

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

WHEREAS, the Federal Highway Administration (FHWA), under the authority of 23 U.S.C. 101 et seq., implements the Federal-aid Highway Program (Program) in the State of Missouri by funding and approving state and locally sponsored transportation projects that are administered by the Missouri Department of Transportation (MoDOT); and

WHEREAS, the Missouri FHWA Division Administrator is the "Agency Official" responsible for ensuring that the Program in the State of Missouri complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, 36 CFR § 800, as amended (August 5, 2004); and

WHEREAS, the responsibilities of the Missouri State Historic Preservation Officer (SHPO) under Section 106 of the NHPA and 36 CFR 800 are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within thirty (30) days; and

WHEREAS, the Missouri Highways and Transportation Commission (MHTC) is the board that governs MoDOT, appoints the Director and authorizes the Statewide Transportation Improvement Program (STIP), and acting by and through MoDOT, has participated in the consultation and has been invited to be a signatory to this Programmatic Agreement (Agreement); and

WHEREAS, MoDOT administers Federal-aid projects throughout the State of Missouri as authorized by Title 23 U.S.C. 302 and

WHEREAS, MoDOT is to ensure MoDOT's Local Public Agency (LPA) Program is in conformance with state and federal laws and regulations while adhering to MoDOT/FHWA Stewardship & Oversight (S&O) agreement and the stipulations of this Agreement apply to LPA undertakings; and

WHEREAS, FHWA has determined that implementation of the STIP in Missouri may have an effect upon properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has consulted with the list of federally recognized tribal nations in Attachment 1, the SHPO, and the Advisory Council on

Historic Preservation (ACHP) pursuant to Section 800.14(b)(2) of the regulations implementing Section 106 of the NHPA; and

WHEREAS, FHWA has consulted with Federally-recognized tribal nations (Attachment 1) with historic, ancestral, and ceded land connections to Missouri about this Agreement, and has requested their comments, has taken any comments received into account, and these Tribes have been invited to be a signatory or concurring party to this Agreement; and

WHEREAS, Miami Tribe of Oklahoma and Peoria Tribe of Indians of Oklahoma (Tribes) have formally accepted to be an Invited Signatory to this Agreement; and

WHEREAS, each Tribe that has formally accepted to be an Invited Signatory to this Agreement and will have separate responsibilities described in Stipulation III. Responsibilities; and

WHEREAS, the Iowa Tribe of Kansas and Nebraska and the Shawnee Tribe have formally accepted to be a Concurring Party to this Agreement; and

WHEREAS, FHWA shall continue consultation through standard 36 CFR 800 procedures with tribal nations that decline the invitation to be an invited signatory or concurring party of this Agreement; and

WHEREAS, pursuant to the consultation conducted under 36 CFR 800.14(b), the signatories have developed this Agreement in order to establish an efficient and effective program alternative for taking into account the effects of the Program on historic properties in Missouri and for affording the ACHP a reasonable opportunity to comment on undertakings covered by this Agreement; and

WHEREAS, FHWA has notified Federal and State agencies about this Agreement, has requested their comments, and has taken any comments received into account; and

WHEREAS, FHWA has notified Certified Local Governments (CLG) about this Agreement, has requested their comments, and has taken any comments received into account; and

WHEREAS, FHWA has solicited public participation about this Agreement, has requested their comments, and has taken any comments received into account; and

WHEREAS, FHWA solicited public comment following MoDOT Public Involvement Plan as listed in the MoDOT Engineering Policy Guide (EPG), EPG 129 Public Involvement on **XX-XX-XXXX** and all comments can be found in Attachment 4; and

WHEREAS, this Agreement will supersede the following previous programmatic agreements: Programmatic Agreement Among the Federal Highway Administration, the Missouri Highway and Transportation Commission, the Advisory Council on Historic Preservation and the Missouri State Historic Preservation Office for Minor Highway Projects (Executed December 29, 2023) and Programmatic Agreement Among the Federal Highway Administration, the Missouri

Highway and Transportation Commission, the Advisory Council on Historic Preservation and the Missouri State Historic Preservation Office for the Phased Identification and Evaluation of Historic Properties(Executed August 1, 2019); and

WHEREAS, FHWA has delegated certain Section 106 responsibilities to MoDOT, which are discussed below; and

NOW, THEREFORE, FHWA, SHPO, ACHP, Miami Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma and MHTC agree that the Program in Missouri shall be carried out in accordance with the following stipulations in order to take into account the effects of the Program on historic properties in Missouri and that these stipulations shall govern compliance of the Program with Section 106 of the NHPA until this Agreement expires or is terminated.

To aid the signatories of this Agreement, the stipulations are organized in the following order:

- I. Applicability and Scope
- II. Professional Qualifications Standards
- III. Responsibilities
- IV. Consultation with Tribes
- V. Participation of Other Consulting Parties and the Public
- VI. Project Review
- VII. Emergency Situations
- VIII. Treatment of Human Remains
- IX. Post-Review Discoveries
- X. Curation of Archaeological Materials
- XI. Reporting
- XII. Resolving Objections to Implementation of this Agreement
- XIII. Amendments
- XIV. Termination
- XV. Confidentiality
- XVI. Duration
- XVII. Execution

STIPULATIONS

The FHWA, with the assistance of MoDOT, shall ensure that the following measures are carried out:

I. APPLICABILITY AND SCOPE

- A. This Agreement sets forth the process by which the FHWA, and MoDOT as delegated, will meet its responsibilities pursuant to Section 106 and 110 of the NHPA (54 U.S.C. §§ 306102 and 306108) for all FHWA projects implemented through MoDOT. This Agreement establishes the basis for considering the effects of FHWA

- projects on historic properties and establishes procedures to implement Section 106 for the review of such projects by the FHWA, Tribes, SHPO, ACHP, and MoDOT.
- B. The objective of this Agreement is to consolidate existing Section 106-related agreements and streamline the methods by which FHWA and MoDOT review individual undertakings that may affect historic properties and to establish the process by which FHWA, Tribes, SHPO, ACHP, and MoDOT will be involved in any such review.
 - C. Through this Agreement, FHWA delegates MoDOT to initiate and, in many cases, conclude consultation with the Tribes, SHPO, and other consulting parties for purposes of compliance with Section 106 of the NHPA.
 - D. Cooperating Federal Agencies who designate FHWA as the lead Federal agency for an undertaking may fulfill their obligations under Section 106 of NHPA according to 36 CFR 800.2(a)(2), provided that FHWA and MoDOT follow the requirements of this Agreement and the cooperating agency's undertaking does not have the potential to cause effects to historic properties beyond those considered by FHWA and MoDOT.

II. PROFESSIONAL QUALIFICATIONS STANDARDS

- A. Actions prescribed by this Agreement that involve the identification, evaluation, recording, treatment, monitoring, or disposition of historic properties, or that involve the reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meets the Secretary of the Interior's Professional Qualifications Standards (SOI) (published in 48 FR 44738-44739) for the resource being considered.
- B. However, nothing in this stipulation may be interpreted to preclude FHWA or MoDOT or any agent or contractor thereof from using the services of persons who do not meet these qualifications standards if under the direct, in field supervision of an SOI qualified professional. This requirement is listed in MoDOT Requests for Proposals (RFP) and all Scope of Work (SOW) for all MoDOT work. All work conducted by MoDOT Historic Preservation (HP) Specialists hired after 2022 will also require direct, in field supervision of an SOI qualified professional.
- C. Non-SOI qualified MoDOT HP Specialists hired prior to 2022 are not excluded from conducting the work as outlined in Stipulation II.B.
- D. All reviews and determinations of project effects and historic resource eligibility for MoDOT projects will be made by SOI qualified professionals.
- E. Tribal participation will be conducted by individuals qualified and approved by the Tribal Nation and are not required to meet the standards defined in Stipulation II A.

FHWA and/or MODOT will defer to the Tribes to determine how individuals from the Tribe will be designated.

III. RESPONSIBILITIES

The following section identifies the responsibilities of FHWA, MoDOT, SHPO, ACHP and Tribes in complying with the terms of this Agreement.

A. FHWA Responsibilities

1. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(a)(1-4), FHWA remains responsible and legally liable for ensuring that the terms of this Agreement are carried out. At any point in the Section 106 process, FHWA may inquire as to the status of any undertaking carried out under the authority of this Agreement and may participate directly in any undertaking at its discretion.
2. FHWA retains the responsibility for government-to-government consultation with Tribes as defined in 36 CFR 800.16(m).
3. FHWA shall be responsible for resolving disputes and objections pursuant to Stipulation XII of this Agreement.

B. MoDOT Responsibilities

Under the authority of FHWA, MoDOT may carry out the following steps with respect to undertakings covered by this Agreement. Assignment of these responsibilities is based on adequate and appropriate performance by SOI Qualified MoDOT HP Specialists (per Stipulation II), as evaluated in monitoring by FHWA pursuant to Stipulation VI of this Agreement.

1. Determine under 36 CFR 800.3(a) whether the undertaking is a type of activity that has the potential to cause effects on historic properties.
2. In consultation with SHPO:
 - a. MoDOT will determine whether the undertaking has the potential to affect historic properties on historic, ancestral, and ceded lands of Tribes, as described in 36 CFR 800.3(c).
3. Solicit public comment and involvement in accordance with 36 CFR 800.3(e) and MoDOT's Public Involvement Plan found in MoDOT's EPG 129 on the MoDOT website. Process for solicitation is described in Stipulation IV and V of this Agreement.
4. Except as identified in Stipulation VI, identify additional consulting parties, as described in 36 CFR 800.3, and invite them to participate in the undertakings covered by this Agreement.

5. Determine and document, in consultation with the Tribes and SHPO, the scope of identification efforts and level of effort, including the undertaking's Area of Potential Effects (APE), as described in 36 CFR 800.4(a) and (b).
6. Determine whether historic properties may be affected by the undertaking by applying the criteria of adverse effect, as described in 36 CFR 800.5(a)(1).
7. MoDOT HP Specialists or SOI qualified professionals hired and overseen by MoDOT HP Specialists shall oversee the LPA Section 106 compliance.
8. In consultation with any other consulting parties resolve adverse effects, as described in 36 CFR 800.6.
9. Copy FHWA on all correspondence sent out on its behalf and to maintain project files (e.g. letters to SHPO and Tribes).
10. MoDOT, in consultation and seeking concurrence with FHWA, Tribes, and SHPO, will write a Tribal Consultation Manual to further guide tribal consultation within MoDOT within three (3) years of the signing of this Agreement.

C. SHPO Responsibilities

1. SHPO shall respond within thirty (30) days of receipt of a request for review of eligibility determination and effect finding.
2. If the SHPO reviewer requires additional information or clarification it will make the request to MoDOT by email and respond within thirty (30) days of receipt of the supplemental information.

D. Miami Tribe of Oklahoma

1. The Miami Tribe of Oklahoma will provide to MoDOT current maps and lists of Missouri counties that are within the areas of concern to the Tribe.
2. The Miami Tribe of Oklahoma shall consult with MoDOT early in the project planning process to identify an undertaking's APE, cultural concerns, confidentiality, or other concerns within counties of interest.
3. The Miami Tribe of Oklahoma shall review documentation provided for an undertaking to assess the potential to affect historic properties within areas of historic and cultural importance to the Miami Tribe.
4. The Miami Tribe of Oklahoma shall make a good faith effort to respond within thirty (30) business days of receipt of a request for review of eligibility and effect finding within counties of interest.
5. If the Miami Tribe of Oklahoma Tribal Historic Preservation Office requires additional information, clarification, or time for review they will make the request to MoDOT by email or phone call.
6. The Miami Tribe of Oklahoma will consult with FHWA, Tribes, the SHPO, MoDOT, the ACHP (if it has chosen to participate), and other consulting parties, as appropriate, to resolve adverse effects to historic properties of concern to the Miami Tribe.

