South Carolina Department of Transportation

Section 106
Cultural Resources Manual

Version 1: Draft

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Preface

This Section 106 Cultural Resources Manual (Cultural Resources Manual) describes the details of the implementation of the Programmatic Agreement (PA) executed on October 6, 2017 between the Federal Highway Administration (FHWA); the U.S. Army Corps of Engineers, Charleston District (USACE); the South Carolina State Historic Preservation Officer (SHPO); the Advisory Council on Historic Preservation (ACHP); and the South Carolina Department of Transportation (SCDOT). While the PA sets the framework for how Section 106 compliance and consultation activities will be conducted between the signatories, the Cultural Resources Manual provides the practical application of the PA that is needed to advance SCDOT's transportation improvement program.

This manual establishes the standard SCDOT procedures used to maintain compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (as well as other Federal and State historic preservation requirements), in accordance with the requirements of the following parties:

- FHWA, South Carolina Division
- SCDOT
- SHPO
- South Carolina Institute of Archaeology and Anthropology (SCIAA)
- ACHP

This manual is intended to assist both SCDOT staff and consultants with the Section 106 review process and provide detailed guidance on survey methodology and reporting expectations. If you have never completed a cultural resources project for SCDOT before, coordinating with SCDOT cultural resources staff about survey methodology and reporting expectations is encouraged in addition to review of this manual.

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Abbreviations

ACHP – Advisory Council on Historic Preservation

ADE – Area of Direct Effect

AOE – Assessment of Effects

APE – Area of Potential Effect

ARPA – Archaeological Resources Protection Act

ESO – Environmental Services Office

FHWA – Federal Highway Administration

MOA – Memorandum of Agreement

NAGPRA – Native American Graves Protection and Repatriation Act

NEPA – National Environmental Policy Act

NRHP – National Register of Historic Places

NHPA – National Historic Preservation Act

OSA – Office of State Archaeologist

PA – Programmatic Agreement

ROW – Right-of-Way

SCDAH – South Carolina Department of Archives and History

SCDOT – South Carolina Department of Transportation

SCIAA – South Carolina Institute of Archaeology and Anthropology

SHPO – State Historic Preservation Officer

SOI – Secretary of the Interior

Standards and Guidelines – South Carolina Standards and Guidelines for Archaeological Excavations (2024)

Survey Manual – Survey Manual South Carolina Statewide Survey of Historic Properties (2018)

Tribes – Federally recognized Indian tribes

THPO – Tribal Historic Preservation Officer

USACE – United States Army Corps of Engineers

1. Overview of Section 106 and the Programmatic Agreement

1.1 Purpose of Section 106

Section 106 of the National Historic Preservation Act (NHPA) of 1966 requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those undertakings.

The Section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation between agency officials and other parties interested in the effects of the undertaking on historic properties. The goal of consultation is to identify historic properties that have the potential to be affected by an undertaking, assess the effects of the undertaking on identified historic properties, and identify ways to avoid, minimize harm, or mitigate any adverse effects on historic properties.

Section 106 of the NHPA, as well as related federal and state preservation regulations, are required to be followed for transportation projects that are funded in whole or in part with federal funds, require a federal permit, or involve major federal actions or decisions. The South Carolina Department of Transportation (SCDOT) Section 106 Cultural Resources Manual has been prepared to provide guidance for conducting cultural resources surveys and preparing documentation to meet these requirements.

Per the NHPA "historic property" means any prehistoric or historic district, site building, structure, or object included on, or eligible for inclusion on the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property. Throughout the manual you will see the use of similar terms, like cultural resource, archaeological resource, above ground resource, or historic architectural resource. These are intended to refer to all sites or properties recorded and evaluated during the identification of historic properties step of the Section 106 process. Cultural resources may or may not be considered historic properties depending on their determination of eligibility.

1.2 Summary of the Programmatic Agreement

Under a Programmatic Agreement (PA), executed on October 6, 2017, portions of the decision-making authority for Federal-aid Highway Program (Program) Section 106 consultation has been transferred from the FHWA's South Carolina Division to the SCDOT. Through this agreement, FHWA authorizes SCDOT to initiate and, in most cases, conclude consultation with the South Carolina State Historic Preservation Officer (SHPO) and other consulting parties for purposes of compliance with Section 106 of NHPA.

The PA also allows the United States Army Corps of Engineers (USACE) to accept SCDOT's Section 106 consultation when processing a permit application for undertakings where FHWA is the lead federal agency. However, the USACE is still responsible for Section 106 compliance for undertakings where FHWA is not the lead federal agency (ex. State funded transportation projects that require a USACE permit). **The abbreviated forms outlined in the PA cannot be used when FHWA is not the lead federal agency.**

Signatories on the PA include FHWA, the USACE Charleston District, the SCDOT, the South Carolina SHPO, and the ACHP. A copy of the PA is provided in Appendix A.

1.2.1 Project Categories

The PA establishes three categories of projects (Type I, II, and III Projects) that are defined by the level of ground disturbance involved. Ground disturbance is defined as any work or activity that results in a disturbance of the earth, including excavating, digging, trenching, augering, backfilling, clearing, and grading. These three project types require different levels of review and consultation with SHPO.

- **Type I Projects**
    - Undertakings which typically involve minor amounts of ground disturbance.
    - Examples include pavement resurfacing (with shoulder and ditch work); installation of fencing, walls, signs, pavement markings, traffic signals, small passenger shelters and railroad warning devices installation of rumble strips; and landscaping.
- **Type II Projects**
    - Undertakings which typically involve a limited amount of ground disturbance adjacent to areas previously disturbed by road construction.
    - Examples include bridge replacements on alignment, construction of bicycle/pedestrian paths, and intersection improvement projects that involve the construction of turn lanes and/or realignment of roads.

- **Type III Projects**

    - Undertakings which typically involve a moderate to large amount of ground disturbance.

    - Examples include road widening and new road alignments.

