

101 for Section 106 of the National Historic Preservation Act

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Phrases to Know

National Historic Preservation Act of 1966,
“Section 106”

- National Register of Historic Places (NRHP)
 - Potentially eligible, eligible, not eligible
- State Historic Preservation Officer (SHPO)
- Kentucky Heritage Council, Indiana
Department of Natural Resources, Ohio
Historical Society
- Advisory Council on Historic Preservation
(ACHP)

Phrases to Know (continued)

- Determination of Effects
 - No Historic Places Affected
 - No Adverse Effect
 - Adverse Effect
- Avoid, Minimize, Mitigate
- Memorandum of Agreement (MOA)
- Mitigation
 - Creative Mitigation

Steps of the Section 106 Process:

- I. Define the Undertaking
- II. Define the Area of Potential Effect
 - a) Cultural historic APE
 - b) Archaeological APE
- III. Identify historic resources
- IV. Assessment of adverse effects
- V. Resolution of adverse effects

Section 106 of the National Historic Preservation Act of 1966

Established the Advisory Council on Historic Preservation

Established the State Historic Preservation Offices

Section 106

Section 106:

Requires the Federal Agency to “take into account” the effects of their actions on historic properties

IS a consultation process

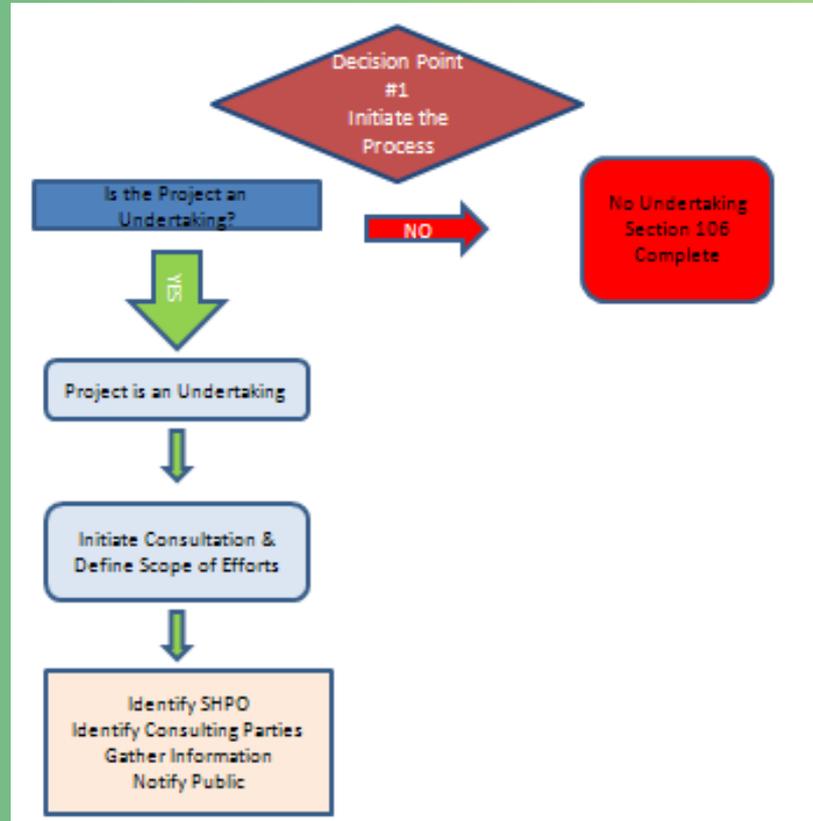
Provide the Advisory Council on Historic Preservation the opportunity for comment

Does NOT dictate an outcome

Is the Project an “Undertaking”?

Does it have
federal funding or
permits?

