

**PROGRAMMATIC AGREEMENT MANUAL
FOR
MINOR TRANSPORTATION PROJECTS
IN
NORTH CAROLINA**

AMONG THE FOLLOWING

Federal Highway Administration, North Carolina Department of
Transportation, North Carolina State Historic Preservation Office,
North Carolina Office of State Archaeology, and Advisory Council on
Historic Preservation

June 2009

TABLE OF CONTENTS

1. OVERVIEW

- 1.1 Summary of the Programmatic Agreement
- 1.2 Parties Involved in the Programmatic Agreement
- 1.3 Process Flow Chart
- 1.4 Key to Abbreviations
- 1.5 Glossary of Key Terms

2. PROCEDURE

- 2.1 Projects Included in the Programmatic Agreement
- 2.2 Projects Exempted from the Programmatic Agreement
- 2.3 Projects Excluded from the Programmatic Agreement

3. PROCESS

3.1 Project Submittal Process

- 3.1.1 Submittal Guidelines
- 3.1.2 Request for Cultural Resources Review Form
- 3.1.3 Instructions for Division Offices Submitting Requests

3.2 Identification & Evaluation of Historic Properties

- 3.2.1 Initiate Cultural Resources Review
- 3.2.2 Determine the Area of Potential Effects
- 3.2.3 Identify Consulting Parties
- 3.2.4 Conduct Background Research
- 3.2.5 No Survey Required
- 3.2.6 No Known Historic Properties
- 3.2.7 Potential for Historic Properties
- 3.2.8 Historic Properties Identified
- 3.2.9 Conduct Historic Properties Survey
- 3.2.10 No Prehistoric or Historic Properties Present
- 3.2.11 Determining Eligibility
- 3.2.12 Guidelines for Preparing Evaluation
- 3.2.13 Evaluating properties in the survey
- 3.2.14 Evaluation Revisions
- 3.2.15 Acceptance and Distribution of Evaluation
- 3.2.16 No Prehistoric or Historic Properties Present after Intensive Evaluation
- 3.2.17 Properties Eligible for the National Register of Historic Places

3.3 Assessing Effects

- 3.3.1 No Effect
- 3.3.2 No Adverse Effect
- 3.3.3 Adverse Effect
- 3.3.4 Notifying State Historic Preservation Office of Findings
- 3.3.5 Consultation for No Effect and No Adverse Effects Findings
- 3.3.6 Consultation for Adverse Effects Findings

4. APPENDICES

- Appendix A: Programmatic Agreement
- Appendix B: Cultural Resources Management Training Requirements
- Appendix C: Exempt Activities
- Appendix D: Forms
- Appendix E: Submittals from Division Offices

OVERVIEW

1.1 SUMMARY OF THE PROGRAMMATIC AGREEMENT

Under a Programmatic Agreement, effective November 5, 2007, the authority for cultural resource reviews for minor transportation projects has been transferred from the North Carolina State Historic Preservation Office (HPO) to the North Carolina Department of Transportation's (NCDOT) cultural resource groups: Archaeology and Historic Architecture and Landscapes in the Human Environment Unit (HEU).

This manual

- (1) explains the basis for NCDOT's internal reviews under the new Programmatic Agreement, (hereinafter, PA);
- (2) defines which project types should be submitted for internal review, which are exempt from review, and those that are excluded from the PA;
- (3) outlines new procedures for submitting projects directly to NCDOT Archaeology and Historic Architecture and Landscapes groups in lieu of HPO, and
- (4) provides an overview of the forms to be used to process projects under the stipulations of the PA.

The PA among the Federal Highway Administration (FHWA), NCDOT, Advisory Council on Historic Preservation (ACHP), and HPO was executed to define NCDOT's internal review of minor state and Federal-Aid Highway transportation projects. Specifically, the PA stipulates the expanded authority of NCDOT's Archaeology and Historic Architecture and Landscapes groups in identifying and evaluating historic properties and assessing effects on historic properties in conjunction with minor transportation projects.

The PA is limited to minor transportation projects that qualify as Categorical Exclusions (CE) or the state equivalent and do not individually or cumulatively have a significant impact on the environment. Transportation projects processed under an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) have the potential for more significant impacts and are, therefore, excluded from the PA. At the opposite end of the spectrum, the PA specifies a class of activities that are exempted from cultural resources reviews (see Appendix C for "Exempt Activities"). Exempted activities are similar to those in the *Federal Guidelines for Environmental Documents*, 23 CFR 771.117 C & D. Projects funded by the Transportation Enhancement Program are covered under a separate PA and excluded from this PA.

The PA establishes the process by which FHWA will meet its responsibilities under Section 106 (of the National Historic Preservation Act of 1966), with the assistance of NCDOT, for Federal-Aid Highway minor transportation projects. It also provides the process by which NCDOT will meet its responsibilities under North Carolina General Statute (NCGS) 121-12(a) for state-funded minor transportation projects. The PA establishes the basis for NCDOT's internal review of minor transportation projects and defines how the parties will be involved in these reviews.

1.2 PARTIES INVOLVED IN THE PROGRAMMATIC AGREEMENT

The PA is among the:

Federal Highway Administration,
North Carolina Department of Transportation,
Advisory Council on Historic Preservation, and
North Carolina State Historic Preservation Officer (SHPO).

FHWA administers the Federal Aid Highway Program in North Carolina through NCDOT. The Division Administrator of the FHWA North Carolina Division Office is the agency official responsible for compliance with Section 106 for Federal-Aid Highway Programs. For Federal-Aid Highway Program minor transportation projects, FHWA serves as the lead agency.

For minor transportation projects utilizing funds from the Federal-Aid Highway Program and requiring Department of Army Permits, FHWA serves as the lead agency. The USACE may or may not elect to serve as a cooperating federal agency.

State-funded, minor transportation projects that require federal funds or permits from an agency other than FHWA (i.e. FHWA is not the lead federal agency) are not covered under this PA and will continue to follow the Section 106 process outlined in 36 CFR 800.

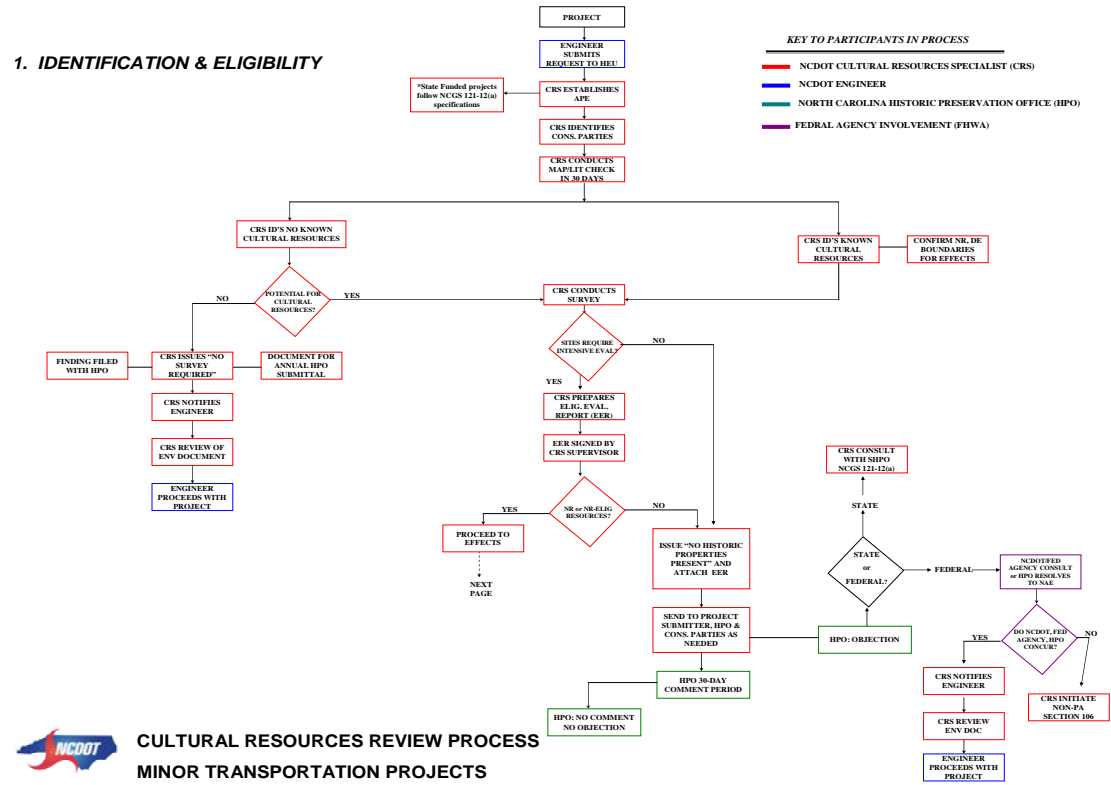
For state-funded minor transportation projects with no federal funding, no federal permits, and no federal actions, projects must comply with NCGS 121-12(a) if they affect properties listed on the National Register of Historic Places, to include consultation with the HPO as representative for the North Carolina Historical Commission.

Both federal and state-funded minor transportation projects must comply with NCGS 160A-400 if they affect properties or districts that are under the jurisdiction of a local historic preservation commission. In some cases, a Certificate of Appropriateness (COA) from the local commission will be required.

1.3 PROCESS FLOW CHART

The cultural resources review process flow chart illustrates the steps in the Section 106 process as stipulated for minor transportation projects under the PA. The flow chart is illustrated on two pages, the first covers identification and eligibility of cultural resources. The second page covers effects assessments.