7. Miami Tribe of Oklahoma representatives will not act as a representative of any other Tribe who is a party to this Agreement without that Tribe's express authorization in writing. Copies of such authorization will be provided to MoDOT.
8. The Miami Tribe of Oklahoma's designated point(s) of contact for this Agreement shall make every effort to attend meetings and cooperate in the development of agreements.
9. When the Miami Tribe of Oklahoma aids in the identification, evaluation, assessment of effects, and treatment of cultural resources, historic properties, or human remains, the Miami Tribe's authorized representatives need not meet Federal and/or state professional qualification standards for historic preservation or any other technical or professional discipline.
10. During the period of project planning and construction, the Miami Tribe of Oklahoma will submit any requests for rights of entry to view impacted historic properties or human remains to the MoDOT.

E. Peoria Tribe of Indians of Oklahoma

F. ACHP Responsibilities

1. The ACHP will respond to notifications of findings of adverse effect by FHWA and invitations to participate in resolving the adverse effect of an undertaking in accordance with 36 CFR 800.6(a)(1).
2. The ACHP will participate, in accordance with Stipulation XII, in the resolution of disputes that may occur through the implementation of this Agreement.

IV. CONSULTATION WITH TRIBES

- A. FHWA shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with Tribes pursuant to the NHPA. Notwithstanding any other provision of this stipulation, FHWA shall honor the request of any Tribe for government-to-government consultation regarding a project covered by this Agreement.
- B. FHWA retains the responsibility to consult Tribes as required under 36 CFR Part 800, as amended. MoDOT may assist FHWA if individual Tribes agree to alternative procedures in lieu of those defined in this Agreement.
- C. FHWA may ask MoDOT to assist in coordination with individual Tribes that prefer government-to-government consultation with FHWA with approval by the respective Tribes.
- D. In accordance with 36 CFR 800.3(f)(2), MoDOT and FHWA will invite Tribes that might attach religious and cultural significance to historic properties in the APE to be consulting parties (See Attachment 1).

- E. MoDOT shall ensure that consultation with Tribes is initiated early in the project planning process to identify an undertakings' APE, cultural, confidential, or other concerns, and to allow adequate time for consideration. The Tribal Notification Form can be found in Attachment 2.
- F. MoDOT shall ensure that consultation continues with Tribes throughout the Section 106 review process prescribed by this Agreement whenever such Tribes express a concern about historic properties that may be affected by an undertaking. Any Tribe that objects to a project review process can follow the steps defined in Stipulation XII of this Agreement.
- G. MoDOT, in consultation with FHWA, shall seek advice from Tribes to help identify and evaluate historic properties.
- H. Tribes may request to monitor any proposed action during archaeological investigation or construction. Discussions among the Tribes, FHWA, and MoDOT will determine the scope of the monitoring and whether it is a reimbursable expense.

V. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

In addition to the previously named consulting parties, other agencies, groups, and individuals may be identified as consulting parties and can be involved as Invited Signatories or Concurring Parties to this Agreement, as defined by 36 CFR800.6(a)(2).

A. Additional Consulting Parties

- 1. On LPA undertakings, the local sponsor will be a consulting party and invited signatory to any agreement document for that specific undertaking.
- 2. Any land-managing agency whose land may be affected by an undertaking shall be invited by MoDOT to participate in the Section 106 process.
- 3. MoDOT, on behalf of FHWA, will initiate consultation with the local elected official with jurisdiction over the project area, the Certified Local Government (CLG) representative, if the project is located in a CLG, Metropolitan Planning Organizations (MPO), Regional Planning Commissions/Regional Councils of Government (PRC/RCOG) and the local historical society for projects with new rights of way and bridge projects where the bridge is not covered by the Interstate Exemption or the Program Comment for Post-1945 Concrete and Steel Bridges.
- 4. For projects involving truss bridges, MoDOT will initiate consultation with the Historic Bridge Foundation.
- 5. For projects associated with Route 66, MoDOT will consult with the Route 66 Association of Missouri and Route 66 The Road Ahead Partnership.
- 6. In consultation with the Tribes and SHPO, MoDOT will identify other individuals and organizations with a demonstrated interest in an undertaking to be consulting parties and invite them to participate in consultation about a project.

7. Written requests by other individuals, organizations, and agencies to become consulting parties will be evaluated on a case-by-case basis by MoDOT and FHWA in consultation with the Tribes and SHPO.

B. Public Involvement

1. Consistent with current state and federal laws and regulations and MoDOT policy, FHWA and MoDOT shall, through the opportunities afforded by MoDOT project development process, seek and consider the views of the public, including municipalities and other interest groups. Public involvement in planning and implementing undertakings covered by this Agreement shall be governed by FHWA's and MoDOT's environmental compliance procedures. MoDOT's Public Involvement Plan provides guidance for identifying, informing, and involving the public (available online in MoDOT's Engineering Policy Guide Category:129 Public Involvement).
2. MoDOT shall continue to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, and the likely interest of the public in the effects on historic properties, to remain consistent with the intent of 36 CFR Part 800, as amended.
3. MoDOT shall make FHWA, the Tribes, and SHPO aware of public controversy (i.e., disputes concerning a matter of opinion that may affect a population/community or may bring involvement from other agencies and/or elected or government officials) as it relates to the historic properties potentially affected by proposed undertakings, including properties of religious and/or cultural significance to the Tribes.

VI. PROJECT REVIEW

This sets forth the process by which the FHWA will meet its responsibilities under Sections 106, with the assistance of the MoDOT, for highway projects of the Program. The following process establishes the basis for MoDOT's internal review of individual projects and establishes how the FHWA, Tribes, and SHPO will be involved in project review and monitoring.

MoDOT shall carry out the identification and evaluation of historic properties as part of its Section 106 review process in accordance with 36 CFR 800.4.

A. Determining Scope of Identification Efforts

1. Establishing the Area of Potential Effects (APE)
 - a. On behalf of the FHWA, MoDOT shall follow the procedures in 36 CFR 800.4(a) to determine and document an undertaking's APE as defined in 36 CFR 800.16(d).

- b. For large or complex projects when there is public controversy, issues of access for inventory and evaluation, or concerns over delineating whole properties, MoDOT shall consult with the SHPO and Tribes and present a proposed APE boundary for the project.
 - c. For all other projects that do not conform to Stipulation VI(A)(1)(b), a separate meeting with SHPO and Tribes to discuss the APE is not necessary. A detailed written description and map for the APE boundary shall be included with the Tribal Notification (Attachment 2), the cultural resource survey report and/or other Section 106 documentation for the project.
 - d. MoDOT shall afford identified consulting parties an opportunity to comment on the APE for all projects.
2. Categories Excluded from Further Review
- MoDOT HP Specialists will make a determination that an undertaking is a Minor Transportation Project and a type of activity/activities with minimal or no potential to affect historic properties and exclude it from further review. As such, the undertaking will not require additional Section 106 review or consultation with SHPO as long as the undertaking is limited to the activities specified in Appendices A, B, and C meets all of the terms and conditions in Appendices A, B, and C and is not part of a larger undertaking. MoDOT may add additional activities to the list in Appendices A, B, and C upon written notice and concurrence by the Signatories and Invited Signatories to this Agreement. Projects that fall under the activities listed in Appendices B and C will be reported in accordance with Stipulation XI. Projects comprising additional activities not included in Appendices A, B, and C shall be subject to review as provided for in 36 CFR 800.16(d) and Stipulation VI of this Agreement.
- a. Projects with No Potential to Cause Effect
 - i. Projects with no potential to cause effect according to 36 CFR 800.3(a)(1) are defined as those actions that by their nature, will not result in effects to historic properties. FHWA defines these projects as only non-construction related activities. For example, purchasing equipment, planning, and design all fall under this portion of the regulation and do not require any further obligations under Section 106. All other federal undertakings must comply with 36 CFR 800, including any maintenance, new construction, and all construction related actions.
 - b. Projects Not Reviewed by MoDOT Historic Preservation Staff
 - i. The signatories and invited signatories to this Agreement agree that minor projects limited to the activities listed in Appendix A shall require no consultation with SHPO, Tribes, and the public.
 - ii. For projects that are limited to the activities listed in Appendix A, no review or written documentation will be required by MoDOT HP Specialists as the project is unlikely to affect historic properties.

- iii. MoDOT may add additional activities to the list in Appendix A following the process in Stipulation XIII of this Agreement and with written concurrence of the signatories and invited signatories.

c. Projects with Limited Potential to Cause Effects

- i. Certain projects have little potential to affect historic properties, whether or not there may be historic properties in the project area. The signatories and invited signatories to this Agreement agree that minor projects limited to the activities listed in Appendix B will require no consultation with SHPO, Tribes, and the public once the undertaking has been reviewed by MoDOT SOI Qualified HP Specialists to ensure that the project meets the following categories listed in Appendix B and that the location or nature of the activity is such that it is unlikely to affect an historic property.
 - a. MoDOT HP Specialists will record documentation of review of Appendix B projects in the RES/RER system.
- ii. If at any time during the project development, information becomes available that would make this procedure inapplicable, Section 106 review shall be initiated by MoDOT on behalf of FHWA in accordance 36 CFR 800.16(d) and Stipulation VI of this Agreement.
- iii. Any project identified during the early consultation process by a Tribe as a project of concern will require additional consultation and is no longer considered a project with little potential to cause adverse effects and shall be subject to review as provided for in 36 CFR 800.16(d) and Stipulation VI of this Agreement.
- iv. MoDOT may add additional activities to the list in Appendix B following the process in Stipulation XIII of this Agreement and with written concurrence of the signatories and invited signatories.
- v. For projects that are limited to the activities listed in Appendix B, MoDOT will document its finding as stated in Appendix B and Stipulation VI.
- vi. Review of Projects with Little Potential to Cause Effects will be conducted according to the following process (Appendix B):
 - a. Projects will be identified at the earliest point possible. Once enough information is available to begin a review, MoDOT HP Specialists will evaluate the project to determine:
 - i. if the project can be processed under an existing agreement document
 - ii. if field work or a report may be required
 - iii. if project effects are of the type that could cause adverse effects to historic properties
 - iv. if listed or potentially eligible properties occur within or adjacent to the area of potential effects. If the area of potential effects has not yet been determined, a buffer of no less than 50 meters will be placed around the project

location to serve for the purposes of the initial project evaluation.

- d. Projects with Limited Potential to Cause Effects that require Tribal Consultation
 - i. The signatories and invited signatories to this Agreement agree that projects listed in Appendix C will require further coordination with the Tribes, but no further consultation with SHPO and the public once the undertaking has been reviewed by MoDOT SOI Qualified HP Specialists to ensure that the project meets the following categories listed in Appendix C and that the location or nature of the activity is such that it is unlikely to affect an historic property. MoDOT HP Specialists will determine if a project including the listed activities meets all of the terms and conditions in Appendix C provided that the activities are not located within or adjacent to a historic property and that no particular circumstances exist that would call for additional review.
 - ii. If no such circumstances exist, the MoDOT HP Specialists will document its finding that the project does not require any further SHPO review and maintain that document in the RES/RER system. Documentation will contain the project number, description of the activity or project activities listed in Appendix C, description of any step followed in the internal review process, and reference to this Agreement. If the project does not meet the terms and conditions for Appendix C, or if there are special circumstances, the project shall be reviewed under the provisions of Stipulation VI (B).
 - a. MoDOT HP Specialists will prepare a Tribal Notification form and provided it to FHWA. FHWA will initiate government-to-government consultation by supplying the Notification form to all Tribes that have expressed an interest in a particular county.
 - i. Projects will receive a clearance date of thirty (30) days from when the Tribal Notification is sent to Tribes from FHWA.
 - ii. Letters and Tribal Notifications sent to Tribes will explain the date that projects listed in Appendix C will be cleared utilizing this Agreement.

B. Identification and Evaluation of Historic Properties

If an undertaking does not meet the criteria of Appendix A, B, or C, MoDOT HP Specialists will employ a multi-disciplinary approach to meet the requirements of 36 CFR 800.3 and 36 CFR 800.4.

