

DRAFT

PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
PENNSYLVANIA DEPARTMENT OF TRANSPORTATION
AND
THE PENNSYLVANIA HISTORICAL AND MUSEUM COMMISSION
THROUGH ITS STATE HISTORIC PRESERVATION OFFICER,
PURSUANT TO 36 CFR § 800.14(b)(1)
REGARDING THE STATE COLLEGE AREA CONNECTOR PROJECT,
SR 322, SECTION D10
IN HARRIS AND POTTER TOWNSHIPS,
CENTRE COUNTY, PENNSYLVANIA

WHEREAS, the Federal Highway Administration (“FHWA”), the U.S. Army Corps of Engineers (“USACE”), the Advisory Council on Historic Preservation (“ACHP”), the Pennsylvania State Historic Preservation Officer (“SHPO”) and the Pennsylvania Department of Transportation (“PennDOT”) on February 17, 2023 executed a Programmatic Agreement (“Delegation PA”) regarding implementation of the Federal Aid Highway Program in Pennsylvania or highway projects requiring a USACE permit in Pennsylvania;

WHEREAS, FHWA, in cooperation with PennDOT, has consulted with SHPO, pursuant to the Delegation PA, 36 CFR § 800, the regulations implementing Section 106 of the National Historic Preservation Act (NHPA; 54 USC § 306108), and FHWA, PennDOT, and SHPO determined that it is appropriate to enter into this project specific Programmatic Agreement (“PA”), pursuant to the Delegation PA and 36 CFR 800.14(b);

WHEREAS, PennDOT proposes to construct a new approximately 8-mile limited access four lane highway between Potters Mills (on the east) and the Mount Nittany Expressway (on the west) in Harris and Potter Townships, Centre County, Pennsylvania (“the Project”); see Exhibit A: Project Location Map);

WHEREAS, through the PEL (Planning and Environmental Linkage) and NEPA (National Environmental Policy Act of 1969) processes, PennDOT has developed four alternatives: No Build Alternative, North Alternative, Central Alternative, and South Alternative;

WHEREAS, PennDOT has established the Project Area of Potential Effects (“APE”) for above ground historic resources, as defined at 36 CFR § 800.16(d), to include the proposed limits of disturbance of all project alternatives, as well as additional areas that could be subject to indirect effects;

WHEREAS, PennDOT has established the APE for below ground historic resources (archaeology), as defined at 36 CFR § 800.16(d), to include the proposed limits of disturbance of the final project alternative, as well as additional areas that could be subject to Project ground disturbance effects;

WHEREAS, pursuant to 36 CFR § 800.5(d)(2) and the Delegation PA, PennDOT has determined that the North Alternative will have an adverse effect on the Penns Valley & Brush Valley Rural Historic District (contributing resources – Henry Meyer Farm, Kuhns Tree Farm, North Side Boal Avenue, 2165 General Potter Highway, Joesph Jordon Farm, 136 Neff Road, Lawrence Grossman Farm, 105 Addleman Circle, 109 Addleman Circle, 2414 General Potter Highway, Michael Ulrich Farmstead, 2606 General Potter Highway, 2668 General Potter Highway, Samuel Royer Farmstead, and all the resources listed under the Village of Tusseyville), Village of Tusseyville Historic District (contributing resources – Jacob Strohm House, John Lichty House, Henry Rossman House, F. D. Hosterman Tenant House, George and Myra Ishler House, Maggie Love House, and Jonas From Farm), Michael Jack Estate, Nease House, Henry Meyer Farm, and Joseph Jordan Farm;

WHEREAS, pursuant to 36 CFR § 800.5(d)(2) and the Delegation PA, PennDOT has determined that the Central Alternative will have an adverse effect on the Penns Valley & Brush Valley Rural Historic District (contributing resources – Henry Meyer Farm, Kuhns Tree Farm, North Side Boal Avenue, 126 Vernon Way, 120 Vernon Way, Ruble Family Farm, 166 Taylor Hill Road, 207 Taylor Hill Road, Spangler-Runkle House, 2214 General Potter Highway, Lawrence Grossman Farm, 2414 General Potter Highway, Michael Ulrich Farmstead, 2606 General Potter Highway, 2668 General Potter Highway, and Samuel Royer Farmstead), Michael Jack Estate, and Nease House;

