



Preserving America's Heritage

CASE DIGEST: SECTION 106 IN ACTION



ADVISORY COUNCIL ON HISTORIC PRESERVATION

FALL 2010

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 Preserve America program.

Milford Wayne Donaldson, of Sacramento, California, is chairman of the 23-member council, which is served by a professional staff with offices in Washington, D.C. For more information about the ACHP, contact:

Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Washington, D.C. 20004
Phone: 202-606-8503
Web site: www.achp.gov

This report is available online at www.achp.gov/casedigest

TABLE OF CONTENTS

About this Report	2
California: Closed Case: Imperial Valley Solar Project	3
California: Closed Case: Presidio Trust Management Plan (2002) Amendment.....	4
Kentucky/Tennessee: Ongoing Case: Land Between the Lakes National Recreational Area PA	6
Missouri/Illinois: Ongoing Case: International Design Competition for the Gateway Arch	7
Nationwide: Ongoing Case: Development of Prototype PA for FEMA Program	9
North Carolina: Closed Case: Herbert C. Bonner Bridge/NC-12 Highway Improvements...	10

Cover: The Gateway Arch and landscaped grounds and its surrounding resources, many of them steeped in history, are the subject of an international competition aimed at finding a cohesive, unifying vision on both sides of the Mississippi River. (photo courtesy National Park Service)

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 are resolved at the state or tribal level, without the ACHP's involvement. However some cases present issues or challenges that warrant the ACHP's involvement.

This report presents a representative cross-section of undertakings that illustrate the variety and complexity of federal activities that the ACHP is currently engaged in. In addition, the ACHP's Web site www.achp.gov contains a useful library of information about the ACHP, Section 106 review, and the national historic preservation program.

CALIFORNIA

Project: Closed Case: Imperial Valley Solar Project

Agencies: Bureau of Land Management

Contact: Nancy Brown nbrown@achp.gov

A Programmatic Agreement for the Imperial Valley Solar Project, originally called the SES Solar Two Project, was recently executed, the first such project permitted with funding from the American Recovery and Reinvestment Act of 2009.

The Bureau of Land Management (BLM) has concluded a Programmatic Agreement (PA) for the Imperial Valley Solar Project. In October, Secretary of the Interior Ken Salazar approved construction of the solar energy generating facility on 6,350 acres of public lands in southern California. It will generate more than 700 megawatts of energy, enough to power a small American city. This is the first solar project permitted with funding from the American Recovery and Reinvestment Act of 2009 (ARRA) and moves the BLM closer to meeting the Energy Policy Act of 2005 requirement of permitting 10,000 megawatts of non-hydro renewable energy on BLM land by 2015.

The project will include installation of approximately 28,000 solar collectors, construction of access and utility roads, a water pipeline, and a transmission line to the Imperial Valley Substation. The proponent, Imperial Valley Solar, LLC (a subsidiary of Tessera Solar), agreed to reduce the original footprint proposed for the project to avoid some historic properties eligible for, or listed on, the National Register of Historic Places. The original route of the Juan Bautista de Anza National Historic Trail crosses the site, although there are no identified historic remains of the trail on-site. Tribal issues raised included widespread concern for how large scale solar energy development projects will change the character of the desert.

The Quechan Tribe is now challenging the Secretary of the Interior's approval of the project in court. Their concerns are based on completion of compliance through fast-track efforts in order to meet ARRA deadlines, interest in preserving the quality of the



The Imperial Valley Solar Project will be located on more than 6,000 acres of public lands in southern California. (photo courtesy Bureau of Land Management, El Centro Field Office)

environment within the tribe's traditional territory, and impacts to the habitat of flat tailed horned lizards, as the lizard is central to the tribe's creation story.

The ACHP participated because this was the first of several large solar projects slated for BLM land in California, and may set precedents for those that follow. In addition to the BLM, consulting parties for this undertaking were the Ah-Mut Pipa Foundation; Anza Society; Army Corps of Engineers; California Energy Commission; California State Historic Preservation Officer; California Unions for Reliable Energy; Campo Kumeyaay Nation; Cocopah Indian Tribe; Edie Harmon; Ewiiapaayp Band of Kumeyaay Indians; Fort Yuma Quechan Indian Tribe; Greg P. Smestad, Ph.D.; Jamul Indian Village; Kumeyaay Cultural Repatriation Committee; Kwaaymii Laguna Band of Indians; La Posta Band of Kumeyaay Indians; Manzanita Band of Kumeyaay Indians; National Park Service; National Trust for Historic Preservation; San Pasqual Band of Diegueno Indians; Santa Ysabel Band of Diegueno Indians; Sacred Sites International Foundation; and Tessera Solar.

