February 2, 2015

FHWA Idaho Division Office
Attn: Brent Inghram
Environmental Program Manager
3050 Lakeharbor Lane, #126
Boise, Idaho 83703

RE: 2015 Revision of the First Amended Programmatic Agreement between the Idaho Transportation Department, the Federal Highway Administration, the Idaho State Historic Preservation Office and the Advisory Council on Historic Preservation Regarding Minor Highway Improvement Projects

Dear Brent,

In August of 2006, the Federal Highway Administration (FHWA), the Idaho Transportation Department (ITD), the Advisory Council on Historic Preservation (ACHP), and the Idaho State Historic Preservation Office (Idaho SHPO) entered into a programmatic agreement regarding minor highway improvement projects in Idaho. This document was the first amended agreement between these agencies and replaced an earlier agreement.

In 2009 and again in 2013, revisions, additions, and alterations to the 2006 document were necessary, and several clauses were added, updated, or revised per Stipulation IX of the agreement which states:

Any party to this Agreement may request a revision to Appendix A. Revisions to Appendix A may be made and will go into effect upon the written agreement of the signatories to this PA. Such revisions do not require that this PA be formally amended; however, ITD shall provide a clean copy of the revised Appendix A, clearly identifying the date it became effective, to the signatories for their files.

Additional changes to Appendix A have once again been made. These changes are limited to Clause A of the document to allow ADA ramp improvements as long significant site features are not removed or adversely impacted.

Per Stipulation IX, you will find enclosed a clean copy of the revised Appendix A. This revised appendix becomes effective on February 2, 2015.

If you have any questions, please feel free to contact me at marc.munch@itd.idaho.gov or 208-334-8449.

Thank You,

Marc Münch
State Highway Archaeologist

Enclosure

Cc: Tricia Canaday, Idaho State Historic Preservation Office
    Carol Legard, Advisory Council on Historic Preservation
APPENDIX A
Revised and Effective February 2, 2015

I. Project Review – Minor Transportation Projects
The majority of ITD Minor Transportation Projects are unlikely to affect historic properties. In general, these projects have a limited Area of Potential Effects (APE), are unlikely to contain historic properties, occur largely at-grade within the existing roadway prism, do not introduce new structural or visual elements or require only nominal ground disturbance.

Minor Transportation Projects will be reviewed for Section 106 purposes by qualified ITD HQ Cultural Resources staff, without further review by the Council, the SHPO, or FHWA, provided that;

a. Proposed projects meet criteria outlined in Section IV below; and
b. ITD bases its review upon information adequate to identify historic properties and assess project effects on historic properties consistent with 36 CFR Part 800; and
c. ITD consults with the SHPO pursuant to 36 CFR 800.4(c) on all properties which are considered potentially eligible for inclusion to the National Register of Historic Places; and
d. ITD finds that there are no properties that may be affected by the undertaking or that the undertaking by its nature will have no effect on historic properties.

II. Project Description
A project description, map(s), photo(s) of APE are provided by the District to the ITD HQ Cultural Resources staff for review prior to their determination whether the project is exempt from review in accordance with this PA.

III. Minor Transportation Projects requiring standard review pursuant to 36 CFR 800
A. FHWA, with the assistance of ITD, shall carry out the requirements of 36 CFR Part 800 for all Federally funded or approved minor transportation projects not listed in Section IV below.
B. FHWA, with the assistance of ITD, shall carry out the requirements of 36 CFR Part 800 for all Federally funded or approved minor transportation projects included in Section IV that do not meet the requirements of Section I: a., b., c., and d.
C. If at any time, ITD determines that an undertaking reviewed under this PA may affect a historic property, it will so notify FHWA and FHWA will initiate appropriate actions consistent with the requirements of 36 CFR 800.
Projects exempted from standard review
The following Minor Transportation Projects will be reviewed by qualified ITD
HQ Cultural Resources staff.

A. Curb, Gutter, and Sidewalk Improvements
Project actions include installation, replacement/reconstruction (with similar
design), and/or rehabilitation of curbs, gutters, and sidewalks, or installation
of Americans with Disabilities Act (ADA) compliant ramps, insofar as such
activities cause only minimal ground disturbance and do not remove or
adversely impact significant site features (e.g., planting/parking strips,
corner grassy areas, etc.).

B. Roadway Guardrail Replacement and Upgrades
Project actions include replacement and upgrades of safety barriers and
non-historic guardrail, including guardrail posts, within the existing roadway
prism or previously surveyed segments of right-of-way. Guardrail
installation or replacement involving a National Register eligible bridge or
crossing structure is not exempt from standard review.

