



ADVISORY COUNCIL ON HISTORIC PRESERVATION

CASE DIGEST



PROTECTING HISTORIC PROPERTIES:
SECTION 106 IN ACTION

An independent Federal agency, the ACHP promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy. It also provides a forum for influencing Federal activities, programs, and policies that affect historic properties. In addition, the ACHP has a key role in carrying out the Administration's *Preserve America* initiative.

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Cover: Kitt Peak National Observatory in southern Arizona, with Baboquivari Peak in background.

ABOUT THIS REPORT

Section 106 of the National Historic Preservation Act requires Federal agencies to consider historic preservation values when planning their activities. In the Section 106 process, a Federal agency must identify affected historic properties, evaluate the proposed action's effects, and then explore ways to avoid or mitigate those effects.

The Federal agency often conducts this process with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officers, representatives of Indian tribes and Native Hawaiian organizations, and other parties with an interest in the issues.

Sometimes a Programmatic Agreement (PA) or a Memorandum of Agreement (MOA) is reached and signed by the project's consulting parties. A PA clarifies roles, responsibilities, and expectations of all parties engaged in large and complex Federal projects that may have an effect on a historic property. An MOA specifies the mitigation measure that the lead Federal agency must take to ensure the protection of a property's historic values.

Each year thousands of Federal actions undergo Section 106 review. The vast majority of cases are routine and resolved at the State or tribal level, without the ACHP's involvement.

A considerable number of cases, however, present issues or challenges that warrant the ACHP's attention. The criteria for ACHP involvement in reviewing Section 106 cases are set forth in Appendix A of the ACHP's regulations. In accordance with those criteria, the ACHP is likely to enter the Section 106 process when an undertaking:

- has substantial impacts on important historic properties;
- presents important questions of policy or interpretation;
- has the potential for presenting procedural problems; and/or
- presents issues of concern to Indian tribes or Native Hawaiian organizations.

This report presents a representative cross-section of undertakings that illustrate the variety and complexity of Federal activities in which the ACHP is currently involved.

It illustrates the ways the Federal Government influences what happens to historic properties in communities throughout the Nation, and highlights the importance of informed citizens to be alert to potential conflicts between Federal actions and historic preservation goals, and the necessity of public participation to achieve the best possible preservation solution.

In addition to this report, at www.achp.gov/casedigest.html, the ACHP's Web site contains a useful library of information about the ACHP, Section 106 review, and the national historic preservation program.

ARIZONA

Project: New Case: Grant to fund construction of the Very Energetic Radiation Imaging Telescope Array System (VERITAS) at Horseshoe Canyon, Kitt Peak, Arizona.

Agency: National Science Foundation

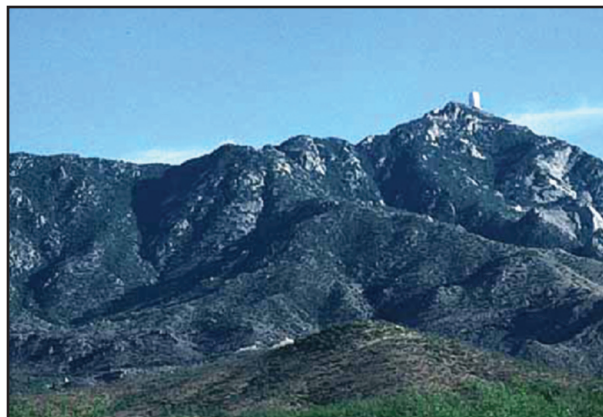
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The National Science Foundation (NSF) proposes to provide grant funding for construction of the Very Energetic Radiation Imaging Telescope Array System (VERITAS), to be located in Horseshoe Canyon on Kitt Peak at Kitt Peak National Observatory in southern Arizona.

The project would study gamma rays and includes construction of an initial four telescopes, support structures, and infrastructure. A later proposed phase would increase the number of telescopes to seven.

The Tohono O'odham Nation objects to location of the project on the proposed site because of its impact upon Kitt Peak, known to the Nation as I'itoi's Garden, a traditional cultural property of the Nation. The proposed site is located on land that is leased to Kitt Peak National Observatory but that is within the Tohono O'odham Nation.

