

Chapter 456 Cultural Resources

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456.01 Cultural Resources Overview

WSDOT projects and activities may impact cultural resources and are therefore subject to state and federal regulations that regulate cultural resources and how they are treated. These regulations apply to all WSDOT activities, modes and divisions, not just highways. It is WSDOT policy to avoid adverse impacts to cultural resources in planning, constructing, operating, or maintaining the state's transportation system, and to minimize or mitigate project impacts if it is not practical to avoid them.

The term *cultural resources* refers to all sites, buildings, structures, districts, and objects that represent human manipulation of the environment. Archaeological sites are defined in Washington State as a feature or concentration of two or more artifacts. This includes surface, buried or underwater sites containing precontact or historic-era resources. Historic sites consist of buildings, highways, roads, bridges and vessels, and Traditional Cultural Properties - places of significance to a group of people for over 50 years.

Project funding, permitting, and/or location will determine the regulatory context; Governor's Executive Order [05-05](#) or Section 106 of the National Historic Preservation act. Both State and Federal regulations follow the same general process; (1) identify cultural resources within the project area, (2) identify and consult with state, federal, and tribal partners, and the public, (3) determine project impacts, and (4) develop strategies to avoid, minimize or mitigate impacts to cultural resources. Regardless of the regulatory context, WSDOT policy requires that all projects operate under an Inadvertent Discovery Plan (or Unanticipated Discovery Plan (UDP)). Inadvertent Discovery Plans (IDP or UDP) are project specific and developed by a WSDOT CRS to address the unanticipated discovery and treatment of cultural resources if encountered during project activities, and outlines the notification process with appropriate federal, state and tribal partners.

456.02 Section 106 Review and Compliance: FHWA/FTA

Federally funded projects or permitted activities, or projects that occur on federal (including Indian/tribal) land are subject to review under Section 106 of the National Historic Preservation Act (implementing regulations [36 CFR 800](#), see below). Projects reviewed under Section 106 are not required to undergo a separate State level review for compliance with Governor's Executive Order 05-05. The majority of WSDOT projects have a federal nexus and trigger Section 106 review from required permits (i.e. US Army Corps of Engineers permits) and approvals, or funding source (e.g., federal-aid highway funds).

Section 106 is a federal responsibility, and while federal agencies can delegate authority for certain steps in the process to WSDOT, they are ultimately responsible for compliance. Be aware that different federal agencies have different schedules and processes for complying with Section 106, and these may have schedule impacts for project planning.

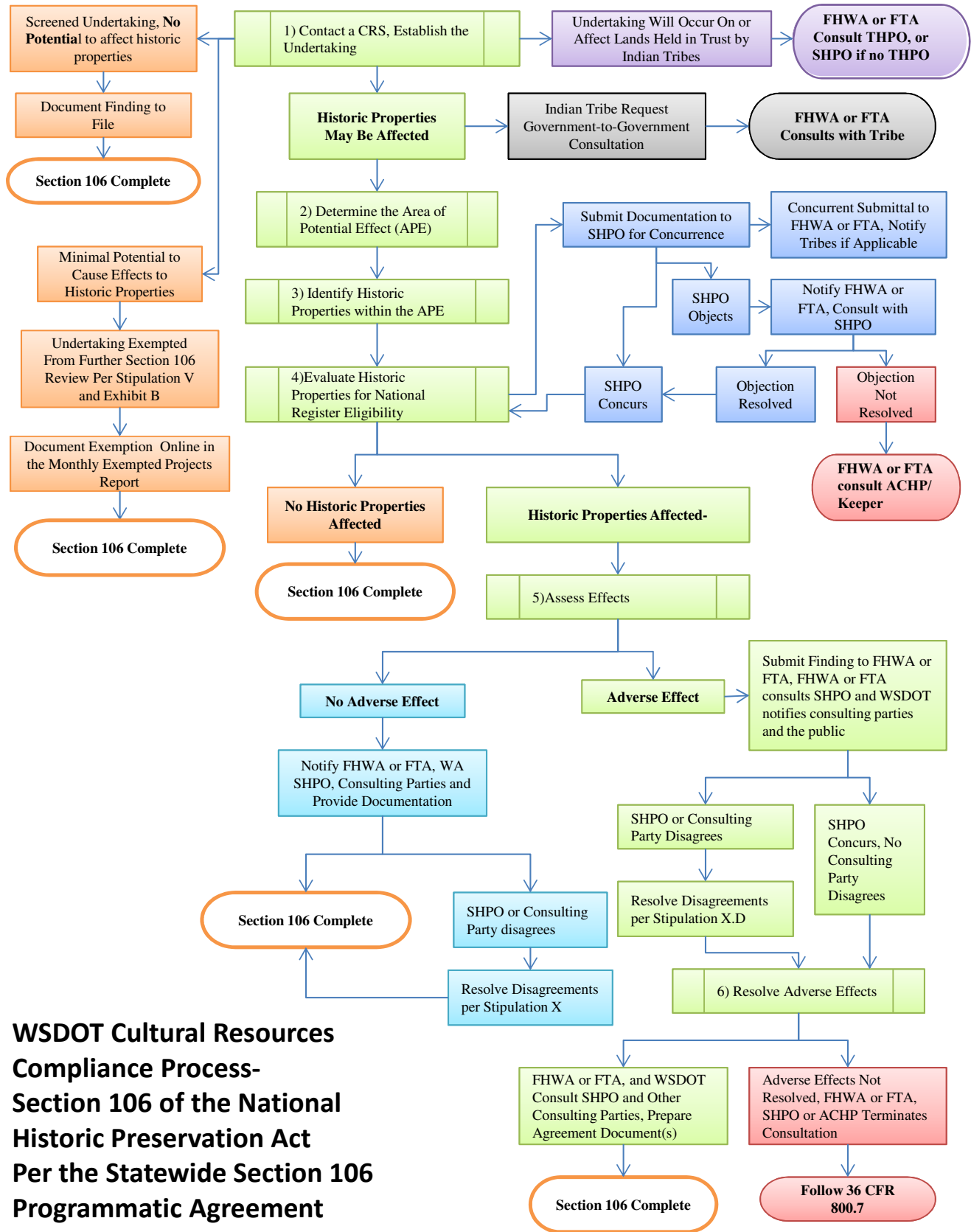
A few points to consider for projects that undergo Section 106 review:

