

456.01	Cultural Resources Overview
456.02	Section 106 Review and Compliance: FHWA
456.03	Section 106 Review and Compliance: USFS
456.04	Section 106 Review and Compliance: COE
456.05	Section 106 Review and Compliance: Other Federal Agencies
456.06	Governor's Executive Order 05-05 Review and Compliance
456.07	Bridge Compliance
456.08	Artifact Collection and Disposition (Curation)
456.09	Use of Museums and Information Centers as Potential Mitigation
456.10	Additional Cultural Resources Regulatory Guidance
456.11	Acronyms and Abbreviations
456.12	Glossary

### 456.01 Cultural Resources Overview

It is federal and Washington State policy to avoid, minimize, or mitigate adverse impacts to historical, archaeological, and cultural resources. It is Washington State Department of Transportation (WSDOT) policy to avoid adverse effects to such resources in planning, constructing, operating, or maintaining the state's transportation system, or to minimize and mitigate such effects if it is not practical to avoid them.

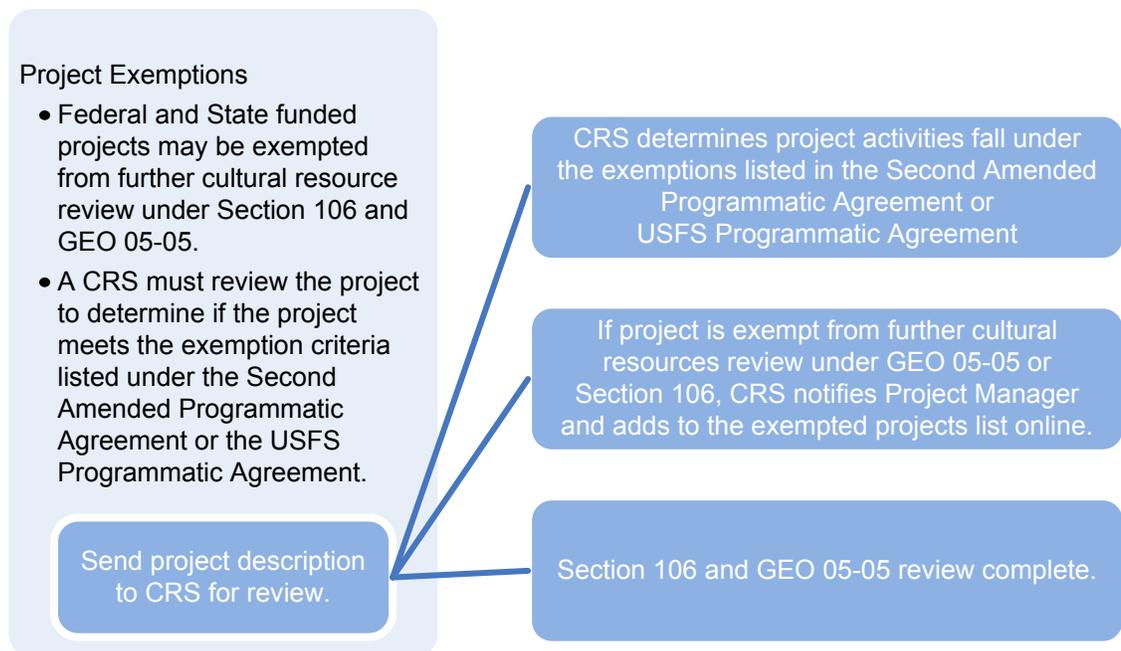
Cultural resources may include but are not limited to surface, buried, or underwater archaeological sites and materials; historic structures or objects such as buildings, highways, roads, bridges, vessels, wrecks, pilings, culverts, or guardrails 50 or more years old; and sites such as certain natural landscape features considered important or special by native Americans or community groups, such as waterfalls, rock formations, mountains, or ridges. Archaeological sites and materials can be prehistoric or historic with respect to the age of the resources.

Many WSDOT projects and activities may impact cultural resources and are therefore subject to state and federal regulations. There are multiple federal and state laws that regulate cultural resources and how they are treated. These regulations apply to all WSDOT activities, modes and divisions, not just highways.

Compliance requirements for cultural resources follow different regulatory and compliance paths based on project funding, permitting, and/or project location, but all follow the same general process:

- a. Contact the region Cultural Resources Specialist (CRS) early in the project planning stages. If the region or division does not have a CRS, contact the Cultural Resources Program in the Headquarters Environmental Services Office.
- b. Provide the CRS information on project location, land ownership, funding, scope of work, and any required permits, and he/she will assist in determining which compliance path and regulations apply.
- c. Once the CRS conducts the initial project review, he/she will work with project staff to document that compliance has been completed or to establish the regulatory path and develop a schedule to complete cultural resources compliance.

- d. Regardless of which compliance path the project follows, the CRS will initiate consultation with the state Department of Archaeology and Historic Preservation (DAHP), unless the project is exempted from further compliance review under the terms of the Second Amended Programmatic Agreement or the USFS Programmatic Agreement. Figure 456-1 illustrates this process.
  1. Only a WSDOT CRS can exempt a project under the terms of the Second Amended Programmatic Agreement and USFS Programmatic Agreement.
  2. Undertakings on federal or Indian/tribal lands cannot be exempted per provisions of the Second Amended Programmatic Agreement and the USFS Programmatic Agreement.
  3. Undertakings on national forests can be exempted per provisions of the USFS Programmatic Agreement.
  4. Certain common post-1945 concrete and steel bridges and culverts can be exempted from review under Section 106 per the FHWA Program Comment for Common Post 1945 Concrete and Steel Bridges (see [Section 456.07](#)).
  5. Features of the Federal Interstate Highway System of national and exceptional significance cannot be exempted per provisions of the Second Amended Programmatic Agreement or USFS Programmatic Agreement. The Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System is available at [www.environment.fhwa.dot.gov/histpres/highways.asp](http://www.environment.fhwa.dot.gov/histpres/highways.asp).



**Exempting Projects From Further Section 106 or Governor’s Executive Order 05-05 Review**  
*Figure 456-1*

- e. Consultation with DAHP and other stakeholders will continue until the project is determined not to have adverse effects to cultural resources, or agreements are made to avoid, minimize, or mitigate any adverse effects.