On December 8, 2005, NSF notified the Advisory Council on Historic Preservation (ACHP) that it was initiating Section 106 consultation to address adverse effects of a proposal to provide grant funding for the VERITAS project. The project, which would be implemented by the Smithsonian Institution, is to study gamma rays and would include construction and operation of four telescopes on pads (a second phase would increase the number to seven). The project also includes construction of support buildings and infrastructure. The proposed 25-acre tract on which the facility would be sited is located within the 2,400-acre Kitt Peak National Observatory, an installation controlled by NSF under terms of a lease



Kitt Peak, Arizona

dating from 1958 among NSF, the Department of the Interior, and the Tohono O'odham Nation.

The ACHP learned more about the proposal in early January through discussions with NSF and the Department of Energy (DOE), another potential federal contributor to the project. Because of the serious concerns of the Tohono O'odham Nation, NSF began Section 106 consultation with a nation-to-nation meeting between the NSF and the Tohono O'odham on January 19, 2006. The meeting was held at the Schuk Toak District Office of the Tohono O'odham Nation in southern Arizona, and was also attended by the ACHP, the Arizona State Historic Preservation Officer (SHPO), the DOE, the Smithsonian Institution, the Bureau of Indian Affairs, and others.

Kitt Peak is known by the Tohono O'odham Nation as I'itoi's Garden, and is a National Register eligible traditional cultural property located in the Baboquivari Mountains on the Tohono O'odham's aboriginal lands in the Sonoran Desert. I'itoi's Garden is sacred to the Tohono O'odham people for its association with I'itoi, the creator of the Tohono O'odham and the universe. The proposed project site, Horseshoe Canyon, is located just west of, and is sheltered by, the mountain's peak and is favored by the astronomical community for both operational reasons and for its rare dark night conditions.

At the January meeting, Tohono O'odham Nation representatives spoke of their objections, not to the VERITAS project itself, or its purposes, but to the harm its construction on Kitt Peak would

bring to the mountain and to the Tohono O'odham people's traditional cultural values. The Nation also voiced its objections to the damage to the mountain that had already occurred when site preparation activities were carried out with the expectation that the VERITAS project would be built at the Horseshoe Canyon site.

Because NSF's responsibility to consult with the Tohono O'odham Nation pursuant to Section 106 at the Observatory came to NSF's attention as a result of this project proposal, other issues from past NSF research and development activities were brought forward by the Tohono O'odham.

Therefore, in addition to consultation specific to this undertaking, NSF voiced its commitment to engage in ongoing consultation with the Nation regarding the broader range of NSF's activities at the Observatory.

The ACHP requested that NSF identify and consider avoidance alternatives before introducing or discussing the subject of mitigation; and also respond to all questions raised at the January meeting. As of April 20, 2006, no responses or decisions resulting from the January meeting had been received.

Background:

For more details on VERITAS, visit <http://veritas.sao.arizona.edu/>

For more information on the Tohono O'odham Nation, visit <http://www.heard.org/rain/cultura2/raincul4.html>

HAWAII

Project: New Case: Navy Housing Privatization

Agency: U.S. Navy

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Little Makalapa, Maloelap (Photo: U.S. Navy)

In order to meet the ongoing challenge of providing quality housing for Navy personnel and their families, the Navy is planning to privatize family housing on the islands of Oahu and Kauai, Hawaii, by entering into a public-private venture. This privatization includes demolition of 52 family housing units that are eligible for listing on the National Register of Historic Places (NRHP). The work also involves many other historic homes that will be maintained and renovated, necessitating creation of a Programmatic Agreement (PA) to guide the effort. The PA is now in the drafting stage.

This privatization involves historic housing and properties at the U.S. Naval Base Pearl Harbor National Historic Landmark (PHNHL), historic housing on Ford Island, Hale Ali'i, Hospital Point, Little Makalapa, Pearl City Peninsula, and Marine Barracks.

The Advisory Council on Historic Preservation (ACHP) notified the Navy in March 2006 that it would be involved in consultations and subsequently has been participating with the other parties.

The Navy proposes to enter into a public-private venture to improve housing for service members and dependents at multiple sites in Hawaii on the islands of Oahu and Kauai. The PA involves renovation and maintenance of structures eligible for listing in the NRHP and for many unlisted structures. The privatization involves historic housing and properties at PHNHL, Ford Island, Hale Ali'i, Hospital Point, Little Makalapa, Pearl City Peninsula, and Marine Barracks. It also allows for the demolition of 52 historic homes in the Little Makalapa, Maloelap, and Red Hill neighborhoods.

