

## Michael Brown

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**From:** Michael Brown  
**Sent:** Wednesday, September 10, 2025 2:42 PM  
**To:** Amy Johnson; jlpooles56@gmail.com  
**Cc:** Paul Tigan  
**Subject:** FW: Public Comment on Proposed HUD Funding Published By The Salem Reporter 9/8/25

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**From:** John Laurence Poole <jlpooles56@gmail.com>  
**Sent:** Tuesday, September 9, 2025 9:06 AM  
**To:** CityRecorder <CityRecorder@cityofsalem.net>  
**Cc:** Paul Tigan <ptigan@cityofsalem.net>  
**Subject:** Public Comment on Proposed HUD Funding Published By The Salem Reporter 9/8/25

Thanks for your inquiry, Mr. Poole. Please see the blue responses below.

Re: Public Comment on Proposed HUD Funding Published By The Salem Reporter 9/8/25

Dear Michael Brown of the Community Planning and Development Department,

I write as a resident of the Court-Chemeketa National Register Historic District and as someone with direct experience in matters of federal funding and historic preservation compliance in Salem.

In 2017, I moved into the District. In 2019 I purchased Peck Cottage at 1552 Court Street and adjacent to our home and within the District.

In 2018, I initiated a federal action concerning the absence of a Section 106 review under the National Historic Preservation Act (NHPA) when federal Department of Transportation funds were applied to a rezoning process adjacent to this District. Although the court did not grant relief, that matter underscored a troubling gap in how the City, Oregon Department of Transportation, and Federal Highway Administration addressed the legal requirement to consider effects on historic properties before approving or advancing projects involving federal funds.

The current HUD public notice provides only vague descriptions leaving it unclear whether these funds are directed to rental subsidies, physical projects, or other activities. [The notice you saw is to announce a public comment period for the Consolidated Annual Performance and Review \(CAPER\) report for last year's spending. It's not planned activities. The City completed the review process for what's being reported on months or years ago.](#) Given that Salem has four National Register Historic Districts, any HUD-funded project that may affect

such districts triggers the obligation for a Section 106 review. [Historic preservation evaluations are required for all 24 CFR Part 58 Environmental Reviews and for all proposed activities, not just those that may affect NRHD's.](#)

Accordingly, I respectfully request that the City of Salem clarify:

1. **Determination Process** – How does the City determine whether proposed HUD-funded projects may affect a National Register district or other historic properties, thereby triggering Section 106 review? [The City conducts an Environmental Review for all proposed activities. Broadly, that process means the City has to evaluate the proposed activity for impact on several statutes, executive orders and regulations, including Section 106 historic preservation. At the end of that entire process the City must make a determination of whether the activity would create a significant impact or not. If there's no significant impact there might still be mitigation measures required for minor impacts. Once that determination is made the City must publish a notice alerting the public that it intends to ask HUD to release funds for the activity. After the comment period is over the City sends the request for release of funds to HUD. HUD then holds the request for several days to see if there's any objections to the request filed directly with HUD. If none are received, HUD issues an Authorization for Use of Grant Funds. That's the big picture. It's the process for every Environmental Review under 24 CFR Part 58.](#)

[The City is fortunate to have dedicated staff for historic preservation and archeology. All proposed projects—federally funded or not—have to go through the City's robust process detailed here: <https://www.cityofsalem.net/business/land-use-zoning/historic-review-rules/protecting-salem-s-historic-and-cultural-resources>.](#)

[With respect to Section 106 specific determinations, the City has to define the Area of Potential Effect \(APE\) and consult with interested parties before it makes a finding of \(no\) significant impact. Tribal historic preservation offices are consulted and allowed 30 days for comment. The State Historic Preservation Office is consulted and allowed 30 days for comment. A link to the SHPO's clearance process is here: <https://www.oregon.gov/oprd/OH/pages/projectreview.aspx>. Typically the neighborhood association\(s\) where the project is proposed is notified as well, but if the defined APE is larger, or the activity's impact is greater, the notice may be extended to a larger area.](#)

[The results of those processes become part of the Environmental Review Record I detailed above.](#)

**Resident Notification** – What process will the City use to notify residents living within an affected historic district of a pending Section 106 review, so that they may participate in accordance with federal law? [If a federally funded project is on a property that is within an existing Salem designated National Register Historic District, then local historic design review is required in addition to the Section 106 review, and additional notification/comment will also occur through the local land use process defined in SRC Chapter 230. \[https://library.municode.com/or/salem/codes/code\\\_of\\\_ordinances?nodeId=TITXUNDECO\\\_UDC\\\_CH230HIPR\]\(https://library.municode.com/or/salem/codes/code\_of\_ordinances?nodeId=TITXUNDECO\_UDC\_CH230HIPR\). This is obviously specific to NRHD project sites.](#)

If a federally funded project is located on a property that is outside an existing NRHD, but the APE identified for the project extends to an existing NRHD that will potentially be adversely impacted, these property owners will be identified as stakeholders by the City's project manager under Section 106, and the project manager is then responsible for providing notice of the proposed work as well as an opportunity to comment on proposed methods for avoiding adverse effects and/or mitigation. I think this would be a very rare occurrence for the type of projects we do with HUD funds unless the project site is directly adjacent to the NRHD.

If the APE is confined to the immediate area of the project and there's no historic resource there's no specific historic preservation notice to anyone other than our tribal partners and SHPO. This is the most common occurrence.

**Public Documentation** – Will the City provide public access to the findings of its determinations, including any correspondence with the Oregon State Historic Preservation Office (SHPO) or federal agencies? Fortunately HUD's Environmental Review Online System (HEROS) contains a database of ERR's the City has conducted <https://cpd.hud.gov/cpd-public/environmental-reviews>. The archive is created automatically when the request for release of funds is submitted to HUD. In the alternative there's a public records request here: <https://www.cityofsalem.net/government/public-records-request>.

I didn't find an online database of filed SHPO clearance requests, but the Oregon public records request is here, <https://www.oregon.gov/transparency/pages/public-records-request.aspx>, and I presume one can ask to see past clearance requests.

Federal funding carries with it federal responsibilities. Section 106 is not optional. It is the minimum legal safeguard ensuring that the voice of residents and the integrity of historic districts are considered before federal dollars are spent in ways that might alter the fabric of our community.

I urge the City to provide clear, transparent answers to these questions and to commit to full compliance with Section 106 whenever HUD or other federal funding intersects with Salem's historic resources.

Would the registrar please acknowledge receipt of this email within 2 business days.

Respectfully submitted,

John L. Poole  
Resident, Court-Chemeketa National Register Historic District

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