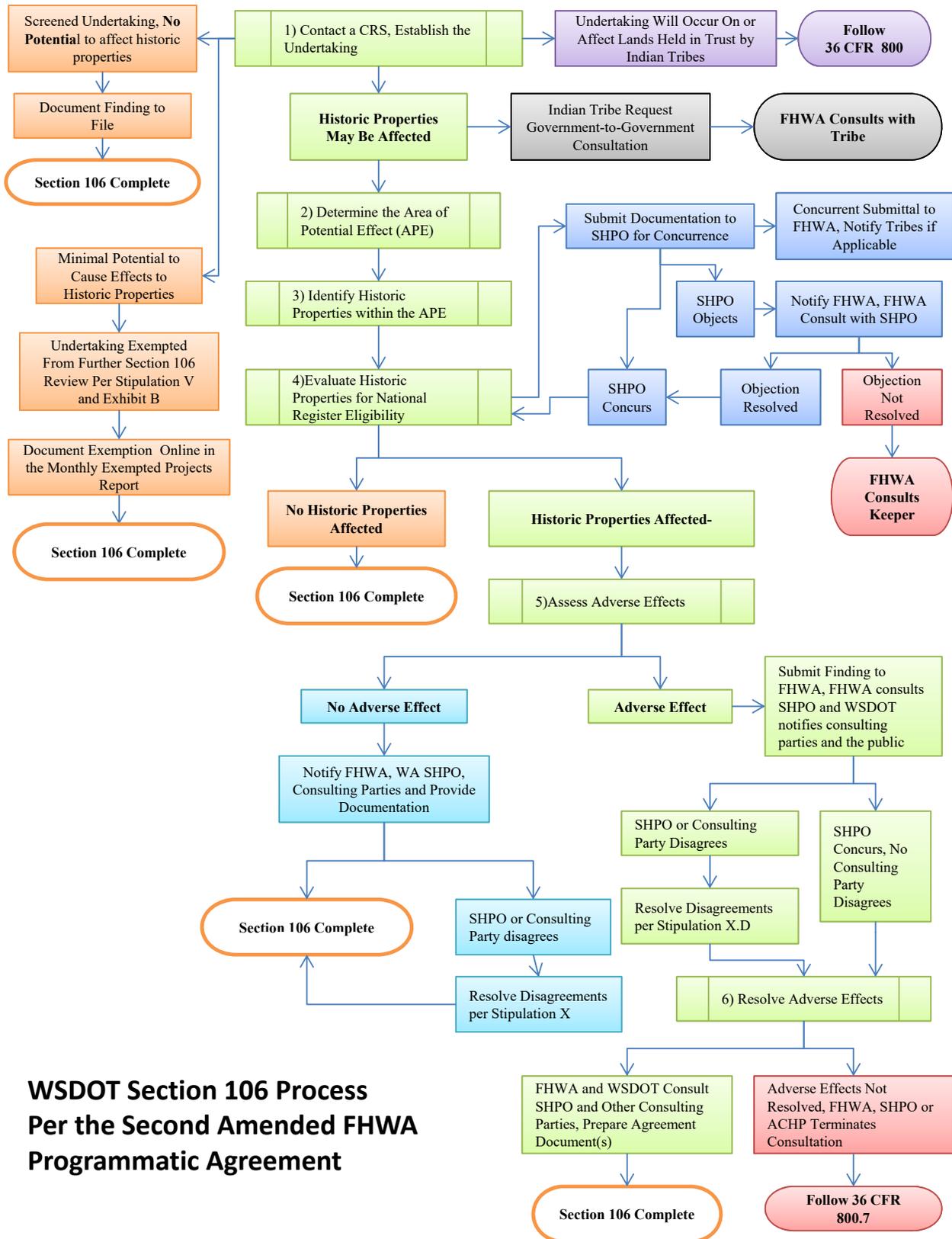
## 456.02 Section 106 Review and Compliance: FHWA

Projects that use federal funds, or require permits from federal agencies, or take place on federal (including Indian/tribal) land, will go through the Section 106 compliance process of the National Historic Preservation Act (NHPA, implemented by [36 CFR 800](#), see below). The majority of WSDOT projects are subject to Section 106 requirements, either due to funding (e.g., federal aid projects) or permits (e.g., Corps of Engineers permits). For projects that undergo Section 106 review, be aware that:

- a. Documentation of compliance with the National Environmental Policy Act (NEPA) may also be required. Note that projects that are categorical exclusions under NEPA are **not** exempt from NHPA and still must comply with Section 106.
- b. If the federal nexus involves a federal transportation agency, then [Section 4\(f\)](#) of the Transportation Act applies in addition to Section 106 of the NHPA (see [Chapter 457](#)).
- c. Projects that are FHWA funded or permitted use the Section 106 alternative procedures presented in the [Second Amended Programmatic Agreement](#), signed in 2012. The Second Amended Programmatic Agreement supersedes and replaces earlier Programmatic Agreements of 2000 and 2007.
- d. Federal highway aid projects on national forest lands follow the Section 106 review process outlined in the [USFS Programmatic Agreement](#) with WSDOT, SHPO, ACHP, and FHWA, signed in 2012.
- e. Compliance and consultation activities, which WSDOT conducts for federal aid projects, are done so on behalf of FHWA, and pursuant to these two programmatic agreements.

The first step is to contact the assigned CRS as early in the project planning stages as possible, and he/she will determine whether or not the project can be exempted from further review under the Second Amended Programmatic Agreement or USFS Programmatic Agreement.

If the activity cannot be exempted per the stipulations of the Second Amended Programmatic Agreement or USFS Programmatic Agreement, the CRS will work with the project office to determine the Area of Potential Effects (APE) and identify which parties must be consulted with for the project. If the project has FHWA funding or permits, the Second Amended Programmatic Agreement will be followed ([Figure 456-2](#)). If the project occurs on a national forest, the USFS Programmatic Agreement will be followed. If the project requires a Corp of Engineers permit (i.e., §10 or 404) and does not have FHWA funding, the Seattle District Corps of Engineers Memorandum for Record will be followed.



