AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

WHEREAS, the Federal Highway Administration (FHWA) administers the Federal Aid Highway Program in North Carolina, authorized by (23 U.S.C. 101 et seq.), through the North Carolina Department of Transportation (NCDOT) (23 U.S.C. 315); and,

WHEREAS, the Division Administrator, FHWA, is the “Agency Official” responsible for compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (54 USC 300101 et seq.) and its implementing regulations (36 CFR Part 800, as amended) for Federal Aid Highway Programs; and

WHEREAS, the FHWA and NCDOT desire to streamline consultation for Section 106 of the NHPA on Federally funded and/or permitted minor transportation projects in North Carolina that may affect properties included in or eligible for inclusion in the National Register of Historic Places (“historic properties”); and

WHEREAS, FHWA and NCDOT have consulted with the North Carolina State Historic Preservation Officer (SHPO), including the Office of State Archaeology (OSA), and the Advisory Council on Historic Preservation (ACHP) to develop and execute this Programmatic Agreement (PA) pursuant to 36 CFR 800.14(b) to establish an efficient and effective program alternative for taking into account the effects of minor transportation projects on historic properties in North Carolina and afford the ACHP a reasonable opportunity to comment on undertakings covered by the PA; and

WHEREAS, FHWA, Council, SHPO, and NCDOT executed a PA for Administration of the Federal Aid Highway Program on March 20, 2000 (Federal Aid Highway PA) that allows NCDOT’s qualified Cultural Resource Specialists (CR Specialists) to perform the work and consultation with the SHPO described in specific sections of 36 CRF 800.3 through 800.5 on behalf of the FHWA; and

WHEREAS, the Section 106 Federal Aid Highway PA (signed in 2000 and included in Appendix D) remains in force for FHWA undertakings, except for those defined herein as minor transportation projects; and
WHEREAS, the US Army Corps of Engineers (USACE), Tennessee Valley Authority (TVA), United States Forest Service (USFS), United States Coast Guard (USCG), and National Park Service (NPS), may manage Federal lands affected by or be responsible for issuing permits or licenses related to the construction of minor transportation projects by NCDOT, and have been invited to participate in the development of and to be a concurring party to this PA; and

WHEREAS, FHWA notified the Eastern Band of the Cherokee Indians, the Cherokee Nation of Oklahoma, the United Keetoowah Band of Cherokee Indians in Oklahoma, the Catawba Indian Nation, and the Tuscarora Nation, and these tribes have been invited to participate in the development of and to be a concurring party to this PA; and

WHEREAS, the definitions contained in 36 CFR 800.16 shall be used in this PA; and

WHEREAS, NCDOT has a staff of CR Specialists and employs consultants, who meet the professional qualifications defined in the Secretary of the Interior’s Professional Qualifications Standards at 36 CFR Part 61; and 48 FR 44716 in the fields of archaeology, architectural history, or historical architecture, to carry out NCDOT’s historic preservation programs and responsibilities; and

WHEREAS, this PA applies to projects administered directly by NCDOT, not to projects administered by a sub-recipient of federal-aid highway funds, commonly referred to as locally-administered projects (LAP); and

WHEREAS, NCDOT and SHPO agree that NCDOT may use the provisions of this PA to address the applicable requirements of North Carolina General Statute (NCGS) 121-12(a) for minor transportation projects;

NOW THEREFORE, FHWA NCDOT, ACHP, AND SHPO agree that minor transportation projects are defined as Federal or state transportation projects that qualify as Categorical Exclusions and Environmental Assessments under the National Environmental Policy Act (NEPA), as defined in 23 CFR 771, and by the FHWA (NC Division), or the state equivalent (State Environmental Policy Act, SEPA), as defined in NCGS 113A-1 et seq. and 19A NCAC 02F.0102; and

FHWA, NCDOT, ACHP, and SHPO agree that minor transportation projects carried out by NCDOT with Federal-aid funding and/or requiring Federal permits shall be administered in accordance with the following stipulations to ensure that all federal responsibilities under Section 106 of NHPA are implemented; and as agreed to between the NCDOT and SHPO, all state responsibilities under NCGS 121-12(a) are implemented.

STIPULATIONS

FHWA in coordination with NCDOT, will ensure that the following measures are carried out:
I. Purpose and Applicability

A. This PA sets forth the process by which FHWA, with the assistance of NCDOT, will meet its responsibilities under Section 106 of NHPA for minor transportation projects of the Federal Aid Transportation Program. This PA establishes the basis for NCDOT’s internal review of individual minor transportation projects and establishes how FHWA will be involved in any review.

B. This PA also sets forth, as agreed to between NCDOT and SHPO, procedures for NCDOT compliance with NCGS 121-12(a) for minor transportation projects carried out by NCDOT without any federal involvement, including funding, approvals, or permits.

C. Projects involving archaeological sites with human skeletal remains and associated grave goods are not covered under this PA.

II. Responsibilities of FHWA, NCDOT, and SHPO

A. NCDOT will initiate consultation with federally recognized Indian tribes for projects that may affect tribal lands or properties to which a tribe /tribes ascribes traditional cultural and religious significance.
   1. FHWA shall retain ultimate responsibility for complying with all federal requirements pertaining to direct government-to-government consultation with Indian tribes.
   2. Notwithstanding any other provision of this PA, FHWA shall honor the request of any federally recognized Indian tribe for direct government-to-government consultation regarding an undertaking covered by this PA.
   3. For projects that occur on Tribal lands or may affect a historic property on Tribal lands, FHWA, in coordination with NCDOT, will complete Section 106 review for that project following 36 CFR 800.3 through 800.6 and the project shall be excluded from this PA.

B. FHWA will require NCDOT to carry out the requirements of this PA or of 36 CFR Part 800, and applicable Council guidelines for all NCDOT’s minor transportation projects that receive Federal assistance. FHWA will participate in the process as specified in subsequent stipulations.

C. NCDOT shall employ personnel and consultants trained and qualified in the fields of archaeology, historic architecture, and architectural history whose duties shall include activities implementing this PA.
   1. These personnel/consultants shall meet the Secretary of the Interior’s Professional Qualifications Standards in the fields of archaeology, architectural history, or historical architecture.
   2. NCDOT and SHPO shall provide regular cultural resource management and Section 106 compliance training, as described in Appendix A, for personnel responsible within NCDOT for activities described in this agreement.
   3. Consultants employed by NCDOT shall attend training workshops as agreed upon or described in Appendix A.

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D. NCDOT, in consultation with SHPO, FHWA, and ACHP, will maintain a user’s manual to aid in the implementation this PA.
   1. The user’s manual shall include detailed procedures for Section 106 and NCGS 121-12(a) reviews and be titled NCDOT’s Programmatic Agreement Implementation Manual for Minor Transportation Projects (Manual).
   2. NCDOT shall distribute updates to the Manual throughout all NCDOT Divisions and Units to aid in their education and understanding of the terms and procedures encompassed by this PA.

E. NCDOT will follow the curation guidelines developed by OSA to ensure long-term preservation of the State’s archaeological collections and associated field records. OSA will waive all fees for the curation of archaeological collections that result from NCDOT investigations, when those collections are documented, conserved, and submitted according to OSA’s guidelines.

