

Section 106
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Nebraska Department of Roads

Section 106
Stacy Stupka-Burda

National Historic Preservation Act

- ▶ First enacted in 1966



1-80 construction in Nebraska



Trenton Dam, Swanson Reservoir

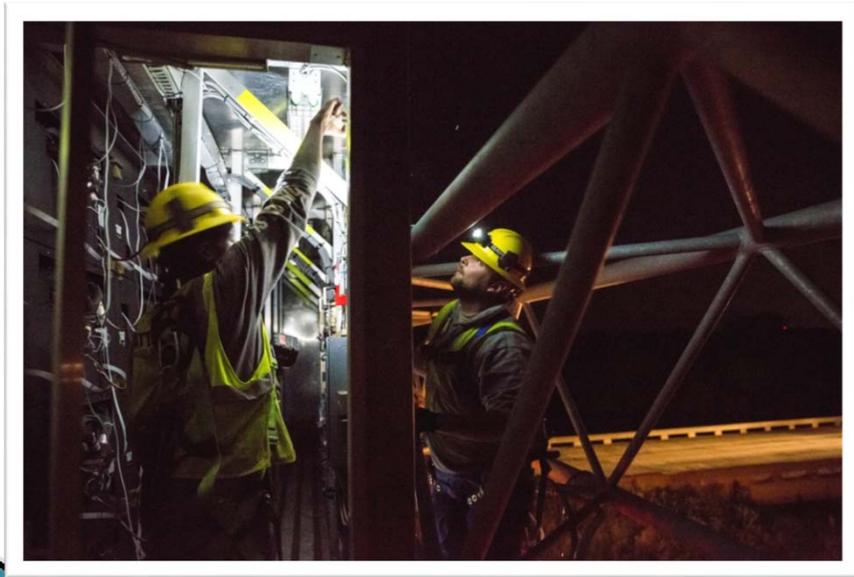
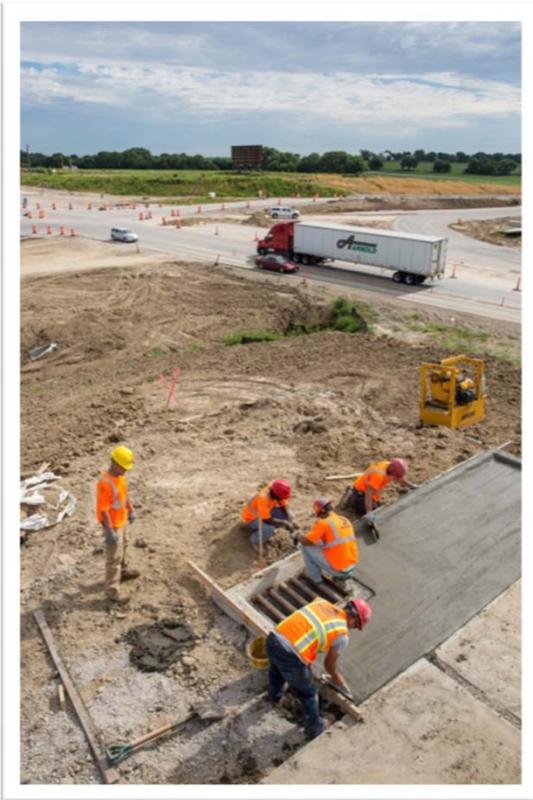
- ▶ Requires Federal agencies to take into account the effects of their undertakings on historic properties

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.