**WSDOT Section 106 Process Per the Second Amended FHWA Programmatic Agreement**

**Section 106 Process Per the Second Amended FHWA Programmatic Agreement  
Figure 456-2**

### **456.03 Section 106 Review and Compliance: USFS**

Projects taking place on national forest lands fall under the Section 106 review process, even if they are state funded only. If the project has FHWA funding, the process detailed in the USFS Programmatic Agreement is followed (see [Figure 456-3](#)). If the project is state funded, the CRS must work with the project team to provide the USFS Forest Archaeologist with project information to allow the USFS to initiate their Section 106 process. In the case of state funded projects on national forests, the USFS is responsible for Section 106 compliance and does not delegate this responsibility to WSDOT. This is true for maintenance activities as well, unless the region has negotiated an individual maintenance agreement with the national forest. Appropriate time must be built into project schedules to allow for the USFS Section 106 process. Check with the designated WSDOT CRS to get an estimate of how much time is required, depending on project scope and the national forest where the project is located.

In either case, compliance for WSDOT begins with the project team informing their designated CRS about the project scope and schedule, and working with the CRS to inform the USFS Forest Archaeologist about the project.

### **456.04 Section 106 Review and Compliance: COE**

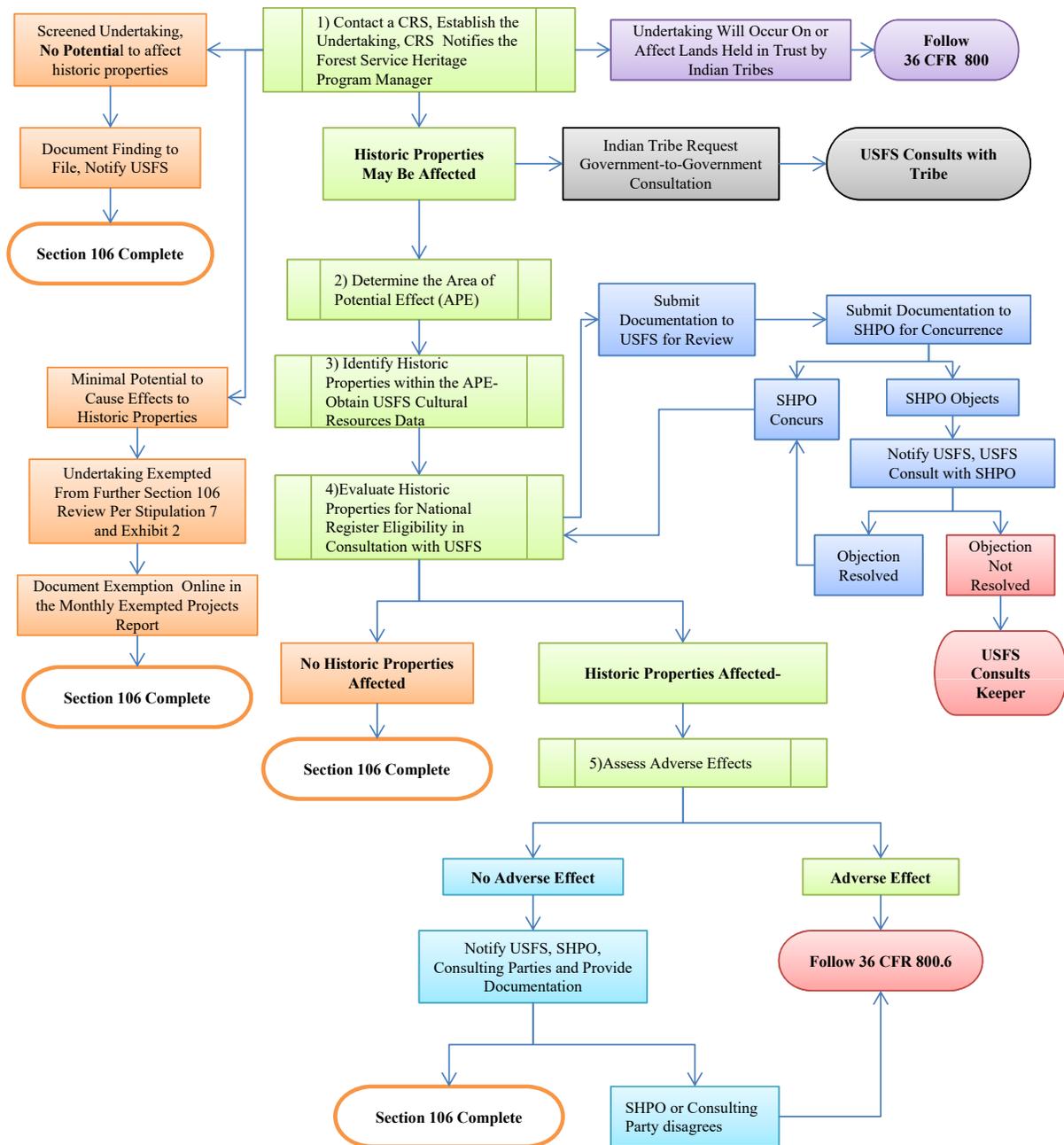
WSDOT and the Seattle District COE utilize a Memorandum for Record signed in 2008 which outlines the process for complying with Section 106 for transportation projects with a COE nexus. This process applies to projects where the COE is the only federal lead agency for Section 106. If other federal agencies are involved (typically, agencies of the U.S. DOT-FHWA, FRA and FTA), the COE typically defers lead agency status to the other federal agency and accepts their Section 106 process. If the other federal agency is FHWA, the MFR designates lead agency status to FHWA.

The MFR requires that a WSDOT CRS review all projects with a COE nexus to determine if the project has the potential to impact cultural resources. If the WSDOT CRS determines that the project is of a scope that will not impact cultural resources, the CRS will document that determination for the record. If the CRS determines the project has the potential to impact cultural resources, the CRS will work with the project team to implement Section 106 compliance per the terms of the MFR.

### **456.05 Section 106 Review and Compliance: Other Federal Agencies**

If a federal agency other than FHWA, USFS, or the COE is involved in funding or permitting the project, that agency's Section 106 process will have to be followed. If FTA, FRA, BLM, or another federal agency is participating in project funding or approval in addition to FHWA, FHWA will need to coordinate with the other federal agency or agencies to see if they will accept FHWA as the Lead Federal Agency per Section 106 and agree to follow FHWA's process.