1.2.2 Levels of Review for Project Categories

The PA defines different review procedures for each project type, outlining how SCDOT cultural resources staff will evaluate each undertaking for potential effects to historic properties. The PA also defines the level of survey and reporting required for each project type.

- **Type I Projects**:

    - At minimum evaluation will consist of a review of ArchSite and modern-day aerial photography. Field investigations will be conducted at the discretion of SCDOT's cultural resource staff.

    - For projects with less than 5 survey-eligible above ground resources that are determined to be not eligible for the NRHP, a cultural resources screening form may be used.

    - For projects with greater than 5 survey-eligible above ground resources that are determined to be not eligible for the NRHP, SCDOT will consult with SHPO to determine the level of report documentation required (screening form, internal memorandum, short form report).

- **Type II Projects**:

    - At minimum evaluation will consist of a review of ArchSite, SCDOT's bridge database, and an on-site field visit. Field investigations, such as shovel testing and probing, will be conducted at the discretion of SCDOT's cultural resource staff.

    - For projects with less than 5 survey-eligible above ground resources that are determined to be not eligible for the NRHP, a cultural resources screening form may be used.

    - For projects with greater than 5 survey-eligible above ground resources that are determined to be not eligible for the NRHP, SCDOT will consult with SHPO to determine the level of reporting

required (screening form, internal memorandum, short form report).

- **Type III Projects**:
    - SCDOT will be responsible for completing Section 106 compliance as described in 36 CFR part 800.

1.2.3 Cultural Resources Project Screening Form

The SCDOT Cultural Resources Project Screening Form is a fillable one-page form housed within a Microsoft Access database. The Screening Form was developed to satisfy documentation requirements for Type I and Type II projects under the PA. For Type I and Type II projects that have no effect on historic properties, the completion of the Screening Form with supporting documentation (ex. ArchSite map or survey map) provides evidence of FHWA's and SCDOT's compliance with Section 106.

Subsequent consultation between SCDOT and SHPO provided further guidance on projects where the Screening Form can be used. Survey findings are documented in Screening Form when they record 5 or fewer non-eligible historic architectural resources. The documentation of survey findings when 5 or more non-eligible historic architectural resources of similar type (ex. 7 ranch houses) are recorded may be permitted with SHPO consultation. The use of the screening is generally limited to projects where no historic properties are affected. However, the screening form can be used for certain projects that result in no adverse effect to historic properties, following consultation with SHPO.

The use of the Screening Form does not exempt SCDOT from consulting with SHPO on the eligibility of recorded historic architectural resources.

This form can only be completed by SCDOT cultural resources staff. However, SCDOT cultural resources staff may convert a consultant written Short Form Report to a Screening Form if it meets the Screening Form requirements.

The Screening Form Report does not need to be sent to SHPO for formal review and concurrence on project effects.

Completed screening forms and associated project deliverables will be sent to SHPO and THPOs on a quarterly basis.

1.2.4 Cultural Resources Short Form Report

The SCDOT Cultural Resources Short Form Report is an abbreviated report template used for Phase I cultural resources surveys. A copy of the short form template is provided in Appendix B.

The use of the Short Form Report by SCDOT consultants and subconsultants will be restricted to projects where ten or fewer archaeological and/or historic architectural sites are identified and a finding of "no historic properties are affected" or "no adverse effect to historic properties" is made. The Short Form Report generally cannot be used when historic properties are identified within the APE and the SCDOT determines that the project may have an adverse effect.

However, the Short Form Report may be used on projects involving adverse effects to eligible bridges, provided that no other historic architectural or archaeological resources may be adversely affected in the APE. These reports will include a section that describes the historic context of any eligible or listed bridges within the project's APE.

Consultant written Short Form Reports that record five or fewer non-eligible historic architectural resources may be converted to a Screening Form following SHPO consultation on the eligibility of recorded resources.

Short Form Reports are sent out for formal SHPO and THPO review and concurrence on project effects.

1.2.5 Monitoring and Reporting

SCDOT shall prepare a written report annually on a calendar year basis detailing a summary of the actions taken under the agreement, including the number of each project type that was reviewed during the calendar year and a list of findings and determinations. The report will also describe accomplishments and successes achieved over the course of the year as well as suggestions for improvements. SCDOT shall submit the annual report to FHWA, USACE, SHPO, and ACHP no later than March 31st each year.

1.3 Professional Qualification Standards

The PA requires that all Section 106 implementation actions prescribed by the Agreement shall be carried out by or under the direct supervision of a person or persons who meets the Secretary of the Interior's (SOI) Professional Qualification Standards (published in Code of Federal Regulations, 36 CFR part 61).

The SOI's Professional Qualification Standards define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:

1. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;

2. At least four months of supervised field and analytic experience in general North American archaeology, and

3. Demonstrated ability to carry research to completion.

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field with coursework in American architectural history or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

All cultural resources work conducted by SCDOT cultural resources staff, consultants, and subconsultants must be supervised by someone who meets these professional qualification standards.

1.4 Tribal Consultation

FHWA acknowledges that Federally Recognized Indian Tribes (Tribes) are sovereign governments and as such, have a unique legal relationship with the federal government. Where formal consultation agreements exist, SCDOT may provide general coordination information to Tribes, but FHWA retains ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with Tribes. At any time, FHWA shall honor the request of any Tribe for direct government-to-government consultation regarding an undertaking.