1. IDENTIFICATION & ELIGIBILITY

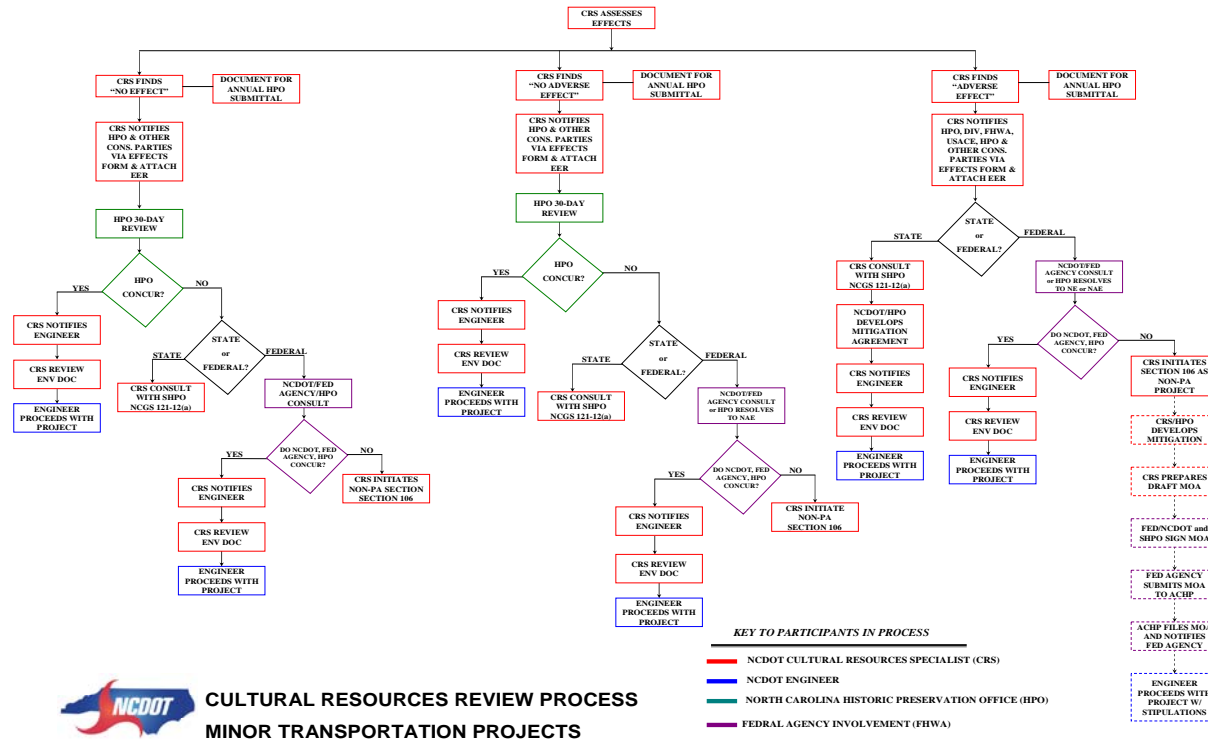


CULTURAL RESOURCES REVIEW PROCESS
MINOR TRANSPORTATION PROJECTS

KEY TO PARTICIPANTS IN PROCESS

- █ NCDOT CULTURAL RESOURCES SPECIALIST (CRS)
- █ NCDOT ENGINEER
- █ NORTH CAROLINA HISTORIC PRESERVATION OFFICE (HPO)
- █ FEDERAL AGENCY INVOLVEMENT (FHWA)

2. ASSESSING EFFECTS



1.4 KEY TO ABBREVIATIONS

ACHP	Advisory Council on Historic Preservation
APE	Area of Potential Effects
CE	Categorical Exclusion
COA	Certificate of Appropriateness
CIN	Catawba Indian Nation
CRS	Cultural Resources Specialist (NCDOT)
DE	Determined Eligible
DEO	Division Environmental Officer (NCDOT)
DOE	Determination of Eligibility
EA	Environmental Assessment
EBCI	Eastern Band of the Cherokee Indians
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FERC	Federal Energy Regulatory Commission
FHWA	Federal Highway Administration
HEU	Human Environment Unit (NCDOT)
HPO	North Carolina State Historic Preservation Office
LD	Locally Designated
MOA	Memorandum of Agreement
NCDOT	North Carolina Department of Transportation
NPS	National Park Service
NRHP	National Register of Historic Places
NR	National Register
OSA	North Carolina Office of State Archaeology
PA	Programmatic Agreement
SL	State Study List
SHPO	State Historic Preservation Officer
SS	Surveyed Site
TVA	Tennessee Valley Authority
USACE	United States Army Corps of Engineers
USCG	United States Coast Guard
USFS	United States Forest Service

1.5 GLOSSARY OF KEY TERMS

Adverse Effect – An effect of an undertaking that “may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling or association. Consideration shall be given to all qualifying characteristics of an historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.” 36 C.F.R. § 800.5(a).

Advisory Council on Historic Preservation (ACHP) – An independent agency created by Title II of the National Historic Preservation Act (NHPA), 16.U.S.C. § 470f. The review process established by NHPA Section 106, 16 U.S.C. § 470f, is conducted according to regulations issued by the ACHP, 36 C.F.R. part 800, as authorized by 16 U.S.C. § 470s.

Affected Indian Tribe or Affected Tribe – Consistent with 36 C.F.R § 800.14(f)(1), an affected Indian tribe includes federally recognized tribes that attach religious and cultural significance to historic properties potentially affected by the undertaking, and federally recognized tribes with jurisdiction over tribal lands on which the undertaking has the potential to affect historic properties.

Area of Potential Effects (APE) – The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. 36 C.F.R. § 800.16(d).

Categorical Exclusion (CE) – Categorical exclusion, under NEPA, covers various categories of actions which do not individually or cumulatively have a significant effect on the human environment and are exempt from the requirement to prepare an Environmental Assessment or an Environmental Impact Statement.

Certificate Of Appropriateness (COA) – Once a resource has been designated as a landmark or a historic district, no exterior portion of any building or other structure (including masonry walls, fences, light fixtures, steps and pavement, or other appurtenant features), nor above-ground utility structure nor any type of outdoor advertising sign shall be erected, altered, restored, moved, or demolished on such landmark or within such district until after an application for a certificate of appropriateness as to exterior features has been submitted to and approved by the preservation commission. The municipality shall require such a certificate to be issued by the commission prior to the issuance of a building permit or other permit granted for the purposes of constructing, altering, moving, or demolishing structures, which certificate may be issued subject to reasonable conditions necessary to carry out the purposes of this Part. A certificate of appropriateness shall be required whether or not a building or other permit is required.

Concurring Party – An entity with an interest in the subject matter of an MOA and which signs the MOA to signal its concurrence with the terms of the MOA, but which does not have any authority or responsibility under the terms of the MOA.

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 C.F.R. § 800.16.

Consulting Party – Any entity that has a consultative role in the Section 106 process, as defined by 36 C.F.R. § 800.2(c). This includes, among others, the ACHP, SHPOs, THPOs, affected Indian tribes, other affected agencies, signatory parties, concurring parties, and any additional entities invited to participate due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties (see 36 C.F.R. § 800.2(c)(5)).

Cooperating Agency – “Cooperating Agency,” under NEPA, means any agency other than the lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal for any action significantly affecting the human environment.

Cultural Resources Specialist (CRS) – NCDOT personnel who meet the professional qualifications defined in the *Secretary of the Interior's Professional Qualifications* at 36 CFR Part 61 and; 48 FR 44716 in the fields of archaeology, architectural history, or historical architecture.

Determination Of Eligibility (DOE) – Although only the National Park Service may make an official Determination of Eligibility for inclusion in the National Register, if the Federal agency,

NCDOT and the SHPO agree on a property's eligibility, the Federal agency may proceed in the Section 106 process as if an official NPS determination had been made.

Determined Eligible (DE) – The term used to describe a property or site that has been found to meet the criteria for inclusion on the National Register of Historic Places.

Geographic Information Systems (GIS) – A computer system capable of assembling, storing, manipulating, and displaying geographically or spatially-referenced information (i.e., data identified according to their locations).

Historic Property – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria. 36 C.F.R. § 800.16(1)(1), providing elaboration on the statutory definition codified at 16 U.S.C. § 470w(5).

Interested Member of the Public – An individual or entity that is not a consulting party (until invited to be so), but which the Lead Federal Agency believes may be interested in information about the undertaking and its effects on historic properties based on, for example, the Lead Federal Agency's prior experience or contact with the individual or entity, the recommendations of a SHPO or THPO, affected Indian tribes, or the individual or entity's own initiative in providing its views. See 36 C.F.R. § 800.2(d).

Lead Agency – "Lead Agency" means the public agency which has primary responsibility for carrying out or approving a project which may have a significant effect on the environment and preparing the environmental document.

Locally Designated (LD) – Local governments may establish a historic preservation commission under North Carolina G.S. 160A-400.1-400.14. A preservation commission may carry out a comprehensive preservation program, including recommending individual properties and areas for designation by *local* governing boards as landmarks and historic districts.

Memorandum of Agreement (MOA) – An accord that is prepared when an undertaking will have adverse effects on cultural resources, and the consulting parties agree on ways to reduce, avoid, minimize or mitigate such effects. A three-party MOA is signed by the federal agency, the SHPO, and the Advisory Council; a two-party MOA is when the Advisory Council has not been involved in the consultation but receives the MOA after the federal agency has prepared it.

National Historic Preservation Act (NHPA) – The National Historic Preservation Act (16 U.S.C. 470) created the Advisory Council on Historic Preservation (ACHP), an independent Federal agency, to advise the President and Congress on matters involving historic preservation. The ACHP is authorized to review and comment on all actions funded or permitted by the Federal government which will have an effect on properties listed in the National Register of Historic Places, or eligible for such listing.

National Register of Historic Places (NRHP) – The National Register is the official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering, and culture. National Register properties have significance to the history of their community, state, or the nation. The National Park Service, through the authority of the

Secretary of the Interior maintains the National Register of Historic Places. Sites are determined eligible for listing on that Register using criteria defined in 36 C.F.R. § 60.4.

No Adverse Effect – An undertaking has an effect on a historic property, but the effect would not be harmful to those characteristics that qualify the resource for inclusion in the NRHP.

No Effect – An undertaking has no effect of any kind (neither harmful nor beneficial) on a resource that is eligible for inclusion in the NRHP.

North Carolina Historic Preservation Law (G.S. 121-12a) – Provides for consideration of National Register properties in undertakings funded or licensed by the state. Where a state undertaking is in conflict with the preservation of a National Register property, the North Carolina Historical Commission is given the opportunity to review the case and make recommendations to the state agency responsible for the undertaking. The commission's recommendations to the state agency are advisory.