Little Makalapa has 30 homes (15 buildings) that were constructed in 1941. Originally built for field grade officers, they are now used as company grade officer homes. Old Maloelop has 12 single-family homes that were constructed in 1947. Originally built for field grade officers, they are now used as senior enlisted homes. New Maloelap has 10 single-family homes that were constructed in 1973. Originally used for senior officers, they are now used for field grade officers. Red Hill has 10 homes (8 buildings) that were constructed in 1943. Originally built for field grade officers, they now are used for company grade officers.

The 10 historic homes to be demolished on Red Hill would be replaced by 10 new homes. The 12 historic homes to be demolished at Maloelap would be replaced with 22 new homes. The 30 historic homes (15 duplex units) to be demolished on Little Makalapa would be replaced with 15 new homes.

The PHNHL commemorates the 1941 Japanese attack on Pearl Harbor that brought the United States into World War II. The base also has played a strategic role for decades in the military's history in the Pacific.

The associated properties in the PHNHL are determined to be eligible for listing in the NRHP. Outside of the PHNHL, there are no NRHP listed homes.

Consulting parties for the draft PA are the Navy, National Park Service, ACHP, Hawaii State Historic Preservation Officer (SHPO), Ohana Military Communities, LLC, Office of Hawaiian Affairs, Oahu Council of Hawaiian Civic Clubs, the National Trust for Historic Preservation (NTHP), and the Historic Hawaii Foundation.

The privatization effort will transfer from the Navy to the Ohana Military Communities, LLC, the responsibility and obligation to design, finance, demolish, construct, own, manage, acquire, lease, sell, rehabilitate, operate, and maintain residential units on housing areas under a ground lease. The properties to be transferred by the ground lease are family housing, community centers, and ancillary buildings.

Approximately 2,500 homes are included in this phase. Of these, there are 297 homes eligible for listing in the NRHP and 245 of those will be maintained and renovated. All 78 historic homes within the PHNHL will be maintained, and 167 historic homes outside the PHNHL will be maintained.

According to the Navy, the proposed demolition is necessary due to extensive termite damage, and the total cost to renovate and maintain those homes is excessive. The PA will preserve view plains and strafing marks on Ford Island, and provides more detailed guidelines for replacement housing. Some historic housing at Makalapa will be converted from duplexes into single-family units.

Most recently, discussion has focused on the duration of the PA (50 years to match the lease, with the understanding that a review of the PA's effectiveness will be undertaken at each annual meeting); the project review process timeline (finding balance between allowing the SHPO and consulting parties earlier opportunity to comment in the design process, e.g., at the 15 percent completion stage, with a need for an expedited turn around time, e.g., 5-10 business days); the required specificity for exempted maintenance activities; and, justification for the demolition of historic homes.

LOUISIANA

Project: New Case: FEMA Funding for Privately Owned Building Demolition

Agency: Federal Emergency Management Agency, Department of Homeland Security

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Hurricane Katrina created an unprecedented contemporary natural disaster affecting heritage resources and an entire existing regional culture when it passed over New Orleans, Louisiana, Mississippi, and to a lesser extent parts of other States in August 2005. Hurricane Rita added further devastation to parts of the storm-ravaged area less than three weeks later.

The Federal Emergency Management Agency (FEMA) is working on a secondary Programmatic Agreement (PA) regarding use of public assistance funds for demolition of damaged privately owned residential buildings within Orleans Parish in Louisiana. Although a separate PA had been in place in Louisiana for eight months that included a provision to develop a "secondary PA" to address any disaster recovery activities or programs that could benefit from streamlined approaches not specifically included in the statewide PA, FEMA's extensive involvement in actions on private property on the Gulf Coast is as unprecedented as the damage caused by the storms. The wide-ranging effects of the two hurricanes in many cases completely demolished buildings, in those cases essentially leaving debris removal as the essential FEMA action.

As Case Digest goes to print, the Secondary PA is in progress with completion expected as early as May 2006.

FEMA is providing Public Assistance Funds to the City of New Orleans for the demolition of damaged privately owned residential buildings within Orleans Parish. While an existing statewide PA helps guide this effort, the unprecedented nature of the situation requires much attention and a Secondary PA is being created.