F. To prevent the risk of harm, and in accordance with NCGS 70-18, FHWA and NCDOT will ensure that the specific locations of archaeological sites are not placed in public documents or otherwise distributed to members of the public. FHWA and NCDOT personnel will be provided this information on a need-to-know basis with the understanding that these locations are privileged information.

III. Guidelines, Standards and Regulations

Guidelines, standards and regulations relevant to this PA and its purposes include:
- 36 CFR Part 61: Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation;
- North Carolina Office of State Archaeology: Guidelines for Preparation of Archaeological Survey Reports (1988);
- North Carolina Office of State Archaeology: Archaeological Curation Standards and Guidelines (1995);
- North Carolina Historic Preservation Office Survey Manual: Practical Advice for Recording Historic Resources (2002);
- North Carolina General Statute 121-12 (Archives and History);
- North Carolina General Statute 70-18 (Confidentiality)
- North Carolina Administrative Code T07:04R.0206;
- 23 CFR Part 771.117 FHWA Categorical Exclusions;
- 23 CFR Part 771.119 FHWA Environmental Assessments;
- 23 CFR Part 771.121 FHWA Findings of No Significant Impact;
- 36 CFR Part 800: Protection of Historic Properties;
- 40 CFR 1508 - CEQ - Regulations for Implementing NEPA and

IV. Projects with Little or No Potential to Cause Effects

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The project types listed in and meeting the conditions listed in Appendix B by their nature and definition, constitute undertakings that should pose minimal or no effects to historic properties.

A. Minor transportation projects that comprise the activity(ies) listed in Appendix B and, in the best judgment of the NCDOT Project Manager or Engineer, meet all the conditions outlined, shall undergo no further Section 106 review.

B. Projects, which are certified as meeting the conditions and are exempt from further review, must be documented by the NCDOT project manager or Engineer using the Programmatic Agreement Screening Checklist (Checklist) (Appendix C).
   1. The Checklist shall be completed for every project or, in some cases, for a batch of similar projects whose actions have little or no potential for significant effects.
   2. A copy of the Checklist will be placed in the project file.
   3. The Checklist will be distributed to the parties of this PA, upon request.

C. Other minor actions may be approved as project types in Appendix B, if deemed appropriate by consultation and written agreement of FHWA, NCDOT, and SHPO.

V. Project Review - Minor Transportation Projects

For those projects considered Minor Transportation Projects and not exempt from review under terms of Stipulation IV, the review process shall be:

A. Initiate Section 106 Process - 36 CFR Part 800.3
   NCDOT will initiate the Section 106 process on behalf of FHWA following the procedures in 36 CFR 800.3. NCDOT CR Specialists, including an archaeologist and architectural historian, will:
   1. Define the undertaking.
   2. Identify and invite other consulting parties (as identified in the NEPA or SEPA process, such as local governments and historic property owners) to participate in the consultation.
   3. Initiate consultation with appropriate Indian tribal governments, where applicable.

B. Identify Historic Properties – 36 CFR 800.4
   1. NCDOT CR Specialists shall determine and document the archaeological and architectural Area of Potential Effects (APE), as defined in 35 CFR 800.16(d).
   2. Based upon the best available background information gathered via a literature and map search, including SHPO files of identified, eligible, or National Register listed historic properties, a NCDOT CR Specialist shall assess the likelihood that unidentified historic properties exist in the APE and shall determine the need for further field survey.
      a. For those projects for which available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in either the archaeological or architectural APE, a NCDOT CR Specialist for archaeology and historic structures shall each issue a finding of No Survey Required for the project using the No Survey Required Form in Appendix C.
         i. The No Survey Required Forms shall be included in the Categorical Exclusion or Environmental Assessment, as part of the

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NEPA project files. This document serves the consultation requirements under 36 CFR 800.4.

ii. NCDOT shall provide copies of the completed No Survey Required Forms to the SHPO annually.

iii. If historic properties are discovered after the NCDOT CR Specialists issue the findings of No Survey Required, reasonable efforts will be made to avoid, minimize, or mitigate adverse effects to such properties per 36 CFR 800.13.

b. For those projects for which available information does not provide a reliable basis for reasonably predicting that there are no unidentified historic properties in either the archaeological or architectural APE, a NCDOT CR Specialist shall issue a finding of Survey Required for the project using the Survey Required Form in Appendix C.

i. NCDOT shall conduct or cause to be conducted a survey to identify historic properties in a manner consistent with the Manual and applicable guidelines, standards, and regulations listed in Stipulation III.

ii. NCDOT shall provide copies of the completed Survey Required Forms to the SHPO annually.

iii. Where potential historic properties are identified, a NCDOT CR Specialist shall evaluate their eligibility for listing in the National Register of Historic Places (NRHP) in accordance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation and National Register Bulletin 15, How to Apply the National Register Criteria for Evaluation.

iv. For those projects which have no National Register-listed or eligible archaeological sites in the APE a NCDOT CR Archaeology Specialist shall document the finding, following the requirements in 36CFR 800.11(d) using the No National Register of Historic Places Eligible or Listed Archaeological Sites Present Form, in Appendix C.

1) The No National Register of Historic Places Eligible or Listed Archaeological Sites Present Form will be included in the Categorical Exclusion or Environmental Assessment, as part of the appropriate NEPA project files as well the annual report for the PA.

v. Where historic property boundaries have not previously been established, a NCDOT CR Specialist shall identify recommended boundaries following standards set forth in National Register Bulletin 21: Defining Boundaries for National Register Properties.

vi. These determinations of eligibility and proposed boundaries shall be documented in separate eligibility reports for archaeology.
and/or historic architecture resources, the content and layout of which will be specified in the Manual and applicable guidelines, standards, and regulations listed in Stipulation III.

1) Archaeology will provide OSA with the relevant site forms as completed and as a part of the annual report.

2) Historic Architecture eligibility determinations will be sent to the SHPO for review and comment prior to the application of the criteria of effect outlined in Section C, below.

3) If within thirty (30) days of receiving this notification, SHPO/OSA does not object or does not comment, NCDOT may proceed with the project without further review.

c. For those projects for which available information provides a reliable basis for reasonably predicting that all of the historic properties have been identified and evaluated for National Register eligibility in the APE, and further survey work is not needed, but the effects need to be considered on the National Register-listed or eligible historic properties, a NCDOT CR Architectural Historian shall issue a finding of Effects Required for the project using the Effects Required Form in Appendix C and follow the procedures outlined in Section C, below.

C. Apply the Criteria of Effect – 36 CFR 800.5

For those undertakings in which there are National Register-listed or eligible historic properties in the APE, a NCDOT CR Specialist shall apply the Criteria of Effects in accordance with 36 CFR Part 800.5 in separate effects processes for archaeology and/or historic architecture resources as outlined below. The result of each process will be documented in writing using the corresponding effects forms provided in Appendix C. Copies of this documentation will be provided to the project’s submitter and other consulting parties, as needed.