FHWA, in partnership with SCDOT, shall work to identify Tribes with ancestral homelands in South Carolina and establish general preferred consultation protocols with each Tribe on an individual basis. Consultation to date has established that the following Tribes maintain ancestral and cultural connections to the land now recognized as South Carolina and that undertakings have the potential to affect historic properties for which they hold religious and cultural significance. Each of the following Tribes has indicated counties of interest in South Carolina for which they would like to consult on undertakings:

Tribe	South Carolina Counties of Interest
Catawba Indian Nation	All Counties
Eastern Band of Cherokee Indians	Abbeville, Aiken, Anderson, Calhoun, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Union, York
Eastern Shawnee Tribe of Oklahoma	Aiken, Beaufort, Charleston, Edgefield, McCormick, Saluda
Muscogee (Creek) Nation	Abbeville, Aiken, Allendale, Anderson, Bamberg, Barnwell, Beaufort, Berkeley, Calhoun, Charleston, Cherokee, Colleton, Dorchester, Edgefield, Greenville, Greenwood, Hampton, Jasper, Kershaw, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Union
Tuscarora Nation	Chesterfield, Clarendon, Darlington, Dillon, Florence, Georgetown, Horry, Kershaw, Lee, Marion, Marlboro, Sumter, Williamsburg
United Keetoowah Band of Cherokee Indians in Oklahoma	Abbeville, Aiken, Anderson, Calhoun, Cherokee, Chester, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Union, York
Cherokee Nation	Abbeville, Aiken, Anderson, Berkeley, Calhoun, Cherokee, Chester, Clarendon, Edgefield, Fairfield, Greenville, Greenwood, Kershaw, Lancaster, Laurens, Lee, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Sumter, Union, Williamsburg, York

1.5 Consulting Parties and Public Involvement

1.5.1 Consulting Parties

Consulting parties shall be identified in writing by SCDOT in consultation with SHPO pursuant to 36 CFR 800.3(c-f). Individuals and organizations with a demonstrated interest in an undertaking shall be invited by SCDOT in consultation with FHWA to participate in the Section 106 process. Any land-managing agency whose land may be affected by an undertaking shall be invited by SCDOT to participate in the Section 106 process. Written requests by individuals, organizations, and agencies to become consulting parties will be evaluated on a case-by-case basis by SCDOT and FHWA in consultation with the SHPO.

1.5.2 Public Involvement

Public involvement in planning and implementing undertakings covered by the PA shall be governed by FHWA's and SCDOT's environmental compliance procedures. SCDOT's Public Involvement Policy provides guidance for identifying, informing, and involving the public in the transportation decision making process.

SCDOT shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, in keeping with the intent of 36 CFR part 800, as amended. For those actions that do not routinely require public review and comment (ex. Type I projects), appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of historic properties, and the undertakings potential impacts on them.

SCDOT shall make FHWA and SHPO aware of any and all public controversy as it relates to the historic properties potentially affected by the proposed undertaking, including properties of religious and/or cultural significance to the Tribes.

2. Determining the Area of Potential Effect (APE)

SCDOT will define the Area of Potential Effect (APE) per 36 CFR 800.16(d). The following guidance is intended to supplement the regulation and assist the practitioner when determining the APE on a project-by-project basis and shall be used by SCDOT cultural resources staff and consultants to determine the APE for proposed projects. However, SCDOT shall consult with the SHPO and the Tribes on the determination of the APE on a project specific basis, as needed.

The regulations define the APE as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking."

When determining the APE, it is important to consider the full range of possible project impacts and effects, both direct and indirect. Direct effects include physical damage, destruction, or alterations to properties, or relocating or moving a property. Indirect effects may include visual, auditory, or atmospheric changes that alter the historic use, setting, or character of a property. The APE should be large enough to accommodate minor project changes without necessitating additional cultural resources investigations.

Determining the APE is a process that considers the interplay of both the geographic area and the scale and nature of the undertaking. The considerations for geographic area of the APE for historic resources and archaeological resources will often differ and therefore they are discussed separately. The scope of the undertaking greatly affects the effort required to identify historic properties. Examples of this consideration may include the following scenarios:

- On small scale projects, like a sidewalk being constructed within existing ROW, the APE could be limited to the existing ROW within which all construction and ground disturbing activity would occur without the potential for indirect effects.

- For larger scale projects, like the construction of a new road alignment or interchange, the architectural APE could consist of a large viewshed buffer around the archaeological APE since the introduction of a new roadway would cause direct impacts and indirect effects to a larger area.

The definition of the project's APE and how it was determined must be clearly stated within the cultural resources report.

2.1 Considerations for the Archaeological APE

The APE for archaeological resources is generally defined by the limits of a proposed project's physical footprint, or the area of direct effect (ADE).

- When conducting archaeological survey for projects where construction plans are available, this will typically include the existing and any proposed new right-of-way (ROW), construction limits, and any location of necessary erosion control measures.

- When conducting archaeological survey for projects in a more preliminary stage of construction plan development (ex. Designbuild projects) the archaeological APE should encompass all areas of potential ground disturbance and new ROW.

- If there are multiple build alternatives being considered or the potential for design changes, the archaeological APE should consist of a wider study area to encompass all possible build alternatives.

Generally, the archaeological APE is limited to the area of direct physical disturbance, however, broader investigations may be conducted on a case-by-case basis.

2.2 Considerations for the Architectural APE

The APE for historic architectural resources will be inclusive of the archaeological APE and usually extend beyond it to include potential effects to the built environment within the viewshed of the project. It is expected that the architectural APE will differ from project to project depending on both the scale of the undertaking, the potential of the undertaking to cause effects to historic properties, and the geographic location of the undertaking. One size fits all architectural APEs, like a standard distance buffer around a project, should no longer be the default practice. Additionally, it is the opinion of SCDOT and the SC SHPO that APEs should not be drawn by using property parcel lines. This method is arbitrary and not based on actual direct or indirect project effects.

Both the horizontal extent and height of a proposed project should be considered when defining the APE, as the introduction of a tall bridge or overpass would have a greater visual impact than a project constructed on existing ground surface, like a road widening project. Additionally, projects occurring primarily within existing disturbed road shoulders are far less likely to visually affect adjacent historic properties than projects with significant work in previously undisturbed areas.

The geographic location of the project in relation to known or potential above ground historic properties should be also considered when determining the architectural

APE. Geographic features can enhance or inhibit the visual effects a project might have on a historic property. Geographic considerations in determining the APE for historic structures should take into account:

- Topography – the character of the existing terrain (ex. Flat, gently rolling, hilly) and the distance between the resource and the proposed project. For example, a project in the Lowcountry could have wider visual effects than the same project would in the Piedmont or Foothills.