Flood-damaged houses, New Orleans

ACHP Staff has been in Louisiana since mid-November. Preparation of a draft Secondary PA began in early December 2005.

FEMA's first consultation meeting about the draft Secondary PA was held February 7, 2006, at the City of New Orleans Historic District Landmark Commission's conference room. (Consultation on a similar secondary programmatic agreement for FEMA debris removal and demolition activities on the Gulf Coast in Mississippi took place February 6-8 in Biloxi with Martha Catlin representing the ACHP) On February 24, FEMA held a government-to-government consultation meeting with the Mississippi Band of Choctaw Indians regarding both Louisiana and Mississippi secondary programmatic agreements. Consultation meetings continued later in February and March.

The current draft for the Secondary PA provides for the following:

- a definition of "collapsed buildings," which both the State Historic Preservation Officer (SHPO) and FEMA will regard as being exempt from further Section 106 review;
- a streamlined SHPO review process for determinations of National Register eligibility and assessments of effects;
- a thorough process for public participation in the review of the proposed demolition work;
- a process for FEMA's consultation with historic preservation organizations, including the National Trust for Historic Preservation, the New Orleans Preservation Resource Center, the City of New Orleans Historic District Landmarks Commission

- (HDLC), and Louisiana Landmarks Society;
- a process for FEMA's consultation with Indian tribes about proposed demolition work;
 - an archeological protocol for minimizing ground-disturbing activities during demolition work; and
 - a range of treatment measures to mitigate adverse effects, including recordation, architectural salvage, expanding boundaries of existing districts and identifying new historic districts, re-surveys of existing historic districts, geo-referencing of historic maps in a GIS database, digitization of HDLC's survey records, and the development of educational materials.

In addition to FEMA, the U.S. Army Corps of Engineers is a Federal entity involved in the consultations. Other consulting parties formally involved include: the Chitimacha Tribe of Louisiana; Jena Band of Choctaw Indians; Mississippi Band of Choctaw Indians; Tunica-Biloxi Tribe of Louisiana; National Trust for Historic Preservation; New Orleans Preservation Resource Center; City of New Orleans Historic District Landmarks Commission; and, the Louisiana Landmarks Society.

Background:

The following information regarding the process is posted on the Louisiana Department of Culture, Recreation, and Tourism web site:

"Hurricanes Katrina and Rita damaged numerous historic properties in Louisiana, particularly in New Orleans.

FEMA is working in close coordination with its Federal, State and local counterparts to ensure that FEMA meets its statutory historic preservation responsibilities in accordance with the National Historic Preservation Act (NHPA).

Section 106 of NHPA requires FEMA to identify properties eligible or listed on the National Register of Historic Places and to adequately consider the effect of any FEMA funded undertaking, including potential removal of private and public property, on historic properties.

FEMA and the Louisiana State Historic Preservation Office (SHPO) have completed surveys of affected New Orleans neighborhoods in order to evaluate the historic integrity of districts currently listed in the National Register, confirm the existing boundaries of these National Register districts, and identify other neighborhoods that may also be eligible for National Register consideration.

FEMA and SHPO have concluded that the National Register historic district boundaries of Carrollton, Esplanade Ridge, Bywater, and Holy Cross have expanded, and that the Edgewood Park neighborhood and a portion of the Ponchartrain Park neighborhood are eligible as National Register historic districts.

For those structures identified by FEMA and the Louisiana SHPO as historic and which the City of New Orleans determines are in imminent threat of collapse and must be removed, FEMA must first consult with the City, the State of Louisiana, including the SHPO, the Advisory Council on Historic Preservation, and other invited parties and agree upon measures to either avoid, minimize, compensate for, or otherwise address adverse effects that would result from the demolition of historic structures. FEMA also must adequately consider the views of public and historic preservation organizations about the proposed undertaking. This consultation process will be codified in a legally binding agreement."

NATIONWIDE

Project: New Case: Forest Service Facilities Realignment and Decommissioning

Agency: U.S. Forest Service, Department of Agriculture

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The Forest Service (FS) owns and maintains more than 40,000 buildings and structures and is challenged by a deferred maintenance backlog estimated at approximately \$463 million. This amount grows by \$24 million annually as repair needs accumulate.