1. Archaeology:

a. No National Register of Historic Places Eligible or Listed Archaeological Sites Affected: For those projects which have no National Register-listed or eligible archaeological sites affected, a NCDOT CR Archaeology Specialist shall document the finding, following the requirements in 36 CFR 800.11(d) using the No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form, in Appendix C.

i. The NCDOT CR Archaeology Specialist shall notify OSA, the project submitter, and other consulting parties, as needed, of the No National Register of Historic Places Eligible or Listed Archaeological Sites Affected finding for the project using the No National Register of Historic Places Eligible or Listed Archaeological Sites Affected Form. This form will be included in the Categorical Exclusion or
Environmental Assessment, as part of the appropriate NEPA project files as well the annual report for the PA.

ii. If within thirty (30) days of receiving this notification, OSA or another consulting party does not object or does not comment, NCDOT may proceed with the project without further review. If OSA or another consulting party objects to NCDOT's finding, then one of the following shall take place:

1) For federal undertakings, the documentation will be submitted to the lead federal agency for consideration. If the federal agency and the objecting party(ies) reach consensus, the process will move forward in accordance with this PA, either to a finding of effect or documenting that no historic properties are affected. If consensus is not achieved, the undertaking will not be developed under this PA, but will proceed in accordance with 36 CFR Part 800.3 through 800.6.

2) For state undertakings, with no federal involvement, that do not adversely affect any property listed in the NRHP, NCDOT shall provide a copy of the determination to the SHPO, as staff of the North Carolina Historical Commission. For undertakings that may have an adverse effect on a National Register-listed property, NCDOT shall consult with the SHPO pursuant to the administrative procedures outlined in North Carolina Administrative Code T07:04R.0206.

b. National Register of Historic Places Eligible or Listed Archaeological Sites Adversely Affected: For those projects which have adverse effects to National Register-listed or eligible archaeological sites NCDOT CR Archaeology Specialist shall document the finding and notify the OSA of the finding of adverse effect by forwarding the Archaeological Adverse Effect Determination Form provided in Appendix C.

i. The Archaeological Adverse Effect Determination Form will be included in the Categorical Exclusion or Environmental Assessment, as part of the appropriate NEPA project files.

ii. The NCDOT CR Archaeology Specialist will meet with OSA staff, lead federal agency (if applicable), and project submitter to discuss the adverse effect of the proposed project on the archaeological site(s).

iii. If OSA or another consulting party proposes conditions or changes to the project that would result in a determination of No Effect and NCDOT agrees to implement the conditions or changes, the NCDOT CR Archaeology Specialist will document them on the No National Register of Historic Places Eligible or Listed Archaeological Sites Present or Affected Form, and no further consultation will be necessary.

iv. Any conditions or changes to the project agreed to by NCDOT resulting in a determination of No Effect shall be included in the
Categorical Exclusion or Environmental Assessment, as part of the environmental commitments documentation.

v. If SHPO, the lead federal agency (if applicable), or another consulting party objects to NCDOT’s finding of No Effect they shall indicate the reasons for non-concurrence and will consult further to resolve this matter, either by identifying project alternatives that may result in the undertaking having no adverse effect on historic properties or proceeding in accordance with Stipulation X of this PA.

2. Historic Architecture:
   a. No National Register of Historic Places Eligible or Listed Historic Properties Present or Affected: For those projects which have no National Register-listed or eligible historic properties present or affected, a NCDOT CR Historic Architecture Specialist shall document a finding of No Historic Properties Present or Affected for the project, following the requirements in 36 CFR 800.11(d) and using the No National Register of Historic Places Eligible or Listed Historic Properties Present or Affected Form in Appendix C.
      i. The No National Register of Historic Places Eligible or Listed Historic Properties Present or Affected Form will be included in the Categorical Exclusion or Environmental Assessment, as part of the appropriate NEPA project files.
      ii. The NCDOT CR Historic Architecture Specialist shall notify SHPO, the project submitter, and other consulting parties, as needed, of the No National Register of Historic Places Eligible or Listed Historic Properties Present or Affected finding for the project using the No National Register of Historic Places Eligible or Listed Historic Properties Present or Affected Form.
      iii. If within thirty (30) days of receiving this notification, SHPO or another consulting party does not object or does not comment, NCDOT may proceed with the project without further review. If SHPO or another consulting party objects to NCDOT’s finding, one of the following shall take place:
          1) For federal undertakings, the documentation will be submitted to the lead federal agency for consideration. If the federal agency and objecting party(ies) reach consensus, the process will move forward in accordance with this PA, either to a finding of effect or documenting that no historic properties are affected. If consensus is not achieved, the undertaking will not be developed under this PA, but will proceed in accordance with 36 CFR Part 800.3 through 800.6.
          2) For state undertakings, with no federal involvement, that do not adversely affect any property listed in the NRHP, NCDOT shall provide a copy of the determination to the SHPO, as staff of the North Carolina Historical Commission. For undertakings that may have an adverse effect on a National Historic Landmark or District, NCDOT shall provide a copy of the determination to the SHPO, as staff of the North Carolina Historical Commission.
Register-listed property, NCDOT shall consult with the SHPO pursuant to the administrative procedures outlined in North Carolina Administrative Code T07:04R.0206.

b. No Effect or No Adverse Effects on National Register of Historic Places Eligible or Listed Historic Properties: If the NCDOT CR Historic Architecture Specialist determines that the undertaking will have No Effect or No Adverse Effects on National Register-listed or eligible historic properties, it will meet with SHPO staff, lead federal agency (if applicable), and project submitter to discuss the effects of the proposed project on the historic properties.
   i. The National Register of Historic Places Eligible or Listed Historic Properties Effects Determination Form in Appendix C will document the application of the criteria of effect and will contain signatures from NCDOT CR Specialist, SHPO staff, and federal agency with jurisdiction (if applicable).
   ii. If SHPO or another consulting party proposes conditions or changes to the project that would result in a determination of No Effect or No Adverse Effect, and NCDOT agrees to implement the conditions or changes and will document them on the National Register of Historic Places Eligible or Listed Historic Properties Effects Determination Form, and no further consultation will be necessary.
   iii. Any conditions or changes to the project agreed to by NCDOT resulting in a determination of No Effect or No Adverse Effect shall be included in the Categorical Exclusion or Environmental Assessment, as part of the environmental commitments documentation.
   iv. If SHPO, lead federal agency (if applicable), or another consulting party objects to NCDOT’s finding of No Effect or No Adverse Effect, they shall indicate the reasons for non-concurrence and will consult further to resolve this matter, either by identifying project alternatives that may result in the undertaking having no adverse effect on historic properties or proceeding in accordance with Stipulation X of this PA.

c. National Register of Historic Places Eligible or Listed Historic Properties Adversely Affected: If the NCDOT CR Historic Architecture Specialist determines that the undertaking will have Adverse Effects on National Register-listed or eligible historic properties, it will meet with SHPO staff, lead federal agency (if applicable), and project submitter to discuss the effects of the proposed project on the historic properties.
   i. The National Register of Historic Places Eligible or Listed Historic Properties Effects Determination Form in Appendix C will document the application of the criteria of effect and will contain signatures from NCDOT CR Specialist, SHPO staff, and lead federal agency (if applicable).
   ii. If SHPO or another consulting party proposes conditions or changes to the project that would result in a determination of No Effect or No

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Adverse Effect, and NCDOT agrees to implement the conditions or changes and will document them on the National Register of Historic Places Eligible or Listed Historic Properties Effects Determination Form, and no further consultation will be necessary.