WHEREAS, pursuant to 36 CFR § 800.5(d)(2) and the Delegation PA, PennDOT has determined that the South Alternative will have an adverse effect on the Penns Valley & Brush Valley Rural Historic District (contributing resources – Tait Farm, 2296 Boal Avenue, Ruble Family Farm, 166 Taylor Hill Road, 207 Taylor Hill Road, Spangler-Runkle House, 2214 General Potter Highway, Lawrence Grossman Farm, 2414 General Potter Highway, Michael Ulrich Farmstead, 2606 General Potter Highway, 2668 General Potter Highway, and Samuel Royer Farmstead), Michael Jack Estate, and Nease House;

WHEREAS, PennDOT has completed a Phase IA archaeological assessment and is proposing additional archaeological investigations for the selected alternative in final design;

WHEREAS, pursuant to 36 CFR § 800.5(d)(2) and the Delegation PA, PennDOT has determined that the No-Build Alternative does not meet the project purpose and needs and is carried forward for comparison purposes only;

WHEREAS, PennDOT has identified the Central Alternative as the preferred alternative;

WHEREAS, SHPO concurred with the above ground historic properties effect report on May 13, 2025, July 29, 2025, and August 26, 2025;

WHEREAS, PennDOT has consulted with SHPO in accordance with Section 106 of the National Historic Preservation Act, 54 U.S.C. § 306108 (“NHPA”), and its implementing regulations (36 CFR § 800) to resolve the effects of the Project on historic properties;

WHEREAS, pursuant to 36 CFR § 800.3 and the Delegation PA, PennDOT has identified: Robert Anderson, Cory Baggett, Alan Bigatel, Elizabeth Crisfield, Bonnie Darlington, Jesse Darlington,

Lynn Darlington, Lisa M. Dugas (for the Pennsylvania Archaeological Council), Constanza Ehrenhaus, Linda Friend (for the Center County Farmland Trust), Mary Carol Frier, Michael Fuller, Marjorie Gustafson, Ray Hamilton (for the Clearwater Conservancy), Franklin M. Harden, Al Luloff, Paul Daniel Marriott, Lisa Moir, Guy Schenker, Karl Shellenberger, Susan Smith (for the Lemont Village Association), Mary Sorensen (for the Centre County Historical Society), Jacob Tanis, Tom Yahner (for the Centre County Historical Society) as consulting parties for the Project;

WHEREAS, PennDOT, on behalf of FHWA, will continue to involve the public and consulting parties as stipulated under the National Environmental Policy Act (“NEPA”) of 1969, as amended, the NHPA, and 36 CFR § 800, in a manner consistent with FHWA and PennDOT public involvement procedures;

WHEREAS, PennDOT has notified the ACHP of the adverse effect finding, and the ACHP declined on July 31, 2025 to participate in resolving the adverse effects of the Project;

WHEREAS, PennDOT participated in the consultation regarding this Project pursuant to the Delegation PA and will sign this PA, thus becoming a party upon execution of this PA;

WHEREAS, FHWA has consulted with federally recognized tribal organizations (Tribes and Nations) with ancestral ties to Pennsylvania who may attach religious or cultural significance to historic properties within the APE, namely Absentee Shawnee Tribe, Delaware Nation, Delaware Tribe, Eastern Shawnee Tribe, Oneida Nation, Onondaga Nation, Seneca Nation, Seneca-Cayuga Nation, and Shawnee Tribe; and

WHEREAS, the Delaware Nation, Delaware Tribe, Eastern Shawnee Tribe, Oneida Nation, Onondaga Nation, Seneca Nation, Seneca-Cayuga Tribe, and Shawnee Tribe have requested to be consulting parties.

NOW, THEREFORE, FHWA, PennDOT, and SHPO agree that upon FHWA’s decision to proceed with the Project, FHWA shall ensure that PennDOT and the concurring parties implement the following stipulations in order to take into account the effects of the proposed action on historic properties.

1. Recitals

The recitals set forth above are incorporated by reference as a material part of the PA.

2. Stipulations for Resolving Adverse Effects

A. Archaeological Resources

- i. Prior to construction of the selected alternative, PennDOT shall complete an archaeological survey of that alternative. The archaeological survey will be conducted in a manner consistent with the Secretary of the Interior’s Standards and Guidelines for Identification (46 FR 44720-23), and SHPO Guidelines for Archaeological Investigations in Pennsylvania

(2021). Any archaeological resources identified within the APE will be evaluated in accordance with 36 CFR 800.4 (c). PennDOT shall submit a report on the findings of the survey to FHWA, SHPO, consulting Tribes and Nations, and other consulting parties for their review and comment. SHPO concurrence will be requested on the eligibility of archaeological properties. The review period will be 30 days.

