

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.

- LPA works with MoDOT Historic Preservation (MoDOT HP) to identify consulting parties and invite them to participate in consultation (if this step has not already occurred)

- 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 sends the e106 form to MoDOT for review. Once the form is complete, MoDOT will forward the form to FHWA to send to the Council. Per our partnering agreement, FHWA has four weeks to send to the Council, and the 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.

 - MoDOT will send the LPA a copy of the current MOA template to use to draft the MOA. This template is to be used for FHWA funded projects in Missouri and contains guidance on what needs to be edited and what needs to be included in the attachments.

 - The LPA edits the MOA, in track changes mode, and attachments, and sends to MoDOT Historic Preservation for review and comment.
- The LPA will also need to prepare a Bridge Programmatic Section 4(f) evaluation, using the Missouri form, this should also be sent to MoDOT for review and comment.

 - When draft MOA and attachments are satisfactory, MoDOT will notify the LPA and their consultant that the MOA is ready to circulate for comment to SHPO, FHWA and any consulting parties.

 - When Council responds to notification, FHWA/SHPO will notify MoDOT.

 - Comments on the MOA and attachments will be addressed, in track changes mode. If necessary, a comment resolution meeting will be arranged to discuss issues. Once the terms and wording of the MOA are satisfactory, the MOA goes through legal sufficiency review at

DNR. FHWA must be notified that this is happening.

- Once the legal sufficiency review is complete, and any comments arising from it are addressed, the MOA is ready to execute.
- 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.

The date on the MOA serves as the “Section 106 clearance” date. Mitigation measures like the resource photography and photo selection consultation, generally must be complete prior to the release of federal funds. Only once the remaining mitigation measures are complete are Section 106 obligations complete.

Once the MOA has been executed, the Bridge Programmatic Section 4(f) can be approved by FHWA.

- MoDOT sends Bridge Programmatic 4(f) evaluation, prepared by LPA, to FHWA and copies the 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.
- LPA revises documentation based on the MoDOT comments. Once MoDOT accepts the documentation, LPA will be directed to submit to the 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.