- 1. MoDOT shall identify historic properties that may be located within the APE. MoDOT shall determine the appropriate scope and type of identification efforts based on the magnitude of the project, the nature and extent of its potential effects

on historic properties, and the likely nature of historic properties within the APE. MoDOT shall consult formally or informally with SHPO to determine the level of effort to identify historic properties and associated survey methodology. MoDOT will undertake the Initiation of the Section 106 Process and the Identification of Historic Properties by carrying out the following steps in conformance with the process outlined in the regulations implementing Section 106:

- a. Initiate the Section 106 process in accordance with the procedures in 36 CFR 800.3, including establishing an undertaking exists, coordinating with other reviews, planning to involve the public, and identifying and inviting other consulting parties, as appropriate.
- b. Determine the project's APE, as defined in 36 CFR 800.16(d) and under the provisions stated in Stipulation VI.
- c. Review existing information on file including but not limited to SHPO's and MoDOT's GIS data, site forms, previous surveys within the APE, Tribes' knowledge of cultural resources, historical maps (i.e., U.S.G.S. topographic maps, county plats and atlases) and a review of modern-day and historical (if available) aerial photography. In addition, for bridge resources the MoDOT Transportation Management System is queried to identify the construction date and bridge type. For architectural resources, the SHPO Map Gallery and GIS data are consulted for NRHP listed districts and individually listed buildings adjacent to the project, and previous architectural surveys conducted adjacent to the project are also checked to determine if historic districts have been identified in the project area. Field investigations will be performed at the discretion of MoDOT's HP Specialists. If a Tribe requests a survey, MoDOT and FHWA shall consult with the Tribe before making a decision.
- d. Formal consultation letters are sent to any Tribe that has expressed an interest in a Missouri County early in the planning process as outlined in Stipulation IV and Attachment 2.
- e. Assess the likelihood that unidentified historic properties exist in the APE by examining archival maps and resources and aerial imagery.
- f. Determine the degree of existing disturbance within the APE by performing a desktop and/or field inspection, as needed and determine whether an archaeological or historic architectural survey is needed.
- g. Perform archaeological or historic architectural field reconnaissance and/or intensive surveys, as warranted, in conformance with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation: Identification* (1983, as revised in the 48 FR 44716), the Missouri SHPO's *Guidelines for Phase I Archaeological Surveys and Reports* and MoDOT's *Built Environment Resource Survey and Documentation Methods* (Attachment 5).

2. Eligibility Evaluations and Assessments of Effect

- a. As part of MoDOT's identification under Stipulation VI of this Agreement, staff, in consultation with SHPO, Tribes, and other consulting parties will

apply the NRHP criteria in 36 CFR 60.4 to properties identified within the APE that have not been previously evaluated to determine if such properties are NRHP eligible in accordance with 36 CFR 800.4(c)(1), and, if so, make the eligibility determination. If properties not previously evaluated are found to not be NRHP eligible in accordance with 36 CFR 800.4(c)(2), MoDOT will document this work as part of their assessment of effect.

- b. MoDOT recognizes Tribes' special expertise in assessing the eligibility of historic properties identified by them to be of significant cultural, traditional, and/or religious value.
- c. If steps followed under Stipulation VI(A) suggests that a project may affect historic properties, MoDOT will apply the criteria of adverse effect in 36 CFR 800.5(a) in consultation with the SHPO, Tribes, and other consulting parties, as appropriate, to assess the need for any additional investigation and assess NRHP eligibility in accordance with 36 CFR 800.4.
- d. Should any signatory party object to MoDOT or FHWA determination of eligibility after attempting to resolve the matter through additional consultation, FHWA will follow the steps under Stipulation XII.
- e. If a property's eligibility status is undetermined, it will be treated as if it is eligible until further review of property and consultation with SHPO and Tribes can be completed.

C. Results of Identification and Evaluation and the Finding of Effect

- 1. If there are cultural resources identified within or adjacent to the APE:
 - a. MoDOT's SOI Qualified HP Specialists will apply the NRHP Evaluation Criteria in consultation with the SHPO, Tribes, and other consulting parties, as appropriate, to assess the need for any additional investigation and determine eligibility for listing in the NRHP in accordance with 36 CFR 800.4.
 - b. If the APE contains, or is adjacent to, properties of traditional cultural and religious significance to Tribes, FHWA will continue consultation with Tribes to identify and evaluate these properties.
- 2. *No Historic Properties Affected.* For those undertakings in which there are no historic properties within the APE, MoDOT's HP Specialists may issue a finding of "no historic properties affected" and will consult with the SHPO, Tribes and other consulting parties.
- 3. *No Adverse Effect to a Historic Property.*
 - a. MoDOT will apply the Criteria of Adverse Effect to any historic properties in consultation with the SHPO, Tribes, and other consulting parties, as appropriate, in accordance with 36 CFR 800.5.
 - b. MoDOT shall include the following documentation in the administrative record:
 - i. All relevant records on consultation
 - ii. All records on efforts to identify historic properties

- iii. All findings of eligibility.
 - iv. All findings of effect.
 - v. All records on resolving adverse effects including compliance with stipulations for no adverse effects with conditions findings.
 - c. If MoDOT has a project that it believes will have no adverse effect on a historic property, provided certain commitments are fulfilled through the construction process, consultation and documentation of the no adverse effects finding shall be conducted in the following manner:
 - i. Consultation with SHPO, Tribes, and consulting parties regarding no adverse effect to historic properties in the APE. The consultation shall be documented by MoDOT HP Specialists via e-mail to FHWA, SHPO, Tribes, and the consulting parties and shall succinctly describe the undertaking, historic properties, and avoidance measures for the no adverse effect prior to the Section 106 submittal.
 - ii. The Section 106 submittal must include a summary of the commitments made to avoid or minimize adverse effects to historic properties, including the use of Job Special Provisions (JSP), project plan notes, redesign, or other measures. Drafts of the JSP shall be included in the Section 106 submittal when possible.
 - iii. MoDOT HP Specialists will include all commitments to avoid the adverse effect in the MoDOT RES/RER project development system.
4. *Adverse Effect to a Historic Property.*
- a. MoDOT will apply the Resolution of Adverse Effect to any historic properties in consultation with the SHPO, Tribes, and other consulting parties, as appropriate, in accordance with 36 CFR 800.6.
 - b. MoDOT will seek ways to avoid, and when not possible minimize, any adverse effects on historic properties during the project development process and document these efforts in the Section 106 submittal to SHPO, Tribes, and other consulting parties.
 - c. For all undertakings in which MoDOT, in consultation with SHPO, Tribes and other consulting parties, have determined that adverse effects to historic properties cannot be avoided, MoDOT's HP Specialists will notify FHWA, and FHWA will notify the ACHP of the finding of adverse effect and consult with the SHPO, Tribes, and other consulting parties in order to resolve adverse effects and conclude the Section 106 process in accordance with 36 CFR 800.6.

D. Project Re-evaluation

- 1. If MoDOT project plans change, project scopes change, or a new project element is added to an undertaking during or after completion of Section 106 review, MoDOT HP Specialists for archaeology and historic architecture shall re-assess the previous findings issued by their respective specialties to determine if the findings remain valid or if additional survey or effects assessment is required.

2. MoDOT and FHWA will notify Tribes and SHPO in writing with description of project change and will include a previous project map and new project map showing the change, and the re-evaluation findings.
 - a. Projects will be resubmitted to the SHPO for Section 106 review following the process described in Stipulation VI.
3. When a project undergoes an environmental re-evaluation, then MoDOT, in consultation with FHWA, will review the project scope change in consultation with SHPO, the Tribes and other consulting parties following Stipulation IV and Section 106 requirements.

VII. EMERGENCY SITUATIONS

For the purposes of this Agreement, emergencies are defined as occurrences that require emergency highway system and facility repairs that are necessary to 1) protect the life, safety, or health of the public; 2) minimize the extent of damage to the highway system and facilities; 3) protect remaining highway facilities; or 4) restore essential traffic. In the first thirty (30) days of an emergency situation, MoDOT shall take actions necessary to remove debris and repair existing bridges and roadways to a usable condition (i.e., up to pre-damaged condition). The emergency situations that MoDOT has dealt with most in the past are caused by flooding and tornados. The following stipulations apply to emergency situations:

- A. In accordance with 36 CFR 800.12(d), emergencies that are defined by immediate rescue and salvage operations conducted to preserve life or property such as necessitated by natural disaster or other catastrophic events, are exempted from the provisions of Section 106 and this Agreement.
- B. MoDOT shall provide written notification of an emergency action to the SHPO and Tribes within ten (10) days of the emergency action. The notice shall be clearly identified with: "Emergency action: 72-hour response required." The notice shall also include an explanation of how the action meets the requirements for emergency, a brief description of the activity, eligibility and/or significance of identified cultural resource(s) involved, and any anticipated effect of the emergency action on the identified cultural resource(s).
- C. For projects where the repair must be made within the first thirty (30) days of the occurrence of the event that caused the emergency or the declaration of the emergency by an appropriate authority, FHWA, the Tribes, and SHPO will be notified at the onset and the Section 106 process will happen concurrently. In these cases, MoDOT will comply with the procedures in Stipulation VI of this Agreement to the extent possible. If Section 106 reviews are not possible prior to the emergency work, they will be conducted after the work is completed.
- D. For projects taking longer than thirty (30) days for repair, these will not be covered by this Stipulation and instead MoDOT shall comply with the procedures in Stipulation VI.

- E. For emergency erosion control measures such as the placement of riprap or grout bags to prevent undermining or other major damage to bridges, dams, or roadways caused by flooding events, may occur under Stipulation VII(A).

VIII. TREATMENT OF HUMAN REMAINS

- A. The FHWA recognizes that any human remains (other than from a crime scene or covered under Missouri's Cemeteries Law, §§ 214. RSMo) that may be discovered during project activities and are located on non-federal land are subject to the immediate jurisdiction of the SHPO (Missouri Unmarked Human Burial Sites Act, §§ 194.400 – 194.410, RSMo).
 - 1. All discoveries of human remains shall be treated as sensitive information and shall not be made available to the public.
 - 2. Local law enforcement will be notified first following MoDOT procedures at any time human remains are encountered.
- B. Native American skeletal remains, associated or unassociated funerary objects, sacred objects, and objects of cultural patrimony that may be discovered during the archaeological survey, testing, or data recovery excavations on federal land are the responsibility of the federal agency that manages that property (per NAGPRA 43 CFR 10.4(d)). FHWA, in consultation with the involved Federal land-managing agency will notify any Tribe that might attach cultural affiliation to the identified remains as soon as possible but no later than three (3) working days after their identification. FHWA and the Federal land-managing agency shall seek consensus and incorporate identifications, recommendations, and Native American traditional knowledge regarding treatment of the remains and proposed actions, and then direct MoDOT to carry-out the appropriate actions within 48 hours of the determination. The Federal land-managing agency will have ultimate responsibility under NAGPRA to ensure consultations developing a NAGPRA Plan of Action are conducted according to any regulator timeline and reporting requirements.
- C. The USDOT is a signatory to the Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites to affirm their commitment to improve the protection of, and access to, Indigenous sacred sites through enhanced and improved interdepartmental coordination, collaboration, and action and to demonstrate their commitment through the early consideration of the protection and access to Indigenous sacred sites in agency decision-making and regulatory processes.
- D. During archaeological investigations no ground disturbing activities will take place within one hundred (100) meters (approximately 330 feet) of a documented or reputed mortuary site without consultation and seeking concurrence with interested Tribes.
- E. If human remains are encountered during archaeological investigations:

1. The archaeologists shall immediately stop all work within a one hundred (100)-meter (approximately 330-foot) radius of the remains and shall not resume without specific authorization from MoDOT HP Manager and either the SHPO or the local law enforcement officer, and if on federal land, the federal land-management agency, whichever party has jurisdiction over and responsibility for such remains.
2. MoDOT HP Specialists will notify the local law enforcement (to ensure that it is not a crime scene) and the SHPO as per the Missouri Unmarked Human Burial Sites Act §§ 194.400-194.410, RSMo and contact FHWA and Tribes that have expressed interest in Section 106 undertakings in the County the remains were found in, within twenty-four (24) hours of the discovery.
3. FHWA shall seek consensus and incorporate identifications, recommendations, and Native American traditional knowledge to seek consensus regarding treatment of the remains and proposed actions, and then direct MoDOT HP to carry-out the appropriate actions in consultation with the SHPO and Tribes within 48 hours of the determination.
4. Should, through consultation with Tribes, excavation be determined necessary, MoDOT will provide notification within twenty-four (24) hours to affiliated Tribes when physically transferring possession of ancestors or cultural items to SHPO for curation and continued consultation.
5. MoDOT, under FHWA oversight, shall ensure the reburial, recovery and/or handling of any such human remains and associated or unassociated funerary objects, sacred objects or objects of cultural patrimony, are handled, excavated or processed in accordance with the Missouri Unmarked Human Burials Sites Act §§ 194.400-194.410, RSMo and Tribes' preferences as determined in Stipulation VIII (E)(3) above.