Identify the lead
agency with federal
jurisdiction



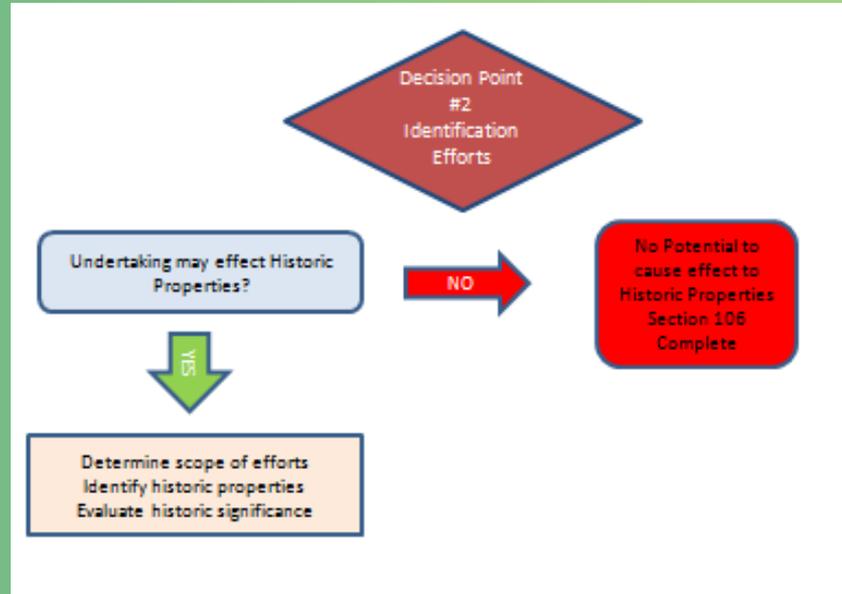
Identification of Historic Properties

Identification Efforts:

What is the Area of Potential Effect or APE?

Define and identify historic properties

Evaluate Historic Significance: Eligible or Not Eligible for National Register of Historic Places



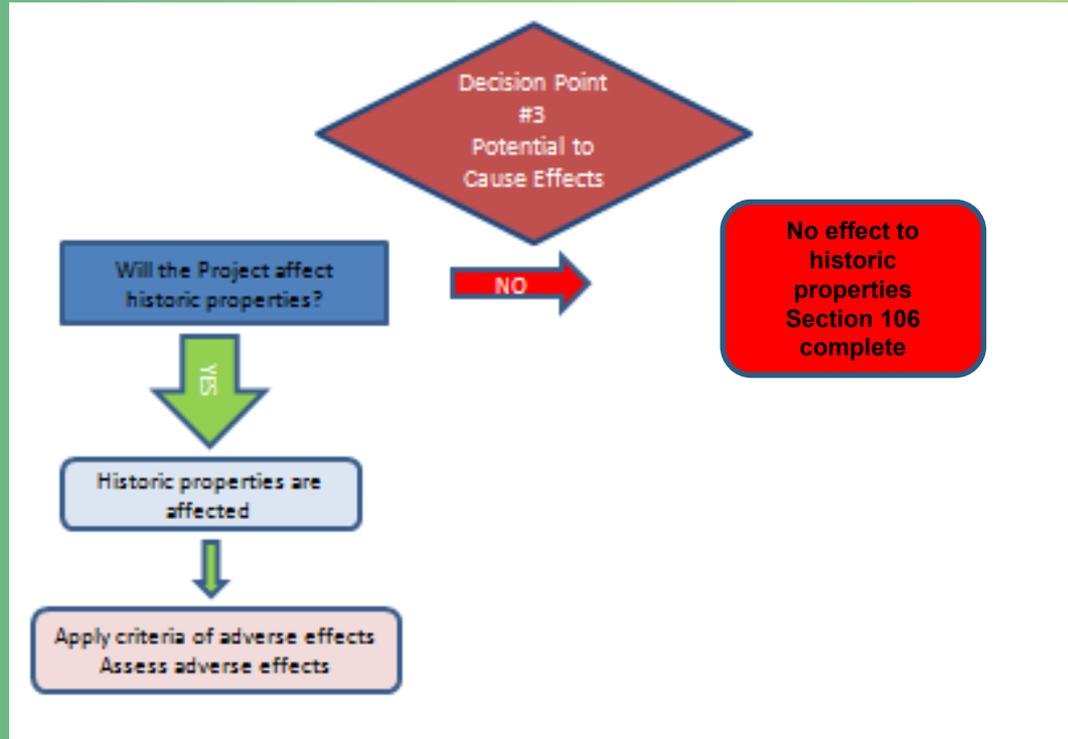
Assessment of Effects

Will the undertaking (project) cause effects to eligible or listed historic resources?

