

I-471/KY 8 Interchange Modification Project

National Historic Preservation Act

Section 106 Review

Invitation to Consulting Parties

Interstate I-471 at KY 8 Interchange

Newport, Campbell County, KY



Kentucky Transportation Cabinet

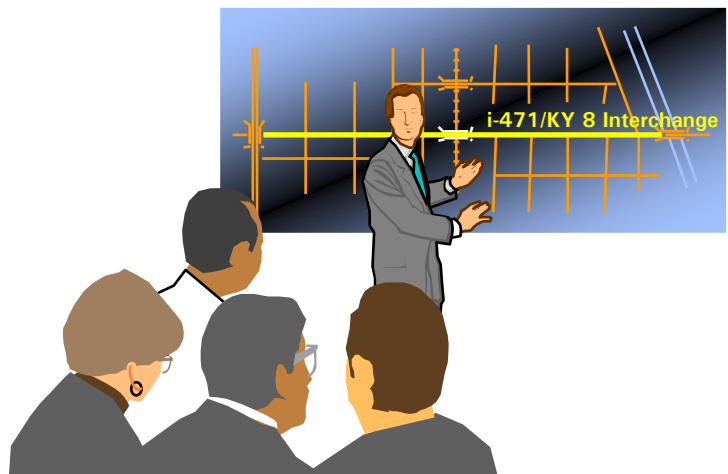


INTRODUCTION

The Kentucky Transportation Cabinet has undertaken an engineering and environmental study of operational improvements to the I-471/KY 8 interchange in the City of Newport, Campbell County, Kentucky. An aerial photograph of the project study area is attached. The result of the Study will be an Interchange Justification Study that will evaluate traffic, geometrics, and land use issues associated with adding a new or reconstructed interchange to the Interstate Highway Systems. An Environmental Assessment will also be developed to describe the effects of the federally-funded project on the surroundings. As a result of these efforts, the Kentucky Transportation Cabinet, in consultation with the Federal Highway Administration, will determine the most reasonable and feasible improvement alternative for the I-471/KY 8 interchange.

PURPOSE OF THIS MEETING

One purpose of this public information meeting is to provide an opportunity for individuals, acting on their own behalf or representing a group or governing body, to learn about the historic resource mitigation process and to identify means for their participation in the process. The Section 106 Review process being presented at this meeting is designed to address these adverse effects, seek strategies to mitigate or minimize these effects, and provide a framework for project implementation. The end result of this coordination process is a Memorandum of Agreement that is acceptable to all parties and can guide the continued development of the project.



The enclosed materials cover the following topics relative to the historic resources coordination process and I-471/KY 8 interchange modifications:

- An explanation of the National Historic Preservation Act's Section 106 Review process to consider measures to mitigate or minimize the effects of the roadway improvements on historic resources
- An explanation on how to become a consulting party in the Section 106 Review process
- Names and addresses for the cooperating agencies working on this process.

Project details, and other project reports and maps may be reviewed at the Transportation Cabinet's District 6 Office at I-75/I-71 and Buttermilk Pike, Mondays through Fridays during regular business hours.

NATIONAL HISTORIC PRESERVATION ACT SECTION 106

The National Historic Preservation Act establishes a program for the preservation of historic properties. Section 106 refers to the Federal review process designed to ensure that historic properties are considered during project planning and implementation involving Federal agencies. The Section 106 Review process is administered by the Advisory Council on Historic Preservation, an independent Federal agency acting as the major policy advisor to the Government on historic preservation including oversight of the National Historic Preservation Act and Section 106 Reviews

The following is a summary of the Section 106 process as codified in Section 36 of the Code of Federal Regulations Part 800.

PURPOSE OF THE NATIONAL HISTORIC PRESERVATION ACT SECTION 106 REVIEW

The purpose of the Section 106 Review is to:

1. Take into account the effects of federal undertakings, such as the I-471/KY8 interchange modification project, on historic properties and afford the Advisory Council on Historic Preservation an opportunity to comment on the project.
2. Accommodate preservation and development through the federal agency's consultation with state and local government officials and the Public.

PARTICIPANTS IN THE SECTION 106 REVIEW PROCESS**Federal Highway Administration (FHWA)**

- Has the statutory obligation to fulfill requirements of Section 106.
- Must coordinate Section 106 with other federal laws, including the National Environmental Policy Act (NEPA) which requires the preparation of the Environmental Assessment for the I-471/KY 8 interchange modification project.

Kentucky Transportation Cabinet (KYTC)

- FHWA delegates implementation of the Section 106 Review process to this state-level cooperating transportation agency.
- Advises and assists federal agencies with their Section 106 obligations.

Advisory Council on Historic Preservation (ACHP)

- ACHP serves as a primary policy advisor to the President and Congress on historic preservation matters.
- ACHP may involve itself in the Section 106 process when it is determined that the federal undertaking will have substantial impacts on important historic properties. Otherwise ACHP delegates involvement to the State Historic Preservation Office, the State-level historic preservation agency.
- Provides advice, guidance, and assistance to all participants.