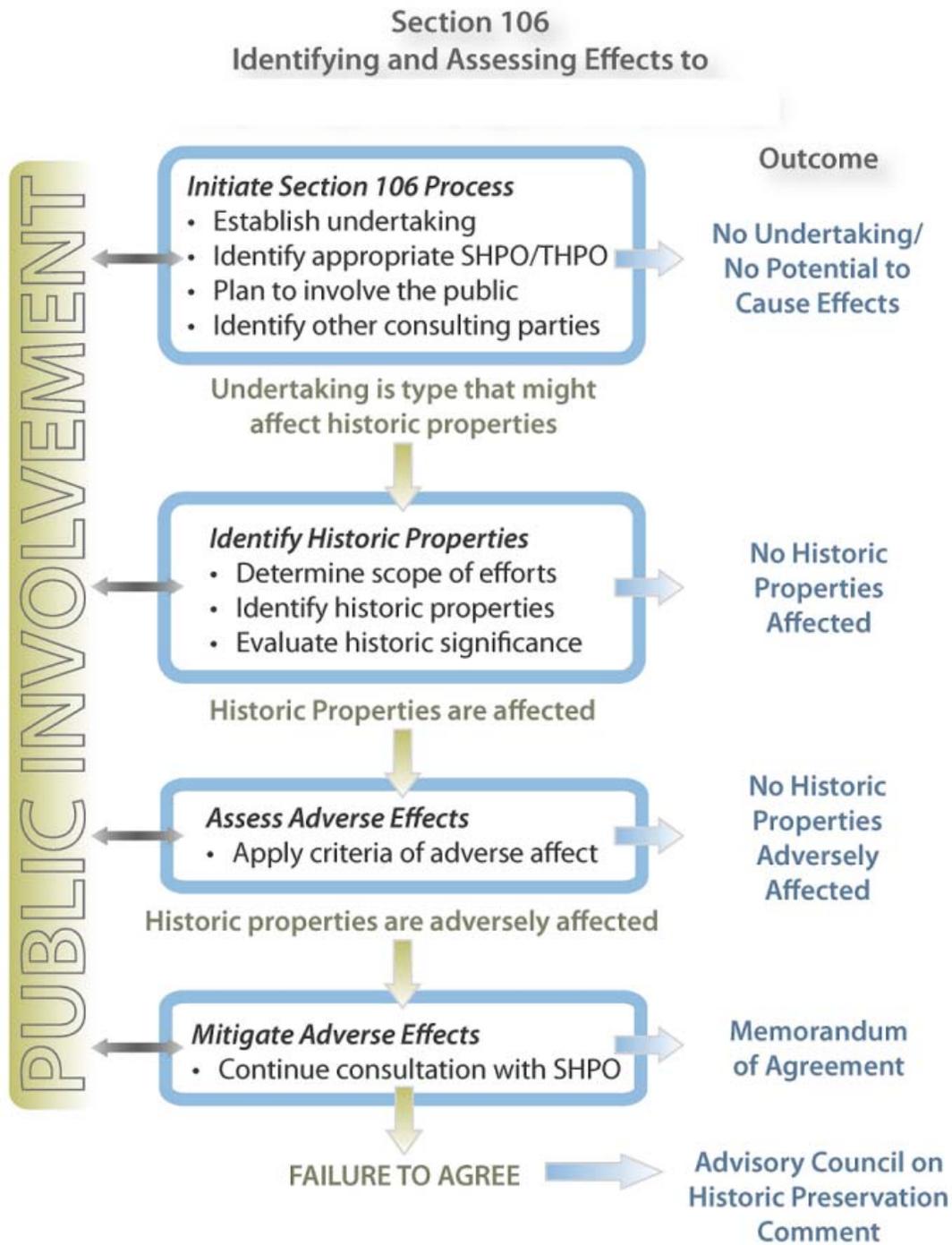
[Figure 456-4](#) illustrates the Section 106 process most federal agencies follow. Section 106 is a federal responsibility, and while federal agencies can delegate some of the tasks required to complete Section 106 to WSDOT, the federal agency remains responsible for Section 106 compliance. Project teams need to be aware that different federal agencies have different schedules and processes for complying with Section 106, and these may have schedule impacts for project planning.



**WSDOT Section 106 Process Per the USFS Programmatic Agreement**

\*\* FHWA shall act as lead federal agency for purpose of compliance with Section 106 of the National Historic Preservation Act (NHPA) for Federal-aid highway program funded projects on USFS land in Washington State.

**Section 106 Process Per the USFS Programmatic Agreement**  
 Figure 456-3



**Section 106 Process**  
*Figure 456-4*

## 456.06 Governor's Executive Order 05-05 Review and Compliance

State funded projects go through the Governor's [Executive Order 05-05](#) process and are subject to the requirements of SEPA and state archaeological statutes ([RCW 27.34](#), [RCW 27.44](#), and [RCW 27.53](#)) and their implementing regulations ([WAC 25-48](#)).

The first step is to contact the assigned CRS as early in the project planning stages as possible, and he/she will determine whether or not the project can be exempted from further review under the terms originally developed for the Second Amended Programmatic Agreement but which can be applied to state funded projects with DAHP approval. If the activity cannot be exempted, the CRS will work with the project office to determine the Area of Potential Effects (APE) and to prepare consultation letters with DAHP and interested tribes.

Consultation with DAHP and other stakeholders will continue until the project is determined not to have adverse effects to cultural resources, or agreements are made to avoid, minimize, or mitigate any adverse effects.

The most current information on cultural resources policy and compliance is available from the designated regional or modal CRS or the WSDOT Cultural Resources Program in the Environmental Services Office. [Figure 456-5](#) illustrates the process.

