

# Environmental Training – Topic 2: Cultural Program

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- Archaeologist & Tribal Liaison
- 9 years with ODOT
- 20+ years as an anthropologist
- Professional Certificate in Tribal Relations  
*Institute for Tribal Government and Center for Public Service, Mark O. Hatfield School of Government at Portland State University.*

Works with federally recognized tribes to address resource issues including archaeology, traditional cultural properties (TCPs), tribal gathering areas, and treaty rights.

Represents ODOT and FHWA in government-to-government consultation with tribal staff, committees, and councils related to the development of transportation projects.

Private sector experience in cultural resource management and corporate anthropology. Academic researcher and teaching faculty experience. Primary areas of interest include anthropology, history, Native America, Latin America, and ecosystem services.





## ***Archaeology and Historic Resources CUG Annual Meeting (2024)***



Roy Watters  
ODOT Archaeologist & Tribal Liaison



## Presentation Overview

- National Historic Preservation Act (Section 106)
  - ❖ Our inter-agency process for compliance
- Timeline for Geotechnical Compliance
- Establishing the Area of Potential Effects
- Consultation with Tribes and other Consulting Parties
- Coordination between Cultural Resource Firm and ODOT CR Specialists



# National Historic Preservation Act (NHPA)

## *Section 106*

- System of “procedural” steps
- Three basic concepts:
  - Consultation
    - ODOT Cultural Resource Specialists
  - Identification
    - Local Agency’s Cultural Resources Firm
  - Effects
    - ODOT Cultural Resource Specialists
      - SHPO Concurrence
      - FHWA Oversight





## Programmatic Agreement (PA)

- Goal: Streamlining Section 106 (NHPA) process for Federal-Aid Highway Program in Oregon
- Partners: ODOT, FHWA, Oregon SHPO & ACHP
  - ODOT CR Specialists delegated FHWA Section 106 Responsibilities
  - PA Applies to No Effect Findings (No Resources Present)
  - Effects to Historic Resources triggers traditional Sec 106 process
- Many Local Agency Projects Cleared Under PA



# Requirements for Geotechnical Explorations

- Submit Geotechnical Testing Plan to ODOT REC
  - **Minimum** 45 Days In Advance of Testing
  - Type of Testing (drilling v. excavations)
  - Depict Access Routes and Staging Areas (off roadway)
- Off Pavement Testing Requires Tribal Consultation
  - 30 Day Waiting Period for Tribes
- Sensitive Areas May Require Archaeology Fieldwork or SHPO  
Concurrence *in Advance of Testing*
- Written Clearance Issued by ODOT Archaeologist
  - An Archaeological Monitor May Be Required



Most of the time it's:







Sometimes it's:





- It is always early in a project
- Start Right Away





## Area of Potential Effects (APE)

- Project Footprint (API) is key to developing APE
- Cultural Resources Firm develops APE
  - Depicted on maps and spatial data in GIS shapefile/kmz
- ODOT REC and CR Staff review and concur
  - Verifies the area that needs to be evaluated and avoids remobilization
- APE covers limits of potential effects for archaeology and built
  - Project footprint for archaeology v. adjacent tax lot boundaries for built
- APE may expand for visual effects, historic districts, tribal sites (TCP)