Cutting Back Slopes, Hall County
Federal Aid Project #3, circa 1920



NDOR photos by Dan Luedert

Section 106

- ▶ Establish Undertaking
- ▶ Determine whether or not projects activities have the potential to affect historic properties
- ▶ Identify historic properties
- ▶ Evaluate historic properties
- ▶ Determine the undertaking's effect on historic properties



Texas Trail Stone Corral, Chase County

“Historic Property”

- ▶ Buildings
- ▶ Structures
- ▶ Objects
- ▶ Sites
- ▶ Districts



Fillmore County Courthouse

Historic Property = a property included in, or eligible for inclusion in, the National Register of Historic Places (NRHP)

National Register of Historic Places

- ▶ The official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture



Wiseman Archeological Site
Cedar County



Harry T. Jones House, Seward



Loup River Bridge
Columbus

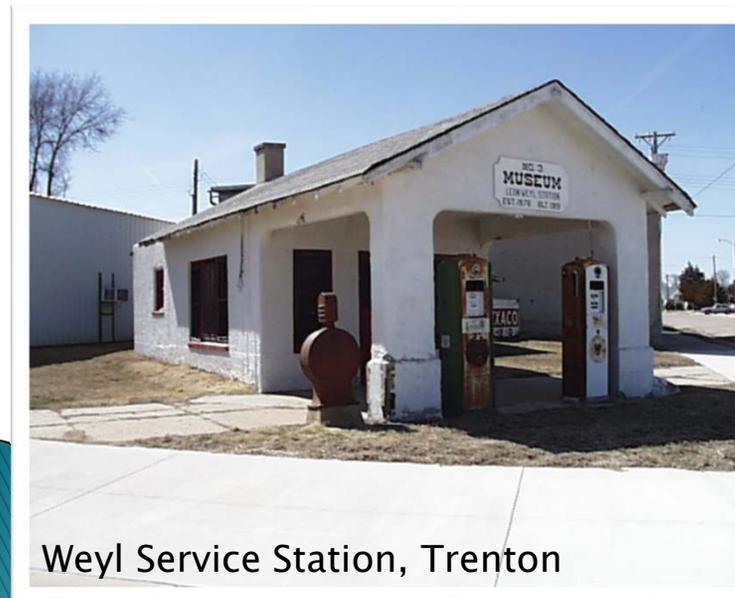
Buildings



Cook Bone Barn
Agate Fossil Beds National Monument



Ackerhurst-Eipperhurst Dairy Barn, Douglas County



Weyl Service Station, Trenton



Carnegie Library, North Bend

Structures



Meridian Highway, Pierce County



Old Lincoln Highway, Douglas County

Objects



Omaha-Lincoln-Denver Highway
Marker

Alliance Central Park Fountain



Nebraska-Kansas Public Land
Survey Marker

Richardson County, Nebraska
Brown and Doniphan Counties,
Kansas

Sites



Meismer Bison Kill Site
Keith County



Fort Mitchell
Scotts Bluff County



Diamond Springs
Stage Station
Keith County

Districts



Broad Street Residential District, Fremont



Alliance Commercial District

Section 106 Programmatic Agreement

Developed in consultation with:

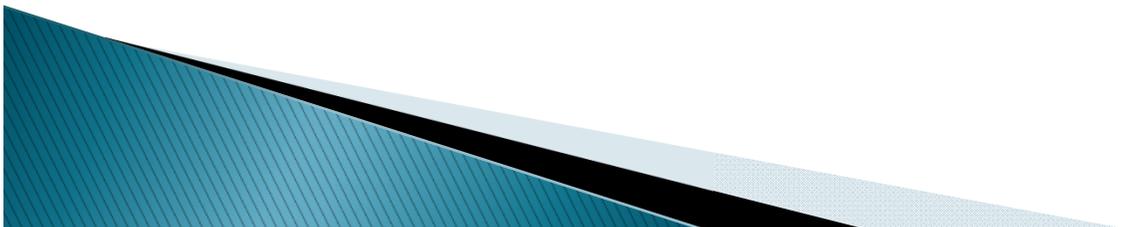
- Federal Highway Administration
- Nebraska State Historic Preservation Office
- Advisory Council on Historic Preservation