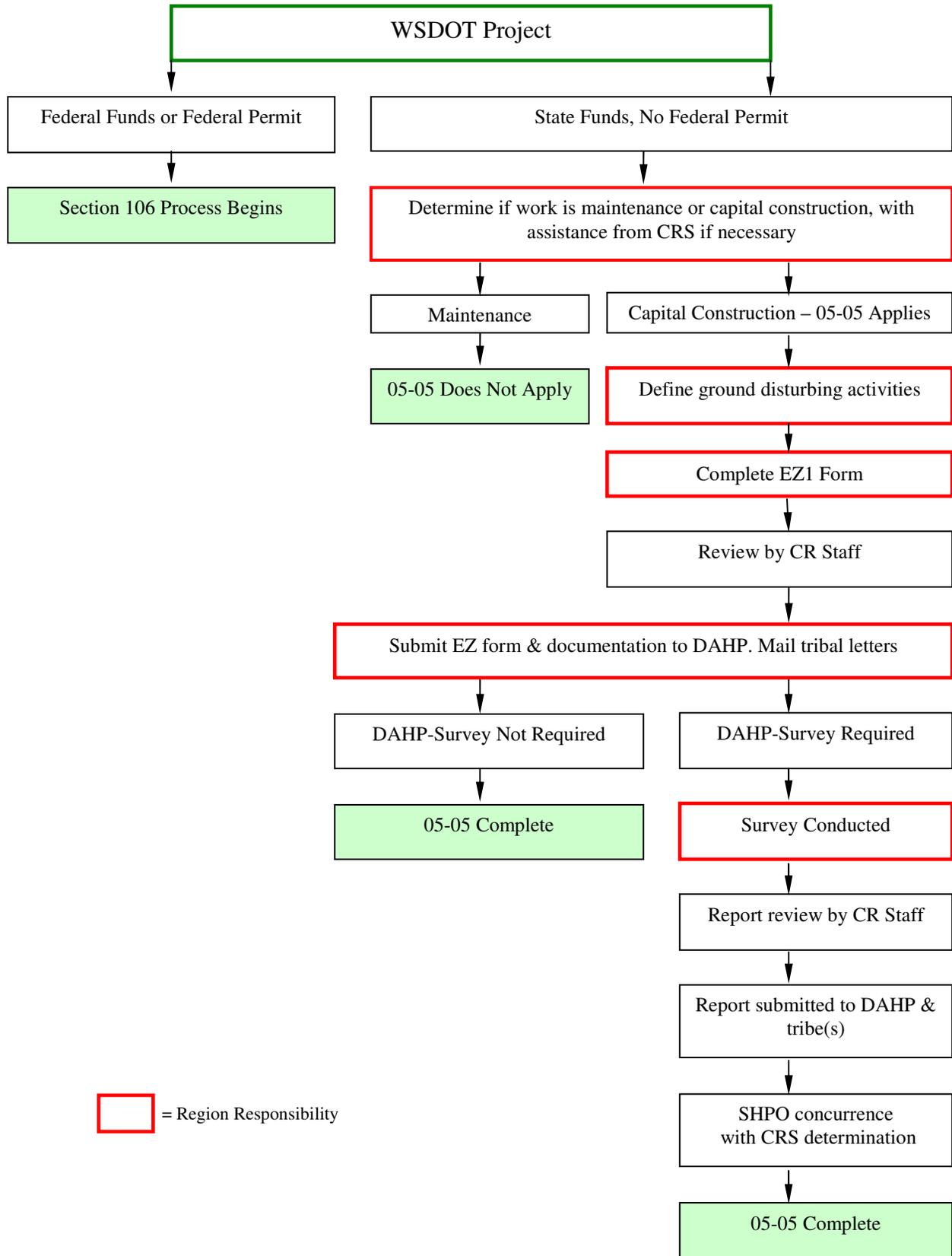
## 456.07 Bridge Compliance

Bridges built through 1970 have been evaluated for potential NRHP eligibility. Some of those bridges have been listed in or determined eligible for listing in the NRHP; others have been nominated to or recommended eligible for, but have not been listed in, the NRHP. Those bridges appear on the [NRHP Washington State Historic Highway Bridges](#) table.

The table linked above is not static. Changes to the table are made frequently, reflecting additions of bridges determined NRHP eligible per compliance with Section 106 of the NHPA or [Executive Order 05-05](#), and deletions of bridges lost to demolition. Bridges previously evaluated occasionally warrant re-evaluation, due to changes in contexts or length of time since the last evaluation. For these reasons, contact a CRS for guidance before proceeding with undertakings affecting bridges 40 years or older.

Undertakings presumed to have minimal potential to affect historic bridges not on federal or Indian land can be exempted per the Second Amended Programmatic Agreement and USFS Programmatic Agreement, unless on federal or Indian land. Those exemptions are also available for undertakings lacking a federal nexus but subject to GEO 05-05 compliance. Contact a CRS to obtain an official project exemption. Common post 1945 concrete and steel bridges meeting FHWA's Program Comment can be exempted by the lead federal agency if the agency chooses to apply the Program Comment. A list of bridges not exempted from review by the Program Comment is available on the [FHWA bridge list](#). A list of nationally and exceptionally significant features of the Federal Interstate Highway System that cannot be exempted from review under Section 106.

Undertakings involving Interstate bridges are usually exempted from Section 106 review unless the bridge is identified on FHWA's [List of Nationally and Exceptionally Significance Features of the Federal Interstate System](#).



**Governor's Executive Order 05-05 Process**  
*Figure 456-5*

Common types of bridges built after 1945 are exempt from Section 106 and Section 4(f) review unless they appear on the table Common Bridges in Washington Excluded from ACHP's Program Comment for Common Post-1945 Concrete and Steel Bridges Exemption. Common bridge types, as defined by the Program Comment include:

- a. **Reinforced Concrete Slab Bridges**
  1. Reinforced concrete cast-in-place slabs.
  2. Reinforced concrete pre-cast slabs.
  3. Pre-stressed concrete slabs.
- b. **Reinforced Concrete Beam and Girder Bridges**
  1. Reinforced concrete tee beams.
  2. Reinforced concrete channel beams.
  3. Pre-stressed concrete I-beams and bulb tees.
  4. Pre-stressed concrete box beams.
- c. **Steel Multi-Beam or Multi-Girder Bridges**
  1. Steel-rolled multi-beams.
  2. Steel fabricated (built up) girders.
- d. **Culverts and Reinforced Concrete Boxes**
  1. Reinforced concrete boxes.
  2. Concrete box culverts.
  3. Concrete pipe culverts.
  4. Steel pipe culverts.

Undertakings with potential to adversely affect historic bridges obligate WSDOT to develop, in consultation with SHPO/THPO and consulting parties, alternatives that could avoid, minimize or mitigate adverse effects ([36 CFR 800.6\(a\)](#)). These alternatives may include preservation in-place, re-purposing the bridge under different ownership, and relocating the bridge to where it could be preserved. Contact a CRS for guidance in developing alternatives and determining appropriate consulting parties before proceeding with undertakings that could adversely affect a historic bridge.