B. If human remains are encountered during construction:

1. The contractor shall immediately stop all work within a one hundred (100)-meter (approximately 330-foot) radius of the remains and shall not resume without specific authorization from MoDOT HP Manager and either the SHPO or the local law enforcement officer, and if on federal land, the federal land-management agency, whichever party has jurisdiction over and responsibility for such remains.
2. The contractor shall notify the MoDOT Construction Inspector and/or Resident Engineer who will contact the MoDOT HP Section within twenty-four (24) hours of the discovery. In the interim before MoDOT HP staff or local law enforcement arrival, the MoDOT Construction Inspector and/or Resident Engineer will ensure no photographs are taken of the remains by any construction staff/contractors.
 - a. The MoDOT *Missouri Standard Specifications for Highway Construction* define these requirements for contractors in the event that human remains are encountered during construction.
3. MoDOT HP Specialists will immediately notify the local law enforcement (to ensure that it is not a crime scene) and the SHPO in accordance with the Missouri Unmarked Human Burial Sites Act §§ 194.400-194.410, RSMo or to notify

SHPO what has occurred if the remains are subject to by Missouri's Cemeteries Law, chapter 214. RSMo, and if on federal land, the federal land-management agency.

4. MoDOT HP Specialists will notify FHWA that human remains have been encountered within twenty-four (24) hours of being notified of the find.
5. If, within twenty-four (24) hours, the contractor is unable to contact appropriate MoDOT staff, the contractor shall initiate the involvement by local law enforcement and the SHPO. A description of the contractor's actions will be promptly made to MoDOT.
6. FHWA will notify any tribe that might attach cultural affiliation to the identified remains within twenty-four (24) hours after their identification.
7. FHWA shall seek consensus and incorporate identifications, recommendations, and Native American traditional knowledge regarding treatment of the remains and proposed actions, and then direct MoDOT HP to carry-out the appropriate actions in consultation with the SHPO and Tribes.
8. Should, through consultation with Tribes, excavation be determined necessary, MoDOT will provide notification within twenty-four (24) hours to affiliated Tribes when physically transferring possession of ancestors or cultural items to SHPO for curation and continued consultation.
9. MoDOT, under FHWA oversight, shall ensure the handling of any such human remains and associated funerary object, sacred object or objects of cultural patrimony in accordance with the Missouri Unmarked Human Burial Sites Act §§ 194.400-194.410, RSMo and Tribes' preference as determined in Stipulation VIII. (F)(7) above.

IX. POST-REVIEW DISCOVERIES

A. Planning for Subsequent Discoveries:

MoDOT shall include in any environmental document, contract, and specifications a plan for post-review discovery of historic properties. Implementation of the plan as originally proposed or modified as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR 800.4-6

B. If unevaluated cultural resources are encountered during construction:

1. The contractor shall immediately stop all work within a one hundred (100)-meter (approximately 330-foot) radius around the limits of the resource and shall not resume work without specific authorization from a MoDOT HP Section.
2. The contractor shall notify the MoDOT Resident Engineer or Construction Inspector, who shall contact the MoDOT HP Section within twenty-four (24) hours of the discovery.

3. MoDOT HP Section shall contact FHWA, Tribes and SHPO within twenty four (24) hours of learning of the discovery to report the discovery after a preliminary evaluation of the resource and reasonable efforts to see if it can be avoided.
 4. FHWA shall make an eligibility and effects determination based upon the preliminary evaluation and consult with MoDOT, Tribes and SHPO to minimize or mitigate any adverse effect.
 5. FHWA shall take into account Tribal recommendations regarding the eligibility of the property and proposed actions, and direct MoDOT to carry out the appropriate actions. The Council does not need to be notified if the SHPO, Tribes, and other parties agree to treatment plan.
 6. MoDOT shall provide FHWA and SHPO with a report of the actions when they are completed.
 7. Upon receipt, FHWA shall provide this report to the Tribes.
 8. MoDOT, in coordination with FHWA, will make this report available to the public and other consulting parties, if it is not limited by the requirements for confidentiality, as identified in Stipulation V.
- C. If the discovery is not limited by the confidentiality requirements of Section 304 of the NHPA and Stipulation XV of this Agreement, the public shall be notified of the late discovery, in the following manner:
1. MoDOT will only announce a late archaeological discovery to the public after consultation with FHWA, Tribes, and SHPO, to ensure resource concerns are addressed.
 2. Information on the discovery shall be posted to the MoDOT website associated with the project, if one exists. This information will include the nature of the discovery, how it is being treated, and the evaluation of it. The website will include information on how to contact the project manager or the MoDOT HP Section with comments or concerns about the discovery.
 3. MoDOT will issue a press release about the discovery. The press release will include the nature of the discovery, how it is being treated and the evaluation. The press release will include a way for the public to contact the project manager or the MoDOT HP Section, if they have comments or concerns about the discovery.

X. CURATION OF ARCHAEOLOGICAL MATERIAL

- A. All archaeological materials collected on archaeological sites owned or controlled by the MoDOT and related records resulting from research, surveys, and excavation under this Agreement shall be curated at the Rock Bridge Archaeological Curation Facility (RBACF), unless an agreement is reached with another curation facility, which would follow the policies of that institution. MoDOT shall ensure that all records and materials resulting from the archaeological investigations will be processed, prepared for curation, and curated in accordance with 36 CFR Part 79.

XI. REPORTING

- A. FHWA, Tribes, SHPO, and ACHP may review activities carried out pursuant to this Agreement. Annually, FHWA will convene a review meeting with all Agreement signatories to evaluate this Agreement. MoDOT will cooperate with FHWA, Tribes, SHPO and the ACHP in carrying out any requested monitoring and review responsibilities. Annual Review Meetings will be held virtually, no later than April 1 of each year.
 - 1. Following the meeting, the FHWA will prepare the meeting minutes summarizing the results of the annual review and ensure the minutes are distributed to all signatories, Tribes, and concurring parties.
- B. MoDOT shall prepare a written report annually on a calendar year basis. The report will provide a description of the number and types of projects that were reviewed during the calendar year. The report will also describe accomplishments/successes achieved over the course of the year as well as suggestions for improvements.
 - 1. The report will provide a description of the number and types of projects as listed in Appendix B and C and including any problems experienced and recommendations for modification or improvement.
 - 2. MoDOT shall submit the annual reports to FHWA, Tribes, SHPO, and ACHP no later than March 31 of each year.

XII. RESOLVING OBJECTIONS TO IMPLEMENTATION OF THIS AGREEMENT

- A. Should any signatory object in writing to FHWA regarding the manner in which the terms of this Agreement are carried out, FHWA will immediately notify the other signatory parties of the objection and proceed to consult with the objecting party to resolve the objection. FHWA will honor the request of any signatory party to participate in the consultation and will take any comments provided by such parties into account. The FHWA shall establish a reasonable time frame for such consultations.
- B. Should any signatory party object to a MoDOT or FHWA determination of eligibility, FHWA will submit the determination to the Keeper of the NRHP for resolution.
- C. If the objection is resolved through consultation, FHWA may authorize the disputed action to proceed in accordance with the terms of such resolution.
- D. 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 and other signatories and invited signatories, including FHWA's proposed response to the objection. Within thirty (30) days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:
 - 1. Advise FHWA that ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly; or
 - 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 for comment pursuant to 36 CFR 800.7(a)(4) and proceed to refer the objection and comment. In this event, FHWA shall ensure that the Agency Official is prepared to take the resulting comments into account in accordance with 36 CFR 800.7(a)(4).
- E. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period, FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the dispute from the signatories and concurring parties to the PA and provide them and the ACHP with a copy of such written response.
- F. FHWA shall consider any ACHP recommendation or comment and any comments from the other signatories and invited signatories to this Agreement in reaching a final decision regarding the objection. FHWA's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.
- G. FHWA shall provide all other signatories and invited signatories to this Agreement with a written copy of its final decision regarding any objection addressed pursuant to this Stipulation.
- H. FHWA may authorize any action subject to objection under this Stipulation to proceed, provided the objection has been resolved in accordance with the terms of this Stipulation.
- I. At any time during implementation of the terms of this Agreement, should any member of the public, consulting party, or Tribe raise an objection in writing pertaining to such implementation to any signatory or invited signatory to this Agreement, that signatory or invited signatory shall immediately notify FHWA. FHWA shall immediately notify the other signatories and invited signatories in writing of the objection. Any signatory or invited signatory may choose to comment on the objection to FHWA. FHWA shall establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account. Within fifteen (15) days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other parties of its decision in writing, including a copy of the response to the objecting party. FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

XIII. AMENDMENTS

- A. Any signatory or invited signatory to this Agreement may at any time propose amendments, whereupon all signatories and invited signatories shall consult to consider such amendment. This Agreement may be amended only upon written concurrence of all signatories and invited signatories.

- B. Each Appendices to this Agreement may be individually amended through consultation of the signatories and invited signatories without requiring amendment of the Agreement, unless the signatories and invited signatories through such consultation decide otherwise.

XIV. TERMINATION

- A. Any signatory party may terminate this agreement. If this Agreement is not amended as provided for in Stipulation XIII, or if any signatory party proposes termination of this Agreement for other reasons, the party proposing termination shall notify the other signatory parties in writing, explain the reasons for proposing termination, and consult with the other parties for no more than 30 days to seek alternatives to termination.
- B. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement.
- C. Should such consultation fail, the signatory party proposing termination may terminate this Agreement by promptly notifying the other signatories in writing.
- D. Should this Agreement be terminated, FHWA would carry out the requirements of 36 C.F.R. 800 for individual undertakings. Beginning with the date of termination, FHWA shall ensure that until and unless a new Agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 C.F.R. 800.4-800.6.

XV. CONFIDENTIALITY

All parties to this Agreement acknowledge that information about historic properties or potential historic properties are or may be subject to the provisions of Section 304 of NHPA. Section 304 allows FHWA to withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the signatories and invited signatories determine that disclosure may: 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or 3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement will ensure that all actions and documentation prescribed by this Agreement are, where necessary, consistent with the requirements of Section 304 of the NHPA.

XVI. DURATION

This Agreement shall remain in effect for a period of five (5) years after the date it takes effect, unless it is terminated prior to that time. No later than six (6) months prior to the

conclusion of the five (5)-year period, MoDOT will notify all parties in writing. The Agreement may be extended for an additional term, length of which will be agreed to by the signatories and invited signatories. The extension will be codified through an amendment of the Agreement in accordance with Stipulation XIII. If any party objects to extending the Agreement, or proposes amendments, MoDOT will consult with the parties to consider amendments or other actions to avoid termination.

Execution and implementation of this agreement evidence that FHWA has delegated certain Section 106 responsibilities to MoDOT and has afforded ACHP a reasonable opportunity to comment on the Program and its individual undertakings in Missouri; that FHWA has taken into account the effects of the program and its individual undertakings on historic properties, and that FHWA has complied with Section 106 of the NHPA and 36 CFR 800 for the Program and its individual undertakings.

