due October*

*30, 1989, for the Great Egg Harbor and October 1, 1990, for the Farmington*

(92) Farmington, West Branch, Connecticut and Massachusetts. (NPS) Fourteen miles added to the National System, Public Law 103-313, August 26, 1994. Report transmitted to Congress on December 13, 1995. (25 miles)

(93) Great Egg Harbor, New Jersey. (NPS) One hundred twenty-nine miles added to the National System, Public Law 102-536, October 26, 1992. (127 miles)

*XII. Public Law 99-663 (November 17, 1986) — 2 rivers, studies due October 1, 1990*

(94) Klickitat, Washington. (USFS) Draft report issued June 1990. Final report completed, but not transmitted to Congress. (30 miles)

(95) White Salmon, Washington. (USFS) Twenty miles added to the National System, Public Law 109-44, August 2, 2005. The portion designated was added to the study by the USFS and is the headwaters above the segment authorized for study. (13.5 miles)

*XIII. Public Law 100-33 (May 7, 1987) — 3 rivers, studies due October 1, 1990*

(96) Maurice, New Jersey. (NPS) Ten point five miles added to the National System, Public Law 103-162, December 1, 1993. (14 miles)

(97) Manumuskin, New Jersey. (NPS) Fourteen point three miles added to the National System, Public Law 103-162, December 1, 1993. (3.5 miles)

(98) Menantico Creek, New Jersey. (NPS) Seven point nine miles added to the National System, Public Law 103-162, December 1, 1993. (7 miles)

*XIV. Public Law 100-149 (November 2, 1987) — 1 river, study due October 1, 1991*

(99) Merced, California. (BLM) Eight miles added to the National System, Public Law 102-432, October 23, 1992. (8 miles)

*XV. Public Law 100-557 (October 28, 1988) — 6 rivers, studies due October 1, 1992*

(100) Blue, Oregon. (USFS) Study initiated in 1989. River determined ineligible, but report not transmitted to Congress. (9 miles)

(101) Chewaucan, Oregon. (USFS) Study initiated in 1989. River determined ineligible, but report not transmitted to Congress. (23 miles)

(102) North Fork Malheur, Oregon. (BLM) River determined eligible, but report not transmitted to Congress. (15 miles)

(103) South Fork McKenzie, Oregon. (USFS) Study initiated in 1989. River determined eligible, with plans to complete the study at revision of the Willamette National Forest Land and Resource Management Plan. (26 miles)

(104) Steamboat Creek, Oregon. (USFS) Final report completed in 1993. River determined eligible, but report not transmitted to Congress. (24 miles)

(105) Wallowa, Oregon. (USFS) Ten miles added to the National System by the Secretary of the Interior on July 25, 1996. (10 miles)

*XVI. Public Law 101-356 (August 10, 1990) — 1 river, study due August 10, 1993*

(106) Merrimack, New Hampshire. (NPS) Draft report issued October 7, 1999. River was determined eligible, but final report not transmitted to Congress. (22 miles)

*XVII. Public Law 101-357 (August 10, 1990) — 1 river, study due August 10, 1993*

(107) Pemigewasset, New Hampshire. (NPS) Report transmitted to Congress on May 5, 1998. Designation not recommended. (36 miles)

*XVIII. Public Law 101-364 (August 15, 1990) — 1 river, study due August 15, 1993*

(108) St. Marys, Florida. (NPS) Draft report issued on March 16, 1994. River was determined eligible, but final report not transmitted to Congress. (120 miles)

*XIX. Public Law 101-538 (November 8, 1990) — 1 river, study due September 30, 1994*

(109) Mills, North Carolina. (USFS) Final report completed in 1996 but not transmitted to Congress. (33 miles)

*XX. Public Law 101-628 (November 28, 1990) — 1 river, study due September 30, 1994*

(110) Concord, Assabet and Sudbury, Massachusetts. (NPS) Twenty-nine miles added to the National System, Public Law 106-20, April 9, 1999. (29 miles)

