North Carolina Historic Preservation Office &

Office of State Archaeology Environmental Review Consultants Workshop

April 21, 2017
Raleigh, NC
109 East Jones Street

AGENDA

Welcome and Logistics
Who Does Environmental Review – The Players
Why Do Environmental Review – The Regulations
How We Do Environmental Review in NC – The Process
Break
NCDOT – The Exceptions: PA and Local Projects
Architectural Resources – Reporting & Assistance
Lunch on Your Own
Archaeological Resources – Survey Guidelines/Reports, Permits & Curation
Evaluation/Certification & Adjourn

Who Does ER – The Players

- NC State Historic Preservation Office (HPO) http://www.hpo.ncdcr.gov/
 - Survey & National Register Branch
 - Restoration Branch
 - Environmental Review Branch

- CLG/Commissions Services
- Eastern Office/Greenville
 - · Western Office/Asheville
- Office of State Archaeology (OSA) https://archaeology.ncdcr.gov/
 - Underwater Archaeology Branch/Kure Beach
 - Research Laboratory/Raleigh
 - Queen Anne's Revenge Laboratory/Greenville
- Federal Agencies
- State and Local Governments, including local preservation commissions
- Applicants for Federal and/or State Grants, Funding, Licenses, Permits, or Approval
- Consultants
- Federally Recognized Tribes/Organizations (THPOs)
- Public

Why Do Environmental Review – The Regulations

Federal

- National Environmental Policy Act (NEPA)
- Section 106 of the National Historic Preservation Act (NHPA)
- Section 110 of the NHPA for federal land-managing agencies
- Section 4(f) of the US Department of Transportation Act

State

- State Environmental Policy Act (SEPA)
- NC General Statute 121-12(a)
- General Statute 70, Article 2
- General Statute 70, Article 3
- General Statute 121, Article 3 (and somewhat related, General Statute 65, 14-149)
- Executive Order 16

Federal Laws

- National Environmental Policy Act Information to guide federal agency decision-making on an action that may affect the environment
 - Categorical Exclusion (CE) / Programmatic Categorical Exclusion (PCE)
 - Scoping
 - Environmental Assessment (EA) and Finding of No Significant Impact (FONSI)
 - Environmental Impact Statement actions that may *significantly affect the* quality of the human environment
 - Draft EIS (DEIS)
 - Final EIS (FEIS)
 - Record of Decision (ROD)
 - State Clearinghouse notification of availability

Federal Laws

- National Historic Preservation Act of 1966 (NHPA), as amended through 2006 (16 U.S.C. 470 et seq.)
 - Established the National Register of Historic Places (NRHP)
 - Created a State Historic Preservation Officer (SHPO) in each of the states and territories
 - Created a Tribal Historic Preservation Officer (THPO) for each federally recognized tribe in the states, plus native Hawaiian organizations and Alaskan Native Village Regional Corporations
 - Created the Advisory Council on Historic Preservation (ACHP) to implement
 - Section 106 of NHPA
 - Section 110 Assigned federal land-managing agencies responsibility to identify historic properties on the lands they control

Federal Laws

<u>Department of Transportation Act (DOT Act) of 1966</u> (23 CFR 774)

FHWA & other USDOT agencies **CANNOT** approve the use of land from

- Publicly owned parks/recreation areas
- Wildlife & waterfowl refuges
- Public and private historic sites

UNLESS

- There is no feasible and prudent avoidance alternative to the use AND
- The action includes all possible planning to minimize harm, resulting from the use

OR

• Use is determined to have <u>de minimis</u> impact

State Laws

- <u>State Environmental Policy Act (SEPA)</u> = NEPA, but with higher thresholds to trigger preparation of an environmental document.
- <u>General Statute 121-12(a)</u> requires a state agency to consult with the NC Historical Commission, if it proposes to fund, license, approve or permit an undertaking that will adversely affect a National Register-listed property.
 - The Historical Commission meets 2-3 times a year
 - The Historical Commission's recommendations to the state agency are advisory only.
- General Statute 70, Article 2 Archaeological Resources Protection Act
- <u>General Statute 70, Article 3</u> Unmarked Human Burial and Human Skeletal Remains Protection Act
- General Statute 121, Article 3 Salvage of Abandoned Shipwrecks and Other Underwater Archaeological Sites
 - (and somewhat related, General Statute 65, 14-149)
- <u>Executive Order XVI</u> requires a state agency to determine the NRHP eligibility of properties that may be adversely affected by a state undertaking. No further action is required.