Conveyance of unneeded and unused properties under a law dating to August 2005 will reduce administrative and deferred maintenance costs and recover an estimated \$35 million. This should help the agency improve its ability to manage and maintain its remaining inventory.

FS heritage leaders, with the assistance of the Advisory Council on Historic Preservation (ACHP)-U. S. Department of Agriculture (USDA) liaison, are developing a national policy statement to provide direction to FS field offices. Plans for the policy include using proceeds from sales of historic properties under the Facilities Realignment and Enhancement Act for the maintenance of other historic facilities and the resolution of adverse effects resulting from actions compelled by the implementation of the Act. The FS plans, with ACHP support, to finalize the policy statement by early summer 2006.

In August 2005 Congress authorized the FS, through the Facilities Realignment and Enhancement Act (FREA), to convey through sale and exchange properties (including both land and buildings) no longer necessary to support the National Forest System. FS facilities master plans direct the agency to reduce the number and size of facilities maintained in the agency's inventory.

Because the authority to initiate conveyance of an administrative site under the FREA expires September 30, 2008, FS leadership is eager to complete the identification of suitable properties and begin the conveyance process. The



*This house at the Cle Elum Ranger Station, Wenatchee National Forest, Washington, is one of the historic properties currently proposed for conveyance out of federal ownership.
(Photo: U.S. Forest Service)*

FS is developing a list of properties that are being considered for conveyance out of FS ownership. However, the task is large. FS has more than 40,000 buildings and structures, some listed in the National Register of Historic Places, some eligible for listing, and others that are non-historic.

The FS recognizes that historic facilities are tangible resources that the agency should retain as stewardship and heritage assets whenever feasible. The agency also recognizes that the sale or exchange of Federal properties is an undertaking that has the potential to affect historic properties and that the transfer of historic properties out of Federal ownership may result in adverse effects.

It is the goal of the FS heritage staff to have as many historic structures removed from the list of properties to be conveyed as possible. The heritage staff and ACHP also are recommending that no eligible or unevaluated properties be put on the conveyance list until analysis is completed examining the historic value of the property relative to other historic properties owned and managed by the Forest Service on that Forest or in that region of the Forest Service.

In many cases, decommissioning provides a preservation opportunity, where historic properties that no longer meet the needs of an agency can be conveyed to new owners who bring new life and new resources to repair, maintenance, upkeep, and use. In the past the FS, like some other land management agencies, have not formally nominated historic properties to the National Register. Formal nomination of appropriate properties would assist the future owner in taking advantage of the historic rehabilitation tax credit at the national and State levels.

To facilitate assessment of significance of individual properties, the draft policy recommends that Forests and FS Regional Offices make use of regional and national thematic studies such as CCC-era construction, or history of public lands management. Additionally, the FS should develop partnerships with national, State, or local preservation organizations and other interested parties. At present, the FS and the National Trust for Historic Preservation, with the assistance of the ACHP, are in the early stages of working out the details of such a partnership at the national level.

VIRGINIA

Project: New Case: Richmond Highway/Telegraph Road Connector

Agency: Federal Highway Administration/U.S. Army

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Due to increased security concerns following September 11, 2001, the U.S. Army closed both Woodlawn Road and Beulah Street where they pass through its facility at Fort Belvoir. The sudden closure of these roads left local residents with no easy access between U.S. Route 1 (also known as the Richmond Highway) and Telegraph Road in Fairfax County, Virginia.

As a solution, the Federal Highway Administration's Eastern Federal Lands Highway Division proposes the construction of a new connector road that has preservationists concerned about potential impacts to the Woodlawn Historic District and Woodland Plantation National Historic Landmark (NHL).

On March 30, 2006, Advisory Council on Historic Preservation (ACHP) staff attended a meeting hosted by the FHWA regarding its proposal to fund construction of a new road connecting U.S. Route 1 (the Richmond Highway) and Telegraph Road. The project is needed to replace public access formerly provided by Woodlawn Road and Beulah Street which passed through Fort Belvoir.