*XXI. Public Law 102-50 (May 24, 1991) — 1 river, study due September 30, 1994*

(111) Niobrara, Nebraska. (NPS) Six miles added to the National System, Public Law 102-50, May 24, 1996. (6 miles)

*XXII. Public Law 102-214 (December 11, 1991) — 1 river, study due December 11, 1994*

(112) Lamprey, New Hampshire. (NPS) Eleven point five miles added to the National System, Public Law 104-333, November 12, 1996. Twelve miles added to the National System, Public Law 106-192, May 5, 2000. (10 miles)

*XXIII. Public Law 102-215 (December 11, 1991) — 1 river, study due December 11, 1994*

(113) White Clay Creek, Pennsylvania and Delaware. (NPS) One hundred ninety miles added to the National System, Public Law 106-357, October 24, 2000. (23+ miles)

*XXIV. Public Law 102-249 (March 3, 1992) — 11 rivers, studies due September 30, 1995*

(114) Brule, Michigan and Wisconsin. (USFS) River determined eligible; suitability study not completed. (33 miles)

(115) Carp, Michigan. (USFS) River determined eligible; suitability study not completed. (7.6 miles)

(116) Little Manistee, Michigan. (USFS) River determined eligible; suitability study not completed. (42 miles)

(117) White, Michigan. (USFS) River determined eligible; suitability study not completed. (75.4 miles)

(118) Ontonagon, Michigan. (USFS) River determined eligible; suitability study not completed. (32 miles)

(119) Paint, Michigan. (USFS) River determined eligible; suitability study not completed. (70 miles)

(120) Presque Isle, Michigan. (USFS) River determined eligible; suitability study not completed. (13 miles)

(121) Sturgeon (Ottawa National Forest), Michigan. (USFS) River determined eligible; suitability study not completed. (36 miles)

(122) Sturgeon (Hiawatha National Forest), Michigan. (USFS) River determined eligible; suitability study not completed. (18.1 miles)

(123) Tahquamenon, Michigan. (USFS) River determined eligible; suitability study not completed. (103.5 miles)

(124) Whitefish, Michigan. (USFS) River determined eligible; suitability study not completed. (26 miles)

*XXV. Public Law 102-271 (April 20, 1992) — 2 rivers, studies due September 30, 1995*

(125) Clarion, Pennsylvania. (USFS) Fifty-one point seven miles added to the National System, Public Law 104-333, October 19, 1996. (104 miles)

(126) Mill Creek, Pennsylvania. (USFS) River determined eligible, suitability study not completed. (18 miles)

*XXVI. Public Law 102-301 (June 19, 1992) — 5 rivers, studies due September 30, 1995*

(127) Piru Creek, California. (USFS) Seven point three miles of area below Pyramid Lake added to the National System, Public Law 111-11, March 30, 2009. Two areas of river authorized for study—source to Pyramid Lake and 300 feet below Pyramid Lake to Lake Piru. Study of area above Pyramid Lake completed in revision of Los Padres National Forest Land and Resource Management Plan. (49 miles)

(128) Little Sur, California. (USFS) Study completed in revision of Los Padres National Forest Land and Resource Management Plan. River determined eligible, but report not transmitted to Congress. (23 miles)

(129) Matilija Creek, California. (USFS) Study completed in revision of Los Padres National Forest Land and Resource Management Plan. River determined ineligible, but report not transmitted to Congress. (16 miles)

(130) Lopez Creek, California. (USFS) Study completed in revision of Los Padres National Forest Land and Resource Management Plan. River determined ineligible, but report not transmitted to Congress. (11 miles)

(131) Sespe Creek, California. (USFS) Study completed in revision of Los Padres National Forest Land and Resource Management Plan. River determined eligible, but report not transmitted to Congress. (10.5 miles)

*XXVII. Public Law 102-432 (October 23, 1992) — 1 river, study due September 30, 1995*

