## **Using the Minor Projects Programmatic Agreement**



#### What does the Minor Projects PA Do?

- 1. Exempts a set of common INDOT projects from the normal Section 106 review process.
- 2. For projects that DO require a full Section 106 process, this PA delegates some authority to INDOT for tasks that FHWA previously implemented.

#### Minor Projects Are...

- 1) Activities in which INDOT routinely utilizes Federal Aid Highway Funds
- 2) Consist of Minor Projects that generally do not affect historic properties.

How does the PA streamline the Section 106 Process?



- 1. Less review time
- 2. Less documentation & paperwork
- 3. Information will be reviewed by ONE agency - INDOT-CRS

#### Minor Projects...

- 3) None of the Minor Projects listed in the PA require consultation with or review by the SHPO, provided the project:

  - is limited to the activities specified
     is not part of a larger project
     is on an existing transportation facility
     Occurs in soils previously disturbed by vertical and horizontal highway construction activities
  - Has no known public controversy based on historic preservation issues



#### Minor Projects: Categories

Minor projects fall into two (2) categories:

- CATEGORY A: Minor projects that do not require review by INDOT Cultural Resources Staff (CRS)
- <u>CATEGORY B</u>: Minor projects that <u>do</u> require documentation and review by INDOT-CRS to assess the likelihood that historic properties exist within the project area.



#### Application of the Minor Projects PA:

- If Category A of the PA applies to a project, then no further work needs to be produced for review under Section 106 by SHPO or FHWA.
- If Category B of the PA applies, then INDOT-CRS must be contacted to determine the type of documentation INDOT-CRS staff will require for review.
- Concerns about the application of the PA to a specific project, or any questions regarding the PA in general? INDOT-CRS should be consulted.

#### **B-6 Projects**

 Other minor actions if deemed appropriate for coverage under this PA, by consultation and mutual agreement between INDOT, FHWA, and the SHPO.

#### **Category B projects**

- Submit information to CRS:
  - Construction plans
  - Project area descriptions/data
     sheet
  - Project area photographs
  - Aerial photographs
  - Previous archaeological documentation







### **B-6 Projects**

- Send previously mentioned info to CRS
- CRS reviews & sends to SHPO & FHWA
- SHPO & FHWA must both agree to applicability

# Additional sources consulted at CRS for Category B Determinations:

- Interim Reports
- Soil Survey Data
- Bridge Inspection Reports
- Previous Archaeological Documentation
- Site Visit for B-7 projects

#### Some B-6 Project Examples

- BikePort installation
- Land acquisition
- Small structure (pipe) relocation 10' to the north of existing



#### **Adding Minor Projects**

- Minor project categories listed in "Appendices" to easily add others
- Several new categories have been added
- · We want ideas



#### Example: Category B-7 Analysis

Unusual Feature: "stepped" sidewalk

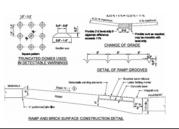




Requires full Section 106 B-7 DOES NOT apply

## Added Categories--Revised B-7

 Resurfacing projects through historic districts or near individual historic properties when sidewalk curb ramp replacement will be completed.



#### Example: Category B-7 Analysis

• Unusual Feature: limestone curbs





Requires full Section 106 B-7 DOES NOT apply

## **B-7 Projects**

- The Cultural Resources staff historian, or other qualified professional historian, shall survey the project area for any unusual features.
- If CRS is requested to make the site visit, send general project information (maps, description of work) to CRS
- CRS will make site visit (within 2 months of receipt of info)
- CRS will fill out B-7 form if applicable
- CRS will recommend full Section 106 if applicable
- Consider splitting projects to avoid Section 106 on long rural stretches

#### Example: Category B-7 Analysis

Concrete curb ramps in a historic district will be replaced



No Unusual Features Present B-7 DOES apply

## Added Categories--B-10

Slide and slope corrections, and similar erosion control measures, in undisturbed soils.

- Can't be near NRHP eligible or listed property
- Some archaeology work will be needed

#### **Category B Projects**

- CRS review within 2 weeks of receipt (B-6, B-7 = 2 months, if site visit by CRS)
- CRS sends back determination form
- If PA applies, no further work needed
- If PA does not apply, full Section 106 will ensue

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## Added Categories--B-11

- Scour protection projects for bridges that are eligible for listing in or listed in the National Register of Historic Places
- Gabion walls or other retaining devices is not allowable
- If ground excavation-the project must take place in previously disturbed soils.



#### Remember...





- Not an exemption from National Environmental Policy Act (NEPA)
- NEPA documentation must list PA applicability

## Added Categories--B-12

- Replacement, widening, or elevation of the superstructure on existing bridges under the conditions listed below:
- The project takes place in previously disturbed soils.
- Can't be near NRHP eligible or listed property
- The bridge is less than 45 years old
- -- OR -
- If the bridge is over 45 years old, the bridge was determined not National Register eligible in the historic latest bridge inventory.

#### Monitoring



- Monitoring of 3 INDOT Districts per year by FHWA & INDOT
- If project does not meet the PA requirements, normal Section 106 requirements must be fulfilled

## INDOT/FHWA Best Practices for Minor Projects PA Projects:

- Cultural Resources Manual, Appendix S
- CATEGORY B projects--provide clear aerial and ground-level project photographs



- No submittal to SHPO
- Questions? Contact INDOT-CRS



## Minor Projects PA

• The Minor Project PA is available in the <u>Cultural Resources Manual</u> and is posted

at: http://www.in.gov/indot/7287.htm



#### For More Information:

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