- a. Documentation of compliance with the National Environmental Policy Act (NEPA) may also be required. Keep in mind, **projects that are categorical exclusions under NEPA are not exempt from Section 106.**
- b. State and locally sponsored transportation projects administered by WSDOT on behalf of programs of the US DOT (FAA, FRA, FTA, FHWA, etc.) must also comply with Section 4(f) of the Transportation Act (see [Chapter 457](#)).
- c. Projects that involve FHWA or FTA use the Section 106 alternative procedures outlined in the Statewide Programmatic Agreement.
- d. Other Federal Agencies may adopt the Section 106 alternative procedures to fulfill their obligations under Section 106 per Stipulation I, Section H of the Statewide Programmatic Agreement.
- e. The 2018 Section 106 Program Comment for Rail ROW issued by FRA exempt certain rail-related activities from Section 106 review that may apply to projects administered by WSDOT.

Section 106 compliance begins with notifying a CRS of the project, including scope and schedule. Under the Statewide Programmatic Agreement, a WSDOT CRS may exempt certain undertakings presumed to have minimal or no potential to effect cultural resources from Section 106 review. If the activity cannot be exempted, the Federal agency, or WSDOT on behalf of the Federal agency, will initiate consultation with SHPO/THPO, Tribes and other consulting parties. For FHWA or FTA projects, the CRS will follow the Section 106 alternative process defined in the Statewide Programmatic Agreement and illustrated in Exhibit 400-1. The CRS will work with the project office to define the Area of Potential Effects (APE), identify consulting parties, and initiate consultation for the proposed undertaking.

Projects funded, permitted or approved through other Federal agencies will follow a similar review process, or may adopt the Section 106 alternative procedures per Stipulation I, Section H of the Statewide Programmatic Agreement to fulfill their obligations under Section 106. Section 106 review of federal rail and aviation projects administered by WSDOT are not managed through programmatic agreements with FRA or FAA. However, certain rail-related activities administered by WSDOT may be exempted from review per the 2018 Section 106 Program Comment for Rail ROW. US Army Corps permitted activities (i.e., §10 or 404 permits) are subject to Section 106 review. A Memorandum for Record (MFR) issued by the Seattle District Corps of Engineers delegates certain tasks to WSDOT for Section 106 compliance.

Exhibit 456-1 Section 106 Review Process (400-1) per the Statewide Programmatic Agreement



