



Cultural Resources

Summary ITD is required to take into account project effects on historic properties when there is a federal nexus (funding, permitting, land) by defining an Area of Potential Effect (APE), identifying historic properties, assessing effects to any historic properties, and avoiding, minimizing, or mitigating adverse effects under Section 106 of the National Historic Preservation Act of 1966 (and implementing regulations 36 CFR 800). If project actions result in an adverse effect to historic properties, and U.S. Department of Transportation funding is involved, the project must also analyze any feasible and prudent alternatives under Section 4(f) of the Department of Transportation Act of 1966.

Applicability The majority of ITD projects must receive cultural resources clearance by completing the Section 106 and the Section (4)f processes, as applicable. ITD Districts or LHTAC should consult with ITD HQ Cultural Resources staff early in project development to determine the level of effort needed to complete this process.

- Exemptions**
- Program Comment for Common Post-1945 Concrete and Steel Bridges
 - Section 106 Exemption Regarding Effects to the Interstate Highway System

While these resources are exempt from Section 106 consideration, the District must submit an ITD Form 1500 regardless, as ITD Cultural Resources staff need to take into consideration impacts on other historic properties that may exist within the APE, and complete an ITD Form 1502 for the environmental document.

- Jurisdiction**
- Advisory Council on Historic Preservation (ACHP)
 - Idaho State Historic Preservation Officer (SHPO)
 - Nez Perce Tribal Historic Preservation Officer (THPO) (within the Nez Perce Reservation boundaries)
 - Coeur d’ Alene Tribal Historic Preservation Officer (THPO) (within the Coeur d’ Alene Reservation boundaries)

- Legal/Policy Basis**
- Section 106 of the National Historic Preservation Act of 1966, as amended, and implementing regulations 36 CFR 800
 - Section 4(f) of the Department of Transportation Act of 1966, and implementing regulations 23 CFR 774





Process and Deliverables

PLANNING PHASE

TASK: Project Introduction and Early Coordination

1. ITD District or LHTAC Environmental Planner submits the ITD Form 1500 to itdhqenvcultural@itd.idaho.gov.
2. ITD Cultural Resources staff determines the level of effort needed for cultural resources clearance.
3. ITD Cultural Resources staff consults with Tribes, federal agencies, and other stakeholders, as appropriate.

Early in Project Scoping, ITD Cultural Resources staff will determine the level of effort needed for cultural resources clearance based on the ITD Form 1500 the ITD District or LHTAC submits. Depending on project actions, funding source, and other federal agency involvement, project actions can be cleared using a number of different tools, all resulting in a signed ITD Form 1502:

- (1) Cleared using an exemption (listed above), the Programmatic Agreement between FHWA, ITD, Idaho SHPO, and ACHP, or the Programmatic Agreement between FHWA, ITD, Nez Perce THPO, and ACHP (project actions on the Coeur d’ Alene Indian Reservation cannot be cleared using a Programmatic Agreement); or
- (2) Cleared by submitting a Cultural Resources Review to the Idaho SHPO or appropriate THPO for their review and concurrence; or
- (3) Cleared with an Archaeological and Historic Survey Report (AHSR) that is submitted to the Idaho SHPO or appropriate THPO for their review and concurrence.

EVALUATION PHASE

TASK: Level of Effort

1. Programmatic Agreement or Section 106 Exemptions
 - a. If project actions can be cleared using the Programmatic Agreement or Section 106 Exemption, ITD Cultural Resources staff will return a signed ITD Form 1502 to the ITD District or LHTAC.
2. Cultural Resources Review
 - a. If project actions can be cleared using a Cultural Resources Review, Cultural Resources staff, with assistance from the ITD District or LHTAC, will prepare a submittal package including a detailed project description, maps, and photos. The submittal package will be sent to the Idaho SHPO or the appropriate THPO for their review and concurrence. Once concurrence is received, Cultural Resources staff will return a signed ITD Form 1502 to the ITD District or LHTAC.
3. Archaeological and Historic Survey Report (AHSR)
 - a. If project actions require the completion of an AHSR, ITD Cultural Resources staff will return a Cultural Resources Work Breakdown Schedule (WBS) to the ITD District or LHTAC outlining the level of effort needed to complete the AHSR. If the ITD District or LHTAC needs to hire a Consultant on the Term Agreement under E7a, E7b, and/or E7c, the Consultant should contact ITD Cultural Resources staff prior to completing field work.