#### **456.08 Artifact Collection and Disposition (Curation)**

An archaeological collection is defined as all artifacts, field notes, maps, photographs and other records generated or recovered during an archaeological investigation. Federal regulations establish standards for the preparation and curation of archaeological collections from federal lands, and WSDOT has policy requirements for the curation of artifacts and records recovered during investigations undertaken in compliance with either Section 106 of NHPA or the Washington State Archaeological Resources and Sites Act ([RCW 27.53](#)).

**(1) Factors in Determining a Curation Facility**

In Washington State, there are two factors considered in determining where archaeological collections will be curated: (1) land ownership, as under federal and state law recovered artifacts legally belong to the owner of the property at the time of excavation; and (2) the regulation under which the archaeological collection was made.

Additional factors that can influence the selection of the curation facility include whether the collection contains artifacts from the historic-era, whether there have been previous archaeological investigations at the same site, the volume of the collections, and the location of the curation facility relative to the location of the archaeological site. In some cases, the curation facility has been selected as part of negotiations for a large or complex project that may be subject to negotiated agreements such as a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA).

**(2) Disposition of Archaeological Artifacts and Records From State Land, Federal Land, or Tribal Land**

When archaeological sites are identified during cultural resource studies for federal aid or state funded projects, WSDOT is responsible for the disposition of the artifacts and records at the conclusion of the project. The status of property ownership at the time of the archaeological excavations will determine whether artifacts are curated in a repository or returned to a private property owner. Archaeological collections are not to be permanently stored at an agency or consultant office. It is the responsibility of the WSDOT Project Engineer with assistance from the CRS to ensure that archaeological collections are curated at a facility that meets the standards of [36 CFR 79](#) at the conclusion of the project. WSDOT is responsible for including language regarding curation in contracts with cultural resource consultants.

- a. **Collections From State Property** – When WSDOT owns fee title to a property at the time archaeological testing is conducted, or when artifacts are recovered from property owned by another state agency, WSDOT will curate the collections at the University of Washington’s Burke Museum (per the terms of Participation Agreement GCA-6616), unless otherwise negotiated as a specific mitigation measure.
- b. **Collections From Federal Land** – When artifacts are recovered from federal land the collection is the property and responsibility of that federal agency responsible for managing the land. Unless there is an existing programmatic agreement with the federal agency specifying curation requirements\*, WSDOT will submit the collection to the federal agency or their designated repository at the conclusion of the project.
- c. **Collections From Tribal Land** – When artifacts are recovered from tribal land, the decision on where to curate the collection is made by the tribe. Over a dozen tribes in Washington and in neighboring states have curation facilities. Some tribes without curation facilities have built relationships with third party curation facilities such as the Burke Museum.
- d. **Disposition of Collections From Private Property** – When WSDOT will conduct an archaeological investigation on private property, the WSDOT CRS must discuss the issue of archaeological collections and their disposition with the landowner in advance of the fieldwork. This includes temporary easements on private property.

---

\*As of July 2012, the only programmatic agreement WSDOT has entered into with a land owning federal agency is the U.S. Forest Service.

When artifacts could be recovered from privately owned land, the WSDOT CRS will suggest that the landowner donate the artifacts to a facility that complies with the Part 79 standards. If the landowner agrees to donate the artifacts, the WSDOT CRS should ask the owner to sign a letter of intent to donate (if the collections have not been excavated yet) or the selected museum's deed of gift agreement (if the collections have been excavated). The deed of gift agreement allows the museum to acquire legal title to the artifacts.

When property owners express a desire to have artifacts returned to them, the WSDOT CRS should determine whether the owner wishes to retain the entire artifact assemblage or is only interested in certain artifacts. If the owner is only interested in keeping a selection of artifacts, the WSDOT CRS should ask the owner to donate the remainder to a museum that meets Part 79 standards. If the property owner declines to sign a letter of intent to donate or a deed of gift agreement, then the artifacts must be returned to the landowner.

If possible, the artifacts should not be returned until all consultation is completed, the required analyses are completed, and a final report is accepted by WSDOT. It is important to note that records and documentation from the archaeological studies do not belong to the property owner and must be submitted to a curation facility that meets Part 79 Standards. WSDOT will submit the records to the Burke Museum unless a tribal museum meeting Part 79 Standards requests to curate the documentation. The PE and Real Estate Services shall ensure that the above issues are addressed in the legal agreement or right-of-entry negotiated with the property owner.

- e. **Disposition of Collections Collected Under an MOA or PA** – For large or complex projects, WSDOT will typically enter into an MOA or PA to address cultural resources. Because the consultation process to develop an agreement document must weigh numerous factors, and because addressing curation issues could be a mitigation measure, development of the MOA will be negotiated among consulting parties in order to address specific concerns. Curation should be addressed within the MOA including designating the repository, or creating one, to house the archaeological collections.

### **(3) Submitting Collections to the Selected Curation Facility**

Collections should be submitted to the selected repository as soon as is practical after approval of the final report by WSDOT, unless otherwise stated in an MOA or other formal agreement. It is not acceptable for collections to remain in the care of consultants or WSDOT.

- a. **Facility-Specific Curation Guidelines** – Once the curation facility is selected and before data recovery is undertaken, WSDOT will request the facility's curation guidelines for the preparation of an incoming collection. WSDOT or its consultant will prepare the collection to meet these guidelines prior to delivering the collection to the facility.

If the selected facility does not have any specific guidelines for the preparation of incoming collections, WSDOT or its consultant will follow minimum curation guidelines developed by WSDOT that are consistent with Part 79.

- b. **Documentation Accompanying the Collection** – WSDOT or its consultant should prepare a packing inventory listing the contents of each box and a collections transmittal form (which will be provided by the repository). The selected repository will also likely have a deed of gift or similar document to transfer title of the collection to the museum.
- c. **Payment of Curation Fees** – Curation fees are considered part of the project compliance or mitigation cost and must be included in project budgets.

#### **456.09 Use of Museums and Information Centers as Potential Mitigation**

Because Section 106 of the NHPA and NEPA do not provide limits on potential mitigation measures, and because both Section 106 and the Centennial Accord require WSDOT to conduct good-faith consultation and implement effective government-to-government relations with tribes with lands or resources affected by WSDOT's projects, WSDOT must evaluate the appropriateness of mitigation measures on a case-by-case basis.

WSDOT will carefully consider the issues and concerns raised during consultation and develop mitigation measures to address the specific adverse effects of a particular project.

Consistent with Section 106, WSDOT will take into account “the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking” (§800.6(a)(4)) when considering appropriate resolution of adverse effects.