CALIFORNIA

Project: Closed Case: Presidio Trust Management Plan (2002) Amendment for Main Post Planning District

Agencies: Presidio Trust (lead), National Park Service (cooperating)

Contact: Katharine R. Kerr kkerr@achp.gov

When the Presidio of San Francisco, a National Historic Landmark District, passed out of Department of Defense hands in the mid-1990s due to a base closure process, a historic and cultural treasure located in a prime location in San Francisco became part of the Golden Gate National Recreation Area. This poses opportunities and challenges to an important heritage resource in the heart of a major city. The Presidio Trust was created by Congress as a governing body to determine and guide the future of this resource.

Since fall 2007, the ACHP has been consulting with the Presidio Trust regarding an amendment known as the Main Post Update (MPU) to the Presidio Trust Management Plan (2002) for the Main Post Planning District. In October 2010, a Programmatic Agreement (PA) was executed by the Presidio Trust, the California State Historic Preservation Officer, the National Park Service's Golden Gate National Recreational Area (GGNRA) and Pacific West Region Office (PWRO), and the ACHP to govern and guide projects proposed under the MPU.

Appropriately for such an important and highly visible heritage undertaking, there were numerous key players in the complex Section 106 consultation process. Other formal consultation organizations included the National Trust for Historic Preservation, Presidio Historical Association, San Francisco Architectural Heritage, Descendants of the de Anza and Portola Expedition, Sierra Club, National Parks Conservation Association, Barbara Voss (archaeologist), People for a Golden Gate National Recreation Area, Cow Hollow Association, Neighborhood Association for Planning at the Presidio, Laurel Heights Improvement Association, Marina Community Association, San Francisco Film Society, Interfaith Center at the Presidio, Contemporary



Montgomery Street barracks (photo courtesy Presidio Trust)

Art Museum at the Presidio, and Larkspur Hotels and Restaurants.

At the time of the last *Case Digest* update on this project (Summer 2008), district-wide concepts for the Main Post Planning District included revitalizing historic open spaces, animating the Main Post Planning District with public uses, and creating a pedestrian district through projects such as the interpretation of El Presidio, redefining the Old Parade Ground, constructing a contemporary art museum, and the construction of a lodge for overnight accommodations.

Consultation focused on several key issues, including the location, size, style, and scope for the contemporary art museum and lodge; the type of cultural institution(s) appropriate within the Main Post Planning District; and the departure from the approved Presidio Trust Management Plan (2002) for the Main Post Planning District (i.e., increasing the new construction limit within the Main Post Planning District from 110,000 square feet to 265,000 square feet).

Through the Section 106 process, the Presidio Trust proposed and revised the MPU several times, refining proposed projects based on feedback from consulting parties. In August 2008, the ACHP requested a report from the Director of the National Park Service (NPS) under Section 213 of the National Historic Preservation Act that would detail the significance of the National Historic Landmark District (NHLD), describe the effects of the MPU on the NHLD, and recommend measures to avoid, minimize, or mitigate adverse effects. The NPS PWRO submitted its completed Section 213 report to the ACHP in April 2009. The report

concluded with the Trust's finding of adverse effect, and informed the consulting parties.

The most controversial project proposed, the contemporary art museum, was removed from the MPU when the proposer withdrew his request in July 2009. The Presidio Trust has no active plans for the location at the south end of the Main Parade Ground where the contemporary art museum was proposed.

In August 2010 the Presidio Trust released its final draft of the MPU that set out three goals: 1) to reveal and elevate the Presidio's history; 2) to create a welcoming place; and, 3) to employ 21st century green practices. The MPU will also decrease the maximum permitted building area 39,000 square feet (SF), the maximum demolition allowed will increase 74,000 SF (including SF attributed to the Doyle Drive project—a separate Section 106 consultation), and the maximum new construction will also increase 36,500 SF.