- b. The ITD District or LHTAC will submit the completed AHSR and supporting materials to ITD Cultural Resources staff for their review and comment. As required, Tribes and other federal agencies may review the AHSR and offer comments. If the document and supporting materials are deemed complete and accurate, ITD Cultural Resources staff will submit to the Idaho SHPO or appropriate THPO for their review and concurrence. Once concurrence is received, ITD Cultural Resources staff will return a signed ITD Form 1502 to the ITD District or LHTAC.
- c. If there is a finding of No Historic Properties Affected or No Adverse Effect to Historic Properties, Section 106 consultation is complete. Please see Section 4(f) Guidance for any *de minimis* requirements.
- d. If there is a finding of Adverse Effects to Historic Properties the following steps need to be completed:
 - i. The ITD District or LHTAC completes a Determination of Adverse Effect (e106) document to invite the ACHP to participate in the resolution of Adverse Effects. The ITD District or LHTAC submits the completed e106 to ITD Cultural Resources staff who will review and submit to the FHWA Division Office (or lead federal agency) for formal submittal to the ACHP.
 - ii. Once the ACHP has been invited to participate in consultation, other consulting parties, including the Idaho SHPO or appropriate THPO, will be invited to participate in the development of the Memorandum of Agreement (MOA). Meetings will be held to discuss appropriate mitigation until stipulations are agreed upon. ITD Cultural Resources staff will draft and finalize the MOA document. All stipulations must be completed within the agreed upon timeframe.
 - iii. Complete Section 4(f) as appropriate.

Note: Section 106 requires consultation with interested parties, such as Tribes, historic preservation commissions, and/or local governments. ITD Cultural Resources staff may submit Cultural Resource Reviews and AHSRs to these interested parties throughout the Section 106 process for their review and comment.

DEVELOPMENT PHASE

TASK: Change in Project Actions

If there is a change in project actions from what was considered in prior cultural resources documents (ITD Form 1500, Cultural Resources Review, and/or AHSR), the ITD District or LHTAC must notify ITD Cultural Resources staff with an updated ITD Form 1500 detailing these additional project actions. Additional Section 106 consultation and Section 4(f) analysis may be required.

IMPLEMENTATION PHASE

During Construction, consultation with ITD Cultural Resources staff may be required for:

- 1. Material sources and wasting areas, and material and equipment staging areas requests from either ITD or the Contractor post-award.
- 2. Proposed changes in project actions post-award or during construction.
- 3. Cultural resources monitoring and/or inadvertent discoveries.

The ITD District or LHTAC must notify ITD Cultural Resources staff with an updated ITD Form 1500 detailing any of the activities. The ITD District or LHTAC, and Contractors should refer to the *ITD Standard Specifications for Highway Construction (Spec Book)* for additional information.



OPERATIONS PHASE

If maintenance is being completed by state forces/funding and there is no federal nexus (no federal funding, permitting, or land), cultural resources clearance is not required. However, ITD Cultural Resources staff requires the ITD District or LHTAC to submit an ITD Form 1500 for any maintenance activities to determine that Section 106 does not apply.

Project Phase	Determination/Deliverable	ITD District/LHTAC Submittal
Planning	Cultural Resources Work Breakdown Schedule or signed ITD Form 1502	ITD Form 1500
Evaluation	Signed ITD Form 1502, Executed MOA, and/or Section 4(f) Documentation	AHSR (if applicable)
Development	Signed ITD Form 1502 or official correspondence from SHPO/THPO (if applicable)	ITD Form 1500 for Revised Project Actions (if applicable)
Implementation	Signed ITD Form 1502 or official correspondence from SHPO/THPO (if applicable)	ITD Form 1500 for Revised Project Actions (if applicable), Cultural Resources Monitoring Report (if applicable)
Operations	Signed ITD Form 1502 or official correspondence from SHPO/THPO, Tribes, or ITD Cultural Resources staff (if applicable)	ITD Form 1500

Helpful Links

- [Protection of Historic Properties \(36 CFR 800 Regulations\)](#)
- [National Historic Preservation Act of 1966](#)
- [Advisory Council on Historic Preservation](#)
- [Section 4\(f\) of the Department of Transportation Act of 1966](#)
- [FHWA Section 4\(f\) Policy Paper](#)
- [Archaeological Resources Protection Act \(ARPA\)](#)
- [Archeological and Historic Preservation Act](#)
- [American Indian Religious Freedom Act \(1978\) \(AIRFA\)](#)
- [Antiquities Act \(1906\)](#)
- [Native American Graves Protection and Repatriation Act \(NAGPRA\)](#)
- [Idaho Graves Protection Act](#)
- [Idaho State Historic Preservation Office \(SHPO\)](#)
- [National Association of Tribal Historic Preservation Officers](#)
- [Program Comment for Common Post-1945 Concrete and Steel Bridges](#)
- [Section 106 Exemption Regarding Effects to the Interstate Highway](#)