# Oregon Department of Transportation: *A Century of Service*

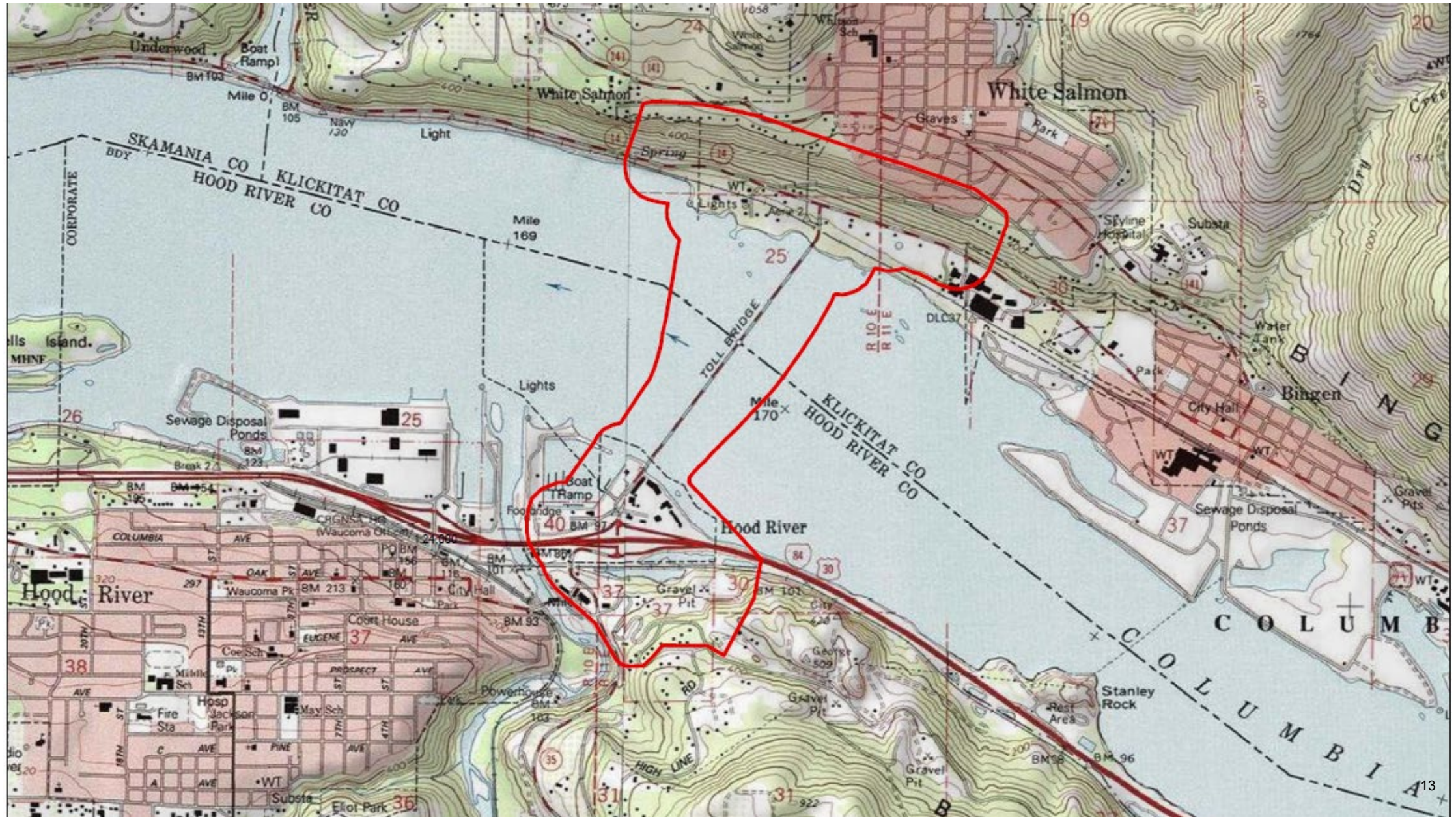








# Oregon Department of Transportation: A Century of Service







## Consultation with Tribes and other Consulting Parties

- ODOT Archaeologist Consults with Federally-Recognized Tribes
  - Tribes are sovereign nations with Government-to-Government relationship
- ODOT Historian identifies any other Consulting Parties
- ODOT Archaeologist and Historian consult with SHPO Liaison
- Responsibilities Delegated from FHWA to ODOT CR Specialists
- Cultural Resources Firm role is coordination
  - SHPO Permits, Research in Tribal Archives, Research with key Stakeholders
- Cultural Resources Firm's Deliverables (APE, reports) are part of Consultation





## Cultural Resource Firm and ODOT Specialists Coordinate

- Agency and Consultant coordination is key to success
  - Especially important when historic resources are present
- Joint meetings and site visits may be required to navigate process
- Coordination with CR Specialists reduce unnecessary work and costs
- Coordinate on the APE early in project development
- Archaeological site data is protected from public disclosure by law
  - Should limit the distribution chain of archy reports
  - Local agency and consultants should keep records secure



# Questions?