- Vegetation – the presence of dense vegetation could act as a buffer between the project and the resource. Or the removal of vegetation could result in a visual effect or alter the character defining features of a resource's setting.

- Setting – the degree to which the setting or the surroundings of a historic resource have changed, especially in the non-historic period, should be taken into account. A project is more likely to have an effect on a resource within an environment which has undergone little change than it would in an environment where intrusive modern development has occurred.

- Physical sitting of a historic resource – a resource purposely located on a knoll or hill to overlook a broad expanse of landscape could be visually affected by the placement of a transportation facility on that landscape.

Through consultation with the SC SHPO we have created specific architectural APE guidelines for certain frequently reviewed projects. However, there are exceptions to every rule. When in doubt about how best to define a project's APE use your professional judgment and contact SCDOT cultural resources staff with any questions.

2.2.1 On-alignment Bridge Replacements

Bridge replacements occurring on the existing road alignment with little anticipated change to the existing bridge design do not introduce new visual elements that differ much from those currently present and therefore have a small viewshed and a low potential to affect adjacent historic properties.

The architectural APE for these types of projects should focus on potential historic properties fronting the roadway within the four quadrants of the bridge and along the roadway in the location of proposed new bridge approaches or guardrail.

However, if the proposed height of the new bridge is significantly more than that of the existing bridge, a wider APE that takes into account the new viewshed may be needed.

2.2.2 Sidewalks and other Pedestrian Improvements

Generally, sidewalks, multiuse paths, and other pedestrian improvement projects have a very small viewshed and low potential to directly or indirectly affect adjacent historic properties. Exceptions can occur for new sidewalk or pedestrian facilities that are being introduced to historic districts where the existing streetscape or lack of streetscape are part of the district's character defining elements. Professional judgement should be utilized in these situations.

For projects that will replace existing sidewalk or construct new sidewalk entirely within existing ROW the architectural APE for identifying new resources can usually be limited to the sidewalk construction limits. Although buildings may not need to be recorded, care should be taken to identify any existing historic streetscape elements that contribute to adjacent historic properties and could be impacted by new sidewalk, including pavement, curbs, embedded signage, standing signage, hitching posts, walls, fencing, lighting, landscaping like allees, sweetgrass basket stands etc.

For pedestrian improvements projects that require the acquisition of new ROW a wider APE may be required. Consult with SCDOT cultural resources staff to determine the appropriate architectural APE for survey of above ground resources.

2.2.3 Road Diets and Restriping Projects

Road diets, the reconfiguration of road corridors to reduce vehicular travel lanes and improve safety and/or add pedestrian infrastructure, usually consists of construction entirely within the existing roadway and disturbed shoulder. These projects typically involve very minimal, if any, new ROW acquisition and result in minimal visual changes. These projects have a low potential to directly or indirectly affect adjacent historic properties. Exceptions can occur for road diet projects located within historic districts where the character defining elements include the configuration of the existing roadway.

For road diet projects that occur entirely within existing ROW the architectural APE for identifying new resources can usually be limited to the project construction limits and existing ROW. If the project falls within a known historic district, current conditions of that district should be documented and the effect of the project on that district evaluated.

For road diet projects that require the acquisition of new ROW, a wider APE may be required. Consult with SCDOT cultural resources staff to determine the appropriate architectural APE for survey of above ground resources.

2.2.4 Intersection Improvements

Smaller scale intersection improvement projects that require minor amounts of new ROW (ex. adding turn lanes, minor alignment changes, constructing a roundabout) have a small viewshed and low potential to indirectly affect adjacent historic properties.

For these projects the APE should focus on identifying potential above ground historic properties adjacent to and within the viewshed of any construction limits and proposed new ROW.

2.2.5 Road Widenings

Road widening projects can vary greatly in scope and have a greater potential for larger ROW acquisitions and direct effects to adjacent historic properties. However, their viewshed will usually be limited to properties facing the existing roadway. When defining the APE for road widening projects focus on properties within the viewshed of the proposed construction limits and new ROW.

Road widening projects that widen to an existing disturbed median, often the case for interstate widening projects, would have a smaller viewshed than projects that widen to the outside of an existing roadway and would therefore have a smaller APE.

If interchange improvements are part of a widening project these locations may have a larger APE than the linear corridor.

3. Requirements for Archaeological Investigations

All archaeological investigations conducted for SCDOT projects are expected to meet the requirements of the *South Carolina Standards and Guidelines for Archaeological Investigations* (Standards and Guidelines). The following guidance compliments the state standards and was developed to assist archaeologists in navigating the specific needs and expectations for transportation projects.

3.1 Background Research

Prior to beginning fieldwork extensive background literature research should be conducted to document previous archaeological excavations and previously identified archaeological sites. Background research is also necessary to delineate areas of high site potential within and adjacent to the survey corridor and to develop cultural contexts.

Background research should include a review of ArchSite, a GIS database maintained by the South Carolina Institute of Archaeology and Anthropology (SCIAA) and the South Caroliana Department of Archives and History (SCDAH). Note that a subscription to ArchSite is required to view archaeological data and the location of previous cultural resource surveys. A review of only the public version of ArchSite is insufficient. Historic maps and aerial photographs of the project location should also be consulted to help identify former buildings, structures, or road alignments that may currently be manifested as archaeological sites. In addition, site specific research at county level record sources including, libraries, courthouses, and historic societies will be conducted, as needed, during the site evaluation phase of survey.

The background search radius for projects should be dependent on the scope of the project and anticipated impacts, but generally for Type I and II projects a 0.25 to 0.5 miles search radius is sufficient.

ArchSite will tell you the basic information about previously conducted investigations but does not currently link to full reports. Hard copies of many reports are available at SCIAA through the Office of State Archaeology (OSA). A spreadsheet of reports available can be downloaded from their website. Scanned copies of reports for SCDOT projects are maintained by SCDOT cultural resources staff and can be obtained by emailing the Chief Archaeologist.