XVII. EXECUTION

Execution of this Agreement by the FHWA, SHPO, Tribes, and the MHTC and the implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment. A copy of the executed Agreement shall be provided by FHWA to the Council for their records.

The parties agree a person may execute this document by electronic symbol or process attached to or logically associated with the document, with an intent to sign the document and by method that must include a feature to verify the identity of the signer and the authenticity of the document, commonly referred to as verified electronic signature.

This document may be signed in two or more counterparts, each of which shall be deemed an original for all purposes, and all of which when taken together shall be considered one and the same agreement.

- A. This Agreement may be executed in counterparts, with a separate page for each signature.
- B. This Agreement shall become effective within the applicable state on the date of signature and execution by ACHP.
- C. The MTHC shall ensure each consulting party is provided with a complete copy of the final Agreement and that the final Agreement and any amendments are filed with the ACHP.

List of Appendices:

- A. Projects Not Reviewed by MoDOT Historic Preservation Staff
- B. Projects with Limited Potential to Cause Effects

C. Projects with Limited Potential to Cause Effects that Require Tribal Consultation

List of Attachments

1. List of Tribes
2. Tribal Notification Process and Form
3. Definitions
4. Public Consultation
5. Survey Method Documents

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**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Signatory:

Federal Highway Administration

By: _____

Date: _____

Rebecca Rost
Environmental Protection Specialist

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Signatory:

State Historic Preservation Officer

By: _____

Date: _____

Laura Hendrickson
Deputy State Historic Preservation Officer
Director, Missouri State Parks

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Signatory:

Advisory Council on Historic Preservation

By: _____ Date: _____

Reid Nelson
Executive Director

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Invited Signatory:

Missouri Highways and Transportation Commission:

By: _____ Date: _____

Title: _____

Attest:

Approved as to form:

Commission Secretary

Commission Counsel

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Invited Signatory

Miami Tribe of Oklahoma

By: _____

Date: _____

Douglas Lankford
Principal Chief

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Invited Signatory

Peoria Tribe of Indians of Oklahoma

By: _____ Date: _____

[Title]

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Concurring Party

Iowa Tribe of Kansas and Nebraska

By: _____

Date: _____

Alan Kelly
Tribal Historic Preservation Officer

**PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE MISSOURI STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
THE MIAMI TRIBE OF OKLAHOMA,
PEORIA TRIBE OF INDIANS OF OKLAHOMA,
THE MISSOURI HIGHWAYS AND TRANSPORTATION COMMISSION
REGARDING THE FEDERAL AID HIGHWAY PROGRAM IN MISSOURI
(AGREEMENT)**

Concurring Party

Shawnee Tribe

By: _____

Date: _____

Benjamin Barnes
Chief

APPENDIX A

Projects Not Reviewed by MoDOT Historic Preservation Staff

Projects Not Reviewed by MoDOT Historic Preservation Staff

All projects that the Missouri Department of Transportation (MoDOT) undertakes are submitted yearly to Federal Highway Administration (FHWA), State Historic Preservation Office (SHPO), and Tribes through the Statewide Transportation Improvement Program (STIP). The STIP is always available through the MoDOT website and is provided to SHPO and Tribes every year for review and comment.

Types of Projects Not Reviewed by MoDOT Historic Preservation Staff

A. Projects Exempt from Section 106 Review

Unscreened projects are exempt from Section 106 review by MoDOT Historic Preservation (HP) Specialists and are actions that have very low potential to affect historic properties. Based on their past experience with similar actions, the Signatories and Invited Signatories agree that projects limited to activities listed in Appendix A have minimal potential to affect historic properties.

- 1) Mowing, seeding/reseeding, planting of annual and perennial flowers, and other ground cover maintenance activities with limited root disturbance, not including trees, where no new ground disturbance will occur.
- 2) Pothole filling, crack sealing, and joint repair.
- 3) Vegetation and tree removal that does not include root removal but can include grinding of stumps.
- 4) Removal of objects on the roadways, traffic accident clean-up, hazardous waste removal, and emergency fire control.

APPENDIX B

Projects with Limited Potential to Cause Effects

Projects with Limited Potential to Cause Effects

All projects that the Missouri Department of Transportation (MoDOT) undertakes are submitted yearly to Federal Highway Administration (FHWA), State Historic Preservation Office (SHPO), and Tribes through the Statewide Transportation Improvement Program (STIP). The STIP is always available through the MoDOT website and is provided to SHPO and Tribes every year for review and comment.

Any project that is within 100 meters (328 feet) of a known mound, cairn, or site with reported burials will not be considered for this process.

An undertaking of one or more of the types listed below will not require further Section 106 review by the Tribes, SHPO, or FHWA, once the undertaking has been reviewed by MoDOT HP Specialists or Secretary of the Interior qualified professionals hired and overseen by MoDOT HP Specialists. MoDOT HP Specialists shall ensure that the project meets the following exemption categories listed below and that the location or nature of the activity is such that it is unlikely to affect an historic property. MoDOT HP Specialists shall record the finding in the MoDOT Request for Environmental Services (RES) or Request for Environmental Review (RER) databases (or similar database if the RES/RER is replaced). Projects within this listing will be evaluated by MoDOT HP Specialists for both archaeology and built environment.

If a project occurs within a previously recorded archaeological site, historic district, or within the bounds of an eligible or listed historic property, then the projects listed in Appendix B cannot be utilized and the project must be considered under 36 CFR 800.16(d).

The actions taken outside of the listed activities and their likely effects to historic properties will be considered per 36 CFR 800.16(d). In addition, no activity can involve the acquisition of additional ROW or easements. Projects adhering to these procedures are listed as follows:

- 1) Replacement in the same location, or ordinary repair or modification of existing lighting, guardrails, fencing, traffic and pedestrian signals, curbs and gutters, and variable message signs, as long as the replacement and repair is occurring outside the boundaries of a listed or eligible historic district.
- 2) Replacement or repair of fencing, including safety fencing on bridges, where the bridge has been previously determined not eligible for the NRHP, and not within or adjacent to a historic property or district.
- 3) Overlay, milling, grooving, chip sealing, repairing (concrete or asphalt patching or slurry seal), striping, or resurfacing of existing ramp, roadway, and parking lot surfaces, addition of rumble strips, pavement markings, and snow and ice detectors where there will be no expansion of roadway surfaces.
- 4) Routine bridge, culvert and structure maintenance and repair actions, for properties previously determined not eligible for the NRHP, consisting of: cleaning of the

- bridge, sandblasting, painting of the bridge, replacement of bridge decking and expansion joints and compression seals; deck overlay with the same or similar materials; overlay of existing approach roads for all bridges, where there will be no expansion of the roadway surface; cleaning scuppers or other drainage conveyances; modifications of expansion joints; deck patching ; repair of guardrails which are already attached to parapets; replacement or repair of existing modern fencing; replacement or repair of steel beam plates and/or bridge bearings; placement of grout bags; repair of cracks in superstructure and substructure with trowel-able mortar, replacement of steel caps, protective jackets, and dolphins.
- 5) Routine cleaning, maintenance and repair of existing drainage, stormwater management and water quality facilities and devices, consisting of replacement of devices with like devices in the same locations, but does not include projects that seek to expand or extend such facilities.
 - 6) Water quality activities limited to the removal of natural waterway obstructing debris or sediment. If a United States Army Corps of Engineers (USACE) permit is required, the job is not covered by this provision.
 - 7) Replacement or repair of fixed static signs, interconnection devices, surveillance cameras, closed circuit TV, co-location of antennae, and other minor incident and traffic management devices, accessible pedestrian signals, railroad warning devices, improved rail crossing surfaces, and underground cable within existing conduit.
 - 8) Americans with Disabilities Act (ADA) retrofits, or replacements of existing ADA facilities and sidewalks as long as these replacements remain within previously impacted footprint, are within existing right of way or easement and are not within a previously recorded listed or eligible historic district.
 - 9) Removal of at grade railroad crossing or separations, including the removal of travel way surface, railroad warning signs and devices, consisting of flashing lights and crossing gates, within existing railroad right of way and easements.

APPENDIX C

Projects with Limited Potential to Cause Effects that Require Tribal Consultation

Projects with Limited Potential to Cause Effects that Require Tribal Consultation

An undertaking of one or more of the types listed below will not require further Section 106 review by the SHPO or FHWA, once the undertaking has been reviewed by MoDOT HP Specialist or Secretary of the Interior qualified professionals hired and overseen by MoDOT HP Specialists. MoDOT HP Specialists shall ensure that the project meets the following exemption categories listed below and that the location or nature of the activity is such that it is unlikely to affect an historic property. MoDOT HP Specialists shall record the finding in the MoDOT RES or RER databases (or similar database if the RES/RER is replaced). Projects within this listing will be evaluated by MoDOT HP Specialists for both archaeology and built environment.

Projects with Limited Potential to Cause Effects the Require Tribal Consultation are those actions whose effects to historic properties are foreseeable, likely to be minimal, not adverse, or that will have no effect at all, but following appropriate screening may be determined exempted from further review or consultation under this Agreement because they have been determined to result in a finding of no historic properties affected as defined in 36 CFR 800.4(d). Projects require internal review by MoDOT HP Specialists to determine if a project meets all the terms and conditions set in this Agreement and that no particular circumstances exist that would call for additional review. If no such circumstances exist, MoDOT HP Specialists shall record the finding in the MoDOT Request for Environmental Services (RES) or Request for Environmental Review (RER) databases (or similar database if the RES/RER is replaced). Projects within this listing will be evaluated by MoDOT HP Specialists for both archaeology and built environment.

Tribal consultation on these projects will consist of MoDOT Tribal Notification form which includes a project description, project location, and previously known cultural resources. MoDOT project clearance will be held for thirty (30) days to allow for tribal comment. After the period of thirty (30) days, MoDOT project clearance will occur, however, Tribes will be able to continue to comment and be provided additional information if requested after this clearance occurs. MoDOT project clearance date will be provided to Tribes in the Tribal Notification form.

MoDOT HP Specialists assesses previously disturbed areas of ground in relation to highway infrastructure, construction practices, available plans, vertical and horizontal extents, signs of excavation and/or fill, natural and unnatural contours, existing utilities, and review of site and structure records, historic maps, and aerial imagery.

Ground disturbance is defined as any work or activity that results in disturbance of the earth, including excavating, digging, trenching, drilling, augering, backfilling, clearing, and grading.

If a project occurs within a previously recorded archaeological site, historic district, or within the bounds of an eligible or listed historic property, then the projects listed in Appendix C cannot be utilized and the project must be considered under 36 CFR 800.16(d).

Any project that is within 100 meters (328 feet) of a known mound, cairn, or site with reported burials will not be considered for this process.

The actions taken outside of the listed activities and their likely effects to historic properties will be considered per 36 CFR 800.16(d). In addition, no activity can involve the acquisition of additional ROW or easements. Projects adhering to these procedures are listed as follows:

- 1) Improvements to the existing roadway, consisting of roadway widening, shoulder widening, and adding a turn lane, provided ALL improvements are conducted within previously disturbed existing right-of-way and easements.
- 2) A typical minor bridge and small structure rehabilitation, not necessarily in-kind, (e.g., deck replacement, bridge rails, bridge anchoring sections, substructure alterations, etc.) where the work is confined to the bridge itself and the bridge has been previously determined not eligible for the NRHP.
- 3) Minor bridge and small structure replacement, where the structure has been exempted from further review by either the Interstate Highway Exemption or the Program Comment for Post-1945 Common Concrete and Steel Bridges, provided ALL subsurface work is conducted within previously disturbed existing right-of-way and easements.
- 4) Correcting substandard roadway geometries and intersections (i.e., spot improvements, j-turns, and roundabouts), provided such corrections do not extend beyond previously disturbed existing right-of-way and easements.
- 5) Minor improvements to existing drainage systems, consisting of installation, replacement, or removal of culverts with no bridge number or with bridge number but previously exempted from review by the Program Comment for Post-1945 Common Concrete and Steel Bridges, pipes, storm drains and inlets, provided ALL improvements are conducted within previously disturbed existing right-of-way and easements.
- 6) Repair and maintenance of erosion control and protection measures consisting of slope stabilization, slide repair, rip rap, and retaining walls within previously disturbed right-of-way or easements.
- 7) Installation of new, and maintenance or removal of existing, lighting, traffic barriers, guardrails, traffic signals, curbs, gutters, hazard identification beacons, and variable message signs only when the activity occurs in previously disturbed existing right of way or easements.
- 8) Repair of existing sound walls not in or adjacent to NRHP listed districts.
- 9) Rehabilitation, reconstruction, or refurbishing of existing at grade railroad crossings or separations, including the installation of railroad warning signs and devices,

consisting of flashing lights and new crossing gates within existing railroad right of way and easements.