D. Adverse Effect – 36 CFR 800.6

For projects that have an Adverse Effect on historic properties, NCDOT will assist the lead federal agency in meeting its 36 CFR 800.6 responsibilities by undertaking the following steps:

1. The NCDOT CR Specialist will continue consultation with SHPO, lead federal agency, and other consulting parties to develop and evaluate alternatives or modifications to the project that could avoid minimize, or mitigate adverse effects on historic properties.

2. If the adverse effect cannot be avoided, then the NCDOT CR Specialist shall prepare a Finding of Adverse Effect for the lead federal agency so that they may notify the Council of the adverse effect finding in accordance with 36 CFR 800.11(e). Both the NCDOT CR Specialists for archaeology and historic architecture will contribute to the preparation of this document.

3. The lead federal agency shall provide all consulting parties the documentation specified in 36 CFR 800.11(e), subject to the confidentiality provisions of 36 CFR 800.11(c) and the federal agency shall also make this information available to the public.

4. The NCDOT CR Specialist will work with the SHPO, lead federal agency, and other consulting parties to negotiate terms of a Memorandum of Agreement (MOA).

E. Project Re-evaluation

1. If an undertaking changes in scope or APE, both the NCDOT CR Specialist for archaeology and historic architecture shall re-assess the previous findings issued by their respective specialties to determine if the findings remain valid or if additional survey or effects assessment is required.

2. In addition, the NCDOT CR Specialists will review the applicability of this PA to the project to determine if the project continues to qualify for treatment under Stipulations IV and V. If the undertaking no longer qualifies for such treatment, it will not be considered a minor project and will not be reviewed under the terms of this PA.

3. Should SHPO or a member of the public provide new information regarding a project that would alter the re-evaluation determination made above, NCDOT, SHPO, and consulting parties shall consult pursuant to 36 CFR 800.4 through 800.6 and 800.13. Such information shall be provided to NCDOT in a timely manner.

F. Unanticipated Discovery

All unanticipated discoveries made in conjunction with any project covered by this PA shall be treated in accordance with the procedures outlined in 36 CFR 800.13(b).

G. Historic Bridges
NCDOT shall use the findings of the Historic Bridge Inventory (NCDOT, 2004), or any updates thereof, to determine the National Register eligibility of bridges. Bridges considered not eligible for the National Register require no further evaluation unless the prior evaluation was incomplete or changing perceptions of significance after 2015 necessitate re-evaluation.

H. Emergency Situations
   From time to time, NCDOT will be required to perform emergency actions in response to an immediate threat to the preservation of human life or property, in which case NCDOT will be allowed an emergency waiver from the review procedures set forth in this PA.
   1. The emergency waiver for minor transportation projects shall begin at the time that NCDOT determines that an emergency action is required and will only be applicable if NCDOT reasonably anticipates that the emergency action will be initiated within ten (10) days.
   2. In the event of such emergencies, NCDOT CR Specialists shall, within thirty (30) days of the emergency, provide a summary of the emergency undertaking to SHPO and note if and how National Register-listed or eligible properties were affected.
   3. If a listed or eligible property was adversely affected by the emergency undertaking, NCDOT shall consult with SHPO and other parties to this PA, as appropriate, to determine if post-emergency mitigation is needed.

VI. Cooperation and Communication

NCDOT and SHPO will continue to share information developed or generated by each agency related to the identification, evaluation, management and treatment of North Carolina's cultural resources.

VII. Annual Review and Monitoring

A. NCDOT and SHPO shall regularly consult to review implementation of the terms of the PA. NCDOT will maintain a list, sorted by Unit or Division, of all projects covered by this PA for a twelve (12)-month period from July 1 through June 30. NCDOT will provide all parties to this agreement with copies of this list called the Annual Report on the Programmatic Agreement for Minor Transportation Projects in North Carolina (Annual Report) by July 31 of each year.
   1. The content and format of the Annual Report will be described in the Manual for this PA.
   2. The FHWA, SHPO and other concurring parties (as requested) will review the Annual Report and assess the implementation of the PA for the year under review.
   3. If deemed appropriate by any signatory to this PA, NCDOT will notify the parties that they will meet to discuss and resolve any issues raised as a result of the review.

B. FHWA, Council, and SHPO may monitor activities carried out pursuant to this PA. NCDOT shall cooperate with these parties in carrying out their monitoring efforts.

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C. The federal agency(ies), who have signed this PA, are responsible for ensuring that its terms are fulfilled. Should a federal agency and/or SHPO determine that a Unit or Division of NCDOT is not consistently complying with the provisions of this PA, it shall notify NCDOT managers, who will address the problem and report to all the parties of this PA on the corrective monitoring and/or coaching undertaken.

VIII. Amendment

A. Any of the primary signatories of this PA may request that it be amended, whereupon the parties will consult to consider such an amendment. An amendment to the PA will go into effect upon the written concurrence of the FHWA, SHPO, NCDOT and Council.

B. The forms and Manual referenced in Appendix C may be revised with the written concurrence of the Parties to this PA.

C. If a party invited to concur in this PA has not accepted by the time it is filed with the Council, they may become a concurring party for the duration of this PA upon the written concurrence of the primary signatories. Such action will not require an amendment to this PA.

IX. Termination

Any party of the primary signatories of this PA may terminate it by providing written notice of thirty (30) calendar days to the other parties, provided that the parties will consult during the period prior to termination to seek agreement on amendments and other actions that would avoid termination. In the event of termination, FHWA will comply with 36 CFR Part 800.4 through 36 CFR Part 800.6 with regard to individual undertakings covered by this PA.

X. Dispute Resolution

A. Should SHPO or another consulting party on an individual undertaking subject to review under this PA, object within thirty (30) days to any plans or documentation provided for review pursuant to this agreement, the federal agency with jurisdiction shall consult with the objecting party(ies) to resolve the objection. If the federal agency determines that the objection cannot be resolved, it shall forward all documentation relevant to the dispute to the Council. Within 30 days after receipt of all pertinent documentation, the Council will either:

1. Provide the federal agency with recommendations which the federal agency will take into account in reaching a final decision regarding the dispute, or

2. Notify the federal agency that it will comment pursuant to 36 CFR Section 800.7(c) and proceed to comment. Any Council comment provided in response to such a request will be taken into account by the federal agency in accordance with 36 CFR Section 800.7(c)(4) with reference to the subject of the dispute.

Any recommendation or comment provided by the Council will be understood to pertain only to the subject of the dispute and FHWA’s responsibility to carry out all the actions under this agreement that are not the subject of the dispute will remain unchanged.
B. Any member of the public, any agency or organization may request the Council review of section 106 compliance for an individual undertaking in accordance with 36 CFR Part 800.9(a).

C. For projects with no federal involvement, state law requires that state undertakings be reviewed under NCGS 121-12(a). Should SHPO or another consulting party on an individual undertaking subject to review under this PA, object within thirty (30) days to any plans or documentation provided for review pursuant to this agreement, NCDOT shall consult with SHPO as staff of the North Carolina Historical Commission as per the administrative procedures outlined in North Carolina Administrative Code T07:04R.0206.

XI. Duration

This PA shall continue in full force and effect until June 30, 2020. During the six (6) month period prior to this date, the signatory parties will consult to consider an extension or amendment of the PA. No extension or amendment will be effective unless the primary signatories to the PA agree in writing.
Execution and implementation of this PA evidences that FHWA, in cooperation with NCDOT, has satisfied its responsibilities under Section 106 of NHPA for all individual undertakings of minor transportation projects covered under this PA.