North Carolina State Historic Preservation Office (HPO) – Agency that assists private citizens, private institutions, local governments, and agencies of state and federal government in the identification, evaluation, protection, and enhancement of properties significant in North Carolina history and archaeology. The agency carries out state and federal preservation programs and is a component of the Office of Archives and History, North Carolina Department of Cultural Resources.

North Carolina State Study List – The State Study List, maintained by the HPO identifies properties and districts that are likely to be eligible for the National Register. Inclusion in the State Study List is not an absolute guarantee of eligibility.

Office of State Archaeology (OSA) – North Carolina's Office of State Archaeology coordinates and implements a statewide program of prehistoric, historic, and underwater archaeology. The OSA serves as the professional archaeology staff for the State Historic Preservation Office and the North Carolina Historical Commission.

Programmatic Agreement (PA) – A legally-binding agreement between the ACHP and a federal agency's implementation of a particular program with regards to its Section 106 responsibilities.

Signatory Party – An entity that signs an MOA and has authority or responsibility under the terms of the MOA.

Significant – A prehistoric or historic district, site, building, structure, or object meeting one or more of the Criteria for Evaluation used in considering NRHP eligibility. Significance is achieved through association with events or important persons, distinctive physical characteristics, or the potential to yield important information. The National Register regulations, 36 CFR 60, note that significance is found in properties that have “integrity of location, design, setting, materials, workmanship, feeling, and association.”

State Historic Preservation Officer (SHPO) – The official appointed or designated pursuant to Section 101(b)(1) of the NHPA to administer the state historic preservation program or a representative designated to act for the state historic preservation officer. 36 C.F.R. § 800.16(v).

Surveyed Site – Archaeological sites, structures, and landscapes in North Carolina that have been identified by professional archaeologists and/or architectural historians as a result of federal, state, or local studies.

Traditional Cultural Property (TCP) – A property that is “eligible for inclusion in the National Register because of its 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.” The property must meet the requirements defined in 36 C.F.R. § 60.4 and the National Park Service, National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (1990). Properties of traditional religious and cultural importance to a tribe are a type of TCP.

Tribal Historic Preservation Officer (THPO) – The official appointed or designated by an Indian tribe to implement the Tribal Historic Preservation Program. The term applies only for tribes on the National Park Service list that, in accordance with Section 101(d)(2) of NHPA, have formally assumed the responsibilities of the SHPO for purposes of Section 106 compliance on their tribal lands.

Tribal Lands – (A) All lands within the exterior boundaries of any Indian reservation; and (B) all dependent Indian communities. 16 U.S.C. § 470w(14). Tribal lands include lands held in trust by the United States for a tribe external to the boundaries of a reservation if the lands are under Federal superintendence, but does not include allotments external to the boundaries of a reservation.

Undertaking – A project, activity, or program funded in whole or in part under the jurisdiction of a Federal agency, including those carried out with Federal financial assistance; those requiring a Federal permit, license or approval.” 36 C.F.R. § 800.16 (y). Under the NHPA, a federal action that is subject to Section 106 review. It is intended to include any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects.

PROCEDURE

2.1 PROJECTS INCLUDED IN THE PROGRAMMATIC AGREEMENT

Unless a project qualifies as an “Exempt Activity”, a Cultural Resources Review must be conducted for state and federally funded minor transportation projects, qualifying as a Categorical Exclusion (CE) or the state equivalent.

2.2 PROJECTS EXEMPTED FROM THE PROGRAMMATIC AGREEMENT

See Appendix C for a list of Activities Exempt from the PA.

Project types listed in Appendix C and meeting the conditions prescribed by their nature and definition, constitute undertakings that have “No Potential to Cause Effects” on historic properties. For these classes of projects, the NCDOT project manager, project engineer, and/or Division Environmental Officer (DEO) should exercise their best judgement that the conditions in Appendix C are being met, and must document that no further review appears necessary under Section 106 or NCGS 121-12(a).

The *Programmatic Agreement Screening Checklist* (Checklist – Appendix D) serves to document this initial screening and decision. See Appendix D for a sample of the Checklist. The Checklist shall be completed for every project or, in some cases, for a batch of similar projects that have little or no potential for significant effects. A copy of the Checklist shall be placed in the project file and will not be distributed to the parties of this PA, unless requested.

2.3 PROJECTS EXCLUDED FROM THE PROGRAMMATIC AGREEMENT

Transportation projects being processed under an Environmental Assessment (EA) or Environmental Impact Statement (EIS) have the potential for more significant impacts and are, therefore, excluded from the PA.

State-funded, minor transportation projects that require federal funds or permits from an agency other than FHWA (i.e. FHWA is not the lead federal agency) are not covered under this PA and will continue to follow the Section 106 process outlined in 36 CFR 800.

Also excluded from the PA are projects funded through the Transportation Enhancement Program, for which there is a separate PA.

PROCESS

3.1 PROJECT SUBMITTAL PROCESS

3.1.1 Submittal Guidelines

As per stipulations of the PA, cultural resources reviews will be administered internally by NCDOT Archaeology and Historic Architecture and Landscapes groups, within HEU. Submission of minor transportation projects to HPO is no longer required. **Note: State-funded projects that require a permit from the USACE or have USFS involvement will continue to be submitted to the HPO.** Projects being processed under the PA should be submitted directly to HEU. Submissions for TIP projects shall be made by the Project Manager or Project Engineer. For Division projects, the DEO shall submit the project to HEU.

3.1.2 Request for Cultural Resources Review Form

See Appendix D for a sample request form.

A “Request for Cultural Resources Review” (Request) must be completed for every project. For reference and use, an electronic version of the Request will be made available and distributed to NCDOT’s Division Offices, Planning Branches, and Design Branches.

The Request provides the Cultural Resource Specialist (CRS) the minimal information required to review an individual project, to include: project number, county, WBS No., funding source(s), document type, project description, purpose and need, scheduling and contact information, design information, permit requirements, signalization needs, offsite facility needs, maps or aerial photography no greater than 1:24,000 scale, agency input, and supplemental information.

Two copies of the Request and attachments should be sent to HEU. Once received by HEU, requests will be checked for completeness, given a tracking number, and distributed as follows:

- One (1) copy to the Archaeology Group and

- One (1) copy to the Historic Architecture and Landscapes Group.

No work will be initiated by the cultural resources groups without a complete Request, to include correct WBS number. Upon receipt of the request, HEU will notify the submitter if the request is complete or not.

3.1.3 Instructions to Division Offices

See Appendix E – Submittals from Division Offices

The submittal from Division Offices, including Division Design-Construct, Secondary Roads, Safety Improvements, and all other minor transportation projects not excluded in Appendix C, should be submitted to HEU on a county-by-county basis. A submittal from the Division should include individual projects within the county shown on USGS maps and may consist of numerous sheets. Since each project may have different permitting,

scheduling, or design information, it is required that each project have its own **Request for Cultural Resources Review** memorandum (see Appendix D: Forms).

For projects with no federal involvement (no federal funds, permits, or other actions), the HEU CRS will assure compliance with NCGS-121-12(a) and any local preservation ordinances.

3.2 IDENTIFICATION & EVALUATION OF HISTORIC PROPERTIES

3.2.1 Initiate Cultural Resources Review

Upon receipt, requests for cultural resources review will be processed and logged in by HEU and assigned to a CRS in each Cultural Resource Group. Once assigned, the CRS will work within a standard 30-day timeframe to establish the Area of Potential Effects (APE), conduct background research, and determine the need for a survey. In the event that the volume of requests exceeds the staffing capacity to process requests within the standard timeframe, the cultural resources supervisors may allot additional time. The standard (30) day timeframe determines the need for a survey only.

3.2.2 Determine the Area of Potential Effects

The CRS shall establish the APE for the project. The APE is defined as the “geographic area(s) within which the proposed undertaking may cause changes in the character or use of historic properties listed or eligible for listing in the National Register of Historic Places.” (36 CFR 800.2(c)).

3.2.3 Identify Consulting Parties

The CRS should identify and invite other appropriate parties, such as local governments or historic property owner(s), to participate in the consultation and will initiate consultation with appropriate tribal governments where applicable.

3.2.4 Conduct Background Research

The CRS shall search the maps and files at the HPO and Office of State Archaeology (OSA) and document any known prehistoric or historic resources in the project’s APE, to include National Register (NR), Determined Eligible (DE), State Study List (SL) Locally Designated (LD), and Surveyed Sites (SS).

3.2.5 Determine Need for Field Survey

The need for a field survey will be determined by an internal meeting within each Cultural Resource Group. The CRS will present the results of the background research and consult with the group to determine a recommendation. Some factors that the CRS should consider in forming a survey recommendation include, but are not limited to:

- If designated NR, DE, and/or LD resources exist, at a minimum the CRS should conduct a site visit to confirm existing prehistoric or historic property boundaries and photograph the resources in conjunction with the proposed transportation project. If background research indicates that there is a potential for unidentified prehistoric or historic resources in the project area, a complete survey of the APE should be conducted by the CRS.

- If SL and/or SS resources exist, the CRS should conduct a field survey of the APE. If there is likelihood that properties within the APE that may be determined eligible, enough information should be gathered in the field to determine a preliminary boundary.
- If no known prehistoric or historic resources are identified based on the background research, the CRS should assess the likelihood that unidentified prehistoric and/or historic resources exist in the APE and determine the need for a survey. If the available background information, such as HPO/OSA county surveys, soil surveys, historic designation rosters, indexes, and county GIS systems, provides a reliable basis for reasonably predicting that there are no unidentified prehistoric or historic resources in the APE, the CRS will issue a finding of “No Survey Required” for the project.

3.2.6 No Survey Required

The CRS will issue a “No Survey Required” for projects which meet the following conditions:

- (a) have no known prehistoric or historic resources in the APE based on historic background research; or
- (b) the available background research, such as HPO/OSA county surveys, historic designation rosters and indexes, provides a reliable basis for reasonably predicting that there are no unidentified prehistoric or historic resources in the APE.

The “No Survey Required” form (Appendix D) includes project information, project numbers, permitting information, and a summary of cultural resources review. The CRS will provide a brief description of review activities, results of review, and conclusions. Also to be noted is a brief explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified prehistoric or historic properties in the APE. Support documentation such as maps, previous survey information, evidence of severe landform disturbance, photos, and correspondence may be included.

The “No Survey Required” determination also serves as the determination of “No Historic Properties Present/Affected.”