(132) North Fork Merced, California. (BLM) Study has been completed through the Folsom Resource Management Plan. River determined ineligible, but report not transmitted to Congress. (15 miles)

*XXVIII. Public Law 102-460 (October 23, 1992) — 1 river, study due October 23, 1993*

(133) Delaware, Pennsylvania and New Jersey. (NPS) Sixty-seven point three miles added to the National System, Public Law 106-418, November 1, 2000. (70 miles)

*XXIX. Public Law 102-525 (October 26, 1992) — 1 river, study due October 26, 1993*

(134) New, Virginia and West Virginia. (NPS) Report transmitted to Congress on April 8, 2011. Designation not recommended. (20 miles) Transmittal Memos

*XXX. Public Law 103-242 (May 4, 1994) — 1 river, study due May 4, 1997*

(135) Rio Grande, New Mexico. (BLM) Final report issued on January 4, 2000, but not transmitted to Congress. Seven point six miles determined eligible. (8 miles)

*XXXI. Public Law 104-311 (October 19, 1996) — 1 river, study due October 19, 1998*

(136) Wekiva, Florida. (NPS) Forty-one point six miles added to the National System, Public Law 106-299, October 13, 2000. (27 miles)

*XXXII. Public Law 106-318 (October 19, 2000) — 1 river, study due October 19, 2003*

(137) Taunton, Massachusetts. (NPS) Forty point zero miles added to the National System, Public Law 111-11, March 30, 2009. (22 miles)

*XXXIII. Public Law 107-65 (November 6, 2001) — 1 river, study due November 6, 2004*

(138) Eight Mile, Connecticut. (NPS) Twenty-five point three miles added to the National System, Public Law 110-229, May 8, 2008. (15 miles)

XXXIV. Public Law 109-370 (November 27, 2006) — 1 river, study due November 27, 2009

(139) Lower Farmington and Salmon Brook, Connecticut. (NPS) Sixty-one point seven miles added to the National System, Public Law 116-9, March 12, 2019. (70 miles) (70 miles)

XXXV. Public Law 111-11 (March 3, 2009) — 1 river, study due March 30, 2012

(140) Missisquoi and Trout, Vermont. (NPS) Forty-six point one miles added to the National System, Public Law 113-291, December 19, 2014. (70 miles)

XXXVI. Public Law 113-291 (December 19, 2014) — 4 rivers, studies due 3 years after the date on which funds are made available to conduct the studies

(141) Lake Creek, Lower Cave Creek, Lake Creek, No Name Creek, Panther Creek, and Upper Cave Creek, Oregon. (NPS) Lake Creek and Upper Cave Creek found eligible and suitable for designation; No Name Creek, Panther Creek, and Upper Cave Creek found ineligible. Report transmitted to Congress April 7, 2020. (8.3 miles) Transmittal Letters

(142) Beaver, Chipuxet, Queen, Wood and Pawcatuck Rivers, Rhode Island and Connecticut. (NPS) One hundred ten miles added to the National System, Public Law 116-9, March 12, 2019. (86 miles)

(143) Nashua River, Massachusetts. (NPS) Fifty-two point eight miles added to the National System, Public Law 116-9, March 12, 2019. (32.5 miles)

(144) York River, Maine. (NPS) (11.3 miles)

For each study river, the number in parentheses is the approximate number of miles to be studied. If river segments were designated, the total designated mileage appears in the text.

[NATIONWIDE RIVERS INVENTORY](#) | [CONTACT US](#) | [PRIVACY NOTICE](#) | [Q & A SEARCH ENGINE](#) | [SITE MAP](#)

[flickr](#)

#### Designated Rivers

[About WSR Act](#)  
[State Listings](#)  
[Profile Pages](#)

#### National System

[WSR Table](#)  
[Study Rivers](#)  
[Stewardship](#)  
[WSR Legislation](#)

#### River Management

[Council](#)  
[Agencies](#)  
[Management Plans](#)  
[River Mgt. Society](#)  
[GIS Mapping](#)

#### Resources

[Q & A Search](#)  
[Bibliography](#)  
[Publications](#)  
[GIS Mapping](#)  
[Logo & Sign Standards](#)

## Environmental Justice

General requirements	Legislation	Regulation
Determine if the project creates adverse environmental impacts upon a low-income or minority community. If it does, engage the community in meaningful participation about mitigating the impacts or move the project.	Executive Order 12898	

HUD strongly encourages starting the Environmental Justice analysis only after all other laws and authorities, including Environmental Assessment factors if necessary, have been completed.