3.2 Phase I Intensive Survey

An intensive survey consists of a “systematic, detailed examination of an area to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance within specific historic contexts” (Federal Register 48:44739). The goal of an intensive archaeological survey is to make a

good faith effort to identify all archaeological sites within the archaeological APE. This is the most common type of survey utilized for SCDOT projects and should be the default mode unless otherwise agreed to in advance by SCDOT and the SHPO. Reconnaissance level surveys generally provide an insufficient amount of coverage for Section 106 compliance and are usually only employed when multiple project alternatives are under consideration. Once the preferred alternative is selected an intensive archaeological survey is then conducted along that route.

3.2.1 Required Federal Permits

If all or a portion of a project's archaeological APE falls on federal land the consultant is responsible for securing all required permits under the Archaeological Resources Protection Act (ARPA) prior to the beginning of fieldwork. Consultants shall obtain permits in consultation with SCDOT.

3.2.2 Placement of Archaeological Survey Transects

All archaeological survey transects should be spaced 30 meters (100 feet) in width. On many SCDOT projects, a single survey transect on either side of an existing roadway within the archaeological APE will provide sufficient coverage.

When surveying for new road alignments, the centerline of the transect should be the centerline of the new location. If the new right of way (ROW) exceeds 30 meters (100 feet) in width, additional survey transects may be required. On widening projects, the edge of the transect should be resting against the edge of the existing ROW, giving coverage of 30 meters (100 feet) wide. For example, if the existing ROW is 33 feet, the center of the transect should be 83 feet from the centerline of the roadway.

3.2.3 Placement of Shovel Tests along Transects

Shovel tests should normally be placed at intervals of 30 meters (100 feet) along the center of each survey transect. The interval can be expanded to 60 meters (200 feet) in areas of low site probability (see Standards and Guidelines). Writing off entire sections of the archeological APE for low probability without walking the transect to visually inspect the survey area and confirm conditions is poor practice and should not be done.

Systematic surface survey of a shovel test locations is an acceptable substitute for excavation in areas where the surface visibility exceeds 50 percent, like highly eroded areas or plowed fields. When surface survey locates a site, close interval subsurface testing will be necessary to determine the site's stratigraphy and boundaries.

Shovel tests should be 30 centimeters (cm) by 30 cm in size and should be excavated to at least 80 cm below surface (cmbs), to an impenetrable substrate, the water table, or 10 cm into sterile subsoil. All soil should be screened through a 0.25 inch mesh hardware cloth.

3.2.4 Site Boundary Delineation

Site boundaries should be determined by a number of factors including the surface distribution of artifacts, the location of positive and negative shovel tests, and topographical features.

Sites should be delineated with a full grid using close interval shovel testing of 15 meters (50 feet) or less. Cruciform pattern delineation should not be used. SCDOT recognizes that testing within the full boundaries of a site is not always possible due to landowner permission and the nature of transportation-related projects. When access to the entire site is restricted, SCDOT recommends that grid pattern testing be performed with a minimum of two transects within the boundaries of the site.

Test units should not be excavated during site delineation at the survey level, as SCDOT does not have permission to do so.

3.2.5 Shovel Testing Outside of the Archaeological APE

SCDOT, for legal reasons, does not conduct data recovery or test excavations outside of the proposed new ROW on private land. However, during the survey level of investigation, the final alignment is not set and may change. Recognizing that it is important to determine the boundaries of sites outside of the archaeological APE, researchers are encouraged to try to do this, when possible, without disturbing local landowners and/or their private property. A few shovel tests may be possible if local landowners do not object, but extensive shovel testing outside of the location of new ROW is not recommended. A pedestrian surface collection or examination of the local topography may be effective without damaging private property or upsetting landowners.

3.2.6 Submission of Archaeological Site Forms

Archeological site forms must be submitted to SCIAA's Site Files Manager prior to the submission of the report because official site numbers are required for report review by SCDOT and SHPO. If the eligibility recommendation of a site changes from what was recorded on the site form, due to project review, it is expected that the original site form will be updated and resubmitted to SCIAA. Additionally, SCDOT expects consultants to update SCIAA site forms

whenever a site is revisited. Shapefiles of the site boundary should be submitted to SCIAA along with the archaeological site form.

3.3 Underwater Archaeological Survey

Certain transportation projects may have the ability to affect underwater archaeological sites and will require underwater archaeological survey in addition to terrestrial survey. Bridge replacement projects that occur over larger, navigable bodies of water are of particular concern.

The State Underwater Archaeologist and the SCIAA Maritime Research Division provide guidance on whether an underwater archaeological survey is recommended and advise SHPO on the eligibility of underwater archaeological resources.

3.4 Phase II Evaluative Testing

When the NRHP eligibility of a site cannot be determined during a survey investigation, additional site testing may be required.

SCDOT cultural resources staff will work with the ROW office to obtain landowner permission before an evaluative testing project occurs.

Consultants will develop a research design for test excavations in consultation with the SCDOT Chief Archaeologist. Research designs should summarize the results of the previous survey and outline the research rationale and goals of the proposed testing phase. The design should fully develop questions to be answered or hypotheses to be tested as they apply to the specific project area.

Field methods for test excavations may include close-interval shovel testing, excavation units, soil cores, remote sensing techniques, and other testing and recovery methods deemed necessary.

3.5 Phase III Data Recovery

Data recovery excavations are generally only utilized as mitigation for adverse effects on an archaeological site. Exact stipulations and requirements for each data recovery will be outlined within the Memorandum of Agreement (MOA).

Mitigation through data recovery will always begin with the creation of a data recovery plan or research design that meets Federal and State guidelines. The design should provide the basic archaeological and anthropological framework that will be used to investigate the site. Aspects of the research design should include the purpose and reasons for the research, underlying theoretical assumptions, and methodological base for the proposed work. The relevance of all proposed data

recovery techniques and analysis procedures should be justified and described in detail.