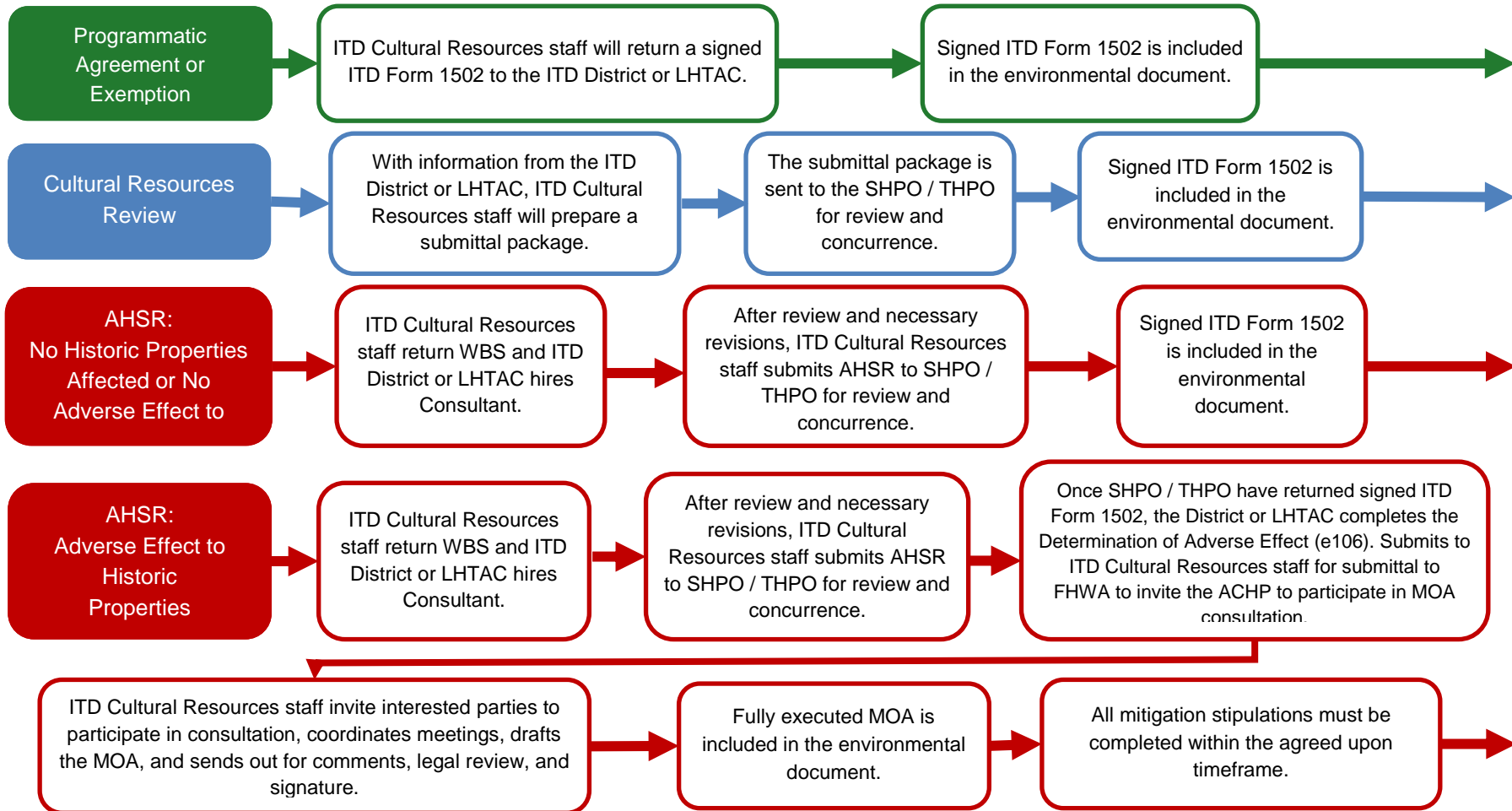
ENVIRONMENTAL PROCEDURES

ITD Cultural Resources staff receives ITD Form 1500 submittal from ITD Districts or LHTAC.

ITD Cultural Resources staff determines the level of effort needed for cultural resources clearance.

ITD Cultural Resources staff will consult with Tribes, federal agencies, and other stakeholders, as appropriate.

Cultural Resources Clearance Processes:



*All SHPO/THPO communication must go through ITD Cultural Resources staff.