The CRS completes the “No Survey Required” form and provides copies to the project manager, project engineer and/or DEO for inclusion in their environmental document or permit application. An additional copy will be included in the annual report to be submitted to HPO/OSA.

The project manager or project engineer must submit draft CE documents to HEU cultural resource groups for review and acceptance and include a copy of the “No Survey Required” form.

3.2.7 Potential for Prehistoric or Historic Properties

Should no known prehistoric or historic resources be identified based on the background research, the CRS should assess the likelihood that unidentified prehistoric or historic resources may exist in the APE and determine the need for a survey. Factors that suggest that a survey is needed are:

- (a) lack of up-to-date available background information;

- (b) outdated resource agency mapping;
- (c) consultation with local historians and local preservation representatives affirms a need for a survey;
- (d) aerial images and/or USGS maps identify patterns of historic/prehistoric development and therefore indicating a likelihood for the presence of prehistoric or historic resources; or
- (e) predictable occurrences of archaeological resources, in nearby or similar environmental settings.

If a potential for prehistoric or historic resources exists, the CRS should conduct a survey.

3.2.8 Prehistoric or Historic Properties Identified

If designated NR, DE, and/or LD resources exist, at a minimum the CRS should plan a site visit to confirm property boundaries and photograph the resources relative to the proposed transportation project. Subsurface investigations may be required to relocate known archaeology sites relating to the project's APE. If no other known resource types were identified via background research, a windshield type survey may be conducted to determine if there are additional prehistoric or historic resources present in the APE. If additional resources are identified in the field, a full survey should be conducted. If no additional resources are identified in the field, the CRS may proceed with Assessing Effects (see Section 3.3) for the existing NR and DE properties.

If only SL and/or SS resources exist, the CRS should conduct a field survey of the APE. If there is likelihood that properties within the APE are may be determined eligible, enough information should be gathered in the field to determine a preliminary boundary.

The CRS may revise existing site forms based upon site observations, site relocation attempts, and field conditions.

3.2.9 Conduct Prehistoric/Historic Properties Survey

Prior to initiating the survey, the CRS should establish the APE for the project (see Section 3.2.2). Once the survey is underway, the CRS may adjust the APE to reflect field conditions. All properties or sites that are evaluated in the APE should be keyed to a survey map and the structures should be photographed.

For state-funded projects with no federal actions, GS-121-12(a) requires consideration of only National Register-listed properties within the APE. A field survey should be conducted to confirm the National Register boundaries and to assess sites, structures, or landscape features that have the potential to be affected by the proposed transportation project.

3.2.10 No Prehistoric or Historic Properties Present

If there are no eligible properties or sites within the APE and there are no NR, DE, SL, LD properties present, the CRS will issue a finding of "No Prehistoric or Historic Properties Present."

The CRS signs the "No Prehistoric or Historic Properties Present" form (Appendix D) and provides copies to the project manager project engineer and/or DEO for inclusion in their environmental document or permit application. An

additional copy will be included in the annual report to be submitted to HPO/OSA.

3.2.11 Determining Eligibility

When resources that may be eligible are identified, the CRS will compile associated site data, historic information and photographs as needed and present them at an internal Cultural Resources Group meeting. Properties lacking significance and/or the integrity to convey significance will be documented by property number or archaeological site number and brief description on the “No Prehistoric or Historic Properties Present” form. If the group determines that properties require more research, the CRS will evaluate each in a Determination of Eligibility (DOE) evaluation.

3.2.12 Guidelines for Preparing DOE Evaluations

Cover Page

The following items are to be included:

- Title of the evaluation
- Identification and location of the project, including the county
- TIP number, the Federal Aid number, and the WBS number
- Preparer(s) of the evaluation
- Date of evaluation

Title/Signatory Page

The signatory page should document acceptance of the evaluation. The following items to be included:

- All of the items on the cover page
- Dated signature of the CRS
- Lines for dated signature of the supervisor of NCDOT’s Archaeology or Historic Architecture and Landscapes Group

Management Summary

The management summary should provide a succinct, but complete, explanation of the project. The following items to be included:

- Project name and location
- T.I.P. number, Federal Aid number and WBS number
- Brief, one sentence statement of project’s purpose
- Summary description of APE, including how determined
- Summary of the results of the survey
- A list of properties determined eligible for or listed in the NR
- A list of properties determined not eligible for the NR
- A map illustrating the boundaries of the APE for the project and all NR-eligible and NR-listed properties within the APE

Physical Environment

The physical environment section should describe the setting of the project, both from a present-day and a historical perspective. Some factors, which are useful to consider, include type and extent of forestation, geology, and bodies of water.

Emphasis should be placed on the relationship of the setting to the development of the built environment and the evolution of architectural patterns.

Methodology

The methodology should provide a succinct, but complete, explanation of the methods and techniques used during the survey to locate and evaluate properties.

Background Information & Historic Contexts

The Background Information and Historic Contexts section should present sufficient information to provide the reader with an understanding of the prehistoric and/or historical development of and the area in general and with regard to the built environment.

Individual Property/Site Evaluations

The following items should be included:

- Name of Property or Archaeological Site Number, Location; Date
- Physical description
- Prehistoric or Historic Background: Discussion of the prehistory or history of each property or site from date of construction to the present, including changes to the property over time, historic functions and activities, association with events and persons, and the role of the property in a local, state or national context, as appropriate.
- Evaluation: Evaluation of each property recorded in the survey using the NR Criteria for Evaluation as described in the appropriate NR Bulletin(s). The seven aspects of integrity should be addressed individually. If a property is already listed in the NR, the evaluation in the nomination should be summarized and the physical description should describe any changes that have taken place since the property was listed.
- Boundary Determination: Boundaries for all properties determined eligible for listing in the National Register should be identified and justified. If a property is already listed in the National Register, the boundary should be reviewed to determine if it is current, and, if not, an appropriate alteration should be proposed and justified.
- Photographs: 4" x 6" images are preferred. (Traditional prints or digital images are acceptable.) Representative views that illustrate points addressed in the Project Inventory and Evaluation Section should be included.
- Site Plan: A site plan may be prepared for properties if it is relevant to the determination of eligibility of the property.
- Boundary Map: USGS topographic maps, GIS maps, aerial photographs, or other maps of appropriate scale with boundaries drawn for each property determined eligible for or listed in the National Register.
- Archaeological Site Forms
- Historic Property Data Entry Form

Bibliography/References Cited

List all sources consulted in the preparation of the evaluation.

Appendices

The following items should be included:

- Inventory of all properties identified in the survey along with images (as needed).
- Map of properties evaluated including locations of positive and negative archaeological subsurface investigations.
- Form documenting internal Cultural Resources Groups reviews of properties as discussed in Section 3.2.11.

3.2.13 Evaluation Review

Appropriate NCDOT staff will review evaluations prepared by CRS's. Evaluations prepared for NCDOT by Professional Services Contract will be reviewed and accepted by appropriate NCDOT staff before release for additional review and comment.

3.2.14 Evaluation Revision

The CRS will make revisions to the evaluation, if needed, based upon the comments of NCDOT. When, in the opinion of NCDOT, the CRS has satisfied the requirements and procedures of an NCDOT survey and documented that survey in the form prescribed by NCDOT, the evaluation will be accepted by signature from the appropriate NCDOT supervisor.

3.2.15 Acceptance & Distribution of Evaluation

Once received, approved, and signed by the NCDOT Supervisor, the evaluations will be distributed as such:

- (1) HPO/OSA (two (2) copies of the evaluation, a CD, and additional copies as needed, final number to be determined based on the number of consulting parties)
- (1) engineer, project manager, or DEO
- (1) project file

3.2.16 No Prehistoric or Historic Properties Present after Intensive Evaluation

If the HPO concurs with the recommendation of resource(s) evaluated in the evaluation as "Not Eligible for the National Register", the CRS will issue "No Prehistoric or Historic Properties Present" and attach the evaluation.

The CRS submits copies to the project manager, project engineer, and/or DEO for inclusion in their environmental document or permit application. An additional copy will be included in the annual report to be submitted to HPO.

3.2.17 Property(ies) Eligible for the NRHP and Potentially Affected by the Project

If the HPO concurs with the recommendation of resource(s) as "Eligible for the National Register," the CRS will notify the project engineer or project manager and proceed to assess the effects of the undertaking on the prehistoric and/or historic property(ies)(see Section 3.3, Assessing Effects).

3.3 ASSESSING EFFECTS

Once the project alternatives have been established and the boundaries of the properties have been delineated on the design plans, the CRS will apply the criteria of adverse effect. In general, an effect means alteration to the characteristics of a property qualifying it for inclusion in or eligibility for the NR. During the NCDOT effects

assessment, one of three outcomes will be reached for each property: (1) No Effect (2) No Adverse Effect, or (3) Adverse Effect

3.3.1 No Effect

“No Effect” means that there are prehistoric or historic properties present but the undertaking will not alter the characteristics of a property qualifying it for inclusion in or eligibility for the NR.

3.3.2 No Adverse Effect

“No Adverse Effect” means that there is an effect to the property but the undertaking is modified and/or conditions are imposed to avoid adverse effects.

3.3.3 Adverse Effect

An “Adverse Effect” is found when an undertaking may alter, directly or indirectly, any of the characteristics of a property that qualify the property for inclusion in the NR in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a prehistoric or historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the NR. Adverse Effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative (36 CFR 800.5(1)). Examples of Adverse Effects on prehistoric or historic properties include, but are not limited to:

- Physical destruction of or damage to all or part of the property;
- Removal of a property from its historic location;
- Change of the character of the property’s use or physical features within the property’s setting that contribute to its historic significance;
- Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features;
- Neglect of a property which causes its deterioration;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicap access, that is not consistent with the *Secretary’s Standards for the Treatment of Historic Properties*;

3.3.4 Notifying HPO of Findings

Regardless of the outcome of the NCDOT effects assessment (“No Effect”, “No Adverse Effect”, or “Adverse Effect”), the CRS will submit the effects finding to HPO.

3.3.5 Consultation for “No Effect” or “No Adverse Effect” findings

After HPO receives an NCDOT finding of either “No Effect” or “No Adverse Effect”, a standard 30-day timeframe is established for HPO to concur on the

finding. Should HPO not reply within the 30-day timeframe, the finding is accepted.