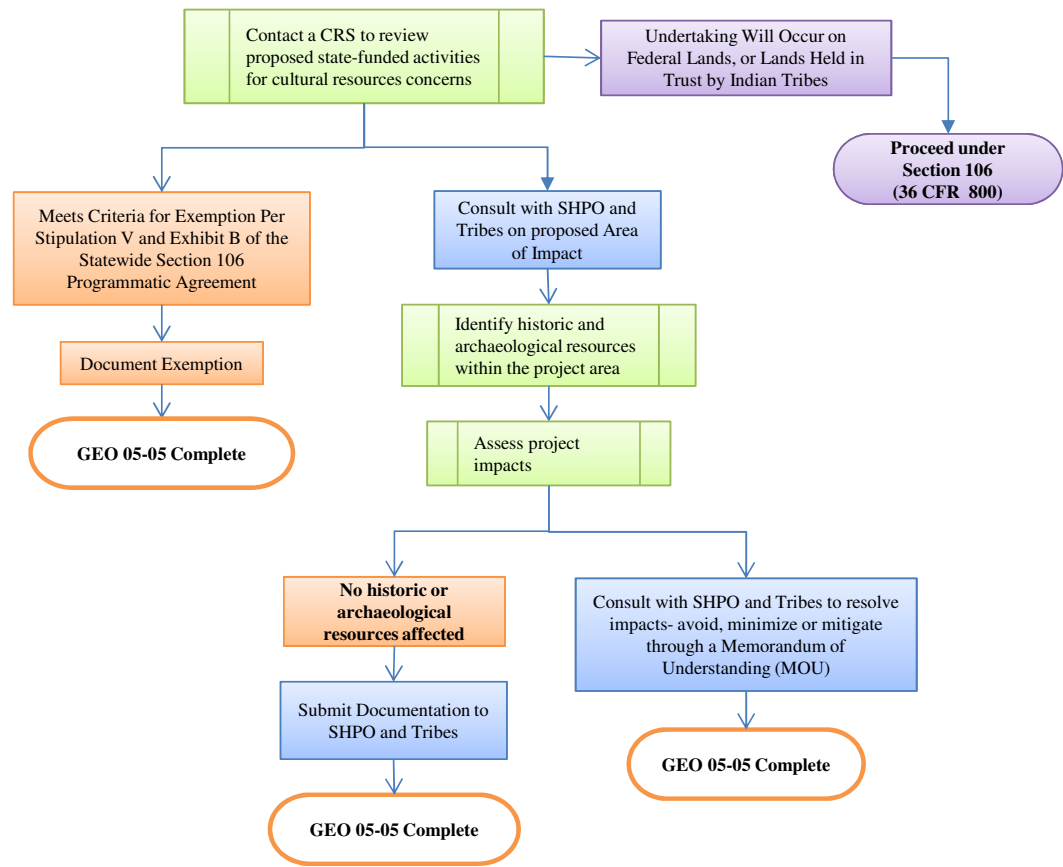
**WSDOT Cultural Resources
Compliance Process-
Section 106 of the National
Historic Preservation Act
Per the Statewide Section 106
Programmatic Agreement**

456.03 Governor’s Executive Order 05-05 Review and Compliance

State funded projects, with no Federal nexus, are subject to review and compliance with Governor’s Executive Order (GEO) 05-05, and requirements under SEPA and state archaeological statutes (RCW 27.34, RCW 27.44, and RCW 27.53) and their implementing regulations (WAC 25-48).

Certain projects with minimal or no potential to effect cultural resources may be exempted from GEO 05-05 review per provisions of the Statewide Programmatic Agreement, as agreed upon by DAHP. A WSDOT CRS will determine if the project meets the criteria for exemption. If the activity cannot be exempted, the CRS will work with the project office to determine the area of impact and initiate consultation with DAHP and interested tribes. The consultation process is ongoing until project impacts are determined and an approach to avoid, minimize, or mitigate any impacts is developed and formalized through a Memorandum of Understanding (MOU). Exhibit 400-2 illustrates the GEO 05-05 review and compliance process for WSDOT projects.

Exhibit 456-2 Governor’s Executive Order 05-05 Process (400-2)



RCW 27.53 Archaeological Sites and Resources Protection Act protects archaeological resources from disturbance without a permit obtained from DAHP, regardless of land ownership. This includes all precontact archaeological resources, and historic sites eligible for listing on the National Register of Historic Places.

WSDOT Cultural Resources Compliance Process- Governor's Executive Order (GEO) 05-05

456.04 Highway Maintenance Activities

Highway maintenance activities are not subject to review under GEO 05-05 or Section 106 unless these activities occur on federal or tribal lands, or require federal permits and approvals. The WSDOT Maintenance Program Cultural Resources Checklist provides a mechanism to review maintenance work for potential impacts to cultural resources. In the case of maintenance activities that occur on tribal reservations, or federal lands, WSDOT must comply with provisions of Maintenance agreements with the tribes or federal land-owning agencies (USFS, NPS, BLM, BIA, USFWS, etc.). Certain maintenance activities may also be exempted by a CRS per stipulations of the Statewide Programmatic Agreement, if agreed to by the land-owning federal agency (see Stipulation I).

456.05 Historic Bridges and Highways

The Historic Bridge Program, codified under Title 23, Section 144(g)- National bridge and tunnel inventory and inspection standards requires WSDOT to inventory and evaluate historic highway bridges for listing on the National Register of Historic Places. A comprehensive list of National Register eligible and listed highway bridges in Washington is published online. The [NRHP Washington State Historic Highway Bridges](#) list is updated as structures are evaluated for NRHP eligibility, or removed from the state highway system (replaced and demolished, or moved).

A prescribed list of activities presumed to have minimal or no potential to affect NRHP eligible or listed highway bridges can be exempted from Section 106 and GEO 05-05 review (as agreed upon by DAHP) per stipulations of the Statewide Programmatic Agreement. A CRS will determine if a bridge project meets criteria for exemption. If the activity cannot be exempted, a CRS will begin Section 106 or GEO 05-05 consultation for the proposed project. The [WSDOT Cultural Resources Compliance Guidance for Historic Bridge Projects](#) (pdf 113 kb) provides a step-by-step guide to the Section 106 and Section 4(f) review process for highway bridges, as illustrated in Exhibit 400-3.