- ii. If eligible archaeological resources are identified within the APE, PennDOT shall make a reasonable effort to avoid or minimize effects to these resources. If the eligible resources cannot be avoided, PennDOT shall apply the Criteria of Adverse Effect in accordance with 36 CFR 800.5. If the project will have an adverse effect on archaeological sites, and if these resources are eligible chiefly under National Register Criterion D (36 CFR § 63) for the significant information in prehistory or history they are likely to yield through data recovery, PennDOT shall ensure that a data recovery plan or a plan for alternative mitigation is developed in consultation with SHPO, consulting Tribes and Nations, and other consulting parties. Any data recovery plan will be consistent with the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation (48 FR 44734-37) and also will take into account the ACHP's publication Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites. The data recovery or alternative mitigation plan will be submitted to FHWA, SHPO, consulting Tribes and Nations, and other consulting parties for their review and comment. The review period will be 30 days. If archaeological resources are identified that are eligible under Criteria other than or in addition to Criterion D, PennDOT shall comply with 36 CFR § 800.6.
- iii. At the conclusion of data recovery excavations or alternative mitigation, PennDOT shall prepare a report on the results of the data recovery or alternative mitigation. The report will be provided to FHWA, SHPO, consulting Tribes and Nations, and other consulting parties for review and comment. The data recovery report will meet professional standards set forth by the Department of the Interior's Format Standards for Final Reports of Data Recovery Program (42 FR 5377-79) and will be prepared consistent with SHPO Guidelines for Archaeological Investigations in Pennsylvania (2021). A draft report will be provided to FHWA, SHPO, consulting Tribes and Nations, and other consulting parties within two years of the completion of archaeological fieldwork. The review period will be 30 days. Any comments provided by FHWA, SHPO, Tribes and Nations, or other consulting parties will be considered in the preparation of the final report. The final report will be completed and submitted within six months of the close of the comment period.
- iv. If archaeological data recovery is necessary, the mitigation plan will include preparation of information for the general public. The specific materials to

be produced will be determined individually for each site for which data recovery is necessary and may include, but not be limited to, pamphlets, brochures, artifact displays, exhibits, booklets, digital story maps, and public presentations on the results of the excavations. The public information materials should explain the purpose of the project and the significance of the excavation of eligible sites. PennDOT shall consult with FHWA, SHPO, consulting Tribes and Nations, and other consulting parties on the proposed public information materials and will provide a draft of any public information materials to FHWA, SHPO consulting Tribes and Nations, and other consulting parties for their review and comment prior to the finalization of the materials. The review period will be 30 days.

- v. PennDOT shall ensure that any human remains or grave-associated artifacts encountered during the archaeological investigations are brought to the immediate attention of FHWA, SHPO, and federally recognized Tribes or Nations that may attach religious or cultural significance to the affected property. Notification will be within 48 hours of the discovery. No activities that might disturb or damage the remains will be conducted until FHWA, in consultation with the appropriate parties, has developed a treatment plan that considers the comments of the appropriate parties. All procedures will follow the guidance outlined in the National Park Service publication National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places, taking into account the Native American Graves Protection and Repatriation Act of 1990 (PL 101-601; as revised) and the Pennsylvania Historical and Museum Commission's (PHMC) Policy for the Treatment of Burials and Human Remains (1993).
- vi. All records and materials resulting from the archaeological investigations will be curated in accordance with 36 CFR Part 79 and the curation guidelines developed by the PHMC (October of 2021).
 - 1. Artifacts recovered from Commonwealth property and all associated records will be curated at the State Museum of Pennsylvania or their designee.
 - 2. When artifacts are recovered from property not owned by the Commonwealth, PennDOT shall explain to the property owner the importance of artifact donation and will request that the owner sign a gift agreement donating the artifacts to the State Museum. If the property owner does not wish to donate the artifacts, PennDOT shall complete the necessary analyses prior to returning the artifacts and will submit all records to the State Museum.
 - 3. If a federally recognized Tribe or Nation request artifacts, FHWA will consider the request in consultation with the State Museum of Pennsylvania.