1. Were any adverse environmental impacts identified in any other compliance review portion of this project's total environmental review?

Yes

✓ No

Based on the response, the review is in compliance with this section.

### Screen Summary

#### **Compliance Determination**

No adverse environmental impacts were identified in the project's total environmental review. The project is in compliance with Executive Order 12898. According to the EPA, 40.62% of the subject property population resides below the poverty line and 100% of the population is described as people of color. Based on the information gathered from the regulatory database report and other information sources reviewed during the course of EWMA's Phase I ESA, as well as the additional soil sampling and migration to ground water pathway investigations, there are no compounds that would pose a concern in terms of soil or groundwater impact. Therefore, the future residents of the subject property would not suffer from disproportionately adverse environmental effects relative to the community-at-large. The project is in compliance with Executive Order 12898.

#### **Supporting documentation**

[EJ-Pct Pop below Poverty.pdf](#)

EJ-ac2018\_report.pdf

**Are formal compliance steps or mitigation required?**

Yes

✓ No

# EJSCREEN ACS Summary Report



Location: User-specified polygonal location  
 Ring (buffer): 0-mile radius  
 Description:

Summary of ACS Estimates		2014 - 2018
Population		37
Population Density (per sq. mile)		472
People of Color Population		37
% People of Color Population		100%
Households		18
Housing Units		45
Housing Units Built Before 1950		0
Per Capita Income		0
Land Area (sq. miles) (Source: SF1)		0.08
% Land Area		82%
Water Area (sq. miles) (Source: SF1)		0.02
% Water Area		18%

	2014 - 2018 ACS Estimates	Percent	MOE (±)
<b>Population by Race</b>			
Total	37	100%	59
Population Reporting One Race	37	100%	119
White	37	100%	59
Black	0	0%	12
American Indian	0	0%	12
Asian	0	0%	12
Pacific Islander	0	0%	12
Some Other Race	0	0%	12
Population Reporting Two or More Races	0	0%	12
Total Hispanic Population	37	100%	59
Total Non-Hispanic Population	0		
White Alone	0	0%	12
Black Alone	0	0%	12
American Indian Alone	0	0%	12
Non-Hispanic Asian Alone	0	0%	12
Pacific Islander Alone	0	0%	12
Other Race Alone	0	0%	12
Two or More Races Alone	0	0%	12
<b>Population by Sex</b>			
Male	19	51%	30
Female	18	49%	29
<b>Population by Age</b>			
Age 0-4	0	0%	12
Age 0-17	19	51%	32
Age 18+	18	49%	31
Age 65+	0	0%	12

Data Note: Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018.

## EJSCREEN ACS Summary Report



Location: User-specified polygonal location

Ring (buffer): 0-mile radius

Description:

	2014 - 2018 ACS Estimates	Percent	MOE (±)
<b>Population 25+ by Educational Attainment</b>			
Total	18	100%	29
Less than 9th Grade	0	0%	12
9th - 12th Grade, No Diploma	0	0%	12
High School Graduate	0	0%	12
Some College, No Degree	18	100%	31
Associate Degree	0	0%	12
Bachelor's Degree or more	0	0%	12
<b>Population Age 5+ Years by Ability to Speak English</b>			
Total	37	100%	59
Speak only English	19	51%	32
Non-English at Home <sup>1+2+3+4</sup>	18	49%	31
<sup>1</sup> Speak English "very well"	18	49%	31
<sup>2</sup> Speak English "well"	0	0%	12
<sup>3</sup> Speak English "not well"	0	0%	12
<sup>4</sup> Speak English "not at all"	0	0%	12
<sup>3+4</sup> Speak English "less than well"	0	0%	12
<sup>2+3+4</sup> Speak English "less than very well"	0	0%	12
<b>Linguistically Isolated Households*</b>			
Total	0	0%	12
Speak Spanish	0	0%	12
Speak Other Indo-European Languages	0	0%	12
Speak Asian-Pacific Island Languages	0	0%	12
Speak Other Languages	0	0%	12
<b>Households by Household Income</b>			
Household Income Base	18	100%	29
< \$15,000	18	100%	31
\$15,000 - \$25,000	0	0%	12
\$25,000 - \$50,000	0	0%	12
\$50,000 - \$75,000	0	0%	12
\$75,000 +	0	0%	12
<b>Occupied Housing Units by Tenure</b>			
Total	18	100%	29
Owner Occupied	0	0%	12
Renter Occupied	18	100%	29
<b>Employed Population Age 16+ Years</b>			
Total	18	100%	29
In Labor Force	0	0%	12
Civilian Unemployed in Labor Force	0	0%	12
Not In Labor Force	18	100%	29

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. Source: U.S. Census Bureau, American Community Survey (ACS)

\*Households in which no one 14 and over speaks English "very well" or speaks English only.

Location: User-specified polygonal location

Ring (buffer): 0-mile radius

Description:

	2014 - 2018 ACS Estimates	Percent	MOE (±)
<b>Population by Language Spoken at Home*</b>			
Total (persons age 5 and above)	123	100%	476
English	67	55%	434
Spanish	56	45%	306
French	0	0%	14
French Creole	N/A	N/A	N/A
Italian	N/A	N/A	N/A
Portuguese	N/A	N/A	N/A
German	0	0%	12
Yiddish	N/A	N/A	N/A
Other West Germanic	N/A	N/A	N/A
Scandinavian	N/A	N/A	N/A
Greek	N/A	N/A	N/A
Russian	N/A	N/A	N/A
Polish	N/A	N/A	N/A
Serbo-Croatian	N/A	N/A	N/A
Other Slavic	N/A	N/A	N/A
Armenian	N/A	N/A	N/A
Persian	N/A	N/A	N/A
Gujarathi	N/A	N/A	N/A
Hindi	N/A	N/A	N/A
Urdu	N/A	N/A	N/A
Other Indic	N/A	N/A	N/A
Other Indo-European	0	0%	14
Chinese	0	0%	12
Japanese	N/A	N/A	N/A
Korean	0	0%	12
Mon-Khmer, Cambodian	N/A	N/A	N/A
Hmong	N/A	N/A	N/A
Thai	N/A	N/A	N/A
Laotian	N/A	N/A	N/A
Vietnamese	0	0%	12
Other Asian	0	0%	12
Tagalog	0	0%	12
Other Pacific Island	N/A	N/A	N/A
Navajo	N/A	N/A	N/A
Other Native American	N/A	N/A	N/A
Hungarian	N/A	N/A	N/A
Arabic	0	0%	12
Hebrew	N/A	N/A	N/A
African	N/A	N/A	N/A
Other and non-specified	0	0%	12
Total Non-English	56	45%	644

**Data Note:** Detail may not sum to totals due to rounding. Hispanic population can be of any race.

N/A means not available. **Source:** U.S. Census Bureau, American Community Survey (ACS) 2014 - 2018.

\*Population by Language Spoken at Home is available at the census tract summary level and up.

# Percent Population below Poverty Level



July 22, 2021

Source: 2014-2018 ACS (tr)

0 – 5.6

> 5.6 – 9.7

> 9.7 – 15

> 15 – 23.9

> 23.9 – 100

Hinchliffe Residential

1-27 Jasper Street

1:2,257

0 0.01 0.03 0.05 mi  
0 0.02 0.04 0.09 km

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, EPA, Sources: Esri, HERE, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community