Specific projects listed in the MPU are the following:

- El Presidio: the Birthplace of San Francisco—the Presidio Trust will undertake an excavation of El Presidio and use surface treatments for interpretation
- Archaeology Lab and Curation Facilities—the Presidio Trust's current archaeology lab will be demolished, and a new archaeology center will house a state-of-the-art curation facility and laboratory in rehabilitated historic garages next to the original Officer's Club
- Presidio Lodge—the Presidio Trust is proposing for the site between the Old Parade and Main Parade grounds, bounded by Graham Street on the east and the proposed Anza Esplanade on the west, a new lodge to provide overnight accommodations through new construction dispersed among several small-scale buildings and the potential rehabilitation of Buildings 86 and 87
- Presidio Theatre—the Presidio Trust will allow the



The updated Presidio Trust Management Plan includes a proposal to construct an addition to the west and south sides of the Presidio Chapel.

rehabilitation of the Presidio Theatre as a venue for performing arts and/or film, including the construction of a new addition

- Presidio Chapel—the Presidio Trust will allow the construction of a new addition to the Presidio Chapel
- Pedestrian Access and Parking Improvements—the Presidio Trust is proposing to remove traffic from existing historic streets for improved pedestrian accessibility, circulation, and safety; relocate parking; and, has decided not to install traffic signals throughout the Main Post

The resolution of adverse effects for the MPU is outlined in the PA through avoidance, minimization, and mitigation measures. The Presidio Trust has minimized square footage of new construction, avoided direct effects to archaeological sites and the introduction of traffic lights, and will document many of the historic buildings through historic structures reports and Historic American Building Survey standards. The Presidio Trust has also committed to completing the Main Post district-wide guidelines, a cultural landscape report, and project-specific guidelines. For more information:

- www.presidio.gov
- www.nps.gov/prsf/index.htm
- www.achp.gov/docs/PresidioNHL213Rpt_FIN.pdf

KENTUCKY/ TENNESSEE

Project: Ongoing Case: Land Between the Lakes National Recreational Area PA

Agencies: U.S. Forest Service, USDA

Contact: John Eddins jeddins@achp.gov

A National Recreation Area sandwiched between Kentucky Lake and Lake Barkley in two states that was created through eminent domain and that contains significant historic and prehistoric sites is the subject of a first draft of a Programmatic Agreement that was distributed for review and comment in August 2010.

In March 2010, the ACHP entered the consultation to develop a Programmatic Agreement (PA) to streamline the Section 106 consultation process for undertakings related to the operation of the Land Between the Lakes National Recreation Area (LBL). LBL, a component of the U.S. Forest Service (FS) in the Department of Agriculture, is a 170,000-acre peninsula located along the Tennessee-Kentucky border between Kentucky Lake and Lake Barkley that includes land in both states.

Kentucky Lake was created in the 1940s at the site of a Tennessee Valley Authority (TVA) dam on the Kentucky River. Lake Barkley was created by the U.S. Army Corps of Engineers in the 1960s. The area between the lakes was incorporated into a National Recreation Area in 1963 as a TVA model for multiple use recreational lands. However, the creation of the lakes and the recreation area required condemnation of lands and forced removals of landowners in the communities of Fenton, Golden Pond, Hematite, and Energy in Kentucky and Model, Blue Spring, Hays, and Mint Spring in Tennessee. In 1998, operation of the National Recreation Area was transferred from TVA to the FS.

The LBL lands include the locations of a range of historic properties including archaeological sites and other areas of interest to Native Americans, and historic landscapes, standing structures, and remains of former farmsteads and home sites of interest to the families of former landowners. Many of those descendants have ongoing concerns about the treatment of historic properties associated with those home sites, businesses, and farms.



Land Between the Lakes National Recreation Area celebrates and respects its cultural sense of time and place. (photo courtesy Jamie M. Bennett, LBL)

The ACHP entered the consultation for development of the PA because of the potential for procedural problems as a result of the history of the area and the many state, tribal, and local parties concerned with the effects of undertakings on historic properties.

As LBL has to consult with the State Historic Preservation Officers (SHPOs) of two states, multiple federally recognized tribes, numerous local governments, and a range of interested groups and individuals, the FS hopes a coordinated program established under a single PA will set forth a systematic process for consultation and coordination and specify uniform standards for inventorying, evaluating, and managing historic properties. The goals for the PA include development of a negotiated list of exempt undertakings; standardizing methodologies, treatments, and monitoring measures; information sharing standards and processes; standard procedures for tribal consultation; and standard procedures for public participation.