456.05(1) Interstate Highway Bridges

The 2005 Section 106 Exemption Regarding Effects to the Interstate Highway System by the Advisory Council of Historic Preservation (ACHP) excludes the majority of Interstate Highway Features from consideration as a historic property under Section 106 of the National Historic Preservation Act (NHPA). FHWA maintains a list (by state) of [Nationally and Exceptionally Significant Features of the Federal Interstate Highway System](#) not subject to the ACHP's Exemption. This list includes interstate highway bridges and segments of highway containing bridges determined by the Federal Highway Administration (FHWA) to be of exceptional national significance in Washington State.

456.05(2) Post 1945 Concrete and Steel Bridges

The [Program Comment for Common Post-1945 Concrete and Steel Bridges](#) issued by the ACHP in 2012 eliminates the historic review requirements under Section 106 of the NHPA for common (mass produced) post-1945 concrete and steel bridges and culverts. The intent of the Program Comment is to streamline the review process for those structures lacking distinction; have not previously been listed or determined eligible for listing on the National Register; and are not located in or adjacent to historic districts. A list of exceptions to the Program Comment ([Bridge Program Comment Excepted Bridges List](#)), identified by state, include common post-1945 concrete and steel bridges and culverts of exceptional quality that remain subject to Section 106 review.

456.05(3) Historic Bridge Sales and Donations

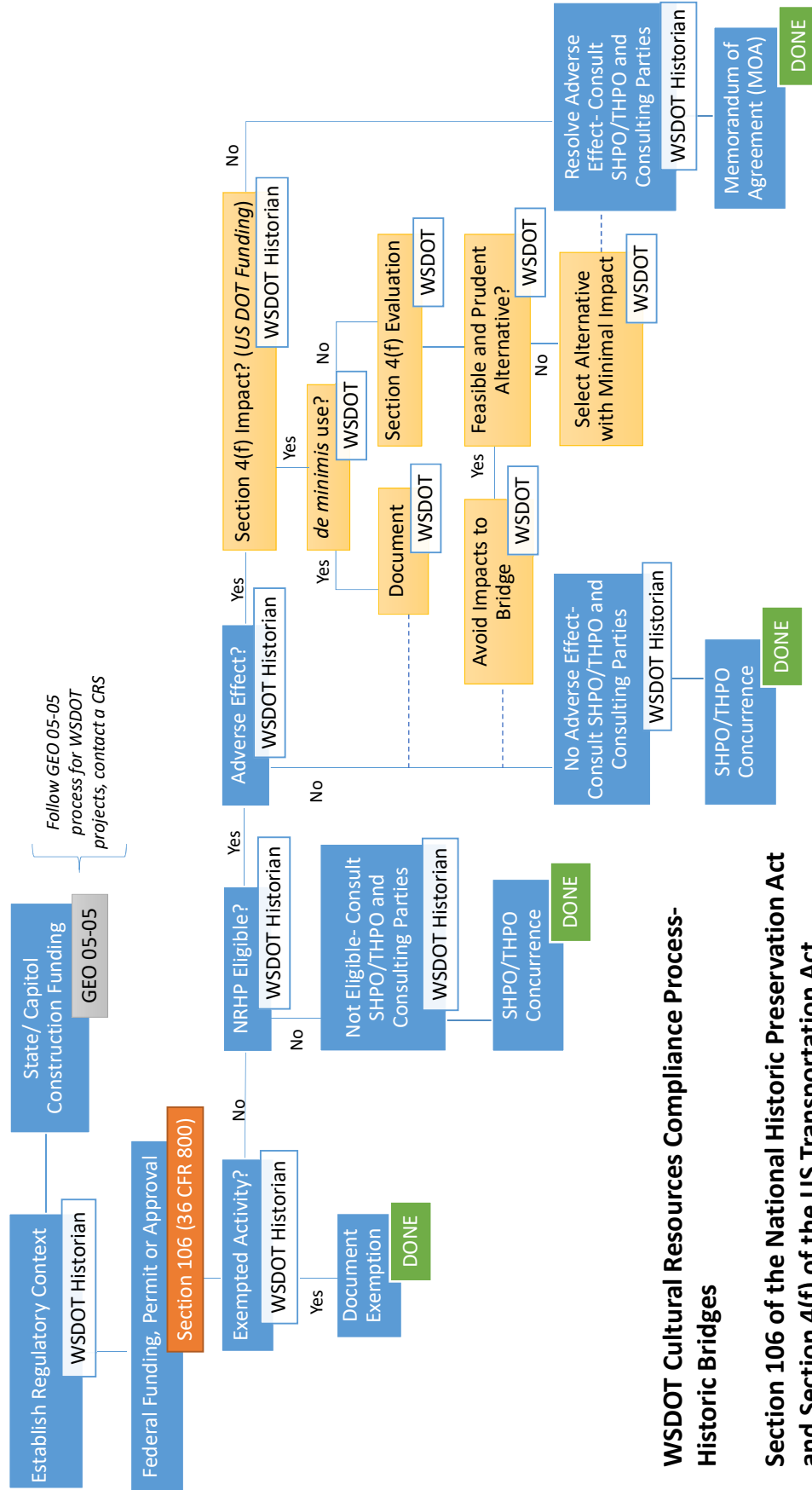
Stipulations of the Historic Bridge Program (23 U.S.C. 144(g)(5)) requires WSDOT to provide an opportunity for the adoption or reuse of historic highway bridges proposed for demolition as part of a replacement project. Proposals are welcome from the public and must demonstrate the recipient can successfully (a) relocate or preserve the bridge in place, and (b) maintain its historic character.