##### **(1) Exhibits/Displays**

WSDOT may prepare exhibits, displays, and other types of public information such as books and documentaries, on cultural resources, as mitigation for impacts to those cultural resources. In addition, WSDOT will encourage the repositories that hold collections generated during WSDOT projects to exhibit or display those collections as the repository deems appropriate; although decisions on whether to exhibit or display are made by the repository in consultation with the WSDOT Cultural Resources Program Manager and affected Tribes.

##### **(2) Stand-Alone Facilities**

In cases where a WSDOT project may have long-term adverse effects on a community or neighborhood, WSDOT will consider development of stand-alone facilities such as information centers as a mitigation measure if this type of measure is identified in the consultation process as an appropriate or necessary component of mitigation. The time that a stand-alone facility is needed will be determined through consultation for each project.

#### **456.10 Additional Cultural Resource Regulatory Guidance**

The general policy is to avoid impacts from transportation projects on cultural resources. If impacts cannot be avoided, the policy is to minimize or mitigate the effects of such impacts to cultural resources. Specific guidance depends on the regulatory path the project must follow and the scope of work of the project, and is available from the WSDOT Cultural Resources Program or the region CRS.

**(1) Federal**

- **National Historic Preservation Act, Section 106** – The Section 106 process is codified in [36 CFR 800](#).
- **National Environmental Policy Act** – The National Environmental Policy Act (NEPA), 42 USC Section 4321, requires that all major actions sponsored, funded, permitted, or approved by federal agencies undergo planning to ensure that environmental considerations including impacts on historic and cultural resources are given due weight in decision-making. Federal implementing regulations are at [23 CFR 771](#) (FHWA) and [40 CFR 1500-1508](#) (CEQ). For details on NEPA procedures. (See [Chapter 400](#).)
- **Department of Transportation Act, Section 4(f)** – Protection of certain public lands and National Register eligible or listed historic properties was originally mandated in Section 4(f) of the 1966 Department of Transportation Act. This section was later codified without substantive changes as 49 USC 303. However, it is still referred to as Section 4(f) in the FHWA/FTA regulations dealing with Section 4(f) properties, including Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites ([23 CFR 771](#) and [774](#)). (See [Chapter 457](#) and [Chapter 459](#) for further details.)
- **Archaeological Resources Protection Act** – The Archaeological Resources Protection Act of 1979 (ARPA) ([43 CFR 7.6-7.11](#)) applies to archaeological resources on tribal lands and lands under federal jurisdiction. WSDOT consultants must apply for and obtain an [ARPA permit](#) when such resources could be impacted by a project.
- **Curation of Federally Owned and Administered Archaeological Collections** – The U.S. Department of the Interior has set minimum standards for the curation of federally owned archaeological collections in [36 CFR 79](#), and these standards are followed by Washington State for collections from public lands. Artifacts recovered from private lands remain in private ownership until or unless agreement is made with the owner(s) for public curation.
- **Section 106 exemption regarding Effects to the Interstate Highway System** – This exemption effectively excludes the majority of the 46,700-mile Interstate System from consideration as a historic property under Section 106 of the National Historic Preservation Act (NHPA). In addition the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59, Aug. 10, 2005) includes a provision (Section 6007) that exempts the bulk of the Interstate Highway System from consideration as a resource under Section 4(f) of the Department of Transportation Act unless on federal or Indian land or is affected by a USACOE permit. With these two exemptions in place, federal agencies are no longer required to consider the vast majority of the Interstate Highway System as historic property under Section 106 and Section 4(f) requirements. Excluded from these respective exemptions are elements of the Interstate System that are exceptional in some way or meet a national level of significance under the criteria for the National Register of Historic Places. The [Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System](#) identifies those elements that are not covered by the exemptions discussed above and will therefore continue to be subject to consideration under the Section 106 and Section 4(f) processes

- **Related Federal Statutes** – Additional federal statutes relating to historic, cultural, and archaeological resources:
  - [American Indian Religious Freedom Act \(1978\)](#)
  - [Antiquities Act of 1906](#)
  - [Archaeological and Historic Preservation Act \(1974\)](#)
  - [Native American Graves Protection and Repatriation Act \(1990\)](#)

## (2) State

- **Archaeological Sites and Resources (RCW 27.53)** – Protects archaeological resources, making disturbance of known archaeological sites without a permit obtained from DAHP a misdemeanor. Information on Archaeological Excavation and Removal Permits may be obtained from the WSDOT [State Environmental Permits and Approvals](#) web page.
- **State Environmental Policy Act** – Requires that all major actions sponsored, funded, permitted, or approved by state and/or local agencies undergo planning to ensure environmental considerations such as impacts on historic and cultural resources are given due weight in decision-making. State implementing regulations are in [WAC 197-11](#) and [WAC 468-12](#) (WSDOT). For details on SEPA procedures. (See [Chapter 400](#).)
- **Governor’s Executive Order 05-05** – [Executive Order 05-05](#), *Archaeological and Cultural Resources*.
- **Abandoned and Historic Cemeteries Act (RCW 68.60)** – Protects graves and historic cemeteries, making disturbance of such sites, without a permit, a Class C felony.
- **Indian Graves and Records Act (RCW 27.44)** – Protects Indian graves, cairns, and visual records such as rock art, making disturbance of such sites without a permit a Class C felony.
- **Archaeology and Historic Preservation – Legislative Declaration (RCW 27.34.200)** – The legislature declares it to be the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects which reflect outstanding elements of the state’s historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the citizens of the state.

## 456.11 Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation (federal)
BLM	Bureau of Land Management, U.S. Department of the Interior
Corps or COE	U.S. Army Corps of Engineers
CRS	Cultural Resources Specialist
DAHP	Department of Archaeology and Historic Preservation
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GOIA	Governor’s Office of Indian Affairs
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer
USFS	U.S. Forest Service

## 456.12 Glossary

**Adverse Effect** – Occurs when an effect on an historic property diminishes the integrity of the property’s aspects of integrity (see below). See also Determination of Effect (Criteria of adverse Effect: 36 CFR 800.9(b)).

**Advisory Council on Historic Preservation** – An independent federal agency, established under the NHPA, which: (1) advises the President and Congress on matters of historic preservation; (2) carries out Section 106 reviews; and (3) provides technical assistance in historic preservation actions.