No Effect

No Adverse Effect

Adverse Effect



Resolution of Adverse Effects

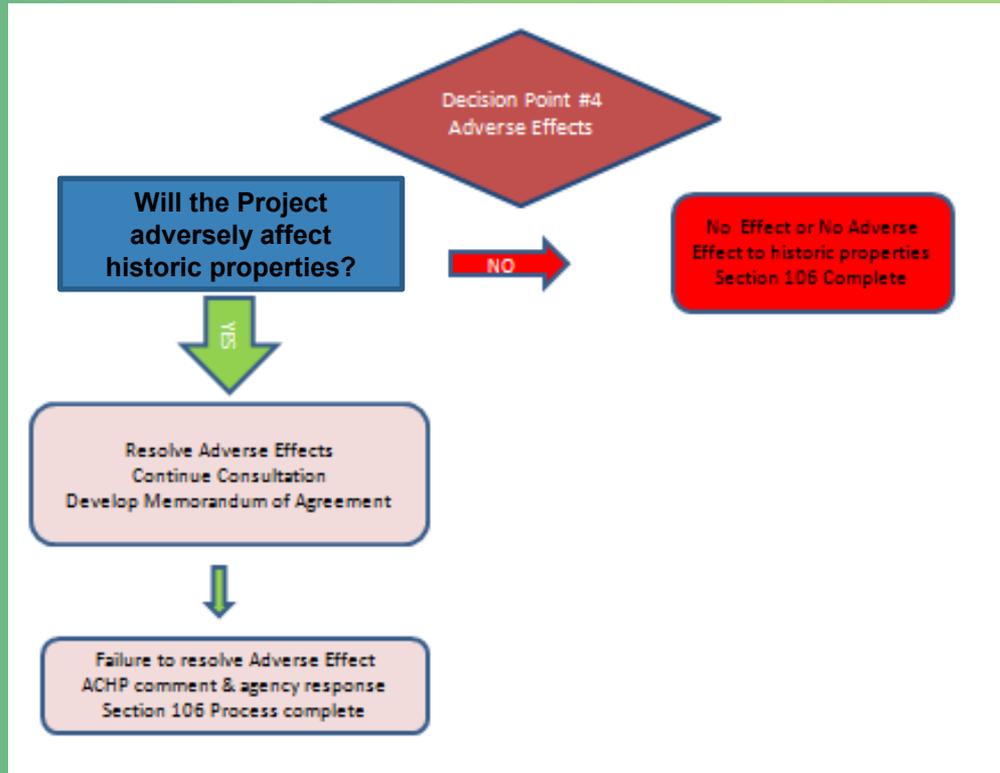
Determination of Effect is made by Lead Federal Agency

Avoidance- literally designing to avoid Adverse Effect

Minimization- designing to lessen Adverse Effect

Mitigation- offset Adverse Effects

Section 106 ≠ Section 4(f)



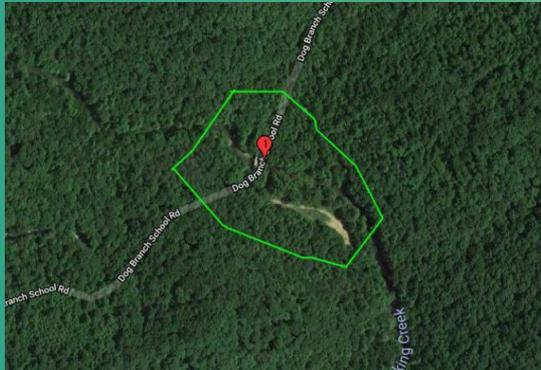
Cultural Historic

Sometimes it's called architectural history, cultural history, above-ground, historic architecture, etc. For the purposes of Section 106 review they all mean the same thing.

Cultural Historic Area of Potential Effect is based on direct impacts, visual impacts, or noise. Existing conditions (intrusions, natural or manmade barriers) are taken into account

Standard APE for most CEMP, CE Level 1, and CE Level 2 projects is 150' on either side of proposed centerline

APE may be large and more complicated depending on the size and scope of the project



Cultural Historic

Identifying historic properties

What is a historic property?

What is eligible for the National Register?

Who decides?

What if I disagree?-"That looks like a good meal for termites"

Who are Consulting Parties and why do we have to work with them?

What does an Adverse Effect mean to the project?

What if plans change or new areas of right of way or easement are added?

Early coordination saves schedules!

Examples of Historic Properties



CREDIT: Belinda Mollard

You know you are an Archaeologist...