AGREE:

Federal Highway Administration

[Signature]
John F. Sullivan, III, P.E.
Division Administrator

9/22/2015

North Carolina Department of Transportation

[Signature]
Nicholas J. Tennyson
Secretary

9/15/2015

State Historic Preservation Office

[Signature]
Kevin Cherry, Ph.D.
North Carolina State Historic Preservation Officer

9/21/2015

Advisory Council on Historic Preservation

[Signature]
John M. Fowler
Executive Director

10/22/2015
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Wilmington District of United States Army Corps of Engineers

__________________________________________________________________________    ____________________________________________________________________________________
Approving Authority Signature                                              Date
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

United States Coast Guard, Fifth District

______________________________  ______________________
Approving Authority Signature   Date

NCDOT Minor Projects PA
9/10/2015
Page | 17
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

United States Forest Service

_________________________________________  __________________________
Approving Authority Signature                  Date
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Tennessee Valley Authority

_________________________________________  ______
Approving Authority Signature             Date
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Eastern Band of the Cherokee Indian

______________________________  ______________________
Approving Authority Signature      Date
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Cherokee Nation of Oklahoma

______________________________  __________________
Approving Authority Signature   Date
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

United Keetoowah Band of Cherokee Indians in Oklahoma

______________________________    ______________________
Approving Authority Signature      Date
AMENDED PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Catawba Indian Nation

[Signature]

Approving Authority Signature

[Date]

Date

NCDOT Minor Projects PA
9/10/2015
Page | 23
AMENDED PROGRAMMATIC AGREEMENT
AMONG
THE FEDERAL HIGHWAY ADMINISTRATION,
NORTH CAROLINA DEPARTMENT OF TRANSPORTATION,
ADVISORY COUNCIL ON HISTORIC PRESERVATION
AND
NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
FOR
MINOR TRANSPORTATION PROJECTS IN NORTH CAROLINA

CONCUR:

Tuscarora Nation

_________________________  ___________________
Approving Authority Signature  Date

NCDOT Minor Projects PA
9/10/2015
Page 24
Appendix A
Cultural Resources Management Training Requirements

A NCDOT cultural resources specialist should receive ongoing training in the following areas to review activities under this Agreement:
- Historic and Archaeological Preservation
- Introduction to Section 106
- Identification and Eligibility of Historic Properties
- Establishing Historic Property Boundaries
- Identifying Historic and/or Cultural Landscapes
- Application of Criteria of Effect
- Native American Consultation

In addition, the NCDOT architectural historians shall attend all National Register Consultants Workshops hosted by the State Historic Preservation Office and at least one NCDOT architectural historian shall attend each National Register Advisory Committee meeting.
Appendix B
Exempt Activities

The activities described below are exempted from further review provided the undertaking:

* is limited to the activities specified;
* is not part of larger undertakings;
* is not questioned by the owner of a historic property;
* has no known public controversy based on historic preservation issues; and
* is classified as a “categorical exclusion” (or state-equivalent) project.

- Mowing, seeding/reseeding, and other ground cover maintenance activities;
- Installation or replacement/repair of fixed static signs, interconnection devices, surveillance cameras, closed circuit TV and other minor incident management devices, railroad warning devices, and improved rail crossing surfaces;
- In-kind replacement, reconstruction, or ordinary repair or modification of existing lighting, guardrails, modern fencing, traffic signals, curbs and gutters, sidewalks, and variable message signs;
- Activities that do not involve construction or ground disturbance, such as preliminary engineering, training, technical studies, non-invasive inspections, and educational programs;
- Overlay, milling, grooving, repairing (concrete or asphalt patching or slurry seal), striping, or resurfacing of existing ramp, roadway, and parking lot surfaces where there will be no new impacts outside an existing facility; rumble strips, loop detectors, pavement markings (normal and raised), and snow and ice detectors to the same;
- Activities within the existing disturbed median, including installation of new or replacement median barriers or guard rail;
- Modernization of an existing transportation facility by widening less than a travel lane or adding lanes, provided such widening does not extend beyond the limits of existing improved right-of-way (includes shoulder additions to roadways, bridge approaches, turn lanes within the existing improved facility);
- Correcting substandard roadway geometrics and intersections (i.e., spot improvements), provided such corrections do not extend beyond the limits of existing improved right-of-way;
- Minor bridge rehabilitation, bridge rails, or substructure alterations where the work is confined to the bridge itself, and
  a. bridges are no older than 45 years at the date of NCDOT’s project review, or
  b. the bridge has been determined ineligible for the National Register of Historic Places;
- Minor safety related drainage improvements, including but not limited to: installation, replacement or removal of culverts and headwalls; installation, replacement and extensions of pipes; and addition of pipe end sections;
- Routine cleaning, maintenance and repair of existing drainage, stormwater management, and water quality facilities and devices, not including projects that seek to expand or extend such facilities;
• Replacement/relocation of existing underground utilities in kind and within existing footprint and replacement/relocation of existing utility poles between edge of existing right-of-way and road;
• Repair or construction of erosion control and protection measures, including but not limited to: slope stabilization, slide repair, rip rap, or retaining walls;
• Rehabilitation of existing at-grade railroad crossings and installation or upgrade of regulatory signs and railroad warning signs and devices, upgrade of advisory signs, and track and railroad maintenance, provided there is no change in grade;
• Construction of bicycle and pedestrian lanes, paths, pedestrian signal heads, and facilities, and multi-use paths and facilities provided such corrections do not extend beyond the limits of existing improved right-of-way;
• Construction of or improvements to rest areas, truck weigh stations, park and ride lots, and other transportation related maintenance, storage, and office facilities, where no new right-of-way is acquired;
• Landscaping on fill-slopes and back-slopes;
• Disposal of excess properties that do not contain structures more than 45 years of age, are not within an historic district, and have no potential for archeological resources; and
Appendix C

PA Forms

- Screening Checklist
- Archaeology: No Survey Required
- Archaeology: Survey Required
- Archaeology: No NRHP Archaeological Sites Present
- Archaeology: No NRHP Archaeological Sites Affected
- Archaeology: Adverse Effects
- Historic Architecture: No Survey Required
- Historic Architecture: Survey Required
- Historic Architecture: Effects Required
- Historic Architecture: No NRHP Historic Properties Present or Affected
- Historic Architecture: Assessment of Effects
Programmatic Agreement Cultural Resources Screening Checklist

Project Numbers: TIP:  
FA:  
WBS:  
Project Name:  
County:  
Project Description:  

Funding Source:  
Permits Required:  

Instructions:
NCDOT Project Managers/Engineers, should complete the following checklist based upon your knowledge of the project site and immediate vicinity. If you check “Unable to Determine”, efforts should be undertaken to acquire available information on the project. If the answer to any question is “Yes” or “Unable to Determine,” the project is subject to further historic preservation review, not withstanding other determinations under state environmental review laws and regulations. If the answer to all the questions is “No,” the project may be excluded from further historic preservation review.