C. Improvement of Existing Railroad Crossings
Project actions include minor improvements to approaches, signals,
signage, and railroad crossing reconstruction where the highway alignment
crosses an at-grade railroad alignment. All ground disturbing activities are
confined to the existing railroad or railroad bed prism.

D. Intersection Improvement
Project actions include intersection improvement, maintenance, and
installation of traffic signals, lighting, signs, pavement markings,
interconnection devides, railroad warning devices, improved crossing
surfaces, and landscaping maintenance, insofar as such activities cause
only minimal ground disturbance and National Register eligible properties
are not located within the APE.

E. Roadway Signage Installation
Project actions include improvement, maintenance, and installation of
roadway signage insofar as such activities occur within the existing roadway
prism or previously surveyed segments of right-of-way, insofar as such
activities cause only minimal ground disturbance and National Register
eligible properties are not located within the APE.

F. Bridge Deck Rehabilitation and Stabilization
Project actions include minor bridge rehabilitation (replacement of bridge
decking and expansion joints), bridge rail repair or replacement, scour
protection, or substructure alterations for bridges less than 50 years old or
those structures previously determined ineligible for listing in the National
Register due to a loss of integrity (location, design, setting, materials,
workmanship, feeling or association), insofar as the bridge is not National
Register eligible.

G. Pavement Rehabilitation and Maintenance
Project actions include pavement rehabilitation such as overlay, sealcoats,
milling, grooving, or resurfacing, including Cement Recycled Asphalt Base
Stabilization (CRABS), of ramp, roadway, or parking lot surfaces within the
existing roadway prism. In addition, brooming or other mechanical road
cleaning may occur. Some rehabilitation projects may include shoulder flattening and minor safety work within the existing roadway prism.

H. Paving or Minor Widening of Gravel Shoulders
Project actions include laying road surface over sub-base gravel within or adjacent to the existing roadway prism and shoulders where less than 1.5m (5 feet) of right-of-way on either side is required to widen the existing road surface insofar as such activities cause only minimal ground disturbance and National Register eligible properties are not located within the APE.

I. Bike / Pedestrian Pathways
Project actions include construction of bicycle and pedestrian lanes, paths and facilities within the existing right-of-way, insofar as such activities cause only minimal ground disturbance and National Register eligible properties are not located within the APE.

J. Landscaping
Project actions include installation and maintenance of minor landscaping, insofar as such activities cause only minimal ground disturbance and National Register eligible properties are not located within the APE.

K. Improvements to Rest Areas and Weigh Stations
Project actions include improvements to existing rest areas and truck weigh stations located along both the Interstate Highway System and the State Highway System insofar as such activities cause only minimal ground disturbance and National Register eligible properties are not located within the APE.

L. Minor Drainage Improvements
Project actions include minor drainage improvements adjacent to roadways, insofar as such activities cause only minimal ground disturbance and National Register eligible properties are not located within the APE. Actions may include:
   a. installation, replacement, or removal of culverts and headwalls that do not require the addition of fill material or surface grading outside of 1.5m (5 feet) of the existing roadway prism;
   b. installation, replacement, and extension of pipes;
   c. addition of pipe end sections or traversable grates;
   d. rip-rap in drainages associated with culverts and other features;
   e. mechanical and manual ditch cleaning.

M. Roadway Lighting
Project actions include installation of roadway lighting, insofar as such activities do not occur adjacent to or on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

N. Equipment Staging and Material Stockpiling
Project actions include staging of equipment and/or machinery, temporary or long-term stockpiling of gravels and waste materials, and disposal of waste materials in areas where extensive ground disturbance has occurred, including but not limited to previously disturbed material source locations, graveled or paved parking areas, or other previously disturbed locations.
Staging areas or waste locations may be approved insofar as such activities do not occur adjacent to or on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

O. Use of Previously Cleared Material Sources
Project actions include the use of previously cleared material sources for the same use insofar as no new expansion will occur laterally outside the previously cleared areas.

P. Fence Improvements
Project actions include installation, replacement, and/or upgrading of fencing (including snow fencing) within the existing right-of-way insofar as such activities do not occur adjacent to or on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

Q. Installation of Underground Utilities
Project actions include installation of underground utilities (i.e. fiber optic cables, gas lines, etc) in previously disturbed locations insofar as such activities do not occur on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

R. Rock Scaling & Slope Work
Project actions include rock scaling - the manual and mechanical removal of rocks, vegetation, and other debris on steep slopes adjacent to roadways. In addition, project actions may include blast scaling, which uses small charges of explosives to dislodge or reduce the size of larger rocks that cannot be dislodged manually. These actions can take place insofar as such activities do not occur on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

S. Maintenance Facility Operations
Project actions include various continuing activities that occur at ITD maintenance facilities. These include, but are not limited to material stockpiling activities, vehicle and equipment washing, vehicle and equipment fueling, and liquid tank storage. These actions can take place insofar as such activities do not occur on a National Register eligible property, or within the boundaries of a National Register eligible historic district.

