

Historic Resources

Statewide LA Project Delivery Conference
15-16 May 2008
Bend, OR

Chris Bell
ODOT Region 2 Historian
Christopher.s.bell@odot.state.or.us

U.A.F.P.W.W.W.C.R.T.

(Useful **A**cronyms for People **W**ho **W**ork **W**ith **C**ultural **R**esource **T**ypes – Historic Version)

- DOE: **D**etermination **o**f **E**ligibility: Essential to the process of fulfilling Section 106 (see below), **when** properties 1) are potentially eligible for the National Register for Historic Places (those listed already do not need a DOE) and 2) will be effected by a project, the DOE will flesh out that eligibility more concretely and be submitted to the SHPO (see below).
- Federal
Nexus When there are Federal funds, permits, approvals, or activities involving Federal lands or facilities, you have a "Federal Nexus." This nexus triggers NEPA/NHPA (see below) and if it involves Federal Highway dollars, then Section 4(f) is also triggered. Always best to find this out *early*, to initiate proper clearance to release Federal funds, and *often*, as funding can change, so triggers otherwise dormant can become problematic if introduced late in project development. US Army of Engineers Section 404 Clean Water permit, for example, is a nexus that is often overlooked.
- FOE: **F**inding **o**f **E**ffect: Similar to the DOE, this aspect of Section 106 (also termed "Level of Effect") determines for those resources eligible (either by a DOE, or are already listed and therefore do not need a DOE), if the effects will have an "adverse effect," have "no adverse effects" or have "no effect" depending on the action. This document, coupled with the DOE, is the basis upon which SHPO will comment on our action.
- 4(f) Section **4(f)**: Included in the Department of Transportation Act of 1966, 4(f) sets a requirement for consideration of park and recreational lands, wildlife and waterfowl refuges, and historic sites in transportation project development. Has giant teeth. Section 4(f) resources are afforded protection by requiring project alternatives that will avoid an adverse effect on the resource, and if they are prudent and feasible, then they will be selected.

- MOA **Memorandum of Agreement:** Prepared as part of the Section 106 process wherein there is a need to resolve adverse effects. The MOA includes those measures that will be taken to resolve them (i.e. context statements, HABS/HAER documentation, interpretive exhibits, etc.). Section 106 provides an inclusive process, however it does not require avoidance.
- NEPA **National Environmental Policy Act:** Passage of this act in 1969 (signed in 1970) developed a procedural framework for integrating environmental considerations into Federal agency decision-making. Similar to NHPA, and the two processes can be integrated to avoid duplication.
- NHPA **National Historic Preservation Act:** Passage of this act in 1966 has led to the protection of our nation’s nationally, regionally, and locally relevant historic resources. NHPA begat Section 106, which is the statute that provides the process for identifying and evaluating, and if need be, mitigating project effects for Federalized projects. Oregon has a similar, less robust version under ORS 358.653 for state-funded (only) projects that impact potentially eligible state property (at all levels of government).
- PA: **Programmatic Agreement:** Often in the form of a memo, the PA summarizes the project, the impacts, and the historic resources. Only used when certain conditions apply, most typically when there is an absence of historic resources subject to project effects. ***The PA is the minimum clearance needed for Federally funded projects.***
- Section 106 A vital section within NHPA which includes the process for identifying, evaluating and resolving conflicts between Federal actions and potentially/eligible cultural resources. Largely responsible for developing the field of Cultural Resource Management (CRM).
- SHPO: **State Historic Preservation Office (or Officer,** who in Oregon is a gentleman, Roger Roper by name): Charged with overseeing the entire state’s historic resources, they provide regulatory review and guidance for historic resources. They maintain records of historic resources recorded through a state-wide database that will be on-line soon, which will greatly aid in project scoping.