Should NCDOT/HPO concurrence for the finding of “No Effect” or “No Adverse Effect” not be reached for a federally funded project, NCDOT, HPO and FHWA will consult. After consultation, should NCDOT, HPO, and FHWA concur on the finding, the project may proceed.

Should NCDOT, HPO, and FHWA not concur on the finding, the project will be disqualified from review under the PA and be processed as a standard Section 106 project.

Should NCDOT and HPO not concur on the finding of “No Effect” or “No Adverse Effect” for a state-funded project with no federal actions, NCDOT will consult with HPO as staff of the North Carolina Historical Commission [only for National Register-listed properties].

3.3.6 Consultation for “Adverse Effect” findings

Should the CRS establish a finding of “Adverse Effect”, the following parties should be notified: HPO, the NCDOT Division Office, and FHWA.

For state-funded projects with no federal actions, NCDOT will consult with HPO as representative of the North Carolina Historical Commission. The project shall not proceed until NCDOT has taken the recommendations of the Historical Commission into consideration.

For federally-funded projects, NCDOT and FHWA will consult to develop mitigation or other actions to reduce the project’s adverse effects. Should NCDOT and FHWA concur on the measures to be taken, a finding of “No Adverse Effect” or “No Effect” shall replace the “Adverse Effect” finding. The HPO may also recommend mitigation or other actions to reach a finding of “No Adverse Effect” or “No Effect.”

Should NCDOT and FHWA not concur with mitigation or other measures taken to reduce the adverse effects, the project will be disqualified from review under the PA and be processed as a standard Section 106 project. Should an “Adverse Effect” result from standard Section 106 consultation, a Memorandum of Agreement will be developed in accordance with 36 CFR 800.6(c).

APPENDICES

Appendix A: Programmatic Agreement

Appendix B: Cultural Resources Management Training Requirements

Appendix C: Exempt Activities

Appendix D: Forms

Appendix E: Submittals from Division Offices

**APPENDIX A:
PROGRAMMATIC AGREEMENT**

PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

WHEREAS, the Federal Highway Administration (FHWA) administers the Federal Aid Highway Program in North Carolina, authorized by (23 U.S.C. 101 et seq.), through the North Carolina Department of Transportation (NCDOT) (23 U.S.C. 315); and

WHEREAS, the Division Administrator, FHWA, is the agency official (Agency Official) responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (16 USC 470 et seq.) and its implementing regulations (36 CFR Part 800, as amended) for Federal Aid Highway Programs; and

WHEREAS, for purposes of this Programmatic Agreement (PA), minor transportation projects are defined as federal or state transportation projects that qualify as Categorical Exclusions under the National Environmental Policy Act (NEPA), as defined in 23 CFR 771.117, or the state equivalent, as defined in North Carolina General Statute (NCGS) 113A-1 et seq. and 19A NCAC 02F. 0102; and

WHEREAS, FHWA and NCDOT desire to streamline consultation for Section 106 of the NHPA on federally-funded and/or permitted minor transportation projects in North Carolina, and toward this end have consulted with the North Carolina State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) to develop and execute this PA pursuant to 36 CFR 800.14(b); and

WHEREAS, FHWA, Council, SHPO, and NCDOT executed a PA for Administration of the Federal Aid Highway Program on March 20, 2000 (Federal Aid Highway PA) that allows NCDOT's qualified Cultural Resource Specialists (CR Specialists) to perform the work and consultation with the SHPO described in specific sections of 36 CFR 800.3 through 800.5 on behalf of the FHWA; and

WHEREAS, the Federal Aid Highway PA remains in force for FHWA undertakings, except for those defined herein as minor transportation projects; and

WHEREAS, the US Army Corps of Engineers (USACE), Tennessee Valley Authority (TVA), United States Forest Service (USFS), United States Coast Guard (USCG), National Park Service (NPS), Environmental Protection Agency (EPA), and Federal Energy Regulatory Commission (FERC), may manage federal lands affected by or be responsible for issuing permits or licenses related to the construction of minor transportation projects by NCDOT, and have been invited to participate in consultation and concur in this PA; and

WHEREAS, FHWA notified the Eastern Band of the Cherokee Indians (EBCI) and they have been invited to participate in the consultation to develop this PA and have been invited to concur in it; and

WHEREAS, the definitions contained in 36 CFR 800.16 shall be used in this PA; and

WHEREAS, NCDOT has a staff of CR Specialists and employs consultants, who meet the professional qualifications defined in the *Secretary of the Interior's Professional Qualifications* at 36 CFR Part 61 and; 48 FR 44716 in the fields of archaeology, architectural history, or historical architecture to carry out NCDOT's historic preservation programs and responsibilities; and

WHEREAS, this PA does not apply to NCDOT's enhancement activities, as they are covered in the 1996 PA among FHWA, Council, SHPO, and NCDOT entitled, "Implementation of Transportation Enhancement Activities Under the Intermodal Surface Transportation Efficiency Act"; and

WHEREAS, NCDOT and SHPO agree that NCDOT may use the provisions of this PA to address the applicable requirements of NCGS 121-12(a) for minor transportation projects;

NOW, THEREFORE, FHWA, NCDOT, Council, and SHPO agree that minor transportation projects carried out by NCDOT with federal-aid funding shall be administered in accordance with the following stipulations to ensure that all federal responsibilities under Section 106 of NHPA are implemented; and as agreed to between the NCDOT and SHPO, all state responsibilities under NCGS 121-12(a) are implemented.

STIPULATIONS

FHWA will ensure that the following measures are carried out:

I. Purpose and Applicability

- A. This PA sets forth the process by which FHWA, with the assistance of NCDOT, will meet their responsibilities under Section 106 of the NHPA for minor transportation projects of the Federal Aid Transportation Program for minor transportation projects of the State-Funded Transportation Program. This PA establishes the basis for NCDOT's internal review of individual minor transportation projects and establishes how FHWA will be involved in any review.
- B. This PA also sets forth, as agreed to between NCDOT and SHPO, procedures for NCDOT's compliance with NCGS 121-12(a) for minor transportation projects carried out by NCDOT without federal funding, approval, or permits.
- C. Projects which involve sites at which discovery of human skeletal remains and associated grave goods are likely cannot be addressed under the terms of this PA.

II. Responsibilities of FHWA, NCDOT, and SHPO

- A. For purposes of this PA, "Lead Federal Agency" means:
 1. FHWA is the Lead Federal Agency for minor transportation projects funded through the Federal Aid Highway Program.
- B. NCDOT will initiate consultation with federally recognized Indian tribes for projects that may affect properties to which a tribe/tribes ascribes traditional cultural and religious significance.
 1. The Lead Federal Agency shall retain ultimate responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Indian tribes.

2. Notwithstanding any other provision of this PA, the Lead Federal Agency shall honor the request of any federally recognized Indian tribe for direct government-to-government consultation regarding an undertaking covered by this PA.
 3. For projects that occur on Tribal lands or may affect a historic property on Tribal lands, the Lead Federal Agency in coordination with NCDOT will complete Section 106 review for that project following 36 CFR 800.3 through 800.6 and the project shall be excluded from this PA.
- C. FHWA will require NCDOT to carry out the requirements of this PA or of 36 CFR Part 800, and applicable Council guidelines for all NCDOT's minor transportation projects that receive federal assistance. FHWA will participate in the process as specified in subsequent stipulations.
- D. NCDOT shall employ personnel and consultants, trained and qualified in the fields of archaeology, historic architecture, and architectural history, whose duties shall include activities implementing this PA.
1. These personnel/consultants shall meet the Secretary's Professional Qualifications in the fields of archaeology, architectural history, or historical architecture.
 2. NCDOT and SHPO shall provide regular cultural resource management and Section 106 compliance training, as described in Appendix A, for personnel responsible within NCDOT for activities described in this PA.
- E. NCDOT, in consultation with SHPO, will develop a user's manual to aid in the implementation of this PA.
1. The user's manual will include detailed procedures for Section 106 and NCGS 121-12(a) reviews and be titled *NCDOT's Programmatic Agreement Implementation Manual for Minor Transportation Projects (Manual)*.
 2. Upon its approval by FHWA, NCDOT shall distribute the Manual throughout the appropriate NCDOT Divisions, Division of Highways' Branches, and divisions to aid in their education and understanding of the terms and procedures encompassed by this PA.
- F. NCDOT will follow the curation guidelines developed by the North Carolina Office of State Archaeology (OSA) to ensure long-term preservation of the State's archaeological collections and associated field records. OSA will waive all fees for the curation of archaeological collections that result from NCDOT investigations, when those collections are documented, conserved, and submitted according to OSA's guidelines.

III. Guidelines, Standards and Regulations

Guidelines, standards and regulations relevant to this PA and its purposes include:

- 36 CFR Part 61: *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (Secretary's Standards)*;
- *North Carolina Office of State Archaeology: Guidelines for Preparation of Archaeological Survey Reports* (1988);
- *North Carolina Office of State Archaeology: Archaeological Curation Standards and Guidelines* (1995);
- *North Carolina Historic Preservation Office Survey Manual: Practical Advice for Recording Historic Resources* (2002);
- North Carolina General Statute 121-12;
- North Carolina Administrative Code T07:04R.0206;
- 23 CFR Part 771.117 FHWA Categorical Exclusions;
- 33 CFR Part 330: Nationwide Permit Program;
- 36 CFR Part 800: Protection of Historic Properties;
- 40 CFR 1508 - CEQ - Regulations for Implementing NEPA ; and

- *North Carolina Department of Transportation: Guidelines for Survey Reports for Historic Architectural Resources* (2003).

IV. Projects with Little or No Potential to Cause Effects

The project types listed in and meeting the conditions specified in Appendix B by their nature and definition, constitute undertakings that should pose minimal or no adverse effects to historic properties.

