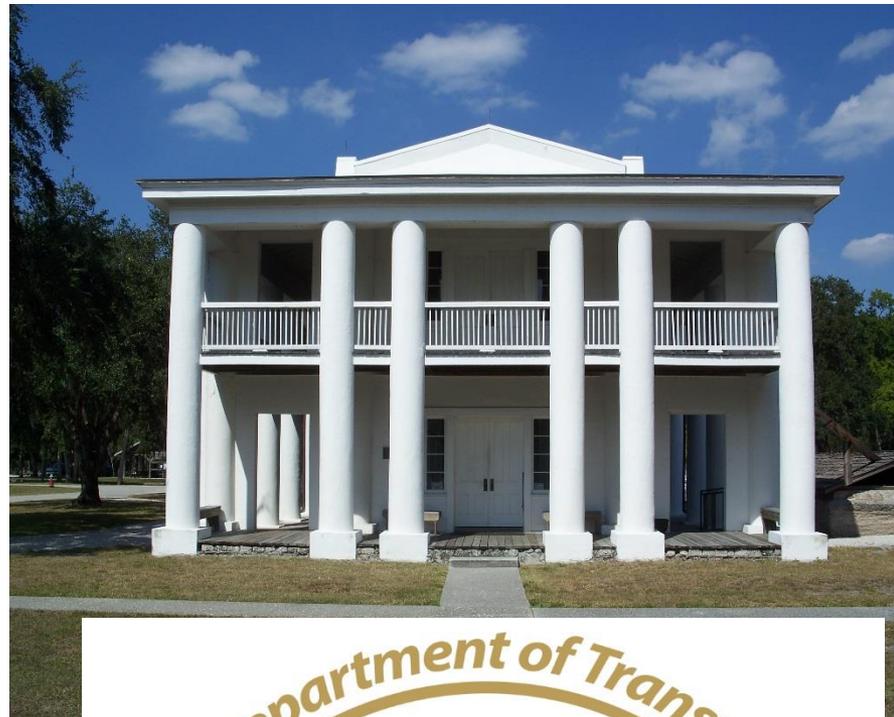


Public and Cultural Resources

Project Development and Environment Training

Presented by:
Roy Jackson
October 2015



“A Noble Experiment”

President Herbert Hoover on Prohibition, Feb 1928

We are going to deal with Sections 106 and 4(f) at the same time (for some of this)

- Section 4(f)

- Section 106

- Chapter 267, F.S.



NEPA COA ≠ Section 4(f) or Section 106 Finding

A 4(f) “Use” May Impact the Class of Action

Effects to Historic Properties May Impact the Class of Action



FOR SCREENED PROJECTS:

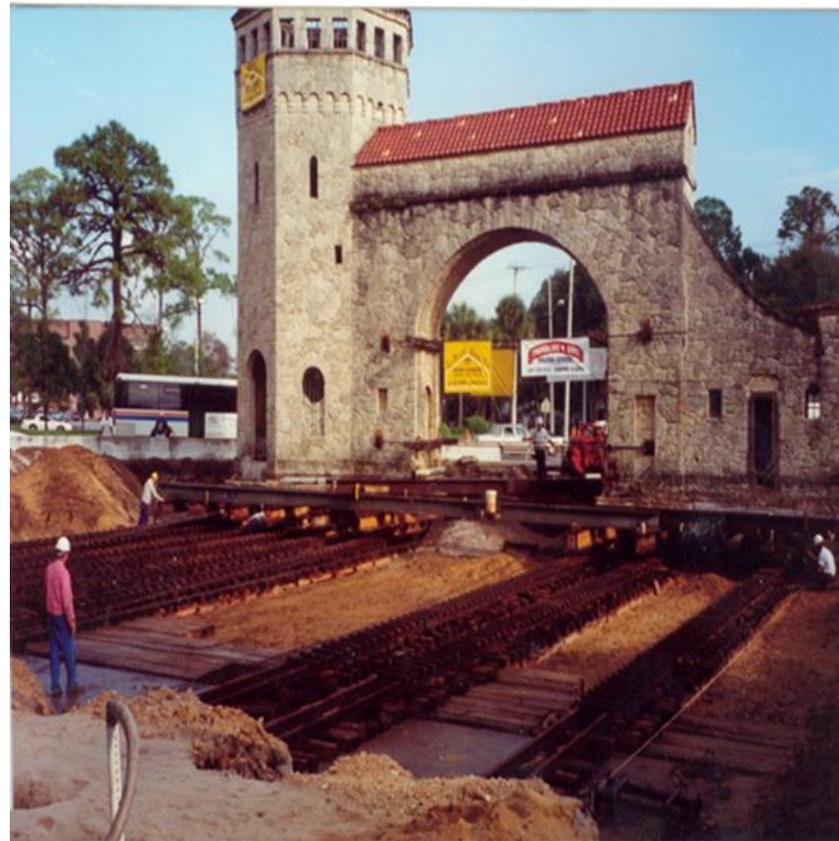
Use ETAT Comments from screening events

Respond to the comments –

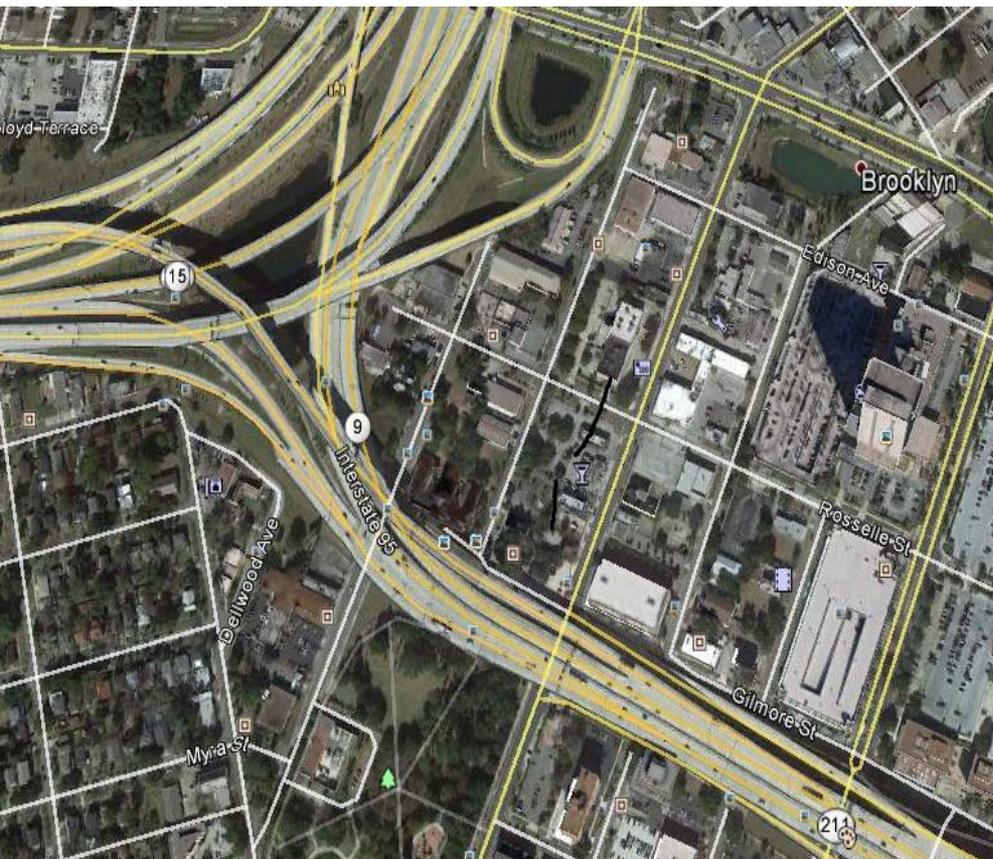
A project shift later on may alter the relationship between the project and the resource!

Do a department review of the data. Use CRM consultant as appropriate.

Field review the project to get an “at ground” perspective



FOR PROJECTS NOT SCREENED



- ◆ Pay Careful Attention to Proposed Action!
- ◆ Use CRM Specialists to review the GIS Data
- ◆ Look at the data yourself
- ◆ Field visit the project if there appears there could be protected properties

IDENTIFY POTENTIAL INVOLVEMENTS

- ◆ Conduct CRM Survey and Assessment
- ◆ Determine Potential 4(f) Involvements
- ◆ If Significant Historic Properties Exist, then determine Effects/Adverse Effects
- ◆ If potential or known 4(f) properties exist, determine if the project will “use” them



DEALING WITH INVOLVEMENTS

Section 4(f)

- ◆ No Use = dunn
- ◆ Use = Need Approvals
 - de minimis
 - Programmatic
 - Individual
 - Draft
 - Final

Section 106

- ◆ No Properties = dunn
- ◆ Significant Properties?
 - No Effect = finished
 - No Adverse Effects = finished*
 - Adverse Effects = further consultation and an MOA
- ◆ For 267 Only Projects, No MOA as such, and No Council Copy

KEYS TO DELIVERY

- ◆ Caution in Scoping
- ◆ Coordination in Identifications and Implications
- ◆ Relative Flexibility in Preliminary Design
- ◆ Attention to Design Changes
- ◆ Commitment in Construction

THOROUGH

E I E V A L U A T I O N S



Citizens to Preserve Overton Park v. Volpe, 1971

Late Discoveries, Late Designations

- ◆ Section 106/36 CFR Part 800, nor Chapter 267

Have a single provision eliminating the need for Section 106 Compliance when a property or an impact is discovered even after Construction!

106 Coordination must be re-opened.

- ◆ Section 4(f)/ 23 CFR Part 774

Releases the requirement for a Section 4(f) approval for the use of land from all 4(f) properties, except archaeological sites, once the Right of Way for that property has been purchased.

If a significant Archaeological Site is discovered after ROW, then an expedited approval must occur

AGAIN, I AM :



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FDOT CRM Handbook:

<http://www.dot.state.fl.us/emo/pubs/cultmgmt/cultmgmt1.shtm>

FDOT Historic Bridges Inventory:

[http://www.dot.state.fl.us/emo/pubs/Historic FL Bridges1.shtm](http://www.dot.state.fl.us/emo/pubs/Historic_FL_Bridges1.shtm)

Questions?