**Affect (Verb)** – Action that may change the character of an historic property.

**Area of Potential Effect (APE)** – The geographic area or areas which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE is three dimensional including auditory, visual and ground disturbing activities. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. The APE should be defined before historic properties are identified and not on land ownership (36 CFR 800.2(c)).

**Building** – A construction created to shelter any form of human activity, including animal husbandry.

**Centennial Accord** – The *Centennial Accord Plan* was created in accordance with the 1989 Centennial Accord and the 1999 Centennial Accord Implementation Guidelines. The Centennial Accord mandated that each state agency must have a procedure to implement effective government-to-government relations.

**Consulting Party** – In the Section 106 process, consulting parties include the State Historic Preservation Officer (SHPO), Indian Tribes, representatives of local governments, applicants for federal assistance or approvals, and organizations and individuals with legal or economic relation to the undertaking, or who have concerns with the undertaking’s effect on historic properties.

**Criteria for Evaluation (National Register Eligibility Criteria)** – Standards used for determining the eligibility of properties for inclusion in the National Register of Historic Places (36 CFR 60.4(a-d)). See *National Register Bulletin 15*, pp. 11-24.

**Cultural Resource** – A place, object, location or site of an event that is important to a community or region’s history, traditions, beliefs, customs, or social institutions.

**Cultural Resource Specialist (CRS)** – A WSDOT employee meeting the Secretary of the Interior’s Professional Qualification Standards (per 36 CFR 61) who advises department staff on policies relating to items of historic/archaeology significance that may be affected by a project and who conducts regulatory compliance procedures.

**Cultural Resources Management** – The body of laws and regulations pertaining to historic, archaeological, and cultural properties, and the manner in which those directives are implemented.

**Department of Archaeology and Historic Preservation (DAHP)** – This agency houses the Washington State Historic Preservation Officer (SHPO) who serves as SHPO and director of the agency. SHPO locations in state governments are unique to each state.

**Determination of Effect** – A finding, by a federal agency in consultation with SHPO and consulting parties, pursuant to compliance with Section 106 (see definition) that a proposed undertaking will have an effect on historic properties. If an effect is identified, the Criteria of Adverse Effect is applied to determine potential Adverse Effect (see definition). Other possibilities are determinations of No Effect and No Adverse Effect.

**Determination of Eligibility** – Per Section 106 of the NHPA, formal recognition of a property's eligibility for inclusion, but not actual listing, in the National Register of Historic Places. Determinations of Eligibility may be prepared on National Register Registration Forms (NPS 10-900).

**District** – A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. May be an archaeological or historic district, or may contain elements of both.

**Effect** – Occurs when an undertaking may alter characteristics that qualify a property for inclusion in the National Register (Criteria of Effect: [36 CFR 800.9\(a\)](#)).

**Eligible** – A property is eligible for inclusion in the National Register of Historic Places if it meets the National Register Criteria (see Criteria for Evaluation).

**Historic Preservation** – Identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities relating to historic properties.

**Historic Property** – A property or cultural resource that is listed in or eligible for listing in the National Register of Historic Places, and, under SEPA, in state and local historic registers, including eligible properties that have not yet been discovered or evaluated (such as archaeological sites). Historic properties may be buildings or other structures, objects, sites, districts, archaeological resources, and traditional cultural properties (landscapes).

**Historic Site (Section 4(f))** – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that are included in, or are eligible for inclusions in, the National Register.

**Memorandum of Agreement (MOA)** – A formalization of the means of resolving adverse effects agreed upon by the consulting parties, serving to specify mitigation, identify responsibility, render Advisory Council on Historic Preservation comment, and acknowledge effects of the undertaking on historic properties. See also Programmatic Agreement (PA).

**Mitigation Measures** – Actions required to mitigate adverse effects to historic properties. Usually stipulated in an MOA/PA.

**National Register of Historic Places** – The nation's official listing of properties significant in national, state and/or local history, meeting one or more criteria for evaluation ([36 CFR 60.4](#)). Listing is commemorative, but may require compliance by property owners with federal/state/local laws and regulations. May also provide private property owners with opportunities to take advantage of preservation incentives, such as easements and tax relief.

**Nomination** – Official request to have a property listed in the National Register. Documentation is placed on a National Register of Historic Places Registration Form (NPS 10-900) and submitted to the CLG (if appropriate), the SHPO, and the Keeper of the National Register (see definitions). See *National Register Bulletin 16A*.

**Object** – A construction primarily artistic in nature or relatively small in scale.

**Programmatic Agreement (PA)** – A formal, legally binding agreement typically for a large or complex project or types of undertakings developed under Section 106 that would otherwise require a number of individual actions (i.e., when effects cannot be fully determined prior to project approval). The agreement is between WSDOT and other state and/or federal agencies. Management Plans (see definition) are often stipulated in PAs (36 CFR 800.13(a)). There are two basic kinds of programmatic agreements:

- A PA that describes the actions that will be taken by the parties in order to meet their Section 106 compliance responsibilities for a specific transportation project, called here a project-specific PA.
- A PA that establishes a process through which the parties will meet their Section 106 responsibilities for an agency program, a category of projects, or a particular type of resource, called here a procedural PA.

**Site** – The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

**State Historic Preservation Officer (SHPO)** – Coordinates cultural resource preservation activities in each state; one SHPO per state, usually appointed by the governor. SHPO is charged with reflecting the interests of the state and its citizens in preserving their cultural heritage, which involves a variety of responsibilities (36 CFR 61.4(b)). In Washington State, the SHPO is a governor appointed position housed in the Department of Archaeology and Historic Preservation (DAHP), which reviews projects for compliance with Section 106 of the National Historic Preservation Act.

**Structure** – Functional constructions made usually for purposes other than creating shelter.

**Traditional Cultural Property** – A place eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are (a) rooted in that community's history, and (b) important in maintaining the cultural identity of the community. The concept is based upon the introductory section of the National Historic Preservation Act, which states that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life in order to give a sense of orientation to the American people."

**Tribal Historic Preservation Officer (THPO)** – Authorized by the 1992 Amendments to the National Historic Preservation Act. When approved by NPS, THPO replaces SHPO in compliance process on "tribal" lands (Section 101(d)(2)).

**Undertaking** – Any activity that can result in changes in the character or use of historic properties. The activity must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency (36 CFR 800.2(o)).