- 10) Sidewalk and Americans with Disability Act (ADA) Improvements:
ADA improvements can consist of curb cuts and ramps, sidewalks, crossings at driveway entrances, signalized intersections with accessible pedestrian signal arms, cross walks and accessible islands and medians. Sidewalks and ADA Improvements have limited subsurface impacts but may require additional easement. Up to two (2) feet of easement may be added past the edge of the existing sidewalks to accommodate these projects.
- (a) Replacement of existing sidewalks for ADA improvements as long as new easements do not extend more than two (2) feet past the edge of existing sidewalks.
 - (b) Replacing non-contributing sidewalks and ADA improvements adjacent to or within historic properties or historic districts, after consultation with SHPO and Tribes to verify that they are not contributing elements or features, and applying job special provisions to the construction contract for removal of existing materials and for expansion joints between new and historic materials when necessary; and as long as new easements do not extend more than two (2) feet past the edge of existing sidewalks, and no contributing elements of the historic property or district are disturbed.

ATTACHEMENT 1

List of Tribes

The Federal Highways Administration – Missouri Division and the Missouri Department of Transportation have invited the following federally-recognized tribal nations with ancestral, historic, and ceded land connections to Missouri to be consulting parties to this Agreement.

Absentee Shawnee Tribe of Indians of
Oklahoma
2025 South Gordon Cooper Drive
Shawnee, OK 74801

Caddo Nation of Oklahoma
P.O. Box 487
Binger, OK 73009

Cherokee Nation
PO Box 948
Tahlequah, OK 74465-0948

Delaware Nation
31064 State Highway 281
PO Box 825
Anadarko, OK 73005

Delaware Tribe of Indians
5100 Tuxedo Blvd.
Bartlesville, OK 74006

Eastern Shawnee Tribe of Oklahoma
70500 E. 128 Road
Wyandotte, OK 74370

Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Road
White Cloud, KS 66094

Iowa Tribe of Oklahoma
East 750 Road
Perkins, OK 74059

Kaw Nation
P.O. Box 50
Kaw City, OK 74641

Kickapoo Tribe in Kansas
824 111th Drive
Horton, KS 66439

Kickapoo Tribe of Oklahoma
P.O. Box 70
McCloud, OK 74851

Miami Tribe of Oklahoma
P.O. Box 1326
Miami, OK 74355

Omaha Tribe of Nebraska
P.O. Box 368
Macy, Nebraska 68039

The Osage Nation
627 Grandview Avenue
Pawhuska, OK 74056

Otoe-Missouria Tribe of Indians
8151 Highway 177
Red Rock, OK 74651

Pawnee Nation of Oklahoma
PO Box 470
Pawnee, OK 74058

Peoria Tribe of Indians of Oklahoma
P.O. Box 1527
Miami, OK 74355-1527

Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Ponca Tribe of Indians of Oklahoma
20 White Eagle Drive
Ponca City, OK 74601

Quapaw Nation
5681 S. 630 Rd.
Quapaw, OK 74363-0765

Sac and Fox Nation of Missouri in Kansas
and Nebraska
305 North Main St.
Reserve, KS 66434

Meskwaki Nation (Sac and Fox Tribe of the
Mississippi in Iowa)
349 Meskwaki Road
Tama, IA 52339

Sac and Fox Nation of Oklahoma
Route 2, Box 246
Stroud, OK 74079

Shawnee Tribe
29 South 69a Highway
Miami, OK 74355

United Keetoowah Band of Cherokee
Indians in Oklahoma
PO Box 1245
Tahlequah, OK 74465

Wyandotte Nation
64700 East Highway 60
Wyandotte, OK 74370

Attachment 2

Tribal Notification Process and Form

MoDOT Tribal Notification

A notification of the undertaking including description of the project with location information including the legal description(s) with section, township and range, as well as the latitude and longitude for bridges, a .kmz file of the APE, the results of the background research, aerial and topographic maps of the project location with known sites within a one (1)-mile radius will be drafted by MoDOT HP Specialists. The information will be submitted to FHWA to send to Tribes that have indicated that they have ancestral, historic, and ceded land connections to the county in which the undertaking is located. This will be done to assist in the identification of cultural resources that a Tribe considers of historical or religious significance and to aid in establishing the APE.

Tribal Notifications will be sent on any project that does not meet the criteria in Appendix B or Appendix C. Tribal Notifications will be sent to FHWA by MoDOT as soon as a project location has been determined. The Tribal Notifications also serve as the initiation of the Section 106 process.

Missouri Department of Transportation
Section 106 Undertaking Initial Notification Form

Date: _____

Proposed Project Information

Job Number: _____
Stage: _____
District: _____
County: _____
Route: _____
Location: _____
Project Description: _____
Project Improvements: _____

Location

Quadrangle: _____
Section: _____ Township (N): _____ Range (W): _____
UTM Start Point: Northing: _____ Easting: _____
UTM End Point: Northing: _____ Easting: _____
or UTM Central Point: Northing: _____ Easting: _____

Acres

Additional R/W: _____
Permanent Easements: _____
Temporary Easements: _____

Anticipated Land Disturbance (within existing & new R/W and easements)

Acres of Disturbance: _____
Acres of Tree Removal: _____

Program Year

Preliminary Engineering: _____
Construction: _____

Known Section 106 Concerns:

[NOTE: organize the results into 3 categories: 1) what is known in the APE, 2) what is known within a mile of the APE; and, if relevant, 3) other concerns greater than a mile away.]

Section 106 Review Status

SHPO Comment:

Attach Project Map [*Project Location (outlined in red) with Previous Section 106 surveys (yellow) and archaeological sites (purple)*]

Attach Preliminary Project Plans [*attach maps include in the RES, if any*]

ATTACHMENT 3

Definitions

The definitions listed in 36 CFR 800.16 and the following definitions are applicable and agreed upon by all parties to this agreement.

- *Area of Potential Effect:* The geographic area(s) within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. An APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking [36 CFR § 800.16 (d)].
- *Cairn:* A human-made pile (or stack) of stones raised for a purpose, usually as a marker or as a burial mound.
- *Consultation:* “The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process” [36 CFR § 800.16(f)]. This definition is included for comparison to the following term “coordination.”
- *Coordination:* A non-decision-making process among MoDOT and the signatories/consulting parties to facilitate compliance with Section 106 and this Agreement (e.g., discussions to identify and evaluate historic properties, discussions to discuss potential effects, etc.).
- *Cultural Resources:* These are defined as the evidence of the past activities and accomplishments of people, such as archaeological sites, buildings, objects, features, locations, and structures with scientific, historic, and cultural value. Tribal knowledge and input are integral in define these resources.
- *Local Public Agency (LPA):* Is any city, county, township, municipality, or other political subdivision that may be empowered to cooperate with the State Transportation Authority in highway matters [23 CFR 635.102].
- *Monitoring:* This is the observation of archaeological survey and/or construction activities by a historic preservation specialist or Tribal representative to ensure compliance with Section 106, NEPA and/or job special provisions to a construction contract stipulation. The selection of the historic preservation specialist(s) will be based upon the type of cultural resources that are addressed in the stipulation(s). A scope of work will be prepared prior to monitoring to determine the protocol to be followed. Tribal representatives and/or monitors will be selected by the Tribes not by MoDOT or FHWA.
- *Mound:* A precontact human-made, or modified, rise of earth, some may contain internal stone chambers. Mounds can be conical, flat-topped, linear, or in rare cases an effigy of an animal. Their usages can include ritual or burial purposes, the location for important structures, and as boundary markers.

- *Replacement in kind*: Using the same material type, design, configuration, material size, and exterior appearance (e.g., texture, detailing, etc.) as the original material being replaced. The replacement in kind materials cannot be larger than the materials being replaced.
- *Traditional Cultural Property (TCP)*: A term used by historic preservation practitioners and Tribes for places of religious and cultural significance to Tribes. TCPs (places of religious and cultural significance) can also be associated with other traditional communities. These properties may be eligible for inclusion in the National Register of Historic Places because of their association with cultural practices or beliefs of a living community that a) are rooted in that community's history, and b) are important in maintaining the continuing cultural identity of the community.
- *Tribal Consultation Map*: This is a map on MoDOT's website (<https://www.modot.org/tribal-nation-consultation>) that lists the tribal nations that want consult on Federal Highway Administration funded Section 106 undertakings in Missouri by county. MoDOT Historic Preservation maintains this map, but the data within it belongs to each respective tribal nation – they can change it whenever they wish, as often as they wish, with no questions asked.
- *Utility Location*: This is the “approximate location” as defined in the “Underground Facility Safety and Damage Prevention Act” (Missouri Revised Statutes Chapter 319.010-319.050), which is a strip of land that is the width of the underground facility plus two feet on either side of the utility facility (e.g., the “utility location” of a 12 inches waterline is 5 feet wide). MoDOT has on many of its roadways a 5-foot wide utility easement that is set aside for the placement of various utilities. For these utility easements the “utility location” is 9 feet wide (i.e., the 5 foot easement plus 2 feet on each side). Phase I subsurface testing is not conducted in a utility location.

ATTACHMENT 4

Public Consultation

Table of Contents

Federal Agencies

- United States Army Corp of Engineers (USACE)
- United States Forest Service (USFS)
- National Park Service (NPS)
- Federal Railroad Administration (FRA)

Local Agencies

- Missouri Department of Conservation (MDC)
- Missouri Department of Natural Resources (MoDNR)

Public

- Historic Bridge Foundation
- Route 66 Groups
- Rails to Trails
- Missouri Archaeological Society (MAS)
- Missouri Preservation
- Certified Local Governments (CLG)

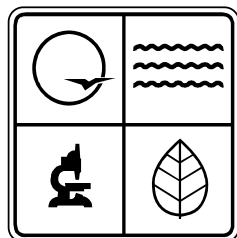
Attachment 5

Survey Method Documents

MoDOT utilizes two survey methods to undertake the initial documentation of resources under Section 106. For archaeological Phase I surveys, MoDOT uses the Missouri SHPO *Guidelines for Phase I Archaeological Surveys and Reports*. For built environment surveys, MoDOT has internal survey method document titled *Built Environment Resource Methods*. Both are attached here.

State Historic Preservation Office

GUIDELINES FOR PHASE I ARCHAEOLOGICAL SURVEYS AND REPORTS



Missouri
Department of
Natural Resources

INTRODUCTION

Please note that the following “Guidelines for Phase I Archaeological Surveys / Reports in Missouri” are just that, guidelines. They are designed to provide baseline procedures for field methodology and budgeting so that adequate information can be provided to the Missouri Department of Natural Resources, State Historic Preservation Office (SHPO) staff for their review and comment on a project.

We fully expect that “field decisions” will need to be made to allow for individual situations. We will accept reports that vary from the following guidelines so long as an adequate justification is provided as to why the variations in methodology were made. For example a project corridor crosses several small drainages with a high likelihood for archaeological sites and then crosses into a large area of uplands with less likelihood for archaeological sites, it would be appropriate to widen out the shovel probe interval in the upland areas. Or, areas with slopes, wetlands, or other aspects that would make previous habitation unlikely were not surveyed and are described in the report as such. Use professional judgement when considering methodology variations and expect to provide the justification in the report.