National Register of Historic Places

- A <u>list of properties</u> that have been determined by the SHPO and National Park Service to be significant to the history of the United States at a local, state, or national level
 - Buildings
 - Structures
 - Sites (archaeological)
 - Districts
 - Objects
- The property must meet at least one of the following criteria:
 - A. Associated with broad patterns in American history
 - B. Associated with important persons, places or events
 - C. Excellent examples for architecture, technology, the work of a master, etc.
 - D. Has yielded or may yield information important to history or prehistory

(Exceptions for age and religious properties)

More than 3,000 NC properties are listed in the NRHP, including 567 districts and 68 sites: http://www.hpo.ncdcr.gov/nrhome.htm for list http://gis.ncdcr.gov/hpoweb/ for map

Section 106 of the NHPA

- Requires federal agencies whose <u>undertakings</u> may affect <u>historic</u> <u>properties</u> in a project's <u>Area of Potential Effects (APE)</u> to consider the historic properties and consult with the SHPO and other parties.
 - **Undertaking** = funding, licenses, permits or approvals
 - Historic property = buildings, structures, sites, districts, and/or object listed in or eligible for listing in the NRHP
 - Area of Potential Effects (APE) = geographic area(s) within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist
 - **Consider and consult** = regulations of the Advisory Council on Historic Preservation at 36 CFR 800 <u>www.achp.gov</u>

Army Corps of Engineers regulations at 33 CFR 325 Appendix C are the only exception to 36 CFR 800's definition of APE

Section 106 process http://achp.gov/regsflow.html

- Initiate the Undertaking if no potential to cause effects/No 106
- Identify and evaluate historic properties in APE
 - Architectural and/or archaeological properties in APE to determine if National Register-listed or eligible properties are present
 - If none; No historic properties present Section 106 complete
- Assess effects on historic properties
 - No effect document in records and Section 106 complete
 - No Adverse Effect document in records and Section 106 complete, unless there are conditions to ensure an adverse effect is avoided
 - Adverse Effect
- Resolve adverse effect
 - Memorandum of Agreement
 - Minus a MOA, ACHP comment

Environmental Review by HPO/OSA – The Process

 Governmental Agency/Developer/Project Sponsor submits request for HPO/OSA review – following instructions at:

http://www.hpo.ncdcr.gov/er/er email submittal.html

Project Name Location ContactDescription Map Photos

- Project logged into ER tracking system and assigned project #
 - ER/GS/CT + year + consecutive # that follows the project forever and should be included in all future correspondence
 - APE will be mapped into HPOWEB for future reference/availability (TESTING)
- Project sent to OSA and HPO reviewers with deadline for comments
 - Comments reviewed by ER Coordinator
 - Comments put into final form and returned to submitter via method used for initial submission
- All future correspondence on the project should be addressed to HPO so that it is logged in and tracked with assigned number
- HPO has 30 days in which to review and comment on the majority of projects submitted to it

The Process - continued

- If a survey is recommended
 - For Archaeological Surveys contact OSA to discuss field methodologies, scope of work, and schedule
 - For Architectural Surveys contact ER Coordinator about coverage and to obtain shell database
 - Archaeological and Architectural Survey Reports must be separate and stand on their own – DO NOT COMBINE these reports
 - Agency/Developer/Project Sponsor submits report to HPO for review not consultant
 - Reports must comply with and have the deliverables specified by OSA and HPO
 - OSA Guidelines at:

https://archaeology.ncdcr.gov/programs/environmental-review/report-preparation-guidelines
Watch for new ones in the next few months and follow them

- HPO Standards at: http://www.hpo.ncdcr.gov/er/Section106 Standards.html
- Reports that are not accompanied by the required deliverables will not be logged in for review until all deliverables are submitted

The Process - continued

- If additional information is requested or plans are found to not meet the Secretary of the Interior's Standards
 - Contact HPO for advice on what is expected in next submittal
 - Agency/Developer/Project Sponsor submits requested information to HPO for review – not consultant
- Project logged in by HPO and distributed to appropriate staff for review with deadline for comments
 - Comments reviewed by ER Coordinator
 - Comments put into final form and returned to submitter via method used for submission
- If consultation needed or requested, meetings/conferencing will be scheduled and summary of outcomes provided attendees