For more information about acquiring a historic bridge through sale or donation, please visit our [Bridges for sale or donation](#) webpage at <http://www.wsdot.wa.gov/bridge/bridges-sale-or-donation>.

456.05(4) Historic Highways

WSDOT recognizes the historical significance of roads and highways in Washington State and considers project impacts to roadways at least 50 years of age and deemed significant according to the National Register criteria. The evaluation methods developed by WSDOT and described in the [Guidelines for Identifying and Evaluating the Historic Significance of Washington State Highways](#) focus on engineered features. This approach takes into consideration the original alignment, road prism and site distance that reflect the historic character of a roadway. WSDOT maintains an [inventory of historic highway segments](#) that have been evaluated for listing on the NRHP. These roads are representative of early twentieth century highway engineering and design, and provide the experience of traveling on a truly historic roadway.

Exhibit 456-2 Historic Bridge Flowchart (400-3)



456.06 Curation Policy- Artifact Collection and Disposition

All artifacts, field notes, maps, photographs and other records generated or recovered during an archaeological investigation make up an archaeological collection. WSDOT policy regarding the preparation, disposition and curation of artifacts and records recovered during archaeological investigations meets the requirements of Federal ([36 CFR 800](#)) and State regulations ([RCW 27.53](#)).

456.06(1) *Factors in Determining a Curation Facility*

Land ownership and regulatory context (Section 106 or GEO [05-05](#)) determine the treatment and curation of archaeological collections. Curation of artifacts is determined by the land owner (or land owning agency), however, any documents and photographs associated with a collection must be housed at a curation facility. WSDOT has a standing agreement with the Burke Museum at the University of Washington to curate archaeological collections generated from transportation projects. However, project specific agreements, such as a Memorandum of Agreement (MOA) or a Programmatic Agreement (PA) may identify an alternative or preferred curation facility for archaeological collections. The selected repository (tribal, federal or state facilities) must comply with federal standards ([36 CFR 79](#)).

Additional factors that can influence the treatment and housing of artifacts include the age (precontact or historic-era) and volume of the collection. Where prior archaeological investigations at a site resulted in the curation of artifacts, consistency in the disposition of archaeological collections resulting from current investigations should be considered.

456.06(2) *Disposition of Archaeological Artifacts and Records*

WSDOT is responsible for the curation of artifacts and records produced as the result of archaeological investigations for federal or state-funded transportation projects. Artifacts recovered as a result of archaeological investigations and excavations are property of the land owner. The decision to curate artifacts at a repository remains with the land owner (or land owning agency). Archaeological collections recovered from State or Federal property will not be permanently stored at an agency or consultant office but must be curated at a repository that meets federal standards (per [36 CFR 79](#)). The WSDOT project office, with the aid of a CRS, is responsible to address curation of archaeological collections in contracts with cultural resource consultants.

- a. **Collections From State Property** – Archaeological collections recovered from WSDOT ROW and other State lands will be curated at the University of Washington’s Burke Museum (per the terms of Participation Agreement GCA-6616), unless otherwise negotiated as a specific mitigation measure.
- b. **Collections From Federal Land** – Archaeological collections recovered from federal lands is the property and responsibility of that federal agency unless an existing programmatic agreement with the federal agency has been established outlining specific curation requirements. WSDOT will submit the collection to the federal agency or their designated repository for curation.

- c. **Collections From Tribal Land** – The decision to curate archaeological collections recovered from tribal land remain with the tribe. Many tribes in Washington (and in neighboring states) have curation facilities, whereas others have developed relationships with non-tribal facilities, such as the Burke Museum.
- d. **Collections from Private Property** – Artifacts encountered on private land are property of the land owner. A WSDOT CRS will discuss treatment of archaeological collections with the landowner in the event artifacts are encountered as a result of archaeological investigations and/or project activities. The landowner may choose to keep or donate the artifacts to a curation facility. The landowner must document their intent to donate or complete a deed of gift agreement with a repository that allows for legal transfer and title to the artifacts. Records, photographs, field notes and any other documentation produced by WSDOT or its consultants as a result of the archaeological study are not property of the landowner, but must be curated at the Burke Museum or other facility as negotiated with consulting parties.
- e. **Collected under an MOA or PA** – An MOA or PA developed for large or complex projects to address cultural resources will often stipulate terms for the curation of artifacts including a designated repository to house the archaeological collections.