T. Geotechnical Investigation
Project actions include minimally disruptive subsurface exploration methods to obtain information on the physical properties of soil and rock in a specific location such as auger, rotary, or core drilling methods of nominal 8-inch diameter or less. These actions can take the place insofar as such activities cause only minimal ground disturbance and historic properties are not located within the APE.
The addition of criterion H. Bike/Pedestrian pathways to the APPENDIX is approved by the following signatories:

[Signature]
12/22/00
Auxiliary Council on Historic Preservation
Date

[Signature]
9/19/00
Federal Highway Administration
Date

[Signature]
5/5/2000
Idaho State Historic Preservation Officer
Date

[Signature]
8/31/00
Idaho Transportation Department
Date

JG:\lsc\c:\lib-es1\gastoni\pathway.doc
Mr. Jack T. Coe  
Division Administrator  
Federal Highway Administration  
3050 Lake Harbor Lane Suite 126  
Boise, ID 83703

REF: Programmatic Agreement for Minor Highway Improvements  
    Addendum  
    Statewide Idaho

Dear Mr. Coe:

Enclosed is your copy of the Addendum to the 1995 Programmatic Agreement (PA) for Minor Highway Improvements which has been executed by the Council. By carrying out the terms of the PA, you will have complied with Section 106 of the National Historic Preservation Act and the Council’s implementing regulations for those projects which fall under its terms. We recommend that you provide the remaining signatories with a copy of the fully executed addendum. We will retain the original in this office where it will remain on file.

We appreciate your ongoing cooperation.

Sincerely,

D. L. Klima  
Director  
Office of Planning and Review

Enclosure
PROGRAMMATIC AGREEMENT

Among The Federal Highway Administration,
The Idaho Transportation Department,
The Advisory Council On Historic Preservation,
And The Idaho State Historic Preservation Office
Regarding Minor Highway Improvement Projects

WHEREAS, the Federal Highway Administration (FHWA) proposes to assist the Idaho Transportation Department (ITD) in conducting certain highway-related projects; and

WHEREAS, the FHWA, ITD, and the Idaho State Historic Preservation Officer (SHPO) have determined that the projects covered by this Agreement will be of a minor nature and will have no effect on properties listed on or determined eligible for inclusion in the National Register of Historic Places, if the conditions cited in the attached Appendix are met; and

WHEREAS, the FHWA and ITD have consulted with the Advisory Council on Historic Preservation (Council) and the Idaho SHPO pursuant to Section 800.13 of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f); and

NOW THEREFORE, the FHWA, ITD, the Council, and the Idaho SHPO agree that the program covered by this Agreement shall be administered in accordance with the following stipulations to satisfy the FHWA's Section 106 responsibility for all individual projects of the program.

STIPULATIONS

The FHWA shall ensure that the following measures are carried out:

I. The ITD Cultural Resource Staff will first review all projects to determine whether the terms of this Programmatic Agreement apply. If it is determined that the terms of this Programmatic Agreement do not apply to a specific project; action pursuant to 36 CFR Part 800 will apply.

II. Certain minor highway improvement projects, as defined in the Appendix, have been determined to cause no effect to historic properties and will not require review by the Idaho SHPO or the Council except as noted.

III. All other federally funded projects not listed in the Appendix attached to this Programmatic Agreement shall be subject to Section 106 and its implementing regulations, 36 CFR Part 800.

IV. The ITD will provide a summary to the SHPO of cultural resource projects completed the previous year under Stipulation II. Those projects considered under this Agreement, but handled through 36 CFR 800 as exceptions under Part II of the Appendix, will also be
listed. The report shall be submitted no later than the close of each calendar year and may be contained within ITD’s Annual Report presently submitted to the SHPO. The report shall include, at a minimum, a brief project description and location including county, highway district and map position. Projects which were monitored under Stipulation V will also be noted.

V. ITD will monitor a minimum of 10% of the projects which fall under this Programmatic Agreement, to ensure that actual construction was the same as that proposed under the project. If monitoring shows certain types of projects may not warrant inclusion in this Programmatic Agreement, their status may be reviewed by the parties to this Agreement.

VI. The Council and the SHPO may monitor activities carried out pursuant to this Programmatic Agreement, and the Council will review such activities if so requested. The FHWA will cooperate with the Council and the SHPO in carrying out their monitoring and review responsibilities.

VII. Any party to this Programmatic Agreement may request in writing that it be amended, whereupon the parties will consult in accordance with 36 CFR 800.13 to consider such amendment.