The Process - continued

- "Due Diligence" requests will be logged in and reviewed <u>BUT</u>
 - Minus a federal or state regulatory requirement, comments cannot be used for regulatory purposes
- Survey reports submitted minus a ER tracking number and not recommended by HPO/OSA will be <u>accepted for information</u> <u>purposes only</u>
 - Comments cannot be used for regulatory purposes

The Process – Behind the scenes in OSA/HPO

- APE is mapped and added to HPOWEB
- Paperwork added to files (electronic and/or hard copies)
- Architectural resources data and reports added to HPOWEB; hard copy catalogued and placed in library
- HPO updated as new information on structures obtained ("gone")
- Archaeological reports, site forms, geographic information processed and filed in OSA for office use
- Curation by OSA

NCDOT Cultural Resources



Human Environment Section

Archaeology Group

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Section 106 Programmatic Agreement for Minor Projects



Programmatic Agreement (PA)

- •NCDOT, SHPO, FHWA & USFS Signatories
- Minor transportation projects (Minimum Criteria, PCE, CE, and EA)
- Expanded NCDOT authority--Allows NCDOT staff to determine need for survey, eligibility of resources, and assess effects
- Includes exempt activity list
- USACE uses PA documents for Permits

Typical PA Projects



Typical PA Project/Programs

- √ Secondary Roads Program
- ✓ Rail Safety Program
- ✓ Bridge Replacements
- ✓ Safe Routes to Schools
- √ Traffic Signal Systems
- ✓ Widening outside existing ditch
- √ Work outside existing right-of-way
- ✓ Work within historic districts
- √Work next to local historic sites
- ✓ New location projects that do not require an EIS





Exempt from cultural resources review with conditions

- limited activities
- not piece of a larger project
- no concerns from historic property owner
- no public controversy about historic preservation

Milling & resurfacing

Minor bridge rehabilitation

Replacement of existing signals, guardrail, & signs

Bike & pedestrian lanes within existing ROW

Maintenance of existing drainage & erosion control structures



PA Checklist for Exempt Activities

Programmatic Agreement Cultural Resources Screening Checklist

Project Numbers: TIP:	FA:		WBS	:			
Project Name:	County:						
Project Description:	ject Description:						
Funding Source:	Permits Required:						
knowledge of the project sit should be undertaken to acq is "Yes" or "Unable to Dete withstanding other determin	Engineers, should complete the following and immediate vicinity. If you check "Universal available information on the project rmine," the project is subject to further hations under state environmental reviews "No," the project may be excluded from	Jnable If the istoric laws an	to Det answe preser d regu	ermine", efforts or to any question vation review, not lations. If the			
		Yes	No	Unable to Determine			
	activities that are <u>not</u> specified in Appendix C of natic Agreement for Minor Transportation civities on reverse)						
	ed to other actions with individually significant, environmental effects?						
C. Are there properties listed of Historic Places in the proje	on or eligible for listing on the National Register						
D. Is this project questioned	by the owner of a historic property?						
E. Is there known public con	troversy based on historic preservation issues?						
F. Can this project be classific exclusion" (or state-equivalen	ed as anything <u>other than</u> a "categorical t) project						
project and that my answers understand that no further e	at I have completed a site visit or am fam to the questions above are, to the best or nvironmental analysis is required accordi- tement for Minor Transportation Project	f my kn ng to A	owled	ge, correct. I also			

Signature

Name (print)

Date

PA Deliverables



ARCHAEOLOGY FORMS

- No Survey Required
- Survey Required
- No National Register Eligible or Listed Archaeological Sites Present
- No National Register Eligible or Listed Archaeological Sites Affected
- Archaeological Adverse
 Effect Determination
- Site Forms

HISTORIC ARCHITECTURE FORMS

- No Survey Required
- Survey Required
- Effects Required
- No Historic Properties
 Present or Affected
- Effects Assessment includes
 No Effect, No Adverse Effect,
 & Adverse Effect

Local Transportation Projects

- Usually funded by Federal Highway Administration through NCDOT
- Federal and/or State funding requires review under applicable laws
- NCDOT no longer taking active role in planning and implementation
- Local governments, sometimes working with NCDOT Divisions
 - May be new for both NCDOT Division and local staffers
- Requests for SHPO/OSA review must come from the project sponsor
 NOT a consultant and clearly state funding source
- If FHWA funding SECTION 4f of DOT Act applies
 - Prohibition on using land from a historic property