To avoid having requests for clarification or additional information, keep in mind that this is likely the only information on the project the SHPO reviewer has and they were not involved during the fieldwork, analysis and write-up of the project. We recommend that prior to submission, if possible, you pass the report by a cold reader (a person familiar with the following procedure, who was not involved in the fieldwork, analysis and write-up).

In addition, please bear in mind that these are guidelines for *archaeological* surveys. Do not confuse the project footprint and the Area of Potential Effect (APE) for an archaeological project with the footprint and the APE for a project that also includes an architectural component (i.e. cell tower) when reading and dealing with the standing structures and photographs section.

Thank you,

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE

Archaeological Review Staff

Survey Procedures

A. Pedestrian survey of previously plowed / disturbed and high surface visibility areas:

Pedestrian survey of project areas is the most archaeologically thorough and cost effective technique presently available. Pedestrian survey can be employed in areas with good surface visibility. Visibility must equal 25 percent or greater of the ground surface area to use pedestrian survey techniques. The appropriate transect interval is 5 meters.

The exception to this is areas that have never been plowed or otherwise disturbed in the past because it is unlikely that artifacts would be found on the surface regardless of surface visibility (see Systematic shovel testing).

B. Systematic shovel testing of low surface visibility and previously undisturbed / unplowed areas:

In areas that have not been previously plowed, or areas with less than 25 percent surface visibility, systematic shovel testing should be employed. The appropriate transect interval is 15 meters. Such shovel testing involves the excavation of holes at least 25cm in diameter down to archaeologically sterile soil (usually the B-horizon) if possible. If it is not possible to get to archaeological sterile soil using the standard method being employed then every third test hole should be augured to a sufficient depth. The excavated material from each shovel probe should be screened through a minimum of ½ inch mesh.

Where cultural materials are encountered the grid interval should close to 5 meters to more accurately delineate the actual site boundaries (i.e. do not “Swiss cheese” the entire site, just locate an accurate boundary).

C. Deep testing:

When dealing with areas that potentially contain deeply buried cultural remains it will be necessary to utilize techniques that can investigate deep strata. Usually such techniques include hand or mechanical systematic deep coring, or deep trenches using heavy equipment (typically a backhoe). Examples of geomorphic features requiring such testing are floodplains, alluvial fans, and occasionally some uplands and terraces where post-Pleistocene loess deposition has occurred.

D. Photographic Requirements for Structures:

Photographs must be provided for all structures located within the project area and the Area of Potential Effect (APE). This includes all structures regardless of the condition. For example, a 40-acre subdivision development project that contains 3 former farmsteads on the property will require photographs of all structures.

Be sure to provide a statement regarding eligibility and effect in the “Recommendations” portion of the report for each structure or district (see example – Section C Recommendations below).

E. Collection Strategy and Curation:

At a minimum, samples of artifacts observed during Phase I survey should be collected and curated. If artifact collection is not feasible due to lack of landowner permission, then field photographs of diagnostic artifacts (scale included) and a sample of non-diagnostic artifacts should be included in the report along with a signed statement from the landowner indicating the desire to retain the artifacts.

Until the development of a state curation facility is completed, artifacts should be curated either with the consulting firm or with the Museum Support Center at the University of Missouri.

Survey Report

At the completion of the field survey a report of the archaeological findings and recommendations must be sent to the SHPO for evaluation. Please keep in mind, that when submitting reports to the SHPO for review, all project reports submitted will be considered final and therefore should be thorough and complete. Draft reports will be reviewed only if agreed upon during consultation prior to project initiation.

For most projects we recommend that the Section 106 Survey Memo be completed for the report. When determining if the Survey Memo or a full text report is appropriate, bear in mind that other researchers (including yourselves) will be using the report in future and it will need to convey the information regarding the survey and sites located clearly.

If you are submitting a full text report, a Section 106 Survey Memo must be completed and included. Staff uses the Section 106 Survey Memo to compile a bibliographic index of archaeological investigations throughout the state. And in this situation it should be noted that maps and attachments will not be required (as they are already in the report) and many of the fields on the form, such as "Cultural Material Recovered" will be completed as "please see the following report".

To assist in this evaluation and to avoid delays in processing, the full text reports should contain, at a minimum, a discussion of the following topics:

A. Background Information:

1. Full, detailed description of project for which the survey was conducted. This must include the name of the applicable federal agency.
2. Previous archaeological research within a minimum of one mile from the maximum extent of the archaeological Area of Potential Effects (which includes areas such as construction limits and access roads) for the project area. This must be based on examination of published and unpublished literature at the Cultural Resource Inventory in Jefferson City, Missouri and other regional and local repositories as appropriate.

This must include, but not be limited to the following: the site files, CRM reports, Determinations of Eligibility, historic architectural surveys, etc. A thorough examination of historical documents to ascertain presence and extent of historical occupation/land use of project area should also be included. At a minimum, copies of relevant plat maps and atlases that document historic habitation with a discussion of length of occupation and use must be included. These topics need to be addressed in the report of investigations in addition to the ASM site file check.

3. Delineation of important regional research questions based on cultural history and past investigations. This should include, but not be limited to, referencing The Master Plan for Archaeological Resource Protection in Missouri (1987).
4. Thorough discussion and description of present and past environment and the implications for interpreting the local archaeological record should be included. Such topics as topography, soils, and discussion of relevant periods of prehistory should also be included. Discuss only the periods of prehistory and history that are relevant to the current project based on the background research.

B. Survey Information:

1. Complete description of project area including acreage, ground cover, topography, and any other factors that are important to interpreting the survey results.
2. Relevant portion of the 7.5 minute topographic map delineating the project area.
3. Survey techniques thoroughly described and documentation of consultation for alternative procedures.
4. Sketch maps should be included with each report. While maps do not have to be to scale and can be hand drawn, they must be legible and include the following information:
 - Land use / ground cover (including percentage surface visibility).
 - Survey limitations (a description and justification for any areas that could not be surveyed. For example: 0.2 acres of pasture could not be surveyed because landowner could not be contacted to turn off electric fence and remove livestock.) These areas should be clearly labeled on Figure 2, the sketch map.
 - Survey techniques employed in relation to individual areas of land use / ground cover (i.e. pedestrian survey or shovel probes)

- Location of testing procedures (i.e. backhoe trenches, test units, etc.) and site limits (if applicable).
5. Any additional photographs, maps, or other relevant materials that would contribute to the understanding of the project.

C. Recommendations:

This section must include the consultant's recommendations determined by consulting the appropriate National Register Bulletin(s) available from the National Park Service. At a minimum, National Register Bulletin 15 - "How to Apply the National Register Criteria for Evaluation" must be employed to make determinations of eligibility and recommendations.

Other bulletins are available for specific topics and should be consulted and used appropriately for topics such as:

cemeteries*
shipwrecks*
historic archaeological sites
historic landscapes
rural historic landscapes
traditional cultural properties

* Missouri state laws also protect these resources. Refer to <http://www.moga.mo.gov/statutesearch/> for the revised Missouri Statutes concerning protection of these resources.

Recommendations in the report must include one of the following statements with regard to the project as a whole *in addition to determinations of eligibility for the individual sites / structures*:

a) No Historic Properties Located.

For projects that failed to locate historic properties

b) No National Register Eligible Historic Properties Located.

Historic properties were located; however they do not meet the eligibility standards for listing on the National Register of Historic Places.

c) National Register Eligible Historic Properties Located.

Historic properties were located which meet the eligibility standards for listing on the National Register of Historic Places.

d) Historic Properties May Meet Requirements For National Register Listing; Phase II Testing Is Recommended

Historic properties were located which may meet the eligibility standards for listing on the National Register of Historic Places. However, not enough information was collected during the Phase I. Phase II Testing is therefore needed to make the eligibility determination.

For example: Survey located twelve archaeological sites, 23XX001 through 23XX012. Sites 23XX001, 23XX002, and 23XX003 are small, low-density prehistoric scatters that do not appear to meet requirements for National Register Eligibility (see site form for details). Sites 23XX004 – 23XX011 are small historic period scatters which do not appear to meet requirements for National Register eligibility. One site, 23XX012 appears to be eligible. Mid-range dates for the ceramics collected suggest a mid-1800s occupation, but the site terminus post quem and terminus ante quem are 1874 and 1895 respectively, as based on an indicated structure in historic atlases. It therefore appears that the ceramics may have been curated. The site may meet requirements for National Register Eligibility, and avoidance or Phase II testing is recommended for this resource.

In addition, the survey located 4 buildings over 50 years old. Buildings A, B, and C (see photograph log) have had several recent additions and had vinyl siding added and do not appear to be eligible for listing in the National Register of Historic Places. Building D (see photograph log), is a Greek Revival I - house that appears to be eligible under Criterion C for Architecture. As planned, the proposed project will have no adverse effect on this historic property because it will have no direct impact to the physical structure of the building.

“Potentially Eligible” ***This term is not acceptable.*** Resources will be considered eligible until proven otherwise. Recommendations of eligibility should clearly state that the site/structure “is eligible for listing on the National Register of Historic Places” or the site/structure “is not eligible for listing on the National Register of Historic Places”.

D. Site Information (if present):

1. A full description of the site location, material recovered (including curation facility), and a preliminary interpretation of its place in the local culture history must be included.
2. A completed site form with topographic map and sketch map must be submitted to the SHPO for each site. **Site forms should be included only in the SHPO copy of the reports.** These site forms are not to be included in any reports that may be disseminated to the general public. Reports must include the citation *Section 304 of the National Historic Preservation Act of 1966* on the confidentiality of site location information.
3. Recommendations for each site are required. These will consist of either: “the site is not eligible”, “further testing will be required”, or mitigation alternatives for the site. Any suggestions concerning site disposition should be stated in terms of their relationships to relevant regional research questions and The Master Plan for Archaeological Resource Protection in Missouri (1987).

E. Archaeological Contractor's Vita:

All contract archaeologists working in Missouri must either have a current vita on file with the SHPO or submit one with each report.

F. Project Correspondence:

Project correspondence must be included as an appendix. This should include such letters as the initial SHPO survey request, and any other relevant correspondence. Please do not include budget information.

BUILT ENVIRONMENT RESOURCE METHODS

Section 106 of the National Historic Preservation Act requires federal agencies, and the recipients of federal funds, to consider the effects of their project on historic properties. The Federal Highway Administration (FHWA) has given the Missouri Department of Transportation (MoDOT) the authority to identify historic properties and consult with the State Historic Preservation Office (SHPO) for MoDOT projects to comply with Section 106. This *Built Environment Resource Methods* guide describes how MoDOT will conduct surveys for resources associated with the built environment for projects and the level of information that will be provided for review to the SHPO and to other consulting parties.

The purpose of the built environment resources survey is to identify resources that are eligible for listing on the National Register of Historic Places (NRHP) and to determine what effect, if any, a project may have on those resources. The surveys should identify buildings (houses, barns, commercial buildings, etc.), structures (bridges, fences, gateposts, etc.), objects (monuments, etc.), sites (landscapes—both designed and vernacular), and potential districts within the area of potential effects.

Area of Potential Effects

The area of potential effects (APE) for a project will include consideration of both direct and indirect effects on historic properties as required by the regulations implementing Section 106 of the National Historic Preservation Act, *Protection of Historic Properties*, codified at 36 CFR 800.4(a)(1). The APE for indirect effects will vary depending on the nature and scale of the improvements, local topography, and other relevant factors. The APE used for the project shall be discussed in the Methodology or Investigative Techniques section of the Section 106 Survey Memo or Report. The APE may be modified, in consultation with the SHPO staff, to meet the needs of individual projects. A field check of any project shall be conducted with the SHPO if they request.

As a general rule, the following are used for the architectural APE:

- New right of way and permanent easements, for the consideration of direct effects.
- Temporary easements when and where the project includes sidewalk replacement.
- Temporary easements when they are for the removal of a resource (demolition easements).
- A “buffer zone” for the consideration of indirect effects of 50’ in developed areas and 100’ in rural areas (the distinction between these areas is left to the discretion of the surveyor).

For Corridor Studies the APE on existing or new alignments will be the corridor study limits (the maximum footprint of all alternates being considered) and will include a field check with SHPO staff.