Data recovery excavations may include close-interval shovel testing, single and/or block excavation units, soil cores, other sampling units, flotation samples, floral analysis, faunal analysis, remote sensing, chronometric dating, other special samples and analyses, and extensive historical research in the case of historical site excavation.

Data recovery plans must be reviewed and approved by both the SCDOT Chief Archaeologist and the SC SHPO Archaeologist before work can begin.

3.6 Artifact Analysis and Curation

Artifact/data analysis generally should follow well-established classification schemes and typologies for the region in which the site is located.

It is the policy of SCDOT that artifacts collected on SCDOT projects should generally be curated at SCIAA. Exceptions are made for projects occurring on Federal or State-owned lands with their own curation policies (ex. National Park Service, South Carolina State Parks, etc.).

Please see the SCIAA curation manual for the most up to date guidance on how to prepare collections for curation.

4. Requirements for Historic Architectural Survey

All architectural surveys should follow the procedures as outlined in the *Survey Manual: Statewide Survey of Historic Properties* (Survey Manual), and specifically for review and compliance projects. The following provides additional guidance specific to transportation projects.

4.1 Background Research

As with archaeological investigations, background research should be conducted during the initial phases of the project and continue as fieldwork progresses. Preliminary research should be conducted to understand, consider, and document previous cultural resource surveys of the project area. Research at this stage should also seek to inform fieldwork and to develop the cultural context of the report, if required. Upon the completion of fieldwork, additional research may be needed to answer questions about specific properties, to gather details about significant events and persons, and to understand historical patterns of land use and physical development. This research may include local and county records and histories, some of which may be available at the SCDAH.

Both SCDOT Short Form and Phase I reports should include a summary of previous surveys and their results. Phase I reports will also contain a cultural context that should include graphics to supplement the narrative history of the survey area with historic and contemporary maps and photographs if available. All illustrations should be integrated into the text with citations, not appended, and of high quality. Maps and site plans should include a scale and indication of directional orientation.

The cultural context provided in your report should be specific to the project area and relevant to the resources documented in your report. The context should include a brief history of the project area's geographic administrative area. Consult the Formation of Counties in South Carolina for more information.

4.1.1 ArchSite

Background research should include a review of ArchSite, a GIS database maintained the South Carolina Institute of Archaeology and Anthropology (SCIAA) and the South Caroliana Department of Archives and History (SCDAH). While the public version of ArchSite is available without a subscription, and does include data related to architectural resources, some above-ground resources, including historic cemeteries, were previously recorded as archaeological sites which are only included in subscriber view. In addition, ArchSite will only indicate surveyed areas from previous review and

compliance surveys in Subscriber View. Therefore, a review of only the public view of ArchSite is insufficient for architectural surveys.

ArchSite is updated regularly with current survey data. However, data from many early surveys, including county-wide surveys, may not have been added to ArchSite. Contact SHPO with any questions regarding previous surveys, particularly for large projects, project areas located in metropolitan areas, or for areas for which a county-wide architectural survey was complete but data from the survey does not appear in ArchSite (see below for more information on county-wide surveys).

ArchSite should display basic information about specific resources, including SHPO site number, historic name, NRHP eligibility, date of construction, address, and associated report. If any of this data is missing, please contact SHPO to request the information so that it may be included in your report, and so that the data can be updated in ArchSite. Do not leave information blank in your report and revisit survey forms. Original survey forms and photographs can also be provided by contacting SHPO (see below for more information).

4.1.2 County/Municipal Surveys and Historic Contexts

Background reviews should also include an examination of previously conducted county and municipal surveys. The records include documentation on properties in every county within the state. Relatively few properties have been recorded in some counties, while thousands have been recorded in others. Most survey records are available for public use, for further information see the Consultant's Guide to Survey and National Register Files (PDF). The location of sensitive or endangered sites, however, may be restricted.

A Finding Aid to the survey records, including surveys from the Statewide Survey program and from review and compliance surveys, is available from the SCDAH's website. The finding aid is regularly updated. There are also indices for regional and thematic surveys.

Historic Contexts and Survey Reports include select countywide, municipal, thematic, and regional survey reports. This webpage also includes links to historic contexts for resources related to the state's African-American, agricultural, architectural, industrial, and military history. These contexts often offer typologies and National Register integrity and eligibility evaluation frameworks that should be consulted if applicable to your project area.

If a survey from the finding aid is not available directly from a link in that document or from the Historic Contexts/Survey Reports webpage, please contact the SHPO. You may also be able to find the reports, county and local

histories, and some county records in the SCDAH Research Room, which is open to the public:

The South Carolina Historic Properties Record (SCHPR) is the online repository for the state's National Register nominations but also contains a limited selection of digitized survey records. Many SCHPR entries include select digitized or born-digital forms, photographs, reports, or other materials produced through these programs.

See also the Consultant's Guide to Survey and National Register Files.

Additionally, Research Resources offers other suggestions for repositories and websites, some of which are specific to South Carolina.

4.2 Historic Resources Survey

Please review the Survey Manual: Statewide Survey of Historic Properties (New, released December 2018, revised August 2019 Errata, revised hyperlinks September 2020; revised August 2022 Errata) regarding the criteria and procedures for survey.

SCDOT will determine the survey area or Area of Potential Effect (APE) which may be based on the type of project (sidewalk installation, bridge replacement, etc.). See additional guidance on APEs in Section 2.

A surveyor must stay in the public right of way when documenting a property. If there are access or safety concerns during fieldwork, please inform the SCDOT. Access restrictions should be explained briefly in the report, for example if the resource had been previously recorded but is currently inaccessible.

The SHPO follows the Secretary of the Interior's Standards and Guidelines for Identification and Evaluation (Guidelines) which are published in the Code of Federal Regulations 36 CFR part 61. The Standards are summarized as follows:

Standards for Identification

1. Identification of historic properties is undertaken to the degree required to make decisions.

2. Results of identification activities are integrated into the preservation planning process.

3. Identification activities include explicit procedures for record keeping and information distribution.

Standards for Evaluation

1. Evaluation of the significance of historic properties uses established criteria.

2. Evaluation of significance applies the criteria within historic contexts.

3. Evaluation results in a list or inventory of significant properties that is consulted in assigning registration and treatment priorities.