Standards for Historic Structure Survey Reports, Determinations of Eligibility, and Section 106/110 Compliance Reports

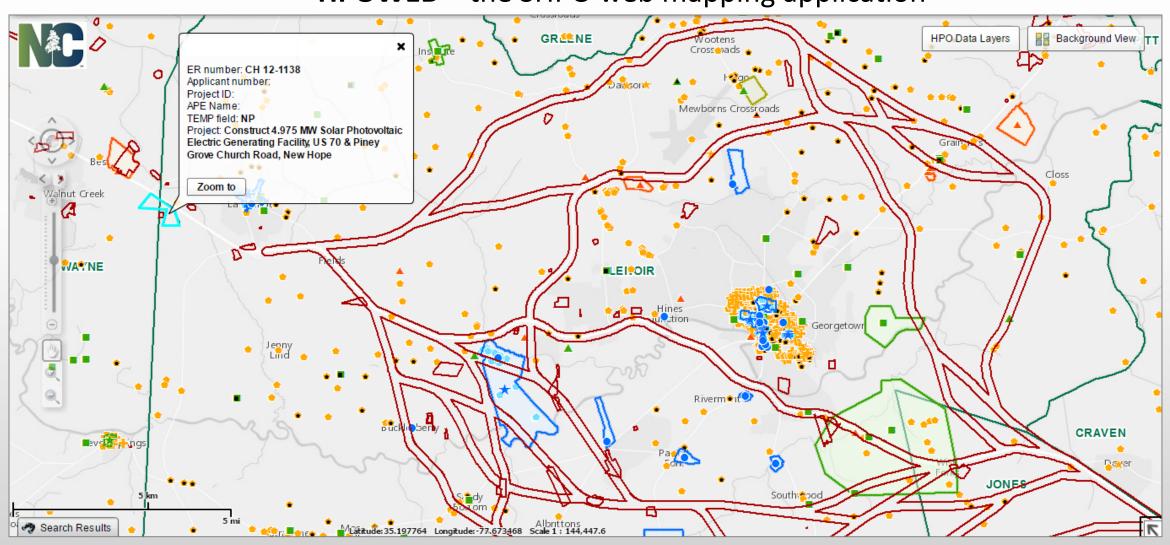
- Text / Content
- Survey Site Numbers (aka Site ID)
- Survey Database and Survey Site Forms
- Photographs
- GIS Data
 - Area of Potential Effect
 - Historic resources point features placed on rooftop
 - Proposed Historic Districts

www.hpo.ncdcr.gov/er/Section106 Standards.html

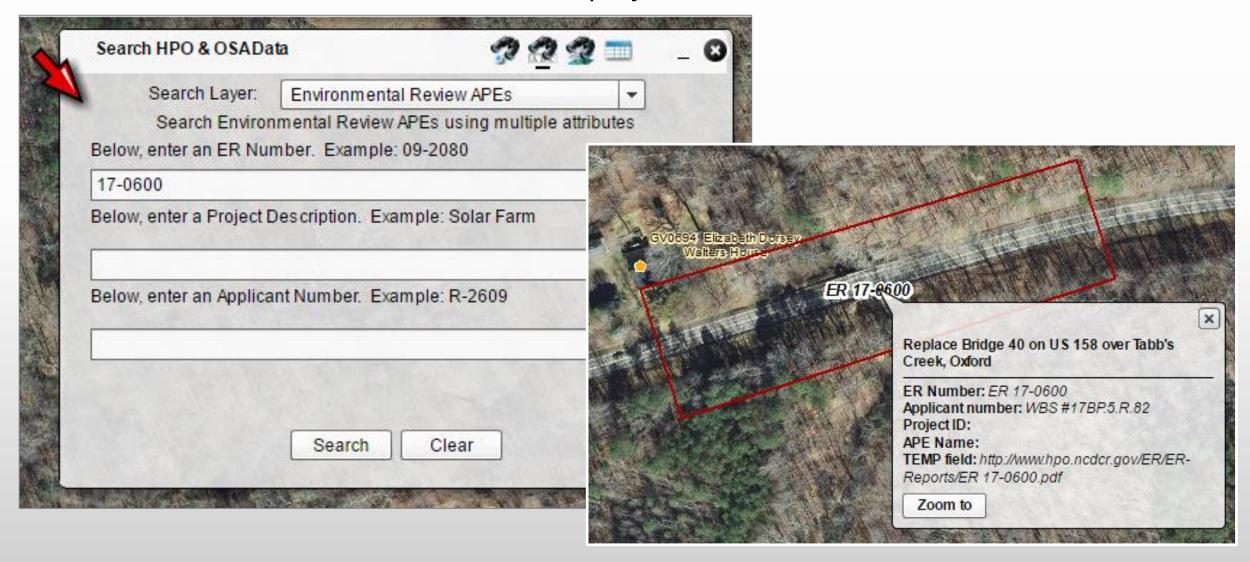
www.hpo.ncdcr.gov/ER/Historic-Structure-Survey-Report List.pdf