456.06(3) Submitting Collections to the Selected Curation Facility

WSDOT, or its consultants will prepare archaeological collections for curation based on requirements of the identified repository. WSDOT will submit the collection to the curation facility upon completion of the project. Archaeological collections shall not remain in the custody of WSDOT or its consultants indefinitely.

- a. **Facility-Specific Curation Guidelines** – WSDOT, or its consultant will adhere to the curation guidelines and requirement for preparation of incoming collections specific to the identified repository. If the selected facility does not have any specific guidelines, the collection shall be prepared based on the WSDOT curation guidelines that are consistent with federal standards ([36 CFR 79](#)).
- b. **Documentation Accompanying the Collection** – WSDOT or its consultant must provide a packing inventory list that includes the contents of each box, and a collections transmittal form provided by the repository. A deed of gift or similar document to transfer title of the collection to the repository shall be prepared to accompany the collection.
- c. **Payment of Curation Fees** – Curation fees (to include preparation, transmittal and one-time or ongoing fees) will be paid out of the project funding. Archaeological collections generated as a result of a WSDOT project are the responsibility of the agency to curate and the associated costs must be included in project budgets.

456.06(4) Educational Displays, Exhibits and Publications

Exhibits, displays, and publications such as books, online resources, and video documentaries can serve as an acceptable form of mitigation for impacts to cultural resources for a project, if agreed upon by consulting parties. WSDOT will encourage the repositories that hold collections generated from transportation projects to exhibit or display those collections as the repository deems appropriate and in consultation with the affected Tribes.

456.06(5) Public Information Centers

WSDOT projects that will have long-term adverse effects on a community or neighborhood may consider development of a stand-alone facility as an appropriate mitigation measure, in consultation with consulting parties. Information centers are designed to share project specific information regarding cultural resource impacts with the affected community.

456.07 Cultural Resources Regulatory Guidance

WSDOT policy is to avoid project impacts to cultural resources, and if they cannot be avoided, then to minimize or mitigate those impacts. The regulatory context (and scope of work) will ultimately determine how WSDOT will address impacts to cultural resources. Provided is a list, and brief overview of Federal and State regulations pertaining to the treatment of cultural resources that may apply to WSDOT projects.

456.07(1) Federal Regulations

- **National Historic Preservation Act, Section 106** – Implementing regulations codified in [36 CFR 800](#).
- **National Environmental Policy Act** – The National Environmental Policy Act (NEPA), 42 USC Section 4321, requires that all major actions sponsored, funded, permitted, or approved by federal agencies undergo planning to ensure that environmental considerations including impacts on historic and cultural resources are given due weight in decision-making. Federal implementing regulations are at [23 CFR 771](#) (FHWA) and [40 CFR 1500-1508](#) (CEQ). For details on NEPA procedures (see [Chapter 400](#)).
- **Department of Transportation Act, Section 4(f)** – Protection of certain public lands and National Register eligible or listed historic properties was originally mandated in Section 4(f) of the 1966 Department of Transportation Act. This section was later codified without substantive changes as 49 USC 303. However, it is still referred to as Section 4(f) in the FHWA/FTA regulations dealing with Section 4(f) properties, including Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites ([23 CFR 771](#) and [774](#)) (see [Chapter 457](#) and [Chapter 459](#) for further details). See [23 USC 144\(n\)](#), regarding the Historic Bridge Program.
- **Archaeological Resources Protection Act** – The Archaeological Resources Protection Act of 1979 (ARPA) ([43 CFR 7.6-7.11](#)) applies to archaeological resources on tribal lands and lands under federal jurisdiction. WSDOT consultants must apply for and obtain an ARPA permit when such resources could be impacted by a project.

- **Curation of Federally Owned and Administered Archaeological Collections** – The U.S. Department of the Interior has set minimum standards for the curation of federally owned archaeological collections in [36 CFR 79](#), and these standards are followed by Washington State for collections from public lands. Artifacts recovered from private lands remain in private ownership until or unless agreement is made with the owner(s) for public curation.
- **Section 106 exemption regarding Effects to the Interstate Highway System** – This exemption effectively excludes the majority of the 46,700-mile Interstate System from consideration as a historic property under Section 106 of the National Historic Preservation Act (NHPA). In addition the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, Public Law 109-59, Aug. 10, 2005) includes a provision (Section 6007) that exempts the bulk of the Interstate Highway System from consideration as a resource under Section 4(f) of the Department of Transportation Act unless on federal or Indian land or is affected by a USACOE permit. With these two exemptions in place, federal agencies are no longer required to consider the vast majority of the Interstate Highway System as historic property under Section 106 and Section 4(f) requirements. Excluded from these respective exemptions are elements of the Interstate System that are exceptional in some way or meet a national level of significance under the criteria for the National Register of Historic Places. The [Final List of Nationally and Exceptionally Significant Features of the Federal Interstate Highway System](#) identifies those elements that are not covered by the exemptions discussed above and will therefore continue to be subject to consideration under the Section 106 and Section 4(f) processes.
- **Related Federal Statutes** – Additional federal statutes relating to historic, cultural, and archaeological resources:
 - [American Indian Religious Freedom Act \(1978\)](#)
 - [Antiquities Act of 1906](#)
 - [Archaeological and Historic Preservation Act \(1974\)](#)
 - [Native American Graves Protection and Repatriation Act \(1990\)](#)