4. Evaluation results are made available to the public.

Any questions regarding the appropriate type of survey for a project or survey procedures should be directed to SCDOT in consultation with SHPO staff.

The survey manual offers specific guidance for documenting historic districts, cemeteries, landscapes, linear resources (roads, bridges, railroad segments, canals, ditches, irrigation systems, culverts, etc.), and post-World War II neighborhoods and residences.

4.2.1 SHPO Site Numbers

All architectural or above-ground resources recorded on a survey form are assigned a unique four-digit number by the SHPO. Numbers are specific to the county in which the resource is located. Contact SCDOT's SHPO Liaison for site numbers after fieldwork and once you have determined how many new resources your project will document.

Secondary resources (outbuildings, garages, signs, walls, barns, well houses, warehouses, gate houses, etc.) should be documented and numbered with their associated primary resource. Common collections of resources include individual residences with outbuildings, farm complexes, textile mill complexes, mid-twentieth century industrial complexes, gas stations with extant pumps and service garages. Please consult the Survey Manual for specific guidance on using secondary resource numbers and documenting secondary resources. Previously recorded resources should use their previously assigned SHPO number.

Contact SHPO with any questions.

4.2.2 Historic Neighborhoods

If fifty percent or more of a historic neighborhood's total area is located within the project's APE, the entire neighborhood should be surveyed and documented under one SHPO number as a historic area, rather than recording only the individual structures within the APE boundary.

For Review and Compliance surveys, most historic neighborhoods may be recorded using the Representative Survey approach (consult the Survey Manual for more detail). One SHPO number is assigned to the neighborhood, and representative types of housing are identified and selected for survey and recorded as secondary resources. Supporting structures such as clubhouses or offices should also be surveyed as secondary resources. Photographs should document the secondary resources and the overall neighborhood, and include character-defining features such as historic landscaping, signage, and lighting.

Neighborhoods developed after World War II should always be documented using the representative survey method, even if the entirety of the neighborhood is located within the APE.

Intensive survey of historic neighborhoods may be needed if the neighborhood pre-dates World War II and is entirely located within the project's APE. Consult with SCDOT and the SHPO office to determine the best method.

Figures in the report and shapefiles should represent both the boundary of the neighborhood and any secondary resources surveyed within the boundary.

4.2.3 Historic Districts

Surveys must determine if a previously or newly identified district listed in or eligible for listing in the National Register, or a district requiring additional evaluation to determine eligibility, is located within the project APE. The district may also extend beyond the APE. In such cases, SHPO recommends considering the entire eligible property, identifying, evaluating, and recording potential districts to the fullest extent possible, selecting boundaries that define the limits of the eligible resources.

Previously recorded districts and/or complexes, and/or "historic areas" (as noted in SC ArchSite), that have been determined eligible or not eligible for listing in the National Register, or that require additional research to determine eligibility, should be revisited and re-evaluated, if required. See Revisits for additional information.

4.2.4 Revisiting Previously Recorded Resources

A previously recorded resource should be revisited in your survey when any of the following apply:

- A property was previously recorded 15 or more years ago.
- A property has undergone alterations or changes that would result in a change in NRHP eligibility status (listed or eligible to non-eligible, or vice versa).
- A property is no longer extant.

Revisits should include the completion of a new survey form and current photograph(s) using the previously assigned site number(s). “Revisit” should be checked on the survey form, completing the form fields as much as is applicable based on the type of resource and the new information, including any updated information on date of construction or historic or common names.

When a revisit will result in a change of National Register eligibility status, provide a copy of the previous SHPO survey form(s) to illustrate the changes.

When a resource is no longer extant, on the survey form field “Current Use” select “Other,” and in the “Other” description field, add a relevant description such as “No longer extant” or “Unable to relocate,” etc. If information is available regarding the date of demolition or removal, please include that information and source in the Description/Significant Features section on the survey form. Photograph the location of the previously recorded resource as documentation of its being no longer extant and record the photograph in the Digital Photo ID log on the survey form.

Revisited resources should be described in the cultural resources survey report.

4.3 Historic Bridge Survey

In 2012, the Advisory Council on Historic Preservation (ACHP) issued a Program Comment for streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges. These bridges are of a common type, and are, “considered well-documented standardized designs that lack individual distinction.” These include the following types:

A) Reinforced concrete slab bridges

(i) Reinforced concrete cast-in-place slabs

(ii) Reinforced concrete pre-cast slabs

(iii) Pre-stressed concrete slabs

(B) Reinforced concrete beam and girder bridges

(i) Reinforced concrete Tee Beams

(ii) Reinforced concrete channel beams

(iii) Pre-stressed concrete I-Beams and Bulb Tees

(iv) Pre-stressed concrete box beams

(C) Steel Multi-Beam or Multi-Girder bridges

(i) Steel-rolled multi-beams

(ii) Steel fabricated (built up) girders

(D) Culverts and reinforced concrete boxes

(i) Reinforced concrete boxes

(ii) Concrete box culverts

(iii) Concrete pipe culverts

(iv) Steel pipe culverts

Bridges that qualify for streamlined review do not need to be surveyed. However, the report should note the presence of the bridge in the APE with a brief description of the bridge. While not required, including photographs of the bridge in the survey report is appreciated. The report should cite the Program Comment to explain why the resource was not recorded.

The Program Comment may *not* be utilized for a post-1945 bridge that meets any of the following considerations:

- The bridge is listed in or has been determined eligible for the NRHP
- The bridge is located within or adjacent to an NRHP-listed or eligible district
- The bridge is one of the following types:

    - Arch
    - Truss
    - Suspension
    - Cable-stayed
    - Covered
    - Has a moveable span

- The bridge was identified as having exceptional significance in the statewide bridge survey.

    - To date the only post-1945 bridge identified as having exceptional significance in South Carolina is the Blossom Street (US 21/US 176/US 321) Bridge over the Congaree River in Columbia.