R Tracking #	Date	NCDOT (TIP) number	Other Project ID Numbers	ER Library #	PDF (file size)	Мар
Name of report						
C	OUNTY: M	ecklenburg				
R 15-1017	2/23/2017	U-2509	WBS #38965.1.1 / Limited Services #7000016	MK 819	PDF (10 MB)	HPOWEB
	The state of the s	Report: Improvements to lidlewild Road, Mecklenbu	U.S. 74 (East Independence Boulevard) from urg County	1-485	Alexander, France Alexander & Asso	
R 15-2365	9/27/2016	U-5908	NCR-0715	MK 750.2	PDF (4 MB)	HPOWEB
		ay Improvements, NC 1 intersville, Mecklenburg (15, N. Main Street, S. Main Street, and Gile County	ad/Huntersville-	van den Hurk, Jero Carolina Research	
R 15-1812	5/6/2016	I-5714	WBS #50127.1.FS1 / 7000016411	MK 764	PDF (6 MB)	HPOWEB
			ouisa C. McAuley House. Convert Interchan al Diamond Interchange to a Diverging Dian		Alexander, France Alexander & Asso	

HPOWEB – the SHPO web mapping application



HPOWEB – search for a project / find the SHPO letter



Recent efforts

- ~5000 project APEs displayed in HPOWEB, spanning several years
- Digitizing the backlog of Historic Structure Survey Reports (650)
- Creating a web-based form for project applications
- Creating mobile app for field survey work
- Ongoing improvements to HPOWEB to facilitate surveys
 - Statewide parcel and building footprint layers
 - Recent aerial imagery

Questions? Contact me at: andrew.edmonds@ncdcr.gov

OSA WEBSITE

- All consultants are encouraged to regularly consult our website for updated information
- If you or your firm are not included on our consultants list, please consider contacting us so that you can be included

Office of State Archaeology



What We Do

The Office of State Archaeology (OSA) serves North Carolina's citizens through programs that identify archaeological resources on land and beneath state waters. OSA archaeologists and staff are specialists with decades of academic training and practical experience, which we apply to gather and share knowledge about the vast time range (more than 12,000 years) of North Carolina's historic experience.

Upcoming Events

Cultural Resources Consultants Workshop Presented by: NC Historic Preservation Office and Office of State Archaeology 04/21/2017 - 9:00a.m. to 3:00p.m.

ADMINISTRATIVE PROCEDURES

- New guidelines will be distributed & posted online May 31; will become effective July 1
- All environmental review submittals (including reports) must be sent through the SHPO office. Emailed reports will not be accepted.
- The OSA will not expedite report review.
- The OSA will not accept management summaries in lieu of draft reports for Section 106, except when stipulated in a Memorandum of Agreement or Programmatic Agreement.
- Comments and determinations will only be provided for projects that have been subject to review by the SHPO. Professional non-compliance reports, including reconnaissance surveys and research excavations, will be accepted into the Site File library.

ARCHAEOLOGICAL PROTECTION AND PERMITS

Archaeological Resources Protection Act of 1979

Public Law 96-95

Archaeological Resources Protection Act

General Statutes Chapter 70, Article 2

SHIPWRECKS

Abandoned Shipwreck Act

Public Law 100-298

Salvage of Abandoned Shipwrecks and Other Underwater Archeological Sites Chapter 121, Art. 3

GRAVES AND BURIALS

Native American Graves Protection and Repatriation Act Public Law 101-601

Unmarked Human Burial and Human Skeletal Remains Protection Act General Statutes Chapter 70, Art. 3

Other Laws (G.S. 65, G.S. 14-149)

BACKGROUND RESEARCH PROCEDURES

- Prior to the fieldwork phase of a project, background research of previous investigations and previously recorded archaeological sites must be undertaken at the OSA.
- The geographic area covered by background research should extend for a minimum of one mile from the edge of the project area boundary.
- Individuals seeking to do background research at an OSA facility must meet or be under the supervision of an individual who meets the Secretary of the Interior's Professional Qualification Standards as described in 36 CFR Part 61. In situations where a supervised individual is to conduct records research, it is expected that they will have been trained in pertinent research methods prior to scheduling an appointment.