Due to security concerns, the U.S. Army restricted public access on these two roads following September 11, 2001. This was the second meeting of consulting parties regarding this undertaking. The first was held September 12, 2005. Since September, FHWA has



Woodlawn Plantation (Photo: Ron Blunt, the National Trust for Historic Preservation)

further refined alternatives under consideration and discussion at the March 30 session focused on a proposed alternative that would develop the connector as a four-lane road and would require intersection improvements adjacent to the Woodlawn Plantation NHL.

Under FHWA's proposal, the intersection improvements require use of 2½ acres included in the NHL. To offset the taking of this land, the agency proposes to improve the existing visual and access gateway to Woodlawn Plantation. The Army proposed, and Congress authorized, transfer of another 2½ acres of Fort Belvoir land to the National Trust for Historic Preservation (NTHP), owner of Woodlawn Plantation. The proposed land to be transferred contains the Woodlawn gate and abuts both the plantation and the Woodlawn Friends Meeting House, both contributors to the Woodlawn National Historic District. While the consulting parties are mostly amenable to the FHWA's approach, an adverse effect on the Woodlawn National Historic District remains and many details need to be resolved before agreement is reached.

A complicating factor is the rich historic nature of the heritage resources potentially affected by the project and the fairly large number of consulting parties involved as a result. The Woodlawn Historic District, determined eligible for listing in 2001, includes Woodlawn Plantation (1800-era house, outbuildings, and landscaping associated with the Lewis family, relatives of George and Martha Washington). The portion of the Woodlawn Plantation north of U.S. Route 1 was designated a National Historic Landmark in 1998. Other buildings that contribute to the National Register district are the Pope-Leighey House (designed by Frank Lloyd Wright), Grand View House, Woodlawn Baptist Church, Woodlawn Society

of Friends Meeting House, and George Washington Grist Mill. The Woodlawn Plantation, the Pope-Leighey House, and the George Washington Grist Mill have all been individually listed in the National Register of Historic Places.

Section 110(f) of the National Historic Preservation Act (NHPA) requires Federal agencies, to the maximum extent possible, to undertake such planning and actions as may be necessary to minimize harm to any NHL. Because FHWA is a Department of Transportation (DOT) agency, the requirements of Section 4(f) also apply to the undertaking and FHWA may not “use” a historic site unless there is no reasonable and prudent alternative to that use.

There are 17 consulting parties to date, including representatives of the following: Fairfax County Architectural Review Board; Fairfax County Department of Planning and Zoning; Fairfax County History Commission; Fairfax County Department of Transportation; Gum Springs Historical Society; Gunston Hall; Historic Mount Vernon; National Trust for Historic Preservation; Pohick Church; Quaker Friends Meeting House; Department of the Army Defense Access Road Program; U.S. Army Garrison-Fort Belvoir; Virginia DOT; Virginia SHPO; Woodlawn Plantation; Woodlawn Baptist Church; and, Martha Catlin (representing herself).

Another further potential complication is that the Army’s proposed land exchange is a separate undertaking that must be approved before FHWA can proceed with the road project and it is not clear whether there should be a single Section 106 agreement executed for both agencies’ proposed actions.

The Area of Potential Effect (APE) for the Army’s undertaking may differ from that for the FHWA’s funding of the new connector road – but the two efforts are interconnected.

The Woodlawn Plantation National Historic Landmark owners and representatives of the Quaker Friends Meeting House want to ensure that the construction of the new connector and possible land use changes after the project is built will not affect the setting, feel, and association of their properties. The transfer of land out of Federal ownership and control without adequate restrictions is an adverse effect according to the ACHP’s regulations. The parcel of land proposed for transfer to the National Trust is currently owned by the U.S. Army, and therefore, the Army is looking into placing a covenant or easement

on the title to ensure that any change in future use of the land would require review by the State Historic Preservation Officer. While the parties appear to be in agreement on the proposed alternative and general measures to mitigate adverse effects, FHWA has not yet completed the archeological inventory, and the details of the mitigation package still are being worked out.

Although several alternatives remain under consideration for this project, the consulting parties have agreed to work with FHWA and the Army to develop a draft Memorandum of Agreement for the proposed alternative. The effects on other types of historic properties, namely archeological properties, have not yet been fully determined. The MOA would, therefore, detail what additional measures FHWA will take to identify and treat any identified archeological properties.

The ACHP has not yet determined whether it will be a formal consulting party or a signatory to the MOA, but offered to continue to provide technical assistance to the parties.