456.07(2) State Regulations

- **Archaeological Sites and Resources (RCW 27.53)** – Protects archaeological resources, making disturbance of known archaeological sites without a permit obtained from DAHP a misdemeanor. Information on Archaeological Excavation and Removal Permits may be obtained from the WSDOT [DAHP](#) webpage.
- **State Environmental Policy Act** – Requires that all major actions sponsored, funded, permitted, or approved by state and/or local agencies undergo planning to ensure environmental considerations such as impacts on historic and cultural resources are given due weight in decision-making. State implementing regulations are in [WAC 197-11](#) and [WAC 468-12](#) (WSDOT). For details on SEPA procedures (see [Chapter 400](#)).
- **Governor’s Executive Order 05-05** – [Executive Order 05-05 Archaeological and Cultural Resources](#).

- **Abandoned and Historic Cemeteries Act (RCW 68.60)** – Protects graves and historic cemeteries, making disturbance of such sites, without a permit, a Class C felony.
- **Indian Graves and Records Act (RCW 27.44)** – Protects Indian graves, cairns, and visual records such as rock art, making disturbance of such sites without a permit a Class C felony.
- **Archaeology and Historic Preservation – Legislative Declaration (RCW 27.34.200)** - The legislature declares it to be the public policy and in the public interest of the state to designate, preserve, protect, enhance, and perpetuate those structures, sites, districts, buildings, and objects which reflect outstanding elements of the state’s historic, archaeological, architectural, or cultural heritage, for the inspiration and enrichment of the citizens of the state.

456.08 Acronyms and Abbreviations

ACHP	Advisory Council on Historic Preservation (federal)
BLM	Bureau of Land Management, U.S. Department of the Interior
Corps or COE	US Army Corps of Engineers
CRS	Cultural Resources Specialist
DAHP	Department of Archaeology and Historic Preservation
FHWA	Federal Highway Administration
FRA	Federal Railroad Administration
FTA	Federal Transit Administration
GOIA	Governor’s Office of Indian Affairs
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
SHPO	State Historic Preservation Officer
TCP	Traditional Cultural Property
THPO	Tribal Historic Preservation Officer

456.09 Glossary

Adverse Effect – Occurs when an effect on an historic property diminishes the integrity of the property’s aspects of integrity (see below). See also Determination of Effect (Criteria of adverse Effect: [36 CFR 800.9\(b\)](#)).

Advisory Council on Historic Preservation – An independent federal agency, established under the NHPA, which: (1) advises the President and Congress on matters of historic preservation; (2) carries out Section 106 reviews; and (3) provides technical assistance in historic preservation actions.

Affect (Verb) – Action that may change the character of an historic property.

Area of Potential Effect (APE) – The geographic area or areas which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The APE is three dimensional including auditory, visual and ground disturbing activities. The APE is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking. The APE should be defined before historic properties are identified and not on land ownership ([36 CFR 800.2\(c\)](#)).

Building – A construction created to shelter any form of human activity, including animal husbandry.

Centennial Accord – The [Centennial Accord Plan](#) was created in accordance with the 1989 Centennial Accord and the 1999 Centennial Accord Implementation Guidelines. The Centennial Accord mandated that each state agency must have a procedure to implement effective government-to-government relations.

Consulting Party – In the Section 106 process, consulting parties include the State Historic Preservation Officer (SHPO), Indian Tribes, representatives of local governments, applicants for federal assistance or approvals, and organizations and individuals with legal or economic relation to the undertaking, or who have concerns with the undertaking's effect on historic properties.

Criteria for Evaluation (National Register Eligibility Criteria) – Standards used for determining the eligibility of properties for inclusion in the National Register of Historic Places ([36 CFR 60.4\(a-d\)](#)). See *National Register Bulletin 15*, pp. 11-24.

Cultural Resource – A place, object, location or site of an event that is important to a community or region's history, traditions, beliefs, customs, or social institutions.

Cultural Resource Specialist (CRS) – A WSDOT employee meeting the Secretary of the Interior's Professional Qualification Standards (per [36 CFR 61](#)) who advises department staff on policies relating to items of historic/archaeology significance that may be affected by a project and who conducts regulatory compliance procedures.