<table>
<thead>
<tr>
<th></th>
<th>Yes</th>
<th>No</th>
<th>Unable to Determine</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Does this project contain activities that are <strong>not</strong> specified in Appendix C of the North Carolina Programmatic Agreement for Minor Transportation Projects? (List of Exempt Activities on reverse)</td>
<td></td>
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<tr>
<td>B. Is this project directly related to other actions with individually insignificant, but cumulatively significant, environmental effects?</td>
<td></td>
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<tr>
<td>C. Are there properties listed on or eligible for listing on the National Register of Historic Places in the project area?</td>
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<tr>
<td>D. Is this project questioned by the owner of a historic property?</td>
<td></td>
<td></td>
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<tr>
<td>E. Is there known public controversy based on historic preservation issues?</td>
<td></td>
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</tr>
<tr>
<td>F. Can this project be classified as anything <strong>other than</strong> a &quot;categorical exclusion&quot; (or state-equivalent) project?</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Certification
By my signature, I certify that I have completed a site visit or am familiar with the specifics of the project and that my answers to the questions above are, to the best of my knowledge, correct. I also understand that no further environmental analysis is required according to Appendix C of the North Carolina Programmatic Agreement for Minor Transportation Projects.

<table>
<thead>
<tr>
<th>Name (print)</th>
<th>Signature</th>
<th>Date</th>
</tr>
</thead>
</table>
ACTIVITIES EXEMPT FROM THE PROGRAMMATIC AGREEMENT

The activities in Appendix C are exempted from further review, provided the undertaking meets all of the following conditions:

- is limited to the activities specified;
- is not part of a larger undertaking;
- is not questioned by the owner of a historic property;
- has no known public controversy based on historic preservation issues; and
- is classified as a "categorical exclusion" (or state-equivalent) project.

EXEMPT ACTIVITIES

- Mowing, seeding/reseeding, and other ground cover maintenance activities;
- Installation or replacement/repair of fixed static signs, interconnection devices, surveillance cameras, closed circuit TV and other minor incident management devices, railroad warning devices, and improved rail crossing surfaces;
- In-kind replacement, reconstruction, or ordinary repair or modification of existing lighting, guardrails, modern fencing, traffic signals, curbs and gutters, sidewalks, and variable message signs;
- Activities that do not involve construction or ground disturbance, such as preliminary engineering, training, technical studies, non-invasive inspections, and educational programs;
- Overlay, milling, grooving, repairing (concrete or asphalt patching or slurry seal), striping, or resurfacing of existing ramp, roadway, and parking lot surfaces where there will be no new impacts outside an existing facility; rumble strips, loop detectors, pavement markings (normal and raised), and snow and ice detectors to the same;
- Activities within the existing disturbed median, including installation of new or replacement median barriers or guard rail;
- Modernization of an existing transportation facility by widening less than a travel lane or adding lanes, provided such widening does not extend beyond the limits of existing improved right-of-way (includes shoulder additions to roadways, bridge approaches, turn lanes within the existing improved facility);
- Correcting substandard roadway geometries and intersections (i.e., spot improvements), provided such corrections do not extend beyond the limits of existing improved right-of-way;
- Minor bridge rehabilitation, bridge rails, or substructure alterations where the work is confined to the bridge itself, and
  a. the bridge is no older than 45 years at the date of NCDOT's project review, or
  b. the bridge has been determined ineligible for the National Register of Historic Places;
- Minor safety-related drainage improvements, including but not limited to installation, replacement or removal of culverts and headwalls, installation, replacement, and extensions of pipes, and addition of pipe end sections;
- Routine cleaning, maintenance, and repair of existing drainage, stormwater management, and water quality facilities and devices, not including projects that seek to expand or extend such facilities;
- Replacement/relocation of existing underground utilities in kind and within existing footprint and replacement/relocation of existing utility poles between edge of existing improved right-of-way and road;
- Repair of erosion control and protection measures, including but not limited to slope stabilization, slide repair, rip rap, or retaining walls and new construction of such devices within existing improved right-of-way;
- Rehabilitation of existing at-grade railroad crossings and installation or upgrade of regulatory signs and railroad warning signs and devices, upgrade of advisory signs, and track and rail bed maintenance, provided there is no change in grade;
- Construction of bicycle and pedestrian lanes, paths, pedestrian signal heads, and facilities, and multi-use paths and facilities provided such construction does not extend beyond the limits of existing improved right-of-way;
- Construction of or improvements to rest areas, truck weigh stations, park and ride lots, and other transportation related maintenance, storage, and office facilities, where no new right-of-way is acquired;
- Landscaping on fill-slopes and back-slopes;
- Disposal of excess state-owned properties;
NO ARCHAEOLOGICAL SURVEY REQUIRED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

PROJECT INFORMATION

Project No:  
County:

WBS No:  
Document:

F.A. No:  
Funding:  □ State  □ Federal

Federal Permit Required?  □ Yes  □ No  Permit Type:  N/A

Project Description:

SUMMARY OF CULTURAL RESOURCES REVIEW

Brief description of review activities, results of review, and conclusions:

Brief Explanation of why the available information provides a reliable basis for reasonably predicting that there are no unidentified historic properties in the APE:

SUPPORT DOCUMENTATION

See attached:  □ Map(s)  □ Previous Survey Info  □ Photos  □ Correspondence

□ Photocopy of County Survey Notes  
□ Other:  □ Correspondence

FINDING BY NCDOT ARCHAEOLOGIST

NO ARCHAEOLOGY SURVEY REQUIRED

NCDOT ARCHAEOLOGIST II  
Date

"No ARCHAEOLOGY SURVEY REQUIRED" form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement

1 of 1
ARCHAEOLOGICAL SURVEY REQUIRED FORM
This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

PROJECT INFORMATION

Project No: County:
WBS No: Document:
F.A. No: Funding: ☐ State ☐ Federal

Federal Permit Required? ☐ Yes ☐ No Permit Type: N/A

Project Description:

SUMMARY OF ARCHAEOLOGICAL RESOURCES REVIEW: SURVEY REQUIRED

Brief description of review activities, results of review, and conclusions:

SUPPORT DOCUMENTATION

See attached: ☐ Map(s) ☐ Previous Survey Info ☐ Photos ☐ Correspondence
☐ Photocopy of County Survey Notes Other:

FINDING BY NCDOT ARCHAEOLOGLIST – SURVEY REQUIRED

NCDOT ARCHAEOLOGLIST Date

Proposed fieldwork completion date

"ARCHAEOLOGICAL SURVEY REQUIRED" form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.
NO NATIONAL REGISTER OF HISTORIC PLACES
ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES
PRESENT FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not
valid for Historic Architecture and Landscapes. You must consult separately with the
Historic Architecture and Landscapes Group.

PROJECT INFORMATION

Project No:  County:
WBS No:  Document:
F.A. No:  Funding:  □ State  □ Federal

Federal Permit Required?  □ Yes  □ No  Permit Type:  N/A

Project Description:

SUMMARY OF ARCHAEOLOGICAL FINDINGS

The North Carolina Department of Transportation (NCDOT) Archaeology Group reviewed the subject
project and determined:

☐ There are no National Register listed or eligible ARCHAEOLOGICAL SITES present
within the project’s area of potential effects. (Attach any notes or documents as needed)
☐ No subsurface archaeological investigations were required for this project.
☐ Subsurface investigations did not reveal the presence of any archaeological resources.
☐ Subsurface investigations did not reveal the presence of any archaeological resources
considered eligible for the National Register.
☐ All identified archaeological sites located within the APE have been considered and all
compliance for archaeological resources with Section 106 of the National Historic
Preservation Act and GS 121-12(a) has been completed for this project.