- A. Minor transportation projects that comprise the activity/ies listed in Appendix B and, in the best judgment of the NCDOT Project Manager or Engineer, meet all the conditions outlined, shall undergo no further Section 106 or NCGS 121-12(a) review.
- B. Projects, which are certified as meeting the conditions and are exempt from further review, must be documented by the NCDOT Project Manager or Engineer using the *Programmatic Agreement Screening Checklist* (Checklist)(Appendix C).
 1. The Checklist shall be completed for every project or, in some cases, for a batch of similar projects whose actions have little or no potential for significant effects.
 2. A copy of the Checklist will be placed in the project file.
 3. The Checklist shall not be distributed to the parties of this PA, unless requested.
- C. Other minor actions may be approved as project types in Appendix B, if deemed appropriate by consultation and written agreement of FHWA, NCDOT and SHPO.

V. Project Review - Minor Transportation Projects

For those projects considered Minor Transportation Projects and not exempt from review under Stipulation IV, the review process shall be:

- A. Initiate Section 106 Process - 36 CFR Part 800.3
NCDOT will initiate the Section 106 process on behalf of the Lead Federal Agency following the procedures in 36 CFR 800.3. NCDOT CR Specialists, including an archaeologist and architectural historian, will:
 1. Define the undertaking.
 2. Identify and invite the SHPO and other consulting parties (such as local governments) to participate in the consultation.
 3. Initiate consultation with appropriate Indian tribal governments, where applicable.
- B. Identify Historic Properties - 36 CFR Part 800.4
 1. NCDOT CR Specialists shall determine and document the Area of Potential Effects (APE), as defined in 36 CFR 800.16(d).
 2. Based upon the best available background information gathered via a literature search, including SHPO files of identified, eligible, or National Register-listed historic properties, a NCDOT CR Specialist shall assess the likelihood that unidentified historic properties exist in the APE and shall determine the need for further field survey.
 - a. For those projects for which the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in either the archaeological or architectural APE, a NCDOT CR Specialist shall issue a finding of No Survey Required for the project using the *No Survey Required Form* in Appendix C.
 - i) The *No Survey Required Form* shall be included in the Categorical Exclusion, as part of the NEPA project files.
 - ii) NCDOT shall provide copies of the completed *No Survey Required Forms* to the SHPO quarterly, beginning on March 31st of each year.

- iii) If historic properties are discovered after the NCDOT CR Specialist issues the finding of No Survey Required, then reasonable efforts will be made to avoid, minimize, or mitigate adverse effects to such properties per 36 CFR 800.13.
 - b. In an APE for which a NCDOT CR Specialist recommends a field survey, NCDOT shall conduct or cause to be conducted a survey to identify historic properties. The survey shall be conducted in a manner consistent with the Manual and applicable guidelines, standards, and regulations listed in Stipulation III.
 - i) Where potential historic properties are identified, a NCDOT CR Specialist shall evaluate their eligibility for listing in the National Register of Historic Places (NRHP), in accordance with the *Secretary's Standards* and National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation.
 - ii) Where historic property boundaries have not previously been established, a NCDOT CR Specialist shall identify recommended boundaries following the standards set forth in National Register Bulletin 21: Defining Boundaries for National Register Properties.
 - iii) These determinations of eligibility and proposed boundaries shall be documented in an *Eligibility Evaluation Report* (EER) for archaeology and/or aboveground resources, the content and layout of which will be specified in the Manual.
- C. Apply the Criteria of Effect

For those undertakings in which there are National Register-listed or eligible historic properties in the APE, a NCDOT CR Specialist shall apply the Criteria of Adverse Effect in accordance with 36 CFR Part 800.5.

 1. For those projects which have no National Register-listed or eligible historic properties present or affected, a NCDOT CR Specialist shall document a finding of No Historic Properties Present or Affected for the project, following the requirements in 36 CFR 800.11(d) and using the *Effects Determination Form* in Appendix C.
 - a. The EER and *Effects Determination Form* will be included in the Categorical Exclusion, as part of the NEPA project files.
 - b. NCDOT shall notify SHPO and other consulting parties, as needed, of the No Historic Properties Present or Affected finding for the project using the *Effects Determination Form* and EER.
 - c. If within 30 days of receiving this notification, SHPO or another consulting party does not object or does not comment, NCDOT may proceed with the project without further review. If SHPO or another consulting party objects to NCDOT's findings then one of the following shall take place:
 - i) For federal undertakings, the documentation will be submitted to the federal agency with jurisdiction for consideration. If that agency and NCDOT reach consensus, the process will move forward in accordance with this PA, either to a finding of effect or documenting that no historic properties are affected. If consensus is not achieved the undertaking will not continue under this PA, but will proceed in accordance with 36 CFR 800.3 through 800.6.
 - ii) For state undertakings, with no federal involvement, that do not adversely affect any property listed in the NRHP, NCDOT shall provide a copy of the determination to SHPO, as staff of the North Carolina Historical Commission. For undertakings that may have an effect on a National Register-listed property, NCDOT shall consult with SHPO pursuant to the administrative procedures outlined in the North Carolina Administrative Code T07:04R.0206.
 2. If NCDOT CR Specialist determines that the undertaking will have No Adverse Effect on historic properties, it will notify SHPO in writing using the *Effects Determination Form* provided in Appendix C and attaching the EER. Copies of this documentation will also be provided to the project's submitter and other consulting parties, as needed.

- a. SHPO will review this determination and provide written comments to NCDOT within 30 days after receipt of NCDOT's finding and supporting documentation as required by 36 CFR 800.11. If SHPO or another consulting party does not object or does not comment on NCDOT's No Adverse Effect determination, NCDOT shall document that finding, make it available to the public, and proceed with the undertaking as planned.
 - b. If SHPO or another consulting party objects to NCDOT's finding of No Adverse Effect, they shall indicate the reasons for non-concurrence and NCDOT and SHPO or another consulting party will consult further to resolve this matter, either by identifying project alternatives that may result in the undertaking having no adverse effect on historic properties or proceeding in accordance with Stipulation X of this PA.
 - c. If SHPO or another consulting party proposes conditions that would result in a determination of No Adverse Effect, and NCDOT agrees to implement the conditions, no further consultation will be necessary.
3. Adverse Effect
- a. If NCDOT CR Specialist determines that the undertaking will have an Adverse Effect on eligible historic properties, it will notify SHPO in writing using the Effects Determination Form provided in Appendix C and attaching the EER. Copies of this documentation will be provided to all consulting parties, NCDOT Division Engineer and/or FHWA Area Engineer.
 - b. Those projects that may have an Adverse Effect on historic properties as indicated through application of the Criteria of Adverse Effect, will not be addressed under the terms of this PA and must be addressed under Section 106 of the National Historic Preservation Act, the Council's regulations at 36 CFR 800, or NCGS 121-12(a).
- D. Project Re-evaluation
1. If an undertaking changes in scope or APE, NCDOT shall re-assess the applicability of this PA to the project to determine if the project continues to qualify for treatment under Stipulations IV and V above. If the undertaking no longer qualifies for such treatment, it will not be considered a minor project and will not be reviewed under the terms of this PA.
 2. Should SHPO or a member of the public provide new information regarding a project that would alter the re-evaluation determination made above, NCDOT, SHPO, and consulting parties shall consult pursuant to 36 CFR 800.4 through 800.6 and 800.13. Such information shall be provided to NCDOT as quickly as possible.
- E. Unanticipated Discovery
- All unanticipated discoveries made in conjunction with any project covered by this PA shall be treated in accordance with the procedures outlined in 36 CFR 800.13(b).
- F. Historic Bridges
- NCDOT shall use the findings of the Historic Bridge Inventory (NCDOT, 2004) to determine the eligibility of bridges. Bridges considered not eligible for the National Register will require no further evaluation, unless after the year 2015, changing perceptions of significance, or incomplete prior evaluation necessitate re-evaluation of their eligibility status.
- G. Emergency Situations
- From time to time, NCDOT will be required to perform emergency actions in response to an immediate threat to the preservation of human life or property, in which case NCDOT will be allowed an emergency waiver from the review procedures set forth in this PA.
1. The emergency waiver for minor transportation projects shall begin at the time that NCDOT determines that an emergency action is required and will only be applicable if NCDOT reasonably anticipates that the emergency action will be initiated within ten (10) days.
 2. In the event of such emergencies, NCDOT CR Specialist shall, within thirty (30) days of the emergency, provide a summary of the emergency undertaking to SHPO and note if and how National Register-listed or eligible properties were affected.

3. If a listed or eligible property was adversely affected by the emergency undertaking, NCDOT shall consult with SHPO and other parties to this PA, as appropriate, to determine if post-emergency mitigative measures are needed.

VI. Cooperation and Communication

NCDOT and SHPO will continue to share information developed or generated by each agency related to the identification, evaluation, management and treatment of North Carolina's cultural resources.

VII. Annual Review and Monitoring

NCDOT and SHPO shall regularly consult to review implementation of the terms of the PA.

- A. NCDOT will maintain a list, sorted by branch and division, of all projects covered by this PA for a twelve (12)-month period from July 1 through June 30. NCDOT will provide all parties of this PA with copies of this list called the *Annual Report on the Programmatic Agreement for Minor Transportation Projects in North Carolina (Annual Report)* by July 31 of each year.
 1. The content and format of the report will be described in the Manual for this PA.
 2. The FHWA, SHPO, and other parties will review the *Annual Report* and assess the implementation of the PA for the year under review.
 3. If deemed appropriate by any signatory to this PA, NCDOT will notify the parties that they will meet to discuss and resolve any issues raised as a result of the review.
- B. FHWA, Council, and SHPO may monitor activities carried out pursuant to this PA. NCDOT shall cooperate with these parties in carrying out their monitoring efforts.
- C. The Federal Agencies, who have signed this PA, are responsible for ensuring that its terms are fulfilled. Should a Federal Agency determine that a Division, Division of Highways, branch, or division is not consistently complying with the provisions of this PA, it shall notify NCDOT managers, who will address the problem and report to all the parties of this PA on the actions taken.

VIII. Amendment

- A. Any party to this PA may request that it be amended, whereupon the parties will consult to consider such an amendment. An amendment to the PA will go into effect upon the written concurrence of the FHWA, SHPO, NCDOT and Council.
- B. The forms and Manual referenced in Appendix C may be revised with the written concurrence of the Parties to this PA.

IX. Termination

Any party to this PA may terminate it by providing thirty (30) calendar days notice in writing to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR 800.4 through 800.6 with regard to individual undertakings covered by this PA.