VIII. Any party to this Agreement may request a revision to exclude or include any class of undertakings from or to the Appendix. Upon written notification by the requesting party, the signatories must all approve any revision prior to implementation.

IX. Should the SHPO or Council object to any actions proposed pursuant to this Agreement, the FHWA shall consult with the objecting party to resolve the objection. If the FHWA determines that the objection cannot be resolved, the FHWA shall request the further comments of the Council pursuant to 36 CFR Part 800.6(b). Any Council comment provided in response to such a request will be taken into account by the FHWA in accordance with 36 CFR Part 800.6(c)(2) with reference only to the subject of the dispute; the FHWA’s responsibility to carry out all actions under this Agreement that are not the subjects of the dispute will remain unchanged.

X. Any party to this Programmatic Agreement may terminate it by providing thirty (30) days notice to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR Part 800 with regard to individual undertakings covered by this Programmatic Agreement.

XI. In the event the FHWA does not carry out the terms of this Programmatic Agreement, the FHWA will comply with 36 CFR Part 800 with regard to individual undertakings covered by this Programmatic Agreement.
Execution and implementation of this Programmatic Agreement evidences that the FHWA has satisfied its Section 106 responsibilities for all individual undertakings of the program.

Robert Burke
Advisory Council on Historic Preservation

Jack D. Lee
Federal Highway Administration

William
Idaho State Historic Preservation Officer

Charles M. Rountree
Idaho Transportation Department

5/18/95
5/11/95
2/7/95
4-25-95
APPENDIX

I. PROJECTS WITH NO EFFECT

The following projects have been determined to cause no effect to historic properties under normal operating conditions and will not require review by the Idaho SHPO or the Council:

A. CURB, GUTTER, AND SIDEWALK IMPROVEMENTS

Installations of curb, gutter, and sidewalk improvements are replacement and rehabilitation projects in an urban environment where ground disturbance is complete or almost complete. No additional, undisturbed terrain is altered.

B. GUARDRAIL INSTALLATION

Installation of guardrail is necessary for safety and traffic control. In most cases the guardrail is supported by six by eight inch posts driven into the already disturbed road prism, and is usually located within 1.8m (six feet) of the pavement.

C. IMPROVEMENT OF EXISTING RAILROAD CROSSINGS

These projects are for approaches, signals and signing where highway alignments cross rail alignments at grade. All earth disturbance is confined to the already disturbed railroad or highway road prism.

D. INTERSECTION IMPROVEMENT

These projects are most typically developed at existing highway intersections where safety control is required. They include construction of turn lanes within the existing roadway prism, lighting, signalization and signing. Installation of posts, poles, and support bases occurs within already disturbed road fill.

E. BRIDGE DECK REHABILITATION AND STABILIZATION

These projects are confined strictly to road surface work on the structure or repairs to the structure itself and will not include structural modifications which may affect visual qualities.

F. OVERLAY AND SEALCOATS

This type of resurfacing work is confined to the existing pavement surface and is limited to addition of a new layer of asphalt or sand and oil mixture. Some overlay projects may include shoulder flattening and minor safety work.
G. PAVING OR MINOR WIDENING OF EXISTING GRAVEL SHOULDERS

This type of project is limited to laying road surface over sub-base gravel within the existing road prism and shoulders where less than 1.5 (five feet) of right-of-way (R/W) on either side are required to widen the existing road surface. Generally these projects involve slight shoulder widening or flattening for safety reasons. No work would be allowed in the remainder of the R/W.

H. BIKE/PEDESTRIAN PATHWAYS

These projects may be enhancements or part of another highway project. The path proposed must be within an already disturbed fill shoulder or borrow area. Paths built over existing potentially historic structures (bridges, RR grades, etc.) will qualify provided there is no effect to features.

II. EXCEPTIONS

Under the following conditions, projects from the above list may be considered an exception to the programmatic agreement if the potential to affect historic properties exists. In such cases, ITD will inform FHWA and the Idaho SHPO that action pursuant to 36 CFR Part 800 will be undertaken.

A. The project is located in a National Register listed or eligible district or near a listed or eligible property, or

B. The project affects, either directly or indirectly, elements that contribute to the qualities of significance or a national Register listed or eligible district property.

If a question arises pertaining to either of these conditions, ITD will contact the SHPO for an official determination regarding the significance and effect and the applicable 36 CFR 800 documentation.

A cultural resource survey will be conducted for any improvements where previously undisturbed ground is impacted or if the improvement is in an area with known cultural resources. If the cultural resource survey results in the identification of a potentially significant features, the Idaho SHPO will be consulted and FHWA notified in order to initiate Section 106 compliance pursuant to 36 CFR Part 800.