Brief description of review activities, results of review, and conclusions:

"NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT
form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement."
SUPPORT DOCUMENTATION

See attached: □ Map(s)  □ Previous Survey Info  □ Photos  □ Correspondence

Signed:

NCDOT ARCHAEOLOGIST

Date

"NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES PRESENT forms for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement."
NO NATIONAL REGISTER OF HISTORIC PLACES ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES AFFECTED FORM

This form only pertains to ARCHAEOLOGICAL RESOURCES for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

PROJECT INFORMATION

Project No:                      County:
WBS No:                        Document:
F.A. No:                     Funding:  □ State  □ Federal

Federal Permit Required?  □ Yes  □ No  Permit Type:  N/A

Project Description:

SUMMARY OF ARCHAEOLOGICAL FINDINGS

The North Carolina Department of Transportation (NCDOT) Archaeology Group reviewed the subject project and determined:

☐ There are National Register listed or eligible ARCHAEOLOGICAL SITES within the project’s area of potential effects.
☐ No subsurface archaeological investigations were required for this project.
☐ Subsurface investigations did not reveal the presence of any archaeological resources.
☐ Subsurface investigations revealed the presence of archaeological resources considered eligible for the National Register.
☐ All identified archaeological sites located within the APE have been considered and all compliance for archaeological resources with Section 106 of the National Historic Preservation Act and GS 121-12(a) has been completed for this project.
☐ There are no National Register Eligible or Listed ARCHAEOLOGICAL SITES affected by this project.  (Attach any notes or documents as needed)

Brief description of review activities, results of review, and conclusions:

"NO NATIONAL REGISTER ELIGIBLE OR LISTED ARCHAEOLOGICAL SITES OR AFFECTED form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement."

1 of 2
SUPPORT DOCUMENTATION
See attached: □ Map(s) □ Previous Survey Info □ Photos □ Correspondence
Signed:

NCDOT ARCHAEOLOGIST

Date

"NO NATIONAL REGISTER ELIGIBLE (OR LISTED) ARCHAEOLOGICAL SITES OR AFFECTED sites for Motor Transportation Projects as Qualified in the 2007 Programmatic Agreement."
ARCHAEOLOGICAL
ADVERSE EFFECT DETERMINATION FORM

This form only pertains to archaeological resources for this project. It is not valid for Historic Architecture and Landscapes. You must consult separately with the Historic Architecture and Landscapes Group.

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### PROJECT INFORMATION

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<td>Federal Permit(s):</td>
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**Project Description:**

---

### SUMMARY OF ARCHAEOLOGICAL REVIEW

*Description of review activities, results, and conclusions:*

---

### SUMMARY OF ADVERSELY EFFECTED ARCHAEOLOGICAL SITES

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<th>Archaeology site Number(s):</th>
<th>NRHP Criteria:</th>
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*Explanation of Adverse Effect:*

---

*Archaeology Group ADVERSE EFFECTS DETERMINATION form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.*
List of Environmental Commitments:

SUPPORT DOCUMENTATION

☐ Map(s)  ☐ Previous Survey Info.  ☐ Photos  ☐ Correspondence  ☐ Design Plans
HISTORIC ARCHITECTURE AND LANDSCAPES
NO SURVEY REQUIRED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

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Project Description:

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

Why the available information provides a reliable basis for reasonably predicting that there are no unidentified significant historic architectural or landscape resources in the project area:

SUPPORT DOCUMENTATION

- Map(s)
- Previous Survey Info.
- Photos
- Correspondence
- Design Plans
FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- NO SURVEY REQUIRED

__________________________________________________________
NCDOT Architectural Historian                                      Date
HISTORIC ARCHITECTURE AND LANDSCAPES
**SURVEY REQUIRED FORM**

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

**PROJECT INFORMATION**

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**Project Description:**

**SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW**

*Description of review activities, results, and conclusions:*

**SUPPORT DOCUMENTATION**

- [ ] Map(s)
- [ ] Previous Survey Info.
- [ ] Photos
- [ ] Correspondence
- [ ] Design Plans

---

*Historic Architecture and Landscapes SURVEY (REQUIRED) form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.*

Page 1 of 2
FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- **SURVEY REQUIRED**

---------------------------------------------

NCDOT Architectural Historian                Date

_Anticipated Fieldwork Completion Date:_

---

_Historic Architecture and Landscapes SURVEY REQUIRED form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement._

Page 2 of 2
HISTORIC ARCHITECTURE AND LANDSCAPES
**EFFECTS REQUIRED FORM**

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

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<td>Permit Type(s):</td>
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</table>

Project Description:

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

Description of review activities, results, and conclusions:

SUPPORT DOCUMENTATION

☐ Map(s) ☐ Previous Survey Info. ☐ Photos ☐ Correspondence ☐ Design Plans
FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes -- **EFFECTS REQUIRED**

NCDOT Architectural Historian

Date

Historic Architecture and Landscapes SURVEY REQUIRED form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.

Page 2 of 2
HISTORIC ARCHITECTURE AND LANDSCAPES
NO HISTORIC PROPERTIES PRESENT OR AFFECTED FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

PROJECT INFORMATION

<table>
<thead>
<tr>
<th>Project No:</th>
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<td>Funding: State Federal</td>
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<td>Federal Permit(s):</td>
<td>Permit Type(s):</td>
</tr>
</tbody>
</table>

Project Description:

SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

☐ There are no National Register-listed or Study Listed properties within the project's area of potential effects.
☐ There are no properties less than fifty years old which are considered to meet Criteria Consideration G within the project's area of potential effects.
☐ There are no properties within the project's area of potential effects.
☒ There are properties over fifty years old within the area of potential effects, but they do not meet the criteria for listing on the National Register.
☒ There are no historic properties present or affected by this project. (Attach any notes or documents as needed.)

Date of field visit:

Description of review activities, results, and conclusions:
SUPPORT DOCUMENTATION

☐ Map(s)  ☐ Previous Survey Info.  ☐ Photos  ☐ Correspondence  ☐ Design Plans

FINDING BY NCDOT ARCHITECTURAL HISTORIAN

Historic Architecture and Landscapes – NO HISTORIC PROPERTIES PRESENT OF AFFECTED

__________________________________________________________
NCDOT Architectural Historian                                      Date

Historic Architecture and Landscapes NO HISTORIC PROPERTIES PRESENT OR AFFECTED form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.
HISTORIC ARCHITECTURE AND LANDSCAPES
ASSESSMENT OF EFFECTS FORM

This form only pertains to Historic Architecture and Landscapes for this project. It is not valid for Archaeological Resources. You must consult separately with the Archaeology Group.