Cultural Resources Management – The body of laws and regulations pertaining to historic, archaeological, and cultural properties, and the manner in which those directives are implemented.

Department of Archaeology and Historic Preservation (DAHP) – This agency houses the Washington State Historic Preservation Officer (SHPO) who serves as SHPO and director of the agency. SHPO locations in state governments are unique to each state.

Determination of Effect – A finding, by a federal agency in consultation with SHPO and consulting parties, pursuant to compliance with Section 106 (see definition) that a proposed undertaking will have an effect on historic properties. If an effect is identified, the Criteria of Adverse Effect is applied to determine potential Adverse Effect (see definition). Other possibilities are determinations of No Effect and No Adverse Effect.

Determination of Eligibility – Per Section 106 of the NHPA, formal recognition of a property's eligibility for inclusion, but not actual listing, in the National Register of Historic Places. Determinations of Eligibility may be prepared on National Register Registration Forms (NPS 10-900).

District – A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. May be an archaeological or historic district, or may contain elements of both.

Effect – Occurs when an undertaking may alter characteristics that qualify a property for inclusion in the National Register (Criteria of Effect: [36 CFR 800.9\(a\)](#)).

Eligible – A property is eligible for inclusion in the National Register of Historic Places if it meets the National Register Criteria (see Criteria for Evaluation).

Historic Preservation – Identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities relating to historic properties.

Historic Property – A property or cultural resource that is listed in or eligible for listing in the National Register of Historic Places, and, under SEPA, in state and local historic registers, including eligible properties that have not yet been discovered or evaluated (such as archaeological sites). Historic properties may be buildings or other structures, objects, sites, districts, archaeological resources, and traditional cultural properties (landscapes).

Historic Site (Section 4(f)) – Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that are included in, or are eligible for inclusions in, the National Register.

Memorandum of Agreement (MOA) – A formalization of the means of resolving adverse effects agreed upon by the consulting parties, serving to specify mitigation, identify responsibility, render Advisory Council on Historic Preservation comment, and acknowledge effects of the undertaking on historic properties. See also Programmatic Agreement (PA).

Mitigation Measures – Actions required to mitigate adverse effects to historic properties. Usually stipulated in an MOA/PA.

National Register of Historic Places – The nation's official listing of properties significant in national, state and/or local history, meeting one or more criteria for evaluation ([36 CFR 60.4](#)). Listing is commemorative, but may require compliance by property owners with federal/state/local laws and regulations. May also provide private property owners with opportunities to take advantage of preservation incentives, such as easements and tax relief.

Nomination – Official request to have a property listed in the National Register. Documentation is placed on a National Register of Historic Places Registration Form (NPS 10-900) and submitted to the CLG (if appropriate), the SHPO, and the Keeper of the National Register (see definitions). See *National Register Bulletin 16A*.

Object – A construction primarily artistic in nature or relatively small in scale.

Programmatic Agreement (PA) – A formal, legally binding agreement typically for a large or complex project or types of undertakings developed under Section 106 that would otherwise require a number of individual actions (i.e., when effects cannot be fully determined prior to project approval). The agreement is between WSDOT and other state and/or federal agencies. Management Plans (see definition) are often stipulated in PAs (36 CFR 800.13(a)).

There are two basic kinds of programmatic agreements:

- A PA that describes the actions that will be taken by the parties in order to meet their Section 106 compliance responsibilities for a specific transportation project, called here a project-specific PA.
- A PA that establishes a process through which the parties will meet their Section 106 responsibilities for an agency program, a category of projects, or a particular type of resource, called here a procedural PA.

Site – The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

State Historic Preservation Officer (SHPO) – Coordinates cultural resource preservation activities in each state; one SHPO per state, usually appointed by the governor. SHPO is charged with reflecting the interests of the state and its citizens in preserving their cultural heritage, which involves a variety of responsibilities (36 CFR 61.4(b)). In Washington State, the SHPO is a governor appointed position housed in the Department of Archaeology and Historic Preservation (DAHP), which reviews projects for compliance with Section 106 of the National Historic Preservation Act.

Structure – Functional constructions made usually for purposes other than creating shelter.

Traditional Cultural Property – A place eligible for inclusion in the National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are (a) rooted in that community's history, and (b) important in maintaining the cultural identity of the community. The concept is based upon the introductory section of the National Historic Preservation Act, which states that "the historical and cultural foundations of the Nation should be preserved as a living part of our community life in order to give a sense of orientation to the American people."

Tribal Historic Preservation Officer (THPO) – Authorized by the 1992 Amendments to the National Historic Preservation Act. When approved by NPS, THPO replaces SHPO in compliance process on "tribal" lands (Section 101(d)(2)).

Undertaking – Any activity that can result in changes in the character or use of historic properties. The activity must be under the direct or indirect jurisdiction of a federal agency or licensed or assisted by a federal agency (36 CFR 800.2(o)).