Historic Preservation and Cultural Resources

Hayli Reff, Architectural Historian – Region 2
Sarah Jalving, SHPO Liaison
Who Are We?

• Architectural Historians (Above-Ground)
• Archaeologists (Below-Ground)
• SHPO Liaison
• *(Meet or Exceed)* Secretary of the Interior’s Professional Qualifications Standards
  – Combination of experience & education
• Register of Professional Archaeologists (RPA)
• Certified ODOT Cultural Resources Consultants
What We Do

“Our program seeks to strike a balance between a growing transportation system and the protection of Oregon’s significant cultural resources”

• Manage Cultural Resources
  – Work with Region and District project personnel
  – Identify, research & evaluate resources that are or may be present within project APE/API
  – Consult with Tribes, regulators and other agencies
  – Ensure compliance with applicable laws
  – Review/Prepare all Section 106 Documentation & Prepare Section 4(f) Documentation
  – Engage with project teams to meet collective goals
  – Robust and collaborative QA/QC process
Federal
- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
  - Section 106
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Department of Transportation Act
  - Section 4(f)
- Antiquities Act of 1906
- Archaeological Resources Protection Act (ARPA)

State
- ORS 97.740 – Indian Graves and Protected Objects
- ORS 358.905-961 – Archaeological Sites and Objects
- ORS 358.653 – Protection of Publicly Owned Historic Properties

Local
- Any applicable local statutes, codes and laws

The NHPA and NEPA are different federal laws, but both laws recommend coordination and integration between them to provide efficiencies, improve public understanding, and lead to more informed decisions!
Why We Do It - Relationships

• Tribes

- Burns Paiute Tribe (Burns)
- Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians (Coos Bay)
- Confederated Tribes of the Grand Ronde Community of Oregon (Grand Ronde)
- Confederated Tribes of Siletz Indians (Siletz)
- Confederated Tribes of the Umatilla Indian Reservation (Pendleton)
- Confederated Tribes of Warm Springs (Warm Springs)
- Coquille Indian Tribe (North Bend)
- Cow Creek Band of Umpqua Tribe of Indians (Roseburg)

Source: www.npaihb.org
Why We Do It - Relationships

• Regulators
  – State Historic Preservation Office (SHPO)
    • Two liaisons, one for built and one for archaeology (future)
    • Helps expedite review time lines from 30 days to 21 days maximum

• Other agencies
Why We Do It - Relationships

• Other agencies:
  – Federal Landowners like the BLM and USFS
  – Our parents: FHWA
  – Other permitting agencies such as US Army Corps of Engineers
Why We Do It - Stewardship

• We are protecting Oregon’s history
• Cultural resources are non-renewable...

Once they are gone, they are gone!
Why Are We Here?

Goals

• Manage non-renewable resources without delaying project delivery
• Save ODOT money by avoiding potential resource damage
• Streamline documentation and preservation of resources for public appreciation and history
• Assist project teams in delivering projects on time and in compliance
• Assist the agency with navigating cultural resources legal framework
• Support public outreach efforts within the Section 106 framework
• Avoid, minimize, compensatory mitigation
Why Are We Here?

Challenges

• Not always visible

• Different values for different people

• Condition ≠ Integrity

• Historical ≠ Significance
Resources ODOT Projects Encounter

- Bridges & Culverts
- 19th & 20th Century Archaeological Sites
- Prehistoric Archaeological Sites
- 19th & 20th Century Built Resources
- Historic Districts (Built & Archaeological)
- Everything in between (like linear resources, TCPs, etc.)
Built Resources

- Buildings
- Objects
- Structures
Other Resource Types

• Linear features like
  – Railroad Lines
  – Historic Roads
  – Canals and ditches
  – Telegraph and Telephone Lines

• Culturally modified trees
• Pictographs/petroglyphs
National Historic Preservation Act of 1966 (NHPA)

- Legislation intended to preserve historical and archeological sites in the U.S.
  - Policy Signed: October 15, 1966
  - Created National Register and other preservation framework
  - Section 106 of NHPA
    - Required system of “procedural” steps that encourage protection of certain cultural resources
    - Three basic concepts:
      - Consultation
      - Identification
      - Effects
  - Historic = 50+ years old (Historic ≠ Eligible)
  - NEPA – signed into law January 1, 1970
Section 106

To successfully complete Section 106 review, agencies must do the following:

• Confirm area of potential effect (historic resource APE, not project API)
• Gather information to decide which properties in the area that may be affected by the project are listed, or are eligible for listing, in the National Register of Historic Places (referred to as “historic properties”);
• Determine how those historic properties might be affected;
• Explore measures to avoid or reduce harm (“adverse effect”) to historic properties; and
• Reach agreement with the SHPO/THPO (and the ACHP in some cases) on such measures to resolve any adverse effects or, failing that, obtain advisory comments from the ACHP, which are sent to the head of the agency.
- **No Effect**
  - No resources, Spreadsheet clearance, PA
  - Memo

- **No Adverse Effect**
  - Eligible resource but project will not diminish character-defining features that make the resource eligible for NRHP
  - Documents include DOE, FOE, Joint FOE, MOA, and on larger projects, a PA

- **Adverse Effect**
  - Eligible resource and the project WILL diminish character-defining features
  - Documents include DOE, FOE, Joint FOE, MOA, and on larger projects, a PA

**ONLY YOUR CULTURAL RESOURCES AND SPECIALISTS CAN DECIDE EFFECTS!**
Timelines – Stumbling Blocks

• Issues that may add to time needed for cultural resources compliance:
  – Projects with lots of right of way (temporary or permanent)
    • Undefined r/w impacts can dramatically alter a timeline!
  – Lack of opportunity to review SOW
  – Heavily political/significant public outreach
  – Known resources in API
  – Projects in historic urban environments
  – Historic bridges and buildings
  – Pens down! Scope creep = starting over
ODOT Outreach

• We are here to serve you – the more engaged we are with project development, the better
• Please include us in initial project field scoping especially when critical issues may be present
• We are always happy to attend project team meetings
• Happy to meet one-on-one to answer any questions and help anyone navigate any component of cultural resources laws, processes, and procedures
• CALL OR EMAIL US ANYTIME!
Public Outreach

• Required for Section 106 and NEPA (EAs and EISs)
• Process and level of effort dependent on project actions
• We will support any and all disciplines in planning and implementation of public outreach
Contact us! We’re here to help!

• Hayli Reff, Region 2 Architectural Historian
  – Hayli.Reff@odot.state.or.us
  – 503-986-2654

• Sarah Jalving, SHPO Liaison
  – Sarah.Jalving@Oregon.gov
  – Sarah.A.Jalving@odot.state.or.us
  – 503-986-0661 (SHPO office)
  – 503-508-0212 (ODOT cell)