The FS has invited federally recognized tribes, groups representing the interests of the families of former landowners, local communities, and historical societies to join the consultation for development of the PA. Consulting parties include the Absentee-Shawnee Tribe of Indians in Oklahoma; the Cherokee Nation; the Chickasaw Nation; the Eastern Band of Cherokee Indians; the Eastern Shawnee; the Shawnee; the United Keetoowah Band of Cherokee; Fort Donelson National Battlefield; Between The Rivers, Inc.; the Trigg County Historical Society; the Mayor of Stewart County, Tennessee; the Trigg County Kentucky, Judge Executive; the Lyon County, Kentucky, Judge Executive; and the SHPOs of Kentucky and Tennessee.

MISSOURI/ ILLINOIS

Project: Ongoing Case: *Framing a Modern Masterpiece* International Design Competition for the Gateway Arch

Agencies: National Park Service, Department of the Interior

Contact: Louise Brodnitz lbrodnitz@achp.gov

An international design competition was held to select a design to unify elements associated with the Jefferson National Expansion Memorial (Gateway Arch) in St. Louis. The National Park Service will implement the chosen design by October 2015. The project poses challenges to historic resources that will be avoided or mitigated through proactive planning and ongoing monitoring under Section 106. A Technical Advisory Group that monitored and advised design teams from the competition's onset will help ensure that proposals respond effectively to real-world constraints.

The CityArchRiver 2015 Foundation sponsored an international design competition focusing on Jefferson National Expansion Memorial seeking a design to integrate the park, the east and west sides of the Mississippi River, surrounding elements, and the downtown into a single and vibrant destination. The winning design team was selected in September 2010 and the project will be completed by October 2015, the 50th anniversary of completion of the Gateway Arch.

An international design competition was considered appropriate to the iconic arch's history, since the original design and its setting resulted from a competition held in 1947-48. Finnish-born architect Eero Saarinen's inspired design for a 630-foot stainless steel arch was chosen as the appropriate monument to the spirit of the western pioneers who bridged and spanned a continent. Construction of the Gateway Arch began in 1963 and was completed on October 28, 1965.

The Gateway Arch also reflects St. Louis' role in the westward expansion of the United States during the 19th century. The park is a memorial to Thomas Jefferson's role in opening the West to the pioneers who



The Jefferson National Expansion Memorial (photo courtesy National Park Service)

helped shape its history, and to Dred Scott who sued for his freedom in the Old Courthouse.

Within the National Park Service (NPS) grounds, historic properties include the memorial itself (a National Historic Landmark), the Museum of Westward Expansion, and St. Louis' Old Courthouse. Other properties within the area of potential effects include the Eads Bridge (a National Historic Landmark completed in 1874), the Old Cathedral (built in 1834, it was the first cathedral built west of the Mississippi), and Laclede's Landing (the only surviving portion of the city's 19th century commercial waterfront). The project is located in St. Louis, Missouri, (St. Louis County) and East St. Louis, Illinois (St. Clair County). The undertaking may span the Mississippi River between these two states, with the likelihood of transportation links and visitor facilities being developed in conjunction with the project.

The CityArchRiver 2015 Foundation, sponsoring the competition in coordination with the NPS, sought to promote maximum creativity while encouraging the sponsors, the team of judges, and the competitors to accommodate historic preservation concerns during planning of an undertaking so likely to affect significant historic properties.

A Memorandum of Agreement was executed July 13, 2010, and remained in effect until the conclusion of the design competition on September 24, 2010. Now that the winning designers have been chosen, a Programmatic Agreement is being developed to

avoid, minimize, or mitigate adverse effects that can be anticipated from the selected design.

Among consulting parties were the ACHP; Federal Highway Administration, U.S. Department of Transportation; U.S. Coast Guard, Department of Homeland Security; the CityArchRiver 2015 Foundation; and the National Trust for Historic Preservation.

The Section 106 responsibilities did not end with the conclusion of the competition. The biggest overall challenge, however, may be raising funds for the plan. The NPS estimates it will take \$305 million or more to build the winning design, and large parts of the park and the highway system are antiquated and need repair.