Kentucky Heritage Council/State Historic Preservation Office (SHPO)

- SHPO coordinates the State's historic preservation program in conjunction with ACHP.
- Represents the interests of ACHP in protecting historic resources when ACHP delegates Section 106 oversight.
- Consults with, advises, and assists state and federal agencies with their Section 106 obligations.

Consulting Parties

- Local Governments
 - Are consulting parties for undertakings on land under their jurisdiction.
- Additional Consulting Parties
 - Parties who have a legal or economic relation to the affected properties.
 - Those with a concern about the undertaking's effects on historic properties.

THE STEPS IN THE SECTION 106 REVIEW PROCESS

The Section 106 Review process began when FHWA and KYTC began to study the project. Through this study, they have identified that the potential interchange modifications may affect historic resources in the project area. This process continues at the same time as the engineering and environmental studies. The following is a summary of the steps required to complete the process.

Initiation

- Section 106 is initiated when FHWA and KYTC determines that a federally-funded project has the potential to affect historic properties.
- FHWA and KYTC are required to coordinate the Section 106 Review with NEPA and Section 4(f) of the U.S. Department of Transportation Act of 1966.
- FHWA and KYTC must also identify the appropriate SHPO and initiate consultation.

Identification of Historic Properties

- In consultation with SHPO, FHWA and KYTC identify historic properties and districts within an area of potential effect.
- Properties and districts are evaluated using criteria applying to the National Register of Historic Places.

Determination of Effects

- Once historic properties or districts are identified, FHWA, KYTC, and SHPO determine the potential for adverse effects.
- If the project will have adverse effects, consultation must continue in order to resolve the adverse effects.

Resolution of Adverse Effects

- FHWA and KYTC consult with SHPO and other consulting parties about how to avoid, minimize, or mitigate adverse effects.
- FHWA notifies ACHP of adverse effects and invites the Council to participate in resolving the effects.
 - Resolution of adverse effects is developed in the form of a Memorandum of Agreement explained below.
- Additional parties may be invited to be consulting parties.
- FHWA, KYTC, SHPO, and consulting parties develop the Memorandum of Agreement.
- FHWA, KYTC, and SHPO sign the Memorandum of Agreement.

The Memorandum of Agreement

- Governs the implementation of the project to mitigate and minimize its adverse effects on historic properties.
- Evidences FHWA's compliance with Section 106.
- Becomes the binding agreement with ACHP.
- Completes the Section 106 process when agreed to and signed by FHWA, KYTC, SHPO, and ACHP (if participating in the process).
- Consulting parties are invited to concur in the Memorandum of Agreement but are not signatories.
- If terms of the agreement cannot be met and problems cannot be solved by amendments to the Memorandum of Agreement, FHWA must then execute a new Memorandum of Agreement through consultation or they may request ACHP to comment on resolution of the potential adverse effects.
- FHWA and KYTC must provide copies of the Memorandum of Agreement to all consulting parties.

HOW TO BECOME A CONSULTING PARTY

The Section 106 Review process requires that FHWA seek comment on the effects of the I-471/KY8 Modification Project on the historic resources/properties located in the area. FHWA must consult with officials of the local governments of Campbell County, and others, who have jurisdiction or other legal interests in the Section 106 Review process in the Project area.

Others may be invited to participate as consulting parties subject to approval by FHWA, KYTC, and SHPO. Others who may be invited to become consulting parties include individual property owners, business owners, members of neighborhood groups, historic preservation groups, or concerned citizens.

Individuals or groups seeking to become consulting parties should have a demonstrated legal, economic, or preservation interest in the affected properties.

REQUEST TO BE A CONSULTING PARTY

To be a consulting party, use the attached example letter to submit your request within **10 business days** to:

Ms. Stacey Hans
Environmental Coordinator
Kentucky Transportation Cabinet
Department of Highways
District 6 Offices
421-423 Buttermilk Pike
P. O. Box 17130
Covington, KY 41017

LETTERS MUST BE POSTMARKED NO LATER THAN MONDAY, DECEMBER 18th

In the letter you should describe your interest in the project and its effects on historic properties.

- State what your legal interest is.
- State what economic interest you have.
- State your affiliation as a member or representative of a neighborhood group or a Historic Preservation Society.

If you have an affiliation with an organization, name the organization and include an address and telephone number. Make sure to include all the information necessary for the cooperating agencies to recognize your interest in addressing the adverse effects of the project on the area or the properties of specific interest to you or your group.

Make sure to include the project description, I-471/KY 8 Interchange Modification Project, and Item No. 6-8104.00 in your written request.

CONSULTING PARTY RESPONSIBILITIES AND COMMITMENTS

As a consulting party your responsibilities and commitments will be to:

- Attend all meetings scheduled to structure the Memorandum of Agreement
- Receive, review, and comment on all pertinent information
- Help to develop strategies and measures with potential for mitigating or minimizing adverse effects to all historic properties and districts
- Participate in the resolution of all details
- Receive, review, and comment on all drafts and the final version of the Memorandum of Agreement.

COORDINATING AGENCIES' REPRESENTATIVES**Ms. Carol Callan-Ramler, P.E.**

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Ms. Rebecca Turner

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Others to Contact**Mr. Michael Galbraith, AICP**

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