

National Historic Preservation Act Section 106 Compliance

Regulatory Program Workshop

Erin E. Hess

Cultural Resource Specialist

National Historic Preservation Act Compliance

Regulatory Division, Sacramento District

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US Army Corps of Engineers
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Discussion Topics

- Important Things to Remember
- Getting Creative with Mitigation
- New Initiatives



Heiner Townsite
Carbon County, Utah



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Gathering Information

- Investigations
 - ▶ Information provided will be examined
 - ▶ Corps will conduct, or cause to be conducted, further investigations as necessary
 - Applicant will be required to conduct investigation (usually by third party contract) at their expense in most cases
 - ▶ **The identification of previously unidentified cultural resources is strictly limited to the permit area, but the Corps must also consider potential effects to known historic properties outside the permit area**
- Additional information needed
 - ▶ Include the vertical extent of ground disturbance
 - ▶ Include professional qualifications
 - ▶ Include plans for phased development, if applicable



Section 101 of the National Historic Preservation Act of 1966, as amended (now located at 54 U.S.C. 302706)

- (a) IN GENERAL.—Property of **traditional religious and cultural importance** to an Indian tribe or Native Hawaiian organization may be determined to be **eligible** for inclusion on the National Register.
- (b) CONSULTATION.—In carrying out its responsibilities under **section 306108** of this title, **a Federal agency shall consult with any Indian tribe** or Native Hawaiian organization **that attaches religious and cultural significance to property described in subsection (a).**



New(er) Concepts on Resource Types



Domingo Springs, Lassen National Forest, CA
“Center of the universe” for the Mountain Maidu.



Yampa harvesting on Deadman Creek, near Inyo Craters, California.

These resources are generally documented as sites, buildings, structures, objects, or districts.



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Tribal Consultation



Important points to remember:

- Federally-recognized Tribes are sovereign nations
- Consultations may take longer due to schedule of internal Tribal discussion
- Many Tribes have been relocated from their traditional homeland



If you don't ask, how will you know?



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Mitigation Examples



Historic Photograph of Heiner, Utah, ca. 1923.
(Courtesy, Western Mining and Railroad Museum Collection)



Historic Photograph of Martin Perrero's Winning Garden in 1929.
(Courtesy, Western Mining and Railroad Museum Collection)

Utah Professional Archaeological Council 2017 Winter Meeting



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Mitigation Examples

- Visualizations of past environments in various media platforms
- Land purchase/donation to conserving organizations
- Reestablishing or replanting native vegetation
- Use of conservation easements with allowed access privileges
- Funding cultural programs or events



New Initiatives

- Adding Regulatory (and our Section 408 Program) to other Agency's PAs
- Regulatory Program Statewide Programmatic Agreement development
 - ▶ Public Notice coming soon



Morgan Mill Road River Access, Carson City, Nevada



Questions?



Building restoration, Victory Ranch, near Kamas, UT



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Thanks!



Erin E. Hess
Cultural Resources Specialist
NHPA Compliance
Regulatory Division
Sacramento District
U.S. Army Corps of Engineers
1325 J Street, Room 1350
Sacramento, California 95814
(916) 557-6740
erin.e.hess@usace.army.mil



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