For more information:

www.cityarchrivercompetition.org

www.nps.gov/jeff/historyculture



NATIONWIDE

Project: Ongoing Case: Development of Prototype Programmatic Agreement for Federal Emergency Management Agency Assistance Program

Agencies: Federal Emergency Management Agency, Department of Homeland Security

Contact: Jaime Loichinger jloichinger@achp.gov



A nationwide prototype Programmatic Agreement is being developed to improve compliance with Section 106 for programs of the Federal Emergency Management Agency.

The Federal Emergency Management Agency (FEMA) is working with the ACHP and the National Conference of State Historic Preservation Officers to develop a prototype Programmatic Agreement (PA) in accordance with 36 CFR §800.14(b)(4). Federal agencies may execute and use a Prototype PA that is so designated by the ACHP for the same type of program or undertaking in more than one case or area with the appropriate State Historic Preservation Office (SHPO)/Tribal Historic Preservation Office without the necessity for direct ACHP participation in consultation or execution of the document.

This effort is significant because it would change the Section 106 process for FEMA in implementing a number of its disaster and non-disaster programs (i.e., Hazard Mitigation Grant Program, Public Assistance, Individual Assistance, Mitigation Program). The prototype PA would allow FEMA's Regional offices and SHPOs flexibility in addressing state-specific issues while providing a national template, further integrating historic preservation compliance into the delivery of FEMA-funded undertakings, and eliminating the need for direct ACHP participation in PAs on a state-by-state basis. It also would allow a tailored compliance process reflecting state-specific considerations that will reduce the number of undertakings requiring Section 106 review, saving SHPOs, State Emergency Management Agencies, and FEMA time and resources.

FEMA notified the ACHP of its intent to develop a prototype PA on March 25, 2010. The ACHP's FEMA Gulf Coast Liaison held listening sessions with

tribes and states at the end of May and beginning of June 2010 to identify and summarize for FEMA common concerns and emerging themes. Throughout summer 2010, FEMA attended a number of intertribal organizational meetings to discuss the prototype PA.

In September 2010, FEMA hosted a two-day SHPO meeting to have in-depth discussions about the common concerns identified through the listening sessions. FEMA is currently planning a similar tribal session for early 2011 and hopes to have a prototype PA in the spring.

NORTH CAROLINA

Project: Closed Case: Herbert C. Bonner Bridge and NC-12 Highway Improvements

Agencies: Federal Highway Administration

Contact: Carol Legard clegard@achp.gov

Proposed construction of a new bridge has broad public support but remains controversial because of the challenges involved in maintaining a state highway through highly dynamic sand dune and sensitive wildlife habitat areas of the Pea Island National Wildlife Refuge.

A Programmatic Agreement (PA) for the Herbert C. Bonner Bridge Replacement project was executed on November 16, 2010, by the Federal Highway Administration (FHWA), North Carolina Department of Transportation (NCDOT), North Carolina State Historic Preservation Officer (SHPO), and the ACHP. The agreement commits FHWA and NCDOT to avoiding impacts to two important historic properties on Hatteras Island, and to a comprehensive package of mitigation for the effects of the project on Pea Island National Wildlife Refuge.

The Bonner Bridge has been in very poor condition for many years, and environmental review for its replacement has been in progress since 1980. The project is highly controversial because of the environmental sensitivity of the Pea Island National Wildlife Refuge (NWR) and the conflicting need for surface transportation and maintenance of the natural dune environment within the refuge.

The proposed construction of a new bridge over the Oregon Inlet, followed by phased construction of improvements to NC-12 on Hatteras Island, has broad public support but remains controversial because of the challenges maintaining a state highway through the highly dynamic sand dunes and sensitive wildlife habitat of the Pea Island NWR. The refuge provides habitat for more than 365 species of birds and diverse mammals and reptiles (including endangered loggerhead sea turtles). The refuge is also eligible for the National Register of Historic Places (NRHP) for its association with the development of wildlife refuges in the United



Chicamacomico Life Saving Station in Rodanthe Historic District

States and its construction by the Civilian Conservation Corps in 1938.

The Section 106 consulting parties included FHWA, NCDOT, the ACHP, the North Carolina SHPO, Dare County, North Carolina Aquariums, Chicamacomico Historical Association, US FHWA (Regional Office), the Fish and Wildlife Service (FWS), and the National Park Service (NPS) Regional Office.