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</tbody>
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### SUMMARY OF HISTORIC ARCHITECTURE AND LANDSCAPES REVIEW

*Description of review activities, results, and conclusions:*

### ASSESSMENT OF EFFECTS

<table>
<thead>
<tr>
<th>Property Name:</th>
<th>Status:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Survey Site No.:</td>
<td>PIN:</td>
</tr>
<tr>
<td>Effects</td>
<td>No Effect □ No Adverse Effect □ Adverse Effect</td>
</tr>
</tbody>
</table>

*Historic Architecture and Landscapes EFFECTS ASSESSMENT form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.*

Page 1 of 2
Explanation of Effects Determination:

List of Environmental Commitments:

FHWA Intends to use the State Historic Preservation Office’s concurrence as a basis for a “de minimis” finding for the following properties, pursuant to Section 4(f):

SUPPORT DOCUMENTATION

☐ Map(s) ☐ Previous Survey Info. ☐ Photos ☐ Correspondence ☐ Design Plans

FINDING BY NCDOT AND STATE HISTORIC PRESERVATION OFFICE

Historic Architecture and Landscapes – ASSESSMENT OF EFFECTS

________________________________________
NCDOT Architectural Historian Date

________________________________________
State Historic Preservation Office Representative Date

________________________________________
Federal Agency Representative Date

Historic Architecture and Landscaper EFFECTS ASSESSMENT form for Minor Transportation Projects as Qualified in the 2007 Programmatic Agreement.

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Appendix D

Section 106 Federal Aid Highway PA (2000)
PROGRAMMATIC AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION,
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION,
AND THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION
FOR ADMINISTRATION OF THE FEDERAL AID HIGHWAY PROGRAM

WHEREAS, the Federal Highway Administration (FHWA) provides funding for various highway projects administered throughout the state of North Carolina by the North Carolina Department of Transportation (NCDOT) as authorized by 23 USC 771; and

WHEREAS, the Division Administrator, FHWA, is the "Agency Official" responsible for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 USC 470 et seq.) and its implementing regulations (36 CFR Part 800, as amended); and

WHEREAS, FHWA has determined that implementation of the federal aid highway program may have an effect upon properties included in or eligible for inclusion in the National Register of Historic Places, and has consulted with the North Carolina State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR § 800.14(b) of the regulations implementing Section 106 of the National Historic Preservation Act; and

WHEREAS, the NCDOT employs qualified professional staff and consultants capable of completing many of the steps of the Section 106 review process on behalf of FHWA, and has a considerable record of successful compliance with Section 106; and

WHEREAS, the NCDOT has participated in the consultation and has been invited to be a signatory in this Programmatic Agreement; and

WHEREAS, the definitions contained in 36 CFR § 800.16 are appropriate to define the terms used in this agreement;

NOW, THEREFORE, the FHWA, the SHPO, the Council, and the NCDOT agree that the program shall be implemented in accordance with the following stipulations in order to take into the account the effect of its individual undertakings on historic properties.
Stipulations

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

1. NCDOT, using staff and/or consultants meeting the Secretary of the Interior’s Professional Qualifications Standards (49 FR 44738-9), will independently perform the work and consultation described in specific sections of 36 CFR § 800.3 - 800.5 on behalf of FHWA as follows with the exception of conducting consultation with Indian tribes or Tribal Historic Preservation Officers (THPO):

   36 CFR § 800.3
   (1) Establish undertaking
   (2) Coordinate with other reviews
   (3) Identify the appropriate SHPO and/or THPO
   (5) Plan to involve the public
   (6) Identify other consulting parties
   (7) Expediting consultation

   36 CFR § 800.4
   (1) Determine scope of identification
   (2) Identify historic properties
   (3) Evaluate historic significance
   (4) Results of identification and evaluation

   36 CFR § 800.5
   (1) Apply criteria of adverse effect
   (2) Finding of no adverse effect
   (3) Consulting party review
   (4) Results of assessment

2. In recognition of the unique government-to-government relationship between the Federal government and Indian tribes, FHWA shall take the lead in identifying and establishing consultation with the appropriate THPO or Tribal representatives consistent with 36 CFR § 800.3 (c)-(f). If the tribe is agreeable, further consultation may be conducted among the tribe and NCDOT.

3. If consultation with the SHPO/THPO and other consulting parties results in agreement on a finding of "no adverse effect", NCDOT will prepare documentation in support of the finding as described in 36 CFR § 800.11(e) and forward it to the FHWA. FHWA concurrence in the finding will be sufficient to conclude Section 106 consultation without further review by the Council.

4. If consultation results in a finding of "adverse effect" or if no agreement can be reached, work required to conclude the Section 106 consultation process will be completed by the FHWA as described in 36 CFR § 800.6.
Written documentation will be prepared by NCDOT for use by the FHWA.

5. NCDOT will notify FHWA when a project falls beyond the routine Section 106 process as defined in 36 CFR § 800.3 - 800.6. Using information prepared by NCDOT, FHWA will then take appropriate actions to comply with special provisions of 36 CFR Part 800, especially as they apply to instances involving the protection of National Historic Landmarks (36 CFR § 800.10), post-review discoveries (36 CFR § 800.13), emergency situations (36 CFR § 800.12), and situations calling for program alternatives (36 CFR § 800.14).

ADMINISTRATIVE STIPULATIONS

6. This agreement applies to all projects that are administered through the NCDOT and funded or authorized by the FHWA.

7. It is the intent of the FHWA to become actively involved in the resolution of disagreements pertinent to findings eligibility and effects should they arise. Initially, FHWA will mediate between the NCDOT and SHPO to seek a solution. Disputes regarding eligibility of a property shall be resolved pursuant to 36 CFR § 800.4(c)(2). NCDOT and/or its consultants may prepare documentation in accordance with 36 CFR Part 63 for transmittal by the FHWA to the Keeper of the National Register for this purpose. In order to resolve questions of effect, NCDOT and/or its consultants will prepare documentation in accordance with the provisions of 36 CFR § 800.11(e) for transmittal by the FHWA to the Council for comment pursuant to 36 CFR § 800.6(c)(3).

8. All historic preservation work carried out pursuant to this agreement will be performed by or under the direct supervision of a person or persons meeting the Secretary of the Interior's Professional Qualifications Standards (48 FR 44738-9), for the disciplines required to complete the necessary work.

9. The FHWA, the SHPO, or the Council may monitor any activities carried out pursuant to this agreement, and the Council will review such activity if so requested. NCDOT will cooperate with the FHWA, the SHPO and the Council in carrying out these monitoring and review responsibilities.

10. Any party to this agreement may request that it be amended, whereupon the parties shall consult in accordance with 36 CFR § 800.14(b) to consider such an amendment.

11. Any party to this agreement may terminate it by providing thirty days written notice to the other parties, provided that the parties will consult during the period prior to the termination to seek agreements on amendments or other actions that would avoid termination. In the event of termination, the FHWA will comply with 36 CFR § 800.3 through 800.6 with respect to the individual undertakings covered in this agreement.

12. In the event the FHWA or NCDOT cannot carry out the terms of this agreement, the FHWA will comply with 36 CFR § 800.3 through 800.6.
Execution of this Programmatic Agreement by FHWA, NCSHPO, the Council, and the NCDOT and implementation of its terms by FHWA evidence that the FHWA has afforded the Council an opportunity to comment on the Federal Aid Highway Program for North Carolina and that FHWA has taken into account the effects of the program on historic properties.

FEDERAL HIGHWAY ADMINISTRATION

Nicholas L. Graf, Division Administrator

DATE: 2/14/00

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

Jeffrey G. Crew, State Historic Preservation Officer

DATE: 3/1/00

ADVISORY COUNCIL ON HISTORIC PRESERVATION

John M. Fowler, Executive Director

DATE: 3/2/00

NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

L. A. Sanderson, State Highway Administrator

DATE: 12/2/99