X. Dispute Resolution

- A. Should SHPO or another consulting party on an individual undertaking subject to review under this PA object within thirty (30) days to any plans or documentation provided for review pursuant to this agreement, the Lead Federal Agency shall consult with the objecting

party to resolve the objection. If the Lead Federal Agency determines that the objection cannot be resolved, it shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. Provide the federal agency with recommendations which the federal agency will take into account in reaching a final decision regarding the dispute, or
2. Notify the federal agency that it will comment pursuant to 36 CFR 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the federal agency in accordance with 36 CFR 800.7(c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute; the Lead Federal Agency's responsibility to carry out all the actions under this agreement that are not the subject of the dispute will remain unchanged.

- B. Any member of the public, any agency or organization may request the Council review of Section 106 compliance for an individual undertaking in accordance with 36 CFR 800.9(a).
- C. For projects with no federal involvement, state law requires that state undertakings be reviewed under NCGS 121-12(a). Should SHPO or another consulting party on an individual undertaking subject to review under this agreement, object within thirty (30) days to any plans or documentation provided for review pursuant to this agreement, NCDOT shall consult with SHPO as staff of the North Carolina Historical Commission as per the administrative procedures outlined in the North Carolina Administrative Code T07:04R.0206.

XI. Duration

This PA will continue in full force and effect until June 30, 2015. During the six (6) month period prior to this date, the signatory parties will consult to consider an extension or amendment of the PA. No extension or amendment will be effective unless all parties to the PA agree to it in writing.

Execution and implementation of this PA evidences that FHWA, in cooperation with NCDOT, has satisfied its responsibilities under Section 106 of NHPA for all individual undertakings of minor transportation projects covered under this PA.

FEDERAL HIGHWAY ADMINISTRATION

 _____ 10/1/07
John Sullivan III, P.E., Division Administrator Date

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

 _____ 10/3/07
Lydo Tippett, Secretary of Transportation Date

 _____ 9/27/2007
Bill Rosser, P.E., State Highway Administrator Date

 _____ 10/2/07
Roberto Canales, P.E., Deputy Secretary for Transit Date

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

 _____ 10/18/07
Jeffrey J. Crow, State Historic Preservation Officer Date

ADVISORY COUNCIL ON HISTORIC PRESERVATION

 _____ 11/5/07
John M. Fowler, Executive Director Date

***APPENDIX B:
CULTURAL RESOURCES TRAINING REQUIREMENTS***

A NCDOT CRS should, at a minimum, meet the Secretary of the Interior's Professional Qualifications (36 CFR Part 61) and receive ongoing training in the following areas in order to carry out the review activities under the PA.

- Historic and Archaeological Preservation
- Introduction to Section 106
- Identification and Eligibility of Historic Properties
- Establishing Historic Property Boundaries
- Identifying Historic and/or Cultural Landscapes
- Application of Criteria of Effect
- Native American Consultation

***APPENDIX C:
ACTIVITIES EXEMPT FROM THE PROGRAMMATIC AGREEMENT***

The activities in Appendix C are exempted from further review, provided the undertaking meets all of the following conditions:

- is limited to the activities specified;
- is not part of a larger undertaking;
- is not questioned by the owner of a historic property;
- has no known public controversy based on historic preservation issues; and
- is classified as a "categorical exclusion" (or state-equivalent) project.

EXEMPT ACTIVITIES

- Mowing, seeding/reseeding, and other ground cover maintenance activities;
- Installation or replacement/repair of fixed static signs, interconnection devices, surveillance cameras, closed circuit TV and other minor incident management devices, railroad warning devices, and improved rail crossing surfaces;
- In-kind replacement, reconstruction, or ordinary repair or modification of existing lighting, guardrails, modern fencing, traffic signals, curbs and gutters, sidewalks, and variable message signs;
- Activities that do not involve construction or ground disturbance, such as preliminary engineering, training, technical studies, non-invasive inspections, and educational programs;
- Overlay, milling, grooving, repairing (concrete or asphalt patching or slurry seal), striping, or resurfacing of existing ramp, roadway, and parking lot surfaces where there will be no new impacts outside an existing facility; rumble strips, loop detectors, pavement markings (normal and raised), and snow and ice detectors to the same;
- Activities within the existing disturbed median, including installation of new or replacement median barriers or guard rail;
- Modernization of an existing transportation facility by widening less than a travel lane or adding lanes, provided such widening does not extend beyond the limits of existing improved right-of-way (includes shoulder additions to roadways, bridge approaches, turn lanes within the existing improved facility);
- Correcting substandard roadway geometrics and intersections (i.e., spot improvements), provided such corrections do not extend beyond the limits of existing improved right-of-way;
- Minor bridge rehabilitation, bridge rails, or substructure alterations where the work is confined to the bridge itself, and
 - a. the bridge is no older than 45 years at the date of NCDOT's project review, or
 - b. the bridge has been determined ineligible for the National Register of Historic Places;
- Minor safety related drainage improvements, including but not limited to: installation, replacement or removal of culverts and headwalls; installation, replacement and extensions of pipes; and addition of pipe end sections;
- Routine cleaning, maintenance and repair of existing drainage, stormwater management, and water quality facilities and devices, not including projects that seek to expand or extend such facilities;
- Replacement/relocation of existing underground utilities in kind and within existing footprint and replacement/relocation of existing utility poles between edge of existing improved right-of-way and road;
- Repair of erosion control and protection measures, including but not limited to: slope stabilization, slide repair, rip rap, or retaining walls and new construction of such devices within existing improved right-of-way;

- Rehabilitation of existing at-grade railroad crossings and installation or upgrade of regulatory signs and railroad warning signs and devices, upgrade of advisory signs, and track and rail bed maintenance, provided there is no change in grade;
- Construction of bicycle and pedestrian lanes, paths, pedestrian signal heads, and facilities, and multi-use paths and facilities provided such construction does not extend beyond the limits of existing improved right-of-way;
- Construction of or improvements to rest areas, truck weigh stations, park and ride lots, and other transportation related maintenance, storage, and office facilities, where no new right-of-way is acquired;
- Landscaping on fill-slopes and back-slopes;
- Disposal of excess state-owned properties;
- Other minor actions if deemed appropriate for coverage under this PA by consultation and mutual written agreement between NCDOT and HPO/OSA.

APPENDIX D: FORMS

Forms to be completed by the Project Engineer, Project Manager, or Division Environmental Officer

- Programmatic Agreement Cultural Resources Screening Checklist
- Request for Cultural Resources Review Form

Forms to be completed by the NCDOT Cultural Resources Specialist

- No Survey Required Form
- No Historic Properties Present/Affected Form
- Assessment of Effects Form

Programmatic Agreement Cultural Resources Screening Checklist

Project Numbers: TIP:

FA:

WBS:

Project Name:

County:

Project Description:

Funding Source:

Permits Required:

Instructions:

NCDOT Project Managers/Engineers, should complete the following checklist based upon your knowledge of the project site and immediate vicinity. If you check “Unable to Determine”, efforts should be undertaken to acquire available information on the project. If the answer to any question is “Yes” or “Unable to Determine,” the project is subject to further historic preservation review, notwithstanding other determinations under state environmental review laws and regulations. If the answer to all the questions is “No,” the project may be excluded from further historic preservation review.

	Yes	No	Unable to Determine
A. Does this project contain activities that are <u>not</u> specified in Appendix C of the North Carolina Programmatic Agreement for Minor Transportation Projects? (List of Exempt Activities on reverse)			
B. Is this project directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?			
C. Are there properties listed on or eligible for listing on the National Register of Historic Places in the project area?			
D. Is this project questioned by the owner of a historic property?			
E. Is there known public controversy based on historic preservation issues?			
F. Can this project be classified as anything <u>other than</u> a "categorical exclusion" (or state-equivalent) project			

Certification

By my signature, I certify that I have completed a site visit or am familiar with the specifics of the project and that my answers to the questions above are, to the best of my knowledge, correct. I also understand that no further environmental analysis is required according to Appendix C of the North Carolina Programmatic Agreement for Minor Transportation Projects.

Name (print) Signature Date

Programmatic Agreement Cultural Resources Screening Checklist (page 2)

The activities below are exempted from further review, provided the undertaking meets all of the following conditions:

- is limited to the activities specified;
- is not part of a larger undertaking;
- is not questioned by the owner of a historic property;
- has no known public controversy based on historic preservation issues; and
- is classified as a "categorical exclusion" (or state-equivalent) project.

EXEMPT ACTIVITIES

- Mowing, seeding/reseeding, and other ground cover maintenance activities;
- Installation or replacement/repair of fixed static signs, interconnection devices, surveillance cameras, closed circuit TV and other minor incident management devices, railroad warning devices, and improved rail crossing surfaces;
- In-kind replacement, reconstruction, or ordinary repair or modification of existing lighting, guardrails, modern fencing, traffic signals, curbs and gutters, sidewalks, and variable message signs;
- Activities that do not involve construction or ground disturbance, such as preliminary engineering, training, technical studies, non-invasive inspections, and educational programs;
- Overlay, milling, grooving, repairing (concrete or asphalt patching or slurry seal), striping, or resurfacing of existing ramp, roadway, and parking lot surfaces where there will be no new impacts outside an existing facility; rumble strips, loop detectors, pavement markings (normal and raised), and snow and ice detectors to the same;
- Activities within the existing disturbed median, including installation of new or replacement median barriers or guard rail;
- Modernization of an existing transportation facility by widening less than a travel lane or adding lanes, provided such widening does not extend beyond the limits of existing improved right-of-way (includes shoulder additions to roadways, bridge approaches, turn lanes within the existing improved facility);
- Correcting substandard roadway geometrics and intersections (i.e., spot improvements), provided such corrections do not extend beyond the limits of existing improved right-of-way;
- Minor bridge rehabilitation, bridge rails, or substructure alterations where the work is confined to the bridge itself, and
 - c. the bridge is no older than 45 years at the date of NCDOT's project review, or
 - d. the bridge has been determined ineligible for the National Register of Historic Places;
- Minor safety related drainage improvements, including but not limited to: installation, replacement or removal of culverts and headwalls; installation, replacement and extensions of pipes; and addition of pipe end sections;
- Routine cleaning, maintenance and repair of existing drainage, stormwater management, and water quality facilities and devices, not including projects that seek to expand or extend such facilities;
- Replacement/relocation of existing underground utilities in kind and within existing footprint and replacement/relocation of existing utility poles between edge of existing improved right-of-way and road;
- Repair of erosion control and protection measures, including but not limited to: slope stabilization, slide repair, rip rap, or retaining walls and new construction of such devices within existing improved right-of-way;
- Rehabilitation of existing at-grade railroad crossings and installation or upgrade of regulatory signs and railroad warning signs and devices, upgrade of advisory signs, and track and rail bed maintenance, provided there is no change in grade;
- Construction of bicycle and pedestrian lanes, paths, pedestrian signal heads, and facilities, and multi-use paths and facilities provided such construction does not extend beyond the limits of existing improved right-of-way;
- Construction of or improvements to rest areas, truck weigh stations, park and ride lots, and other transportation related maintenance, storage, and office facilities, where no new right-of-way is acquired;
- Landscaping on fill-slopes and back-slopes;
- Disposal of excess state-owned properties;
- Other minor actions if deemed appropriate for coverage under this PA by consultation and mutual written agreement between NCDOT and HPO/OSA.