WISCONSIN

Project: Completed Case: Sturgeon Bay Bridge Rehabilitation

Agency: Federal Highway Administration

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On January 9, 2006, the ACHP, Federal Highway Administration (FHWA), and Wisconsin State Historic Preservation Officer (SHPO) executed a Memorandum of Agreement (MOA) for the rehabilitation of the historic Michigan Street Bridge, and construction of a new bridge two blocks distant from the existing bridge, that together will carry four lanes of traffic across Sturgeon Bay and the Sturgeon Bay Shipping Canal. The agreement culminated six years of consultation to resolve adverse effects of the proposed project on the bridge and the attached operator’s house.

The result was the preservation of a 75-year-old, multi-span Warren/Parker truss bridge that was in grave danger of demolition and replacement by a contemporary structure.



Sturgeon Bay Bridge (Photo: the National Trust for Historic Preservation)

Sturgeon Bay is a major Great Lakes shipping port in scenic Door County that accommodates the largest ships on the Great Lakes. The Michigan Street Bridge connects the city's central business district while carrying vehicular traffic over shipping lanes.

On January 9, 2006, an MOA was completed for the rehabilitation of Michigan Street Bridge and construction of a new bridge crossing from Maple Street to Oregon Street over the Ship Canal in the City of Sturgeon Bay. This was the culmination of a process that formally began in 1999, when FHWA initiated Section 106 consultation on a proposal to demolish and replace the historic Michigan Street Bridge in the City of Sturgeon Bay. The current proposal for two two-lane bridges will preserve the historic bridge for another 25 years, and will provide the community with greater mobility and reliability than the original proposal that would have destroyed the historic bridge.

The Michigan Street Bridge is a 75-year-old, multi-span Warren/Parker truss bridge with a double leaf rolling lift span. The 1,413-foot-long, two-lane bridge was built in 1930.

The structure was determined eligible for the National Register of Historic Places (NRHP) in 1986 but has not been listed. Because it was considered structurally and functionally deficient it was originally not considered a viable candidate for preservation. A 1997 Programmatic Agreement (PA) among the FHWA, ACHP, and Wisconsin SHPO for bridges in the State identified the Michigan Street Bridge as one that did not warrant preservation. Subsequently, a local citizens's group, National Trust for Historic Preservation (NTHP), and the ACHP asked FHWA to reconsider this position in light of repairs made to the structure in the mid-1990s. Section 4(f) requires DOT

agencies to demonstrate there is no feasible and prudent alternative to removing a historic property. The NTHP also retained a bridge expert to conduct an assessment of the feasibility and costs of rehabilitation.

Strong local advocacy to preserve the historic bridge, armed with this additional information, led the WisDOT to reconsider. It selected a new preferred alternative that will retain the historic bridge (with rehabilitation) and construct a new two-lane lift bridge two blocks from the existing bridge. The governor of Wisconsin committed \$30 million to fund the new bridge, which will be completed before the Michigan Street Bridge rehabilitation begins. The Third Avenue Downtown Historic District, located at the eastern terminus of the bridge, is listed in the NRHP. The parties agreed that rehabilitation of the existing bridge will not have an adverse effect on the district. Retention of the bridge that connects historic core elements of Sturgeon Bay will continue to contribute to an authentic heritage experience for residents and visitors.

While the lead federal agency is FHWA, the U.S. Army Corps of Engineers and the U.S. Coast Guard must also issue approvals or permits for the undertaking and they participated in consultation and execution of the MOA. Additional consulting parties included the Wisconsin SHPO, WisDOT, City of Sturgeon Bay, Citizens for Our Bridge Committee, Citizens for the Future of Sturgeon Bay, Door County Maritime Museum, and the NTHP.

The MOA documents the agreement reached among the many consulting parties to rehabilitate and continue to use the existing historic bridge along with a new two-lane bridge built nearby. The MOA requires rehabilitation of the historic bridge to be completed in accordance with the Secretary of the Interior's Standards and Guidelines; retains the existing operator's house on the Michigan Street Bridge and stipulates preparation of plans for its long-term maintenance; and provides the SHPO and other consulting parties an opportunity to comment on the preliminary design of the project. The MOA also contains specific stipulations addressing archeological resources that may be discovered in areas impacted by bridge construction and rehabilitation.



Preserving America's Heritage

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