Indirect Effects

Some project types require special consideration for indirect effects, which may be known before or after historic properties are identified.

If sound walls are included in the project, even if they will be constructed within existing right of way, the potential for visual effects on nearby historic properties must be considered and an appropriate survey method devised.

The effects of vibration from blasting or pile driving may need to be considered if there are historic properties near a blast zone or near a bridge location.

The effects of rumble stripes on properties which are significant, in part, for their commemorative and contemplative nature (e.g. national battlefields) need to be considered.

Survey Methods

Any resource that is potentially eligible for listing on the NRHP, even if ultimately recommended as not eligible for listing, should be photographed during the fieldwork!

Architectural Resources

For projects that are included on the Statewide Transportation Improvement Program (STIP) all architectural resources should be surveyed. Resources constructed more than 45 years ago should be photographed, resources constructed less than 45 years ago may be photographed. Resources less than 45 years old that could meet the exceptional significance criteria should be photographed, unless noted below. Properties that are directly impacted by MoDOT projects should be photographed and submitted to the SHPO if they are more than 35 years of age, or if they could meet the exceptional significance criteria.

As a general rule, architectural resources are identified by their right of way parcel number. If there are no right of way numbers assigned, a logical numbering system should be assigned to parcels in the APE, and should be noted in the documentation.

A property more than 45 years old, or possibly exceptionally significant, should be photographed if any feature on the property is located within the APE: gateposts, fencing, entrance gates and old sidewalks (brick, stone, decorative concrete, etc.). See Figure 1 for an example of parcels that should and should not be surveyed based on their relationship to the APE. Every feature on this property, regardless of age, should be photographed—all the buildings and any street furniture. At least one photograph that clearly shows the main façade of the main building should be included. If there are more than three features, they should be keyed to a site plan or project plans (the house, garage, shed combination is considered standard). Photographs that show multiple elements within the property are encouraged to show the relationship between the features (e.g. house and garage, multiple outbuildings, etc.), but the features should be clearly shown and easily identifiable.

For Corridor Studies properties with resources more than 40 years old should be surveyed to provide a longer shelf life for the survey. The cut-off date should be based on the anticipated end-date of the study.

Resources can be dated using a variety of tools including historic topographic maps, aerial photographs, old project plans, and the professional judgment of the architectural historian assigned to the project.

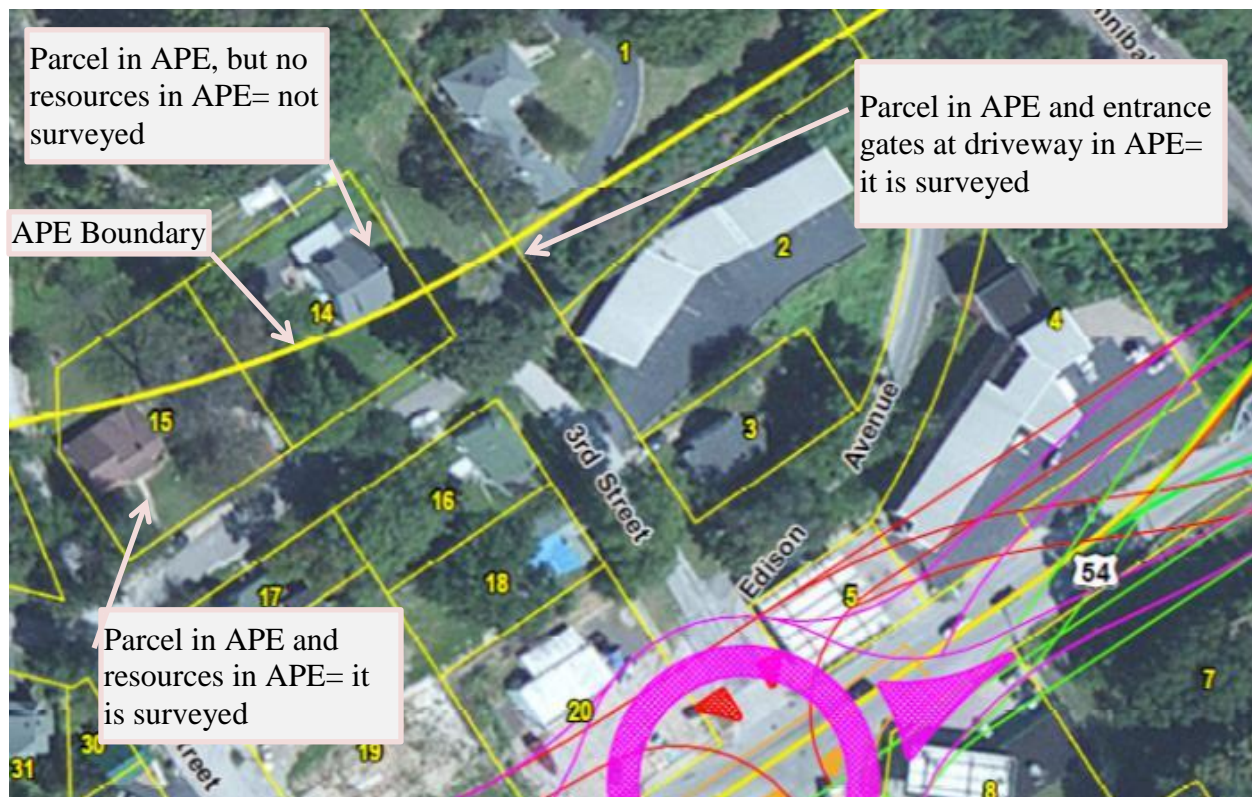


Figure 1: Example of APE

Resources less than 45 years old should be identified and checked in the field and considered for the possibility of eligibility for listing on the NRHP because of exceptional significance in architecture or historic events and associations.

All resources within the APE should be identified on project mapping by resource number, including resources that are less than 45 years old (or 40 years old for Corridor Studies).

Post-World War II Subdivisions (1946-1975)

Projects with direct impacts to architectural resources (buildings) in Post-World War II subdivisions shall have a brief contextual history for the subdivision, identifying the developer, typical building types and plan features. A plat map for the subdivision shall be provided if available, and streetscape photographs showing common property types shall be provided.

Landscapes

The possibility that there may be historic designed landscapes, rural historic landscapes or cultural landscapes within the APE, that could meet eligibility requirements for listing on the NRHP, needs to be considered.

Bridges

Bridge Resources are defined as highway, railroad, and pedestrian bridges, viaducts, and culverts. This definition excludes metal, plastic, and concrete pipes; and most concrete bridges

and culverts under 20 feet in roadway length. Locations of highway bridges can be obtained on a GIS layer for both on-system and off-system bridges.

Previous Surveys & Section 106 to Be Consulted

The *Missouri Historic Bridge Inventory* is a survey of numerous state and local bridges constructed prior to 1951. Not every bridge was given the same level of documentation during the survey and the results are somewhat outdated now.

The *Missouri Historic Bridge List* (updated 2014), is a list of bridges determined eligible through consultation between MoDOT, FHWA and the SHPO in 2003, 2008 and 2014. Bridges that are noted as not eligible or excluded on the *Inventory* may be on the Historic Bridge List, so it should be consulted when making recommendations on bridge eligibility.

In 2005 the Interstate Highway System was exempted from Section 106 Review (70 *Federal Register* 46: 11928-11931), unless specifically identified as historic and excluded from the Interstate exemption. No Missouri resources were excluded. To be considered an Interstate bridge, the bridge must either carry the interstate highway or be part of an interchange. Bridges that carry roads (or railroads, pedestrian crossings, etc.) over the Interstate, but that do not connect to the Interstate, are not covered by the Interstate Exemption.

In 2012 the Advisory Council on Historic Preservation issued a *Program Comment for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges* (77 *Federal Register* 222: 68790-68795). Section 106 Review for common concrete and steel bridge types is complete, unless the bridge has been added to a list of bridges that are excluded from the Program Comment or is adjacent to or within a historic district. The list of excluded bridges is located on the FHWA website: http://www.environment.fhwa.dot.gov/histpres/bridges_list.asp.

Programmatic Agreements are being developed for bridges on the State Highway System based on bridge type or historical associations. These Programmatic Agreements should be consulted if appropriate to the bridge type.

Bridge Survey

Projects involving bridges should begin with a query of the Transportation Management System (TMS) to determine the age and type of the bridge. If the bridge is covered by the *Interstate Exemption* or by the *Program Comment*, Section 106 is complete for the bridge and no further work is necessary (however, if there are additional resources that will be submitted to the SHPO it is good to note that the bridge exists and that it is covered by the appropriate exemption).

The TMS system contains photographic coverage of most bridges on the state system. Photographic coverage of bridges should include images that show the superstructure and the substructure of the bridge. Any special features of the bridge should also be identified and included in the photographic coverage. If there is not adequate coverage in the TMS system, the bridge will need to be photographed during the field surveys.

Railroad bridges, and other privately owned bridges, may not be included in the TMS system and will need to be identified and photographed during the field surveys.

Bridges should be identified on project plans and topographic maps in the Section 106 submittal.

Minimum Documentation Requirements for Section 106 submittal to SHPO

The SHPO should be consulted about the eligibility of resources, particularly resources that are marginally eligible, prior to the formal submittal of the project. This consultation can be done informally through e-mail or formally through face-to-face consultation.

Modern architecture shall be defined as buildings, structures (other than bridges and culverts) or objects constructed less than 45 years ago. Modern resources shall be identified on project maps or plan sheets and in tables identifying the parcels and categorizing them by vacant/no resources in APE, or by age.

Modern Resources

For projects with modern resources the following documentation should be included on the Section 106 Survey Memo:

- Brief project description
- Discussion of the APE and Methodology used
- Description of the resources and recommendations on eligibility
- Plan sheets (if available) with resources identified
- Quad map/location map with resources identified by number
- Photographs of resources that are directly impacted by MoDOT projects (all bridges not covered by exemptions, buildings constructed more than 35 years ago)

Ineligible Resources greater than 45 years old

Documentation for large projects or with resources constructed more than 45 years ago shall include the above plus the following additional information:

- Results of Previous Surveys conducted in area/ Literature Review of studies in the area
- Brief description of directly affected resources greater than 45 years of age (see example below)
- Table of resources in APE
- Photographs of directly and indirectly affected resources constructed more than 45 years ago; photographs of directly affected resources constructed more than 35 years ago
- Photographs of bridges within the APE, if not covered by the Interstate Exemption or Program Comment
- Bibliography

Documentation shall include parcel history if there is information from the community or architectural or archaeological reasons to raise questions about eligibility based on the property history (Criteria A or B). A reasonable effort to assess Criterion A and B significance shall be made.

Building descriptions should note alterations in materials, additions or other changes that affect the integrity of a resource.

Example of brief building description:

Architectural Resource (AR) 22.1 is a ca. 1930, two-story, gable front and wing form building with no architectural style. The house has a concrete foundation, Masonite siding, asphalt shingle gable roof and an irregular plan. The building has a gable wing on the rear façade, an addition on the east façade, and a two-story exterior stair addition on the east façade.

A shed (AR 22.2) is located behind the house. It has a concrete foundation, Masonite siding, asphalt shingle pent roof and a square plan.

Resources Recommended as NRHP eligible

Resources recommended as eligible for listing on the NRHP shall include all the above information and the following additional information:

- NRHP Recommendations including
 - Criteria
 - Area(s) of significance
 - Period(s) of significance
 - Boundary
 - Contributing and non-contributing resources within the APE
- Effects Assessment including
 - Site plan showing recommended NRHP boundary and project footprint
- For Architectural Resources a completed SHPO Architectural Inventory Form or SHPO Barn Inventory Form.

For districts recommended as NRHP eligible an overview description of the historic district will be provided, rather than descriptions of each individual building within the district that is within the APE. District boundaries within the APE for the project, and contributing and non-contributing resources within the APE will be shown on project plan sheets or aerial photographs. The effects assessment should assess the project effects on the district, including a discussion of whether the district will still be eligible after the project.

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