BACKGROUND RESEARCH

- Should consider the project area within the context of previous archaeological investigations and the broader cultural history of the region.
- Should be directed toward assessing the current state of knowledge for expected site types.
- When conducting background research, a two-phased approach may be useful
 - Prior to fieldwork, compile information about the history of local American Indian communities, periods of European colonization and migration, major industries, and prominent families or persons who lived in the vicinity of the project area
 - After field work is completed, collect additional information to assess the significance of any individual prehistoric or historic archaeological sites identified; this site-specific research may increase the interpretive value of an archaeological site, or show that a site is connected with important persons or events

FIELD METHODOLOGY PROCEDURES

- For compliance projects, our office requests consultation with the designated Office of State Archaeology (OSA) Review Archaeologist to discuss appropriate methodologies prior to archaeological field investigations.
- Any changes in survey, testing, or data recovery strategies/methods should be undertaken only after consultation with representative staff of the OSA.

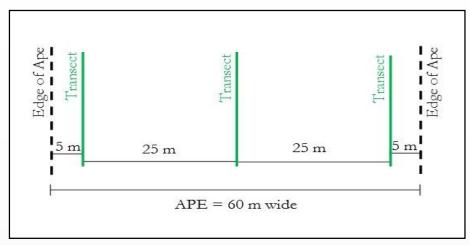
FORMS OF INVESTIGATION

- Monitoring
- Reconnaissance Survey/Due Diligence
- Phase I Identification Survey
- Phase II Evaluation/Testing
- Phase III Data Recovery/Mitigation or Treatment

FIELD METHODS

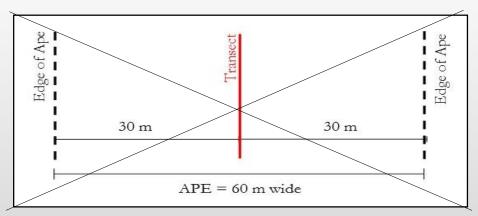
- Remote Sensing: LiDAR and Multi-Spectral Imagery
- Pedestrian Reconnaissance
- Excavation
 - Shovel Testing
 - Close-Interval Shovel Testing
 - Soil Coring and Augering
 - Test Unit Excavation
 - Feature Excavation
- Machine-Assisted Excavation
 - Deep Testing
 - Mechanical Stripping
- Special Analyses

TRANSECT SPACING



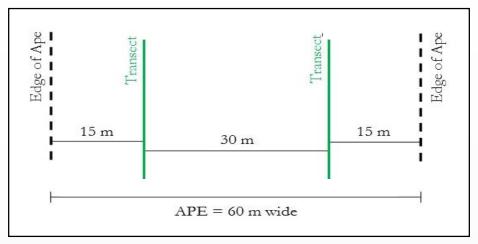
Adequate Coverage (recommended)

Three Shovel Test Transects Spaced 25 m Apart on 60-m Wide Corridor, with Shovel Tests Excavated at 25-m Intervals.



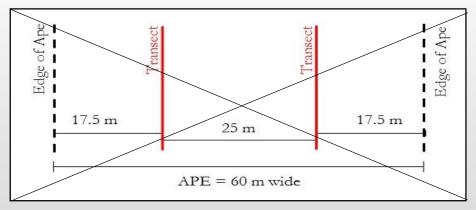
Not Adequate Coverage

One Shovel Test Transect on 60-m Wide Corridor, Regardless of Shovel Test Interval on Transect.



Adequate Coverage (minimum)

Two Shovel Test Transects Spaced 30 m Apart on 60-m Wide Corridor, with Shovel Tests Excavated at 30-m Intervals.