Facebook page, 12/6/16

ARCHAEOLOGIST



What my friends think I do



What my parents think I do



What the public thinks I do



What developers think I do



What I think I do



What I really do

What we look at:

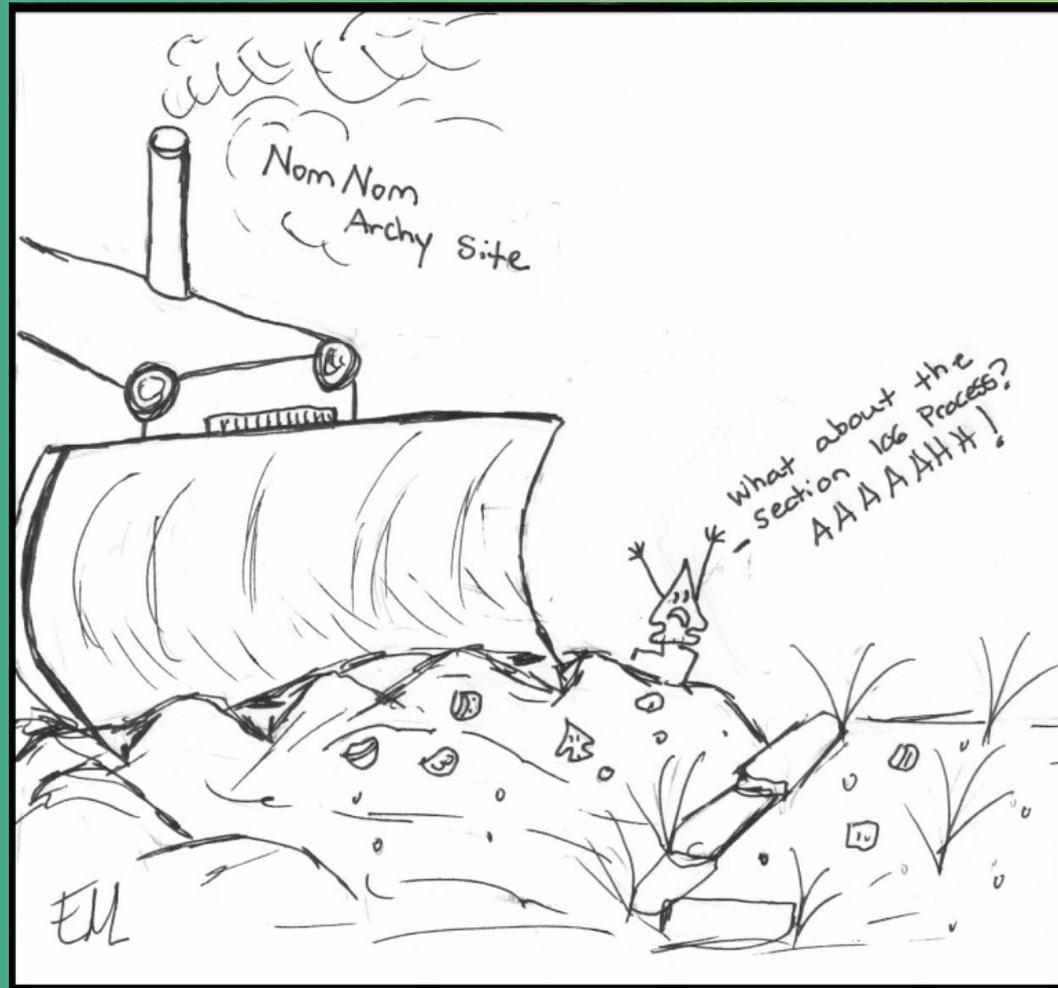
Archaeology: The Area of Potential Effect is based on the maximum area of impacts – whether that is the disturb limits, new right-of-way, easements (temporary or permanent), whichever is greatest. **We also include staging areas!**

Types of Archaeological Sites



Archaeological review and investigations **MUST** occur **BEFORE** ground disturbing activities begin

Once the ground is disturbed, we have to assume sites were present, and assume Adverse Effect. This costs the project time and money.



CREDIT: <https://troweltales.com/tag/archaeological-sites/>

IMPORTANT ODDS AND ENDS:

Programmatic Agreement

Consulting Parties

Excess Material Areas

Cemeteries

Revised Plans

Lack of Transparency and Poor Communication



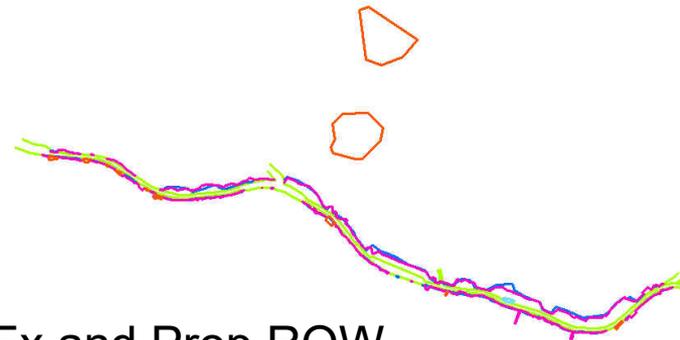
2019 Revised Plans



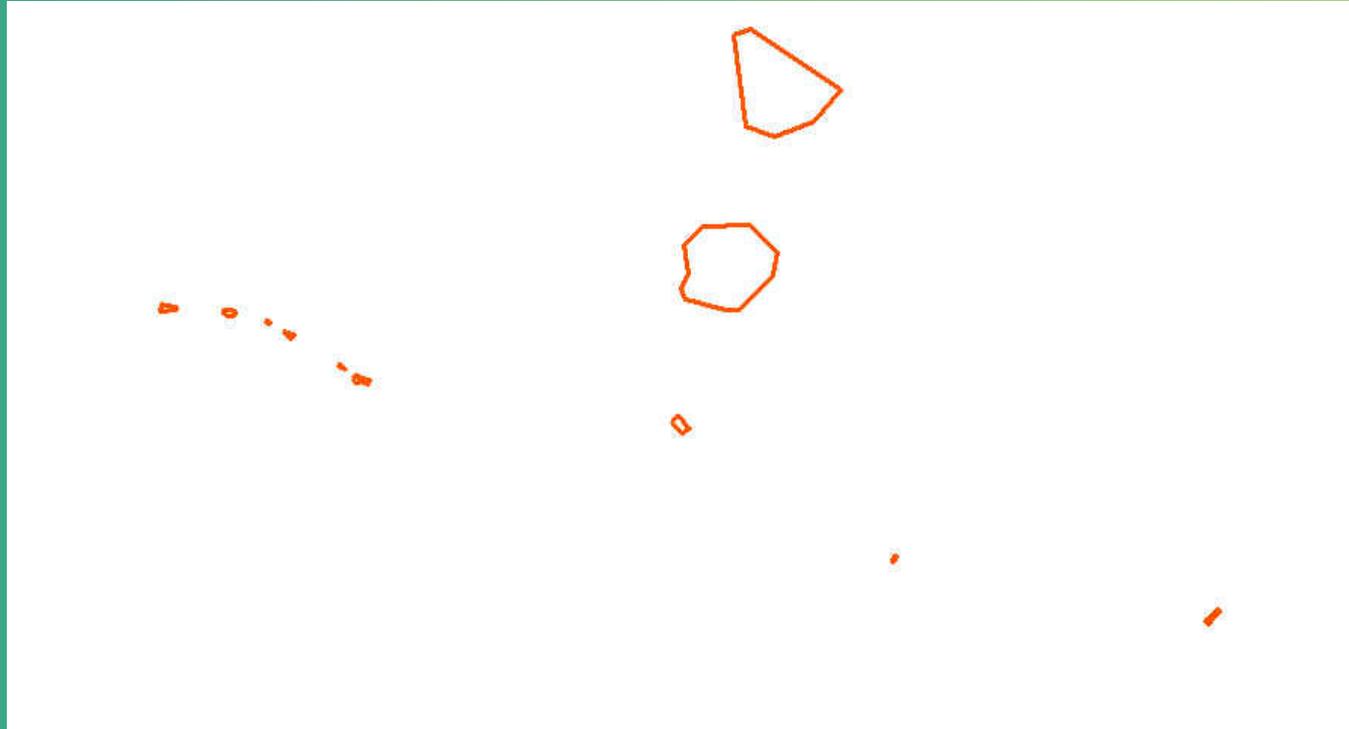
2016 Plans



Ex. ROW



Ex and Prop ROW (2016 and 2019)



Areas to be Surveyed – 2019

Participate in Archaeology Events!!!

- Public Dig – Corn Island Archaeology

- **SEPT 13 @ NOON**

- Gaslight Festival

- 10320 Watterson Tr., Louisville

- Wickliffe Mounds State
Historic Site **SEPT. 21!!!**

- Archaeology Day

<https://parks.ky.gov/parks/historicsites/wickliffe-mounds/events.aspx>

- Red River Gorge Geological
Area, Daniel Boone National
Forest

- Living Archaeology
Weekend **SEPT. 21!!!**

<https://www.livingarchaeologyweekend.org/>

QUESTIONS?

Thank you!

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<https://transportation.ky.gov/EnvironmentalAnalysis/>