4. PennDOT shall submit archeological collections within six months of acceptance of the final report. PennDOT shall be responsible for the curation fee.
- vii. FHWA shall consider the use of Tribe and Nation cultural monitors during portions of the archaeological investigations and during construction where warranted. The specific Tribes and Nations providing the monitors, terms of the monitoring, and the specific investigations to be monitored will be determined through ongoing consultation with the federally recognized Tribe and Nation consulting parties and detailed in the Phase IB Work Plan for the selected alternative.
- viii. FHWA shall consider the use of a historian to complete research into Contact and Historic Period Native American diaspora and resettlement across Central Pennsylvania. The scope of the research will be determined through ongoing consultation with the federally recognized Tribe and Nation consulting parties and defined in the Phase IB work plan.

B. Above Ground Historic Resources

- i. PennDOT shall create a Design Advisory Committee (“Committee”) to assist in development of a context sensitive design solution for the State College Area Connector Project that minimizes impacts to the Penns Valley Brush Valley Rural Historic District. PennDOT shall invite up to 10 active consulting parties, which includes members of the public, and representatives of municipalities and special interest groups, to join PennDOT as members of the Committee, including, but not limited to, the Centre County Historical Society, the Pennsylvania State University Landscape Architecture program, Potter Township, Harris Township, FHWA, and SHPO. Each group, municipality or other organization invited to join the Committee may designate one representative to participate on the Committee. PennDOT shall afford the Committee members an opportunity to comment on proposed design elements within the State College Area Connector Project APE, to include bridges, stormwater management, wildlife passage, and other elements that will have an impact on the landscape of the Penns Valley Brush Valley Rural Historic District, its contributing resources, and those individually eligible resources within the project corridor but outside the Penns Valley Brush Valley Rural Historic District. The PennDOT design team shall include a landscape architect to assist with the design process and to participate on the Committee. PennDOT shall afford the Committee an opportunity to provide comments on draft plans and vote on preferred context sensitive design alternatives. PennDOT shall consider the recommendations of the Committee and will incorporate them as practicable. The Committee shall meet at a minimum of four times to discuss project plans, including an initial organizing session,

wherein Committee members will be appointed and guidelines for the Committee will be established. Committee review meetings also will be held at the 30%, 60%, and 90% phases of design.

- ii. PennDOT shall develop a public education component that addresses the history and cultural significance of historic resources adversely affected by the selected alternative. PennDOT shall develop the educational component in consultation with the Committee and in conjunction with the Committee design process. PennDOT shall solicit input from the consulting parties and vote on a preferred educational component alternative.

3. Administrative Stipulations

A. Personnel Qualifications

PennDOT shall ensure that all archaeological work carried out pursuant to this PA is carried out by, or under the direct supervision of, a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualifications Standards for Archaeologists, and that all historic preservation work is carried out by, or under the direct supervision of, a person or persons meeting, at a minimum, the Secretary of the Interior's Professional Qualification Standards for Architectural Historian Professionals (see http://www.nps.gov/history/local-law/arch_stnds_9.htm).

B. Late Discoveries

If any unanticipated discoveries of historic properties or archaeological sites are encountered during the implementation of this undertaking, PennDOT shall suspend work in the area of the discovery, and PennDOT shall immediately notify FHWA. In compliance with 36 CFR § 800.13, FHWA shall notify, within 24 hours, the ACHP, SHPO, and, if applicable, federally recognized Tribal organizations that attach religious and/or cultural significance to the affected property. SHPO, FHWA, PennDOT, and Tribal representatives, as appropriate, may conduct a joint field view within 72 hours of the notification to FHWA. FHWA, in consultation with the appropriate parties, will determine an appropriate treatment of the discovery prior to the resumption of construction activities in the area of the discovery.

C. Amendments

Any party to this PA may propose to FHWA that the PA be amended, whereupon FHWA shall consult with the other parties to this PA to consider such an amendment. Section 36 CFR § 800.6(c)(7) will govern the execution of any such amendment. Any time periods set forth in this PA may be extended by letter of agreement signed by the authorized representatives of FHWA, SHPO, and other invited signatories and approved as to form and legality by PennDOT's Office of Chief Counsel.