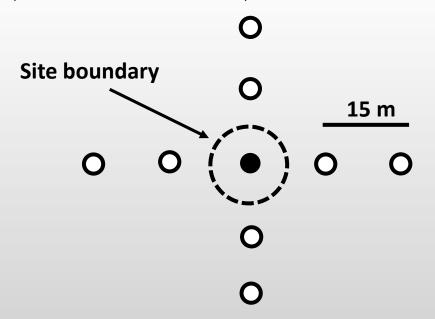


Not Adequate Coverage

Two Shovel Test Transects Spaced 25 m Apart on 60-m Wide Corridor, with Shovel Tests Excavated at 25-m Intervals.

DEFINING SITE BOUNDARIES

- At least two negative shovel tests should be excavated in each direction along site margins to determine the extent of the site.
- In the event that all radial tests are negative, the boundary of the site should be mapped as half the distance between the artifact and the closest negative radial shovel test(s). For example, if distance between shovel tests is 15 meters, then the site would be mapped as a circle with a radius of 7.5 meters (diameter of 15 meters).



REPORT SUBMISSION

- One paper copy (on archival paper) and one digital file (PDF on disc) of each report should be submitted, unless the project area is located within a county in the mountains or southeast region. For projects in those counties, two paper copies (archival paper) and two CDs are requested. PDF-A (Archival format) is preferred but a high-quality standard PDF file is also acceptable.
- All newly identified or revisited archaeological sites and cemeteries documented in a report of field investigations should be recorded using the appropriate OSA forms. Reports must be accompanied by the appropriate forms to be considered complete and sufficient for review.

SITE AND CEMETERY FORMS

- One paper copy (archival paper), and one digital copy (MS Word) on disc, of each site and cemetery form should be submitted to the OSA, unless the project location is within the mountain or southeast region. For projects in those counties, consultants should submit two paper copies (archival paper) of the site form and one digital copy (MS Word) on disc.
- Site forms should not be appended to reports
- Do not change the format, font type or font size
- Forms should not be printed double-sided

REPORTS

- Each report must stand on its own as a complete and self-explanatory document.
- Map(s) noting shovel test locations or noting areas covered using different strategies (e.g., areas shovel tested at 15-m intervals, areas investigated with pedestrian survey and shovel tests at 30-m intervals, etc.)
- Total number of shovel tests excavated per designated study area, along with description and images of representative soil profiles from shovel tests of surveyed areas (may be included as an appendix)

SIGNIFICANCE EVALUATIONS

- Significance evaluations must be presented with explicit reference to the eligibility criteria for listing in the NRHP (A, B, C, and/or D). In some cases, multiple criteria may be applicable.
- Assessments of integrity should reference the relevant NPS aspects of integrity
- Recommendations should be consistent with contemporary research interests of the archaeological community, reflecting the current state of knowledge for a given research area.

CURATION

- The Department of Natural and Cultural Resources (DNCR) is the state agency responsible for preservation of North Carolina's archaeological collections and associated documentation. The Office of State Archaeology (OSA), an agency of the department's Division of Archives and History, has a stewardship responsibility for archaeological materials owned or maintained by the department.
- All collections to be submitted for curation must be assigned an accession number. Accession numbers can be obtained from the OSA Site Registrar in response to letter or email requests.

COLLECTION SUBMISSION

- After a request has been approved, the Laboratory Supervisor will provide an Incoming Collections Form that should be completed and returned prior to collection submission.
- The cleaning, sorting, cataloging, documenting, conserving, and packaging of archaeological materials are the responsibilities of the depositor.
- OSARC charges fees for curation and conservation services at \$200.00 per cubic foot, or \$220.00 per standard archival storage box measuring 12" wide, 15" long, and 10" high.
- A standardized method of collections-cataloging must be employed for each collection and project. Include a full, written explanation of the cataloging method employed with each collection. Guidance on the OSA cataloging system may be obtained from the OSA Research Center Supervisor.

ASSOCIATED COLLECTION RECORDS

- All text documents should be provided in both paper and digital format, regardless of the manner in which they were created.
- All digital media should be provided in duplicate on CD-R or DVD-R disks, with CD-R Archival Gold or DVD-R Archival Gold disks preferred. Images should be in JPEG or TIFF format, with TIFF preferred, and be no less than 300 dpi. Text documents should be in PDF or MS Word format, along with an unformatted TXT copy. Tables and databases should be in MS Excel or MS Access format, along with an unformatted TXT copy. Unformatted TXT copies are requested to ensure the data in these files remain accessible regardless of software programming changes through time.
- Digital photographs and maps should accompany each archaeological collection; printed copies are not required.

Evaluation and Certification

• Complete the Workshop Evaluation and collect your certificate