FHWA's preferred alternative for the project is the Parallel Bridge Corridor with NC-12 Transportation Management Plan, which came out of a revised analysis of the environmental impacts and negotiation among the regulatory agencies involved in the project. NCDOT will replace the non-historic Herbert C. Bonner Bridge with a new bridge located to the west of the existing bridge (Phase I). Later phases of actions to manage NC-12 through the year 2060 would be decided based on conditions existing on Hatteras Island when additional action becomes necessary. This alternative recognizes the dynamic nature of the island and the lack of agreement between the FWS and FHWA about future shoreline erosion, its effects on NC-12, and the best approach to providing transportation across Hatteras Island within the Pea Island NWR.

The PA establishes a process for implementing the project in phases. First is replacement of the Herbert C. Bonner Bridge as soon as NCDOT concludes environmental review and is able to obtain necessary permits and approvals. Subsequent phases will be determined as part of a decision-making process (the NC-12 Transportation Management Plan) developed

with resource agencies and the SHPO under a National Environmental Policy Act (NEPA) Section 404 Merger agreement. The merger process provides parties with a mechanism to resolve conflicts among NCDOT, regulatory and permitting agencies, and SHPO, and was used to identify the current preferred alternative. The PA acknowledges that FHWA and NCDOT will use this process to develop the long term Transportation Management Plan (TMP) for future decisions regarding NC-12 improvements on Hatteras Island and within the wildlife refuge.

The PA also includes a set of principles for implementation of the project, and specific stipulations for avoiding, minimizing, and mitigating effects to historic properties. Because the effects to historic properties can be predicted, even though the specific route of NC-12 or construction techniques have not been determined yet, FHWA, SHPO, and the ACHP agreed that the mitigation measures in the PA address all such future impacts to historic properties. Unanticipated effects and dispute resolution are included to address the contingency that the situation changes and further consultation is required. The PA specifically requires NCDOT to mitigate effects to historic properties by implementing the following:

- NCDOT will develop an ethnographical context and context for heritage tourism for historic resources on Hatteras Island, including the Rodanthe Historic District, in consultation with FWS, SHPO, and NPS, the Aquariums, and the Chicamacomico Historical Association. NCDOT also redesigned the project to lower a proposed elevated highway through the Rodanthe Historic District, thus eliminating visual, audible, and access impacts to the district.
- NCDOT will address the effects of the undertaking on the Pea Island NWR by: (1) consulting with the SHPO, FWS, and NPS regarding the final design for the parapet and bridge rail on the new bridge over Oregon Inlet; (2) developing and implementing sustainable techniques to protect NC-12, minimizing adverse impacts to the refuge and Pea Island; (3) providing FWS and NPS with copies of all cultural resources technical reports previously produced by NCDOT; (4) providing and installing signs within the refuge to direct people to the visitor's center and points of historical interest; and (5) designing and



Former Coast Guard Station at Oregon Inlet prior to restoration

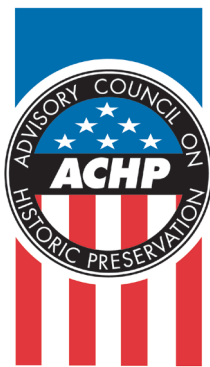
producing a custom kiosk at a location specified by FWS.

- NCDOT will make improvements to the access road and parking area of the (former) National Register-listed Oregon Inlet US Coast Guard Station, and maintain the access road if the facility becomes viable and open to the public. NCDOT will also provide and install roadside signs directing visitors to the station, and design and produce a custom information kiosk for the NC Aquariums.

As the Herbert C. Bonner Bridge provides the only highway connection between Hatteras Island and Bodie Island, and is critical to residents of Hatteras Island, all parties agree that the bridge should be replaced as soon as possible. Broad public support for proceeding with the project offsets continuing concerns raised by FWS and the NPS about compatibility of the NC-12 highway with the mission of the Pea Island NWR. The larger issues of concern to FWS are not related to effects to historic properties.

FHWA cannot proceed with the project without FWS issuing a permit for retention of the terminal groin (for erosion control) at the southern terminus of the bridge. The PA clarifies that if the project changes substantially, FHWA will consult with the parties to the PA to address those changes and if a permit for the terminal groin is not issued by the FWS, the PA will be terminated and FHWA will need to reinitiate Section 106 consultation for the project.

A copy of the fully executed document will be available at www.achp.gov/fhwa.html.



Preserving America's Heritage

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 803 · Washington, DC 20004
Phone: 202-606-8503 · Fax: 202-606-8647 · achp@achp.gov · www.achp.gov