REQUEST FOR CULTURAL RESOURCES REVIEW

MEMORANDUM TO: Drew Joyner, Human Environment Unit
 1598 Mail Service Center, Raleigh, NC 27699-1598

ATTENTION: Matt Wilkerson, Archaeology Supervisor
 Mary Pope Furr, Historic Architecture Supervisor

FROM: First Last
 Title

SUBJECT: Request for Cultural Resources Review

DATE: XXX

PROJECT INFORMATION

Project No: _____ *County:* _____

WBS No: _____ *Document:* _____

F.A. No: _____ *Funding:* State Federal

USGS Quad: _____

Project Description: _____

Purpose & Need: _____

SCHEDULING AND CONTACT INFORMATION

Date Needed: _____

Engineer: _____ *Tel* _____ *Email* _____

DESIGN INFORMATION

Project Length: _____

Exist. R/W: _____ *Proposed R/W:* _____

Exist. Speed Limit: _____ *Proposed Speed Limit:* _____

Exist. X-Section: _____

Detour Route: _____

Structure Type: _____ *Year Built:* _____

PERMIT & SPECIAL INFORMATION

Federal (USACE) Permit Required: YES NO

Permit Locations shown on map submitted: YES NO N/A (No Permits)

Type of Permit: *Number of Permits:*

Easements Required: YES NO

Temporary or Permanent: Temporary Permanent

Easements shown on map submitted: YES NO N/A (No Easements)

USFS Property: YES NO

USFS Rating: LOW MODERATE HIGH RATING SHEET ATTACHED

New signalization:

Offsite facilities required:

ATTACHMENTS

Vicinity Map USGS Quad Map Design Plans Photos

Agency Input Letters NCDOT Input Letters Scoping Meeting Minutes

Aerial Photograph with Study Area, Project Termini, and Y-Lines indicated

Other:

SUPPLEMENTAL INFORMATION

Archaeology:

Historic

Architecture:

Note:

***SUBMIT (2) COPIES OF THIS FORM AND ATTACHMENTS TO
NCDOT HUMAN ENVIRONMENT UNIT***

NO SURVEY REQUIRED FORM

PROJECT INFORMATION

Project No:

County:

WBS No:

Document:

F.A. No:

Funding:

State

Federal

Federal (USACE) Permit Required? Yes No *Permit Type:*

Project Description:

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

Review of HPO quad maps, historic designations roster, and indexes was undertaken on DATE. Based on this review, there are no existing NR, SL, LD, DE, or SS properties in the Area of Potential Effects. The CRS also reviewed XXXXX and no properties recorded in that document appear to be present in the project APE.

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

The XXXXX County Survey was updated in 19## and is considered valid for the purposes of determining the likelihood of historic resources being present. An aerial map provided by the project engineer shows a several large commercial buildings with large parking lots which are not likely to be considered historic resources.

SUPPORT DOCUMENTATION

See attached: Map(s), Previous Survey Info, Photos, Correspondence, Photocopy of notes from county survey.

**FINDING BY NCDOT CULTURAL RESOURCES PROFESSIONAL
NO SURVEY REQUIRED**

NCDOT Cultural Resources Specialist

NO PREHISTORIC OR HISTORIC PROPERTIES PRESENT FORM

PROJECT INFORMATION

Project No:

County:

WBS No:

Document:

F.A. No:

Funding:

State

Federal

Federal (USACE) Permit Required? Yes No *Permit Type:*

Project Description:

SUMMARY OF FINDINGS

The North Carolina Department of Transportation (NCDOT) reviewed the subject project and determined:

Historic Architecture/Landscapes

- There are no National Register-listed or Study Listed properties within the project's area of potential effects.
- There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's area of potential effects.
- There are no properties within the project's area of potential effects.
- There are properties over fifty years old within the area of potential effects, but they do not meet the criteria for listing on the National Register.
- All properties greater than 50 years of age located in the APE have been considered and all compliance for historic architecture with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

Archaeology

- There are no National Register-listed or Study Listed properties within the project's area of potential effects.
- No subsurface archaeological investigations are required for this project.
- Subsurface investigations did not reveal the presence of any archaeological resources.
- Subsurface investigations did not reveal the presence of any archaeological resources considered eligible for the National Register.
- All identified Archaeological sites located within the APE have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

Review of HPO quad maps, archaeological site files, relevant background reports, historic designations roster, and indexes was undertaken on DATE. Based on this review, there were no existing NR, SL, LD, DE, or SS properties in the Area of Potential Effects. The CRS also reviewed xxxx and additional properties recorded in that document appeared to be in the general vicinity of the project APE. Since the survey is ## years old, the CRS recommended an architectural/archaeological site visit.

During the site visit, xxxxxx.

SUPPORT DOCUMENTATION

See attached: Map(s), Previous Survey Info, Photos, Correspondence, Photocopy of notes from survey.

Signed:

Cultural Resources Specialist, NCDOT
Date

Representative, HPO
Date

HPO/OSA Comments:

EFFECTS DETERMINATION

PROJECT INFORMATION

Project No:

County:

WBS No:

Document:

F.A. No:

Funding:

State

Federal

Federal (USACE) Permit Required? Yes No *Permit Type:*

Project Description:

Brief description of review activities, results of review, and conclusions:

EFFECTS DETERMINATION

Property/Site:

Status:

Effects Finding: No Effect

No Adverse Effect

Adverse Effect

Explanation of Effects Determination:

List Environmental Commitments (if any):

EFFECTS DETERMINATION

Property/Site:

Status:

Effects Finding: No Effect No Adverse Effect Adverse Effect

Explanation of Effects Determination:

List Environmental Commitments (if any):

EFFECTS DETERMINATION

Property/Site:

Status:

Effects Finding: No Effect No Adverse Effect Adverse Effect

Explanation of Effects Determination:

List Environmental Commitments (if any):

SUPPORT DOCUMENTATION

See attached: Design plans and photos.

Cultural Resources Specialist, NCDOT Date

Representative, HPO/OSA Date

HPO/OSA Comments:

APPENDIX E: SUBMITTALS FROM DIVISION OFFICES

Submittal of Division Projects for Cultural Resources Review

To facilitate the review of Division projects, the DEO will prepare and submit a **Request for Cultural Resources Review** (see Appendix D) for the individual transportation project. Since each project may have different permitting, scheduling, or design information, it is required that each project have its own “Request for Cultural Resources Review” form. Electronic copies of the form will be made available for DEO use. Once the DEO has completed individual request forms and compiled the requested project information, projects should be submitted on a county-by-county basis to NCDOT HEU. For example, each Secondary Road project in Cleveland County should have a separate “Request for Cultural Resources Review” form along with attached project information. After the individual requests for SR projects in Cleveland County have been prepared, they should be sent in one batch to the NCDOT HEU.

Examples of Project Types Requiring Cultural Resources Review

- Bridge Replacements
- Widening outside of existing ditch lines
- Projects with work outside of existing right-of-way
- Projects requiring federal permits
- Projects in known historic districts or near eligible or listed properties

Projects and Activities Exempt from Cultural Resources Review

See Appendix C for exempt activities and conditions.

Request for Cultural Resources Review (Memorandum)

The Request form is pre-addressed to the manager of the HEU and to the attention of the supervisors of the NCDOT Archaeology and Historic Architecture and Landscapes Groups. Two copies of the memorandum and attached project information should be submitted (one by use for Archaeology and one for Historic Architecture and Landscapes). Once a complete submittal has been logged in, supervisors will assign projects to staff members who will work within a 30-day timeframe to determine whether a “no survey” or “survey required” action is taken. Staff will target a 30-day turnaround, but please be aware that if a high volume of requests are submitted at a particular time, additional review time will be allocated. The request requires that the following project information be submitted:

Project Information

Description, project numbers, purpose and need, funding sources, and document type.
No work will be initiated without the correct WBS number(s).

Scheduling and Contact Information

Date needed and contact information.

Design Information

Project length, right-of-way, detours, structure types.

Permit and Special Information

Types and locations of Federal permits.

Maps

At a minimum, projects should be identified on USGS quad maps or aerial photography

at no greater than 1:24,000 scale. This shall allow the CRS to easily discern the project limits and establish the appropriate APE. Project begin and end points must be clearly shown (see attached example). Mapping may be provided on multiple sheets.

Attachments

Any photographs, input letters and minutes as available.

Supplemental Information

Special instructions to NCDOT cultural resource groups, including additional information about the project setting, known cultural resources, or other factors relevant to cultural resource survey and research.

The request, project information, and maps will allow the NCDOT CRS to make a determination as to whether an architectural and/or archaeological survey will be required.

Upon receipt of this information, the CRS will determine in a 30-day timeframe if a field survey is required and notify the DEO. Should a survey and/or evaluation be required, CRS will follow the procedures set forth in sections 3.2 and 3.3.

In cases where sectioning of projects is required, the project map provided by the Division should show each section clearly. When a project falls in more than one county, it should be submitted based upon which county contains the largest portion of the project.

For projects with no federal involvement (no federal funds, permits, or other actions), the NCDOT CRS will determine if the project is in compliance with State Statute GS-121-12(a) and notify the Division.