

## **LPA Project Process Checklist for Addressing Adverse Effects under Section 106 and “use” under Section 4(f):**

- As a result of initial consultation (submittal of project to SHPO and other consulting parties) SHPO notifies LPA of their concurrence that the projects will have an adverse effect upon a historic property (usually a bridge), and copies MoDOT and FHWA Missouri Division on that notification. (MoDOT will ensure that the NEPA document has not been approved; if it has and didn't specify impacts to historic properties then a reevaluation will need to be completed prior to any federal authorization requests.)
- LPA completes the e106 form for notifying the Advisory Council on Historic Preservation (Council) of the adverse effect and inviting them to participate in consultation (the process called “Council notification”). LPA forwards the e106 form to MoDOT for review. Once the form is complete, MoDOT will forward the form to FHWA to send to the Council. Council has 15 days to respond.

The Council only participates in consultation when certain criteria (see EPG 136.4.1.2 Step 2c) are met. While waiting for the Council to respond, the LPA can proceed with the following steps, with the understanding that if the Council does choose to participate, they will have to be redone:

- The LPA works with SHPO and MoDOT Historic Preservation and any consulting parties to identify appropriate mitigation measures, including documentation level and appropriate bridge advertising methodology.
  - The LPA drafts the MOA and revises e106 form as necessary to reflect consultation, and sends to MoDOT Historic Preservation for review and comment.
  - The LPA will also need to prepare an alternatives analysis for use in the preparation of the Section 4(f) evaluation this should also be sent to MoDOT for review and comment.
  - When draft MOA and revised e106 form are satisfactory, MoDOT will notify the LPA, consultant and SHPO that MOA is satisfactory.
- When Council responds to notification, FHWA/SHPO will notify MoDOT.
  - MoDOT will notify LPA/consultant/SHPO that it is okay to execute the MOA, or that additional consultation including the Council is necessary.
  - LPA signs the MOA (general rule: prepare and sign as many copies of the MOA as there are signatories) and sends it to SHPO, copies FHWA and MoDOT on transmittal letter.

- SHPO signs MOA and sends to FHWA, copies LPA and MoDOT on letter.
- FHWA signs MOA and forwards executed MOA to Council, copies MoDOT, SHPO and LPA/consultant on transmittal e-mail.
- MoDOT prepares Programmatic 4(f) evaluation, using information supplied by the LPA.
- MoDOT sends Programmatic 4(f) evaluation to FHWA/copies LPA.
- FHWA approves Programmatic 4(f) evaluation/responds to MoDOT & LPA.
- LPA completes the stipulations of the MOA. Archival photography must be completed and mitigation photo selection concurred with by SHPO, before any construction activities begin.
- LPA sends historical documentation to MoDOT for review and comment. MoDOT will provide comments on the document to the LPA and will copy the SHPO.
- LPA revises documentation based on the MoDOT comments and submits to SHPO.
- SHPO sends LPA letter indicating that the documentation is adequate and that the stipulations of the MOA have been fulfilled. This letter indicates acceptance of the mitigation by the SHPO.
- Once Mitigation (photographic and historic documentation) is accepted by SHPO the LPA sends a copy to the local repository (as specified in the MOA) and sends an electronic copy to MoDOT for inclusion in the online library.

Cultural Resources processes (Section 106 and Section 4(f)) are completed, unless the scope of the project changes, or the footprint changes, warranting reevaluation or additional analysis.