The Program Comment applies to the bridge's original construction date, not its reconstruction date. A bridge that was originally constructed in 1936, but reconstructed in 1956, would still need to be surveyed.

Several resources should be consulted when recording bridges:

- A statewide bridge survey of pre-1960 bridges was conducted in 2005 and updated in 2015 and included NRHP eligibility recommendations. The bridges included in this survey and contexts for transportation networks and bridge building in South Carolina can be found on SCDOT's Historic Bridges in South Carolina website. If you need additional information about a bridge in your survey area, please contact the SCDOT Chief Archaeologist.

- A Context for Common Historic Bridge Types also addresses criteria for assessing NRHP eligibility for newly recorded bridges

- The SCDOT Plans Library may have engineering plans and other documents relating to an extant historic bridge and/or its predecessor. Access to the plans library can be obtained with a subscription or you can contact the SCDOT Chief Archaeologist to conduct a plans library search.

- Historic maps should be consulted, including SC County Highway maps

- SCDAH holds some SCDOT records including historic photographs of some bridges

4.4 Survey Forms and Photos

The South Carolina Statewide Survey Form is available in two electronic formats, a Microsoft Access database and as a fillable PDF document. The survey database is preferred for planning surveys and is also recommended for use by federal agencies

and/or consulting firms that frequently conduct review and compliance surveys. The SHPO Survey Form is available for download from SCDAH's survey webpage. The Microsoft Access database file is available by making a request to the SCDOT Liaison.

Complete a survey form for each resource. Secondary, or subresources, must be recorded and photographed on their own survey form (e.g., SHPO site number 1234.01, 1234.02, and so on) and documented in the survey report. Secondary resources that are known to be less than fifty years of age (in particular, recent outbuildings such as sheds, carports, garages, barns, etc.) should be: one, described in the primary resource's, or districts and/or complexes, survey form Description/Significant Features field; two, captured in the photographs provided for the recorded resources; and, three, included in and identified as such in the survey report and the survey form description and photographs, but do not need to be individually recorded as a resource.

Individual properties should be recorded by **at least one photograph of the main facade *plus* oblique (45 degree angle) views and photographs of other elevations if visible from the right-of-way**. Photographs should show as much detail as possible and should avoid trees, telephone poles, parked cars, or other objects that obstruct the view of the resource. Additional photographs should be taken if the property has significant design or structural features or to document large or complicated properties. Out-of-focus or poorly composed photographs will not be accepted. Images from Google Street View are not acceptable except when a resource is inaccessible or no longer extant. If used, images from Google Street View should be labeled as such and include the year of the image.

Consult the Survey Manual for detailed instructions on filling out each field of the survey form. Check that all required fields are completed. Draft survey forms should be submitted with the draft report to SCDOT and revised as appropriate so that information on the survey forms corresponds with the information in the *final* version of the report, and with the GIS shapefiles.

Survey forms should be submitted as individual PDF files. Consult the Survey Manual for detailed instructions on naming the files and their associated photographs.

5. Documentation of Cemeteries

5.1 South Carolina Cemetery Laws

The NHPA does not guarantee protection for cemeteries, but South Carolina state law does. Several South Carolina Codes protect historic cemeteries regardless of NRHP eligibility.

5.1.1 South Carolina Code16-17-600 Destruction or desecration of human remains or repositories

States it is unlawful for a person to willingly and knowingly obliterate, vandalize, or desecrate human remains, burial grounds, gravestones, or monuments. Violation of this code is considered a felony punishable by a maximum fine of $5,000 or imprisonment for up to 10 years or both.

A 1989 amendment to Section 16-17-600 clarified and extended legal protection to the remains of Native Americans by changing the word “graveyards” to “burial grounds.”

5.1.2 South Carolina Code 27-43-10, Removal of Abandoned Cemeteries; 27-43-20 Removal to Plot Agreeable to Governing Body and Relatives; 27-43-30, Supervision of Removal Work

Provides a framework for the removal and reinterment of abandoned cemeteries, that includes:

- 30 days notice to known relatives or if none are known, 30 days notice in a newspaper in circulation in the county where the property lies.
- Permission from the governing body of the county on the removal and agreement between the governing body and any descendants that the proposed reinterment plot is appropriate.
- All work connected to the removal shall be done under the supervision of the governing body of the county, who shall employ a funeral director licensed by the State.

SCDOT follows this process when the removal of an abandoned cemetery is a necessary component of a project.

Disinterment permits from SC Department of Public Heath (SCDPH) are not required for burials that occurred prior to 1915.

5.1.3 SC Regulation 60-19, Section 900

Provides guidance for the disposition and transportation of human remains. A permit issued by the S.C. Department of Public Health (SCDPH) would be required for the exhumation and transport of human remains from any burial that occurred after 1915. Permits are available from the Division of Vital Records.

5.2 How to Record Cemeteries

5.2.1 Historic Cemeteries

Please refer to Standards and Guideline and the Survey Manual for detailed guidance on recording historic cemeteries.

Generally, when a cemetery greater than 50 years of age falls within the project APE it should be recorded as both an architectural resource and an archaeological resource and issued both a SHPO Site Number and SCIAA archaeological site number. However, prehistoric cemeteries or historic cemeteries with no visible above ground features or monuments should only be recorded as an archaeological site. For architectural documentation, when a cemetery is associated with an adjacent church, the cemetery should be recorded as a secondary site number of the church.

A good faith effort should be made to identify all potential historic cemeteries in the APE. Historic maps that plot cemeteries, including historic topographic maps and county highway maps should be checked for marked cemeteries prior to fieldwork. Online databases like FindAGrave.com can also be useful during background research. Historic road construction plans available in SCDOT's Plans Library may also map cemeteries that were present adjacent to roadways.

5.2.2 Modern Cemeteries

Modern cemeteries, those that do not contain burials older than 50 years of age, generally do not meet the definition of a historic property and should not be formally recorded and evaluated