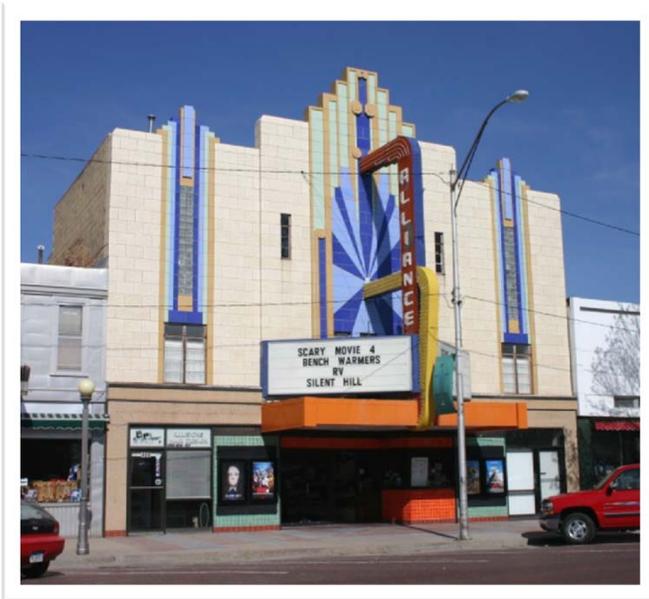
What It Is, What It Isn't

- ▶ The Section 106 regulations have not changed
- ▶ Our level of effort has not changed

-
-
- ▶ The method of documentation has changed
 - ▶ The level of outside agency review has changed



- ▶ Executed July 31, 2015
- ▶ Streamlines and standardizes survey products & assessments
- ▶ Will save review time



Alliance Theater, Alliance

- ▶ Establishes a tiered review system based upon determination of project effects
- ▶ Does not change the level of effort required to complete identification and evaluation of historic properties

Tier I

- ▶ No Potential to Affect Historic Properties
 - Installation of traffic signals, pedestrian signals*
 - Crack sealing, pothole repair, pavement marking*

*Provided there is no new ground disturbance and brick streets are not involved

Tier I & Tier II reviews are completed by the NDOR Section 106 Professionally Qualified Staff (PQS)

Tier II

- ▶ No Historic Properties Affected
 - Includes over 95% of NDOR projects

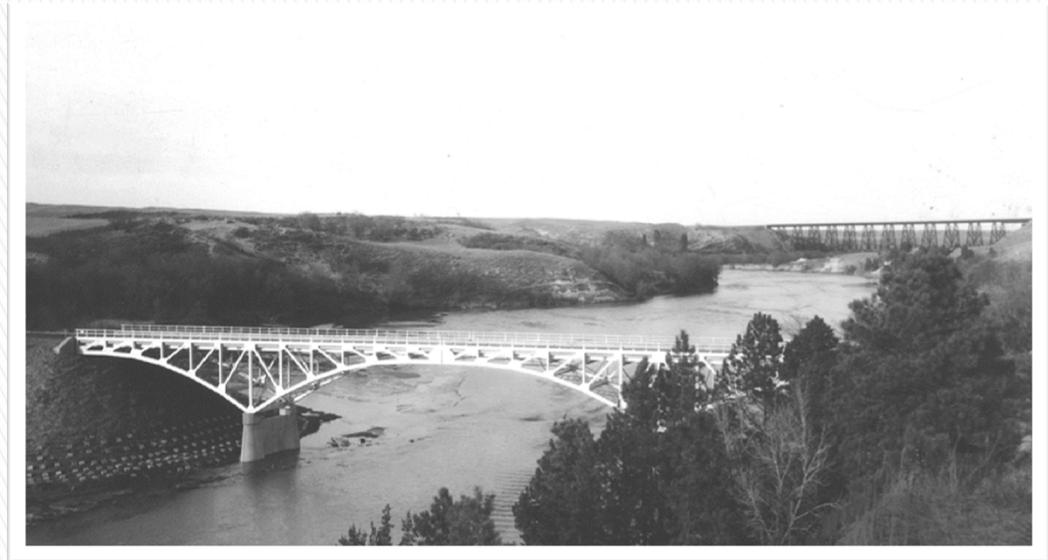


Snoke-Tate Farmstead, Cass County

Tier III

- ▶ No Adverse Effect
- ▶ Adverse Effect

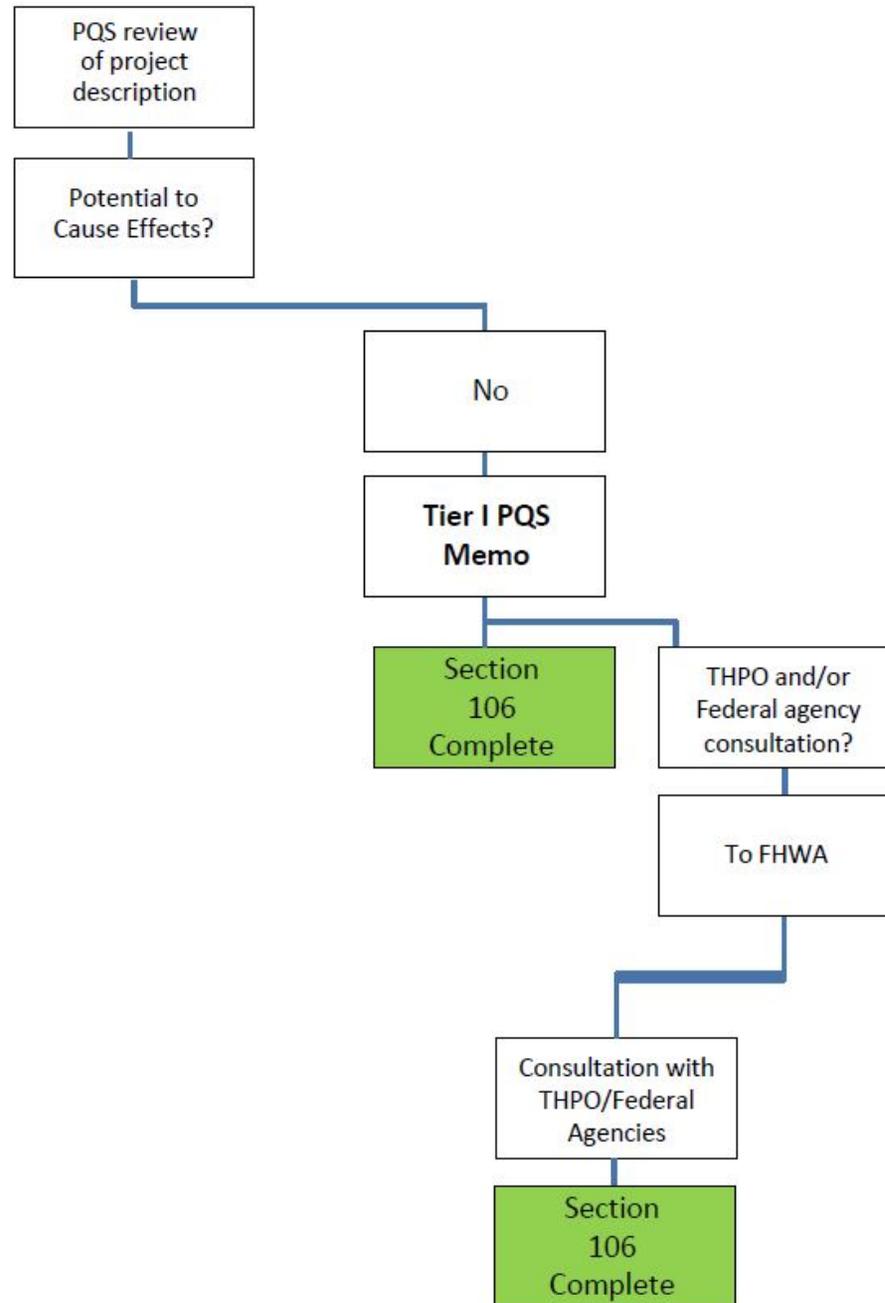
Bryan Bridge, Cherry County



- ▶ Review completed by NDOR PQS
- ▶ Submitted to FHWA for review and approval
- ▶ Concurred upon by SHPO/THPO

NDOR's Section 106 Process

Tier I



Tier I PQS Review Memo



NDOR Section 106 - Tier I Review Memo No Potential to Cause Effects to Historic Properties

Control Number _____	Project Number _____	Review Date _____
Project Name _____		Project Location _____
Date of Project Description Reviewed _____		<input type="checkbox"/> Project Description Attached <input type="checkbox"/> Tier I Project
THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	
THPO/Tribes(s): _____	CLG: _____	
Date Correspondence Sent: _____	Date Correspondence Sent: _____	
THPO/Tribal response date: _____	CLG response date: _____	
THPO/Tribal comment: _____	CLG comment: _____	

Please Note: For the criteria below to be valid, any all ground disturbance would be limited to the depth of the existing fill material. Ground disturbance would not exceed the depth of the existing fill material.

Check all that apply:

- 1. Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.
- 2. Traffic Signals, intersection lighting, pedestrian signals, underpass lighting, or railroad lighting within existing right-of-way. Conditions: In

- 9. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.
- 10. Improvements to existing maintenance facilities, rest areas (excludine I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 11. Repair/Replacement of at-grade railroad crossing gates, lights, signs, and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 12. Grants for training, education and research programs which do not involve construction.
- 13. Purchase of equipment or materials which do not involve construction.
- 14. Visual Bridge Inspections.

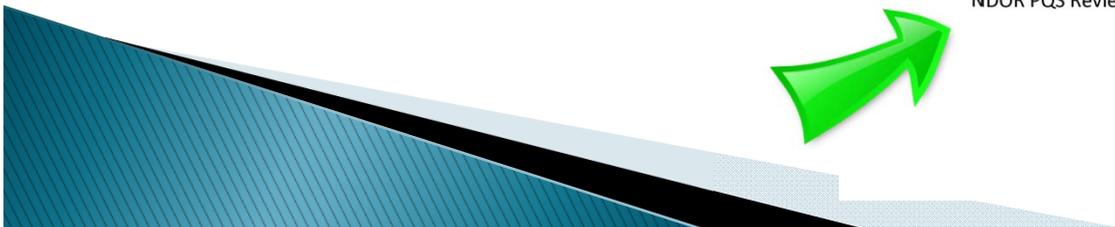
NDOR PQS Review

NDOR PQS Review

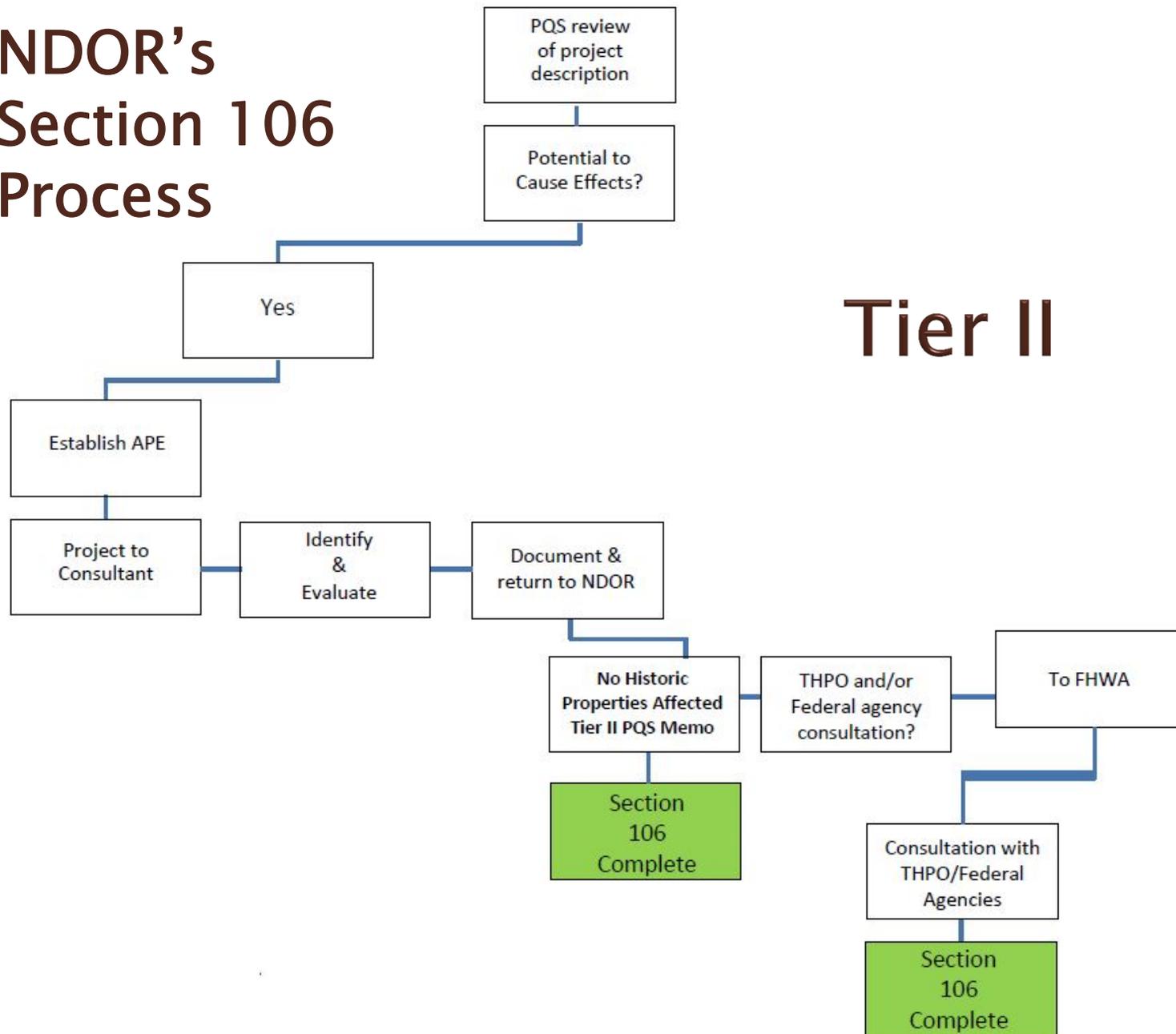


Tier I Project

No Potential to Cause Effects



NDOR's Section 106 Process



Tier II



Tier II PQS Review Memo



NDOR PQS Project Review Memo Section 106 - Tier II Project

Control Number _____ Project Number _____ Review Date _____
Project Name _____ Project Location _____
Date of Project Description Reviewed _____
Project Results in no historic properties affected No Yes Tier II Project

THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes
THPO/Tribes(s): _____	CLG: _____
Date Correspondence Sent: _____	Date Correspondence Sent: _____
THPO/Tribal response date: _____	CLG response date: _____
THPO/Tribal comment: _____	CLG comment: _____

Other Consulting Parties Identified:

Tier II Project

No Historic Properties Affected

Project would result in "no historic properties affected: No Yes

Tier II Project Evaluation Complete

NDOR PQS Review

Date



Tier II Projects

- ▶ May have a THPO concurrence date
- ▶ May require Certified Local Government (CLG) consultation
- ▶ May have construction commitments

Project results in no historic properties affected No Yes Tier II Project

THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes
THPO/Tribes(s): <input type="text"/>	CLG: <input type="text"/>
Date Correspondence Sent: <input type="text"/>	Date Correspondence Sent: <input type="text"/>
THPO/Tribal response date: <input type="text"/>	CLG response date: <input type="text"/>
THPO/Tribal comment: <input type="text"/>	CLG comment: <input type="text"/>

Other Consulting Parties Identified:

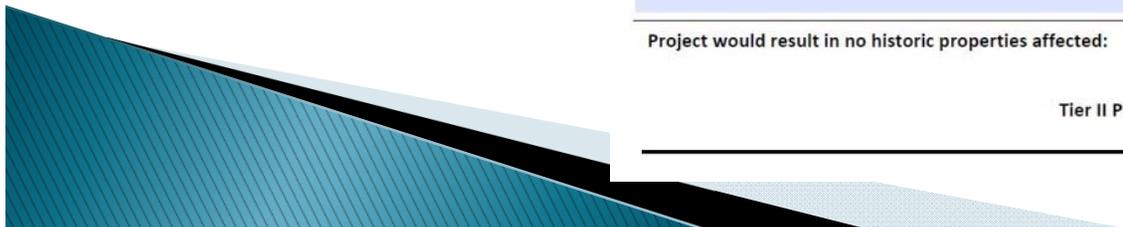
Construction Commitments: No Yes

If Yes, detail here:

APE considered is consistent with 36 CFR 800.16()

Project would result in no historic properties affected: No Yes

Tier II Project Evaluation Complete



Tier II No Historic Properties Affected

- ▶ No Historic Properties within the APE
- ▶ Historic Properties within the APE but project does not affect them

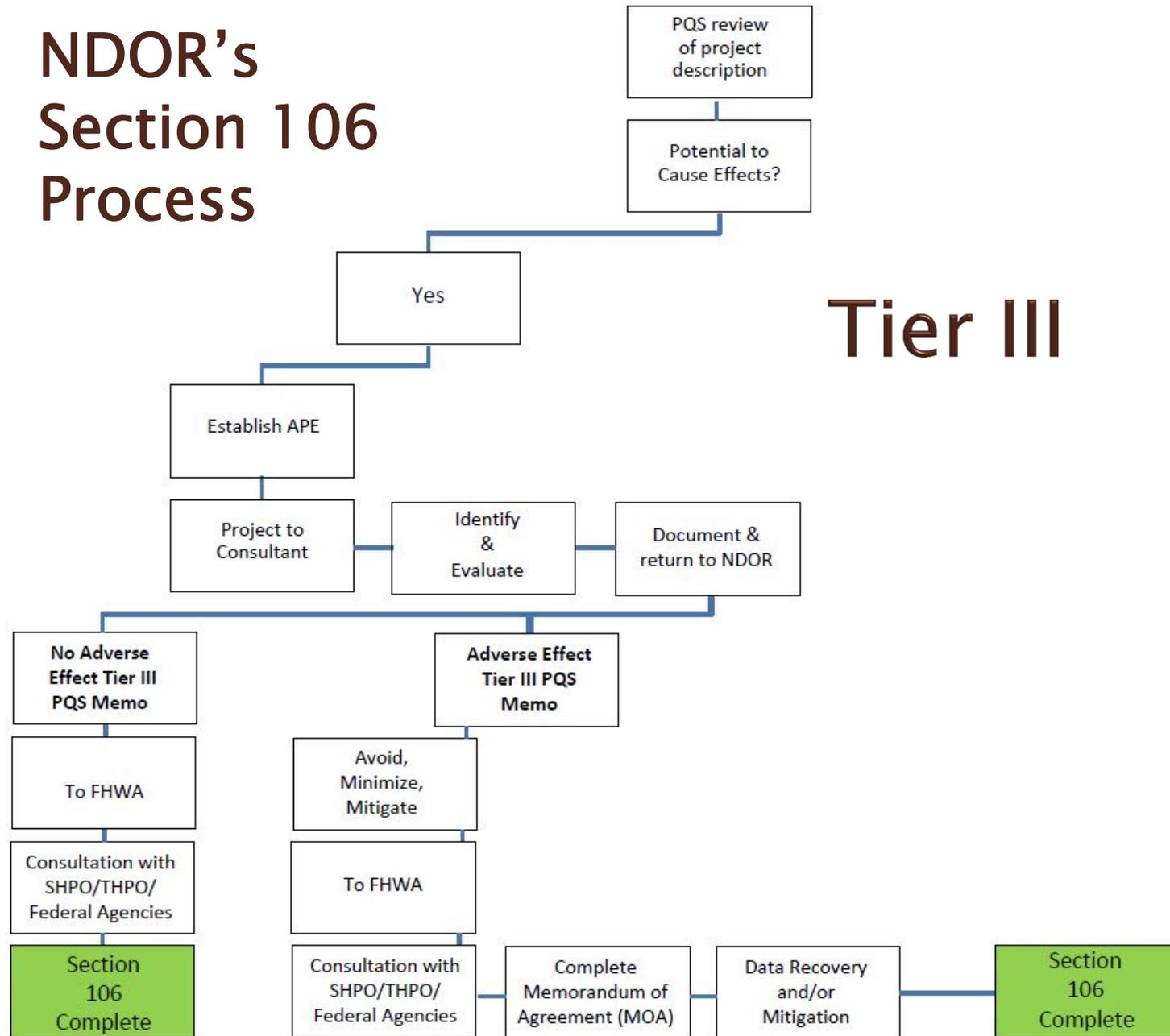
Tier II vs Tier III

Tier III No Adverse Effect Adverse Effect

- ▶ Always Historic Properties
- ▶ No Adverse Effect: Undertaking may affect historic properties, but does not alter those characteristics that make the historic property a good candidate for NRHP listing
- ▶ Adverse Effect: Undertaking alters those characteristics that make a property a good candidate for NRHP listing

NDOR's Section 106 Process

Tier III



Construction Commitments: No Yes

If Yes, detail here:

Project would result in: _____

Provide narrative supporting "no adverse effect" finding or detail efforts to avoid an "adverse effect" finding:

If an "adverse effect" detail mitigation:

Section 4(f)

Does a Significant archeological site located within the APE of this project warrant preservation in place? No Yes

If yes, archeological site number: _____

NDOR PQS Review

Date

Tier III Project

No Adverse Effect

Or

Adverse Effect



Project would result in: _____

Provide narrative supporting "no adverse effect" finding or detail efforts to avoid an "adverse effect" finding:

If an "adverse effect" detail mitigation:

Section 4(f)

Does a Significant archeological site located within the APE of this project warrant preservation in place? No Yes

If yes, archeological site number: _____

NDOR PQS Review

Date

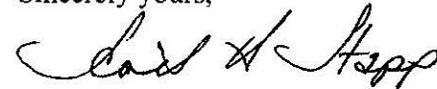


Tier III Projects

- ▶ May have construction commitments
- ▶ May have mitigation requirements
- ▶ May need public involvement to meet Section 106 regulations
- ▶ Will have SHPO/THPO concurrence date
- ▶ May require Certified Local Government (CLG) consultation

If you have any questions regarding this information do not hesitate to contact me.

Sincerely yours,



Scott H. Stapp
Environmental Protection Specialist

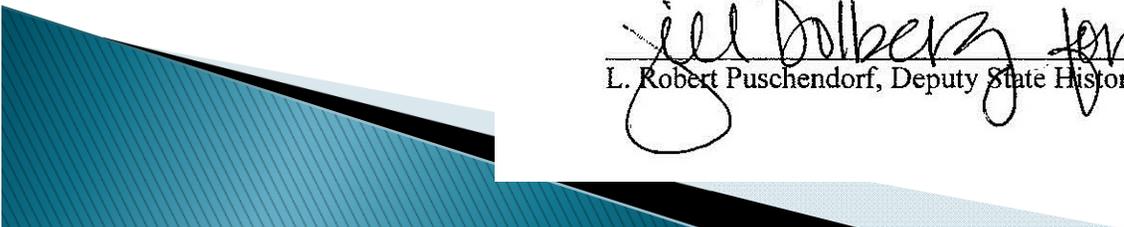
Enclosures

CONCUR:



L. Robert Puschendorf, Deputy State Historic Preservation Officer

7-16-15
Date



Questions?