D. Resolving Objections

- a. Should any party to this PA object in writing to FHWA regarding any action carried out or proposed with respect to the Project, or implementation of this PA, FHWA shall consult with the objecting party to resolve the objection. If after initiating such consultation FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP, including FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, the ACHP shall exercise one of the following options:
 - 1) Advise FHWA that the ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA shall respond to the objection accordingly;
 - 2) Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or
 - 3) Notify FHWA that the objection will be referred to comment pursuant to 36 CFR § 800.7 and proceed to refer the objection and comment. The resulting comment shall be taken into account by FHWA in accordance with 36 CFR § 800.7(c)(4) and § 110(1) of the NHPA.
- b. Should the ACHP not exercise one of the above options within 30 days after receipt of all pertinent documentation, FHWA may assume the ACHP's concurrence in its proposed response to the objection.
- c. FHWA shall take into account any ACHP recommendation or comment provided in accordance with this stipulation with reference only to the subject of the objection. FHWA's responsibility to carry out all actions under this PA that are not the subject of the objection shall remain unchanged.

E. Resolution of Objections by the Public

At any time during implementation of the measures stipulated in this PA, should any objection pertaining to any such measure, or its manner of implementation, be raised by a member of the public, FHWA shall notify the parties of this PA and take the objection into account, consulting with the objector and, should the objector so request, with any of the parties to this PA to resolve the objection.

F. Duration

This PA will expire if its terms are not carried out within 10 years from the date of its execution. Prior to such time FHWA may consult with the other

signatories to reconsider the terms of the PA and amend it in accordance with Administrative Stipulation C above.

G. Termination

- a. Any signatory may terminate this PA by providing notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. Termination of this PA will require compliance with 36 CFR § 800.
- b. If at any time during the course of the Project, PennDOT cancels the Project or withdraws its request for federal funding, PennDOT will so notify FHWA. FHWA will notify the other signatories to the PA and the ACHP that it is terminating the PA. FHWA, in consultation with those parties, will consider the effects of any Project-related activities undertaken prior to Project cancellation or withdrawal of the funding request, and FHWA will assess its responsibilities and obligations pursuant to 36 CFR § 800 and determine steps to terminate the PA.

H. Severability

The provisions of this PA are severable. If any phrase, clause, sentence, or provision of this PA is declared to be contrary to the Constitution of Pennsylvania or of the United States or of the laws of the Commonwealth and its applicability to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this PA and its applicability to any government, agency, person, or circumstance shall not be affected.

I. Assignment

This PA may not be assigned, either in whole or in part, without the signatories' written consent.

J. Notices

- a. The contact person for each of the signatories of the PA shall be the following:
 - 1) For FHWA: Team Leader for Environment, 30 North Third Street, Suite 700, Harrisburg, PA 17101, Telephone Number: (717) 221-3461.
 - 2) For PennDOT: Director, Bureau of Design and Delivery, 400 North Street, 7th Floor, Harrisburg, PA 17120, Telephone Number: (717) 787-3310.

3) For SHPO: Deputy SHPO, 400 North Street, 2nd Floor, Harrisburg, PA 17120, Telephone Number: (717) 787-4215.

b. Any signatory may change its designated contact person by providing written notice to the other signatories.

4. Counterparts

The signatories may execute this PA in counterparts, each of which shall be deemed an original and has the full force and effect as an original, but all of which constitute one and the same instrument.

5. Electronic Signatures

The parties may sign this PA electronically in accordance with the Electronic Transactions Act, 73 P.S. §2260.301, *et seq.*

Execution of this PA by FHWA and SHPO, and implementation of its terms, is evidence that the FHWA has taken into account the effects of the undertaking on historic properties.

SIGNATORY:

FEDERAL HIGHWAY ADMINISTRATION

Per FHWA Pennsylvania Division Delegation of Authority

By: _____ Date: _____

Name and Title

SIGNATORY:

PENNSYLVANIA STATE HISTORIC PRESERVATION OFFICER

By: _____ Date: _____

Name and Title

Approved as to Legality and Form

By: _____ Date: _____

For PHMC Counsel

SIGNATORY:

PENNSYLVANIA DEPARTMENT OF TRANSPORTATION

By: _____ Date: _____

Name and Title

Approved as to Legality and Form

By: _____ Date: _____
for PennDOT Chief Counsel

By: _____ Date: _____
Deputy General Counsel

By: _____ Date: _____
Deputy Attorney General

CONCUR:

TRIBE # 1

By: _____

Date: _____

Name and Title

CONCUR:

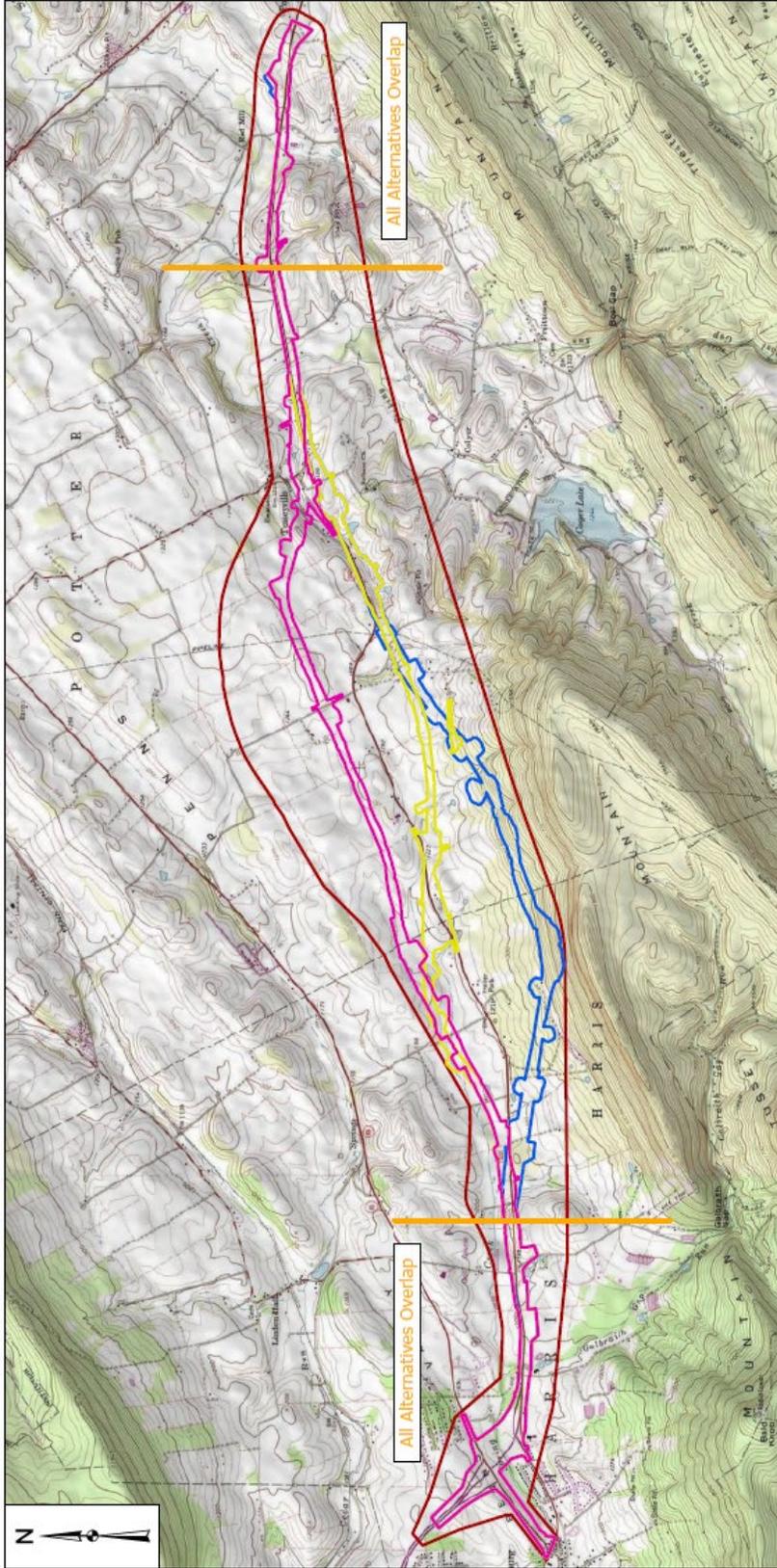
TRIBE # 2

By: _____

Date: _____

Name and Title

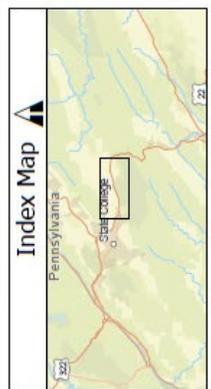
Exhibit A: Project Location Map



July 2025

State College Area Connector
Project Location Map
 CENTRE COUNTY, PENNSYLVANIA

1966 (ed. 1990) Centre Hall, PA
 USGS 7.5-minute topographic map
 1 inch = 2,981 ft



Legend

- ▭ NEPA Project Area
- ▭ North Alternative
- ▭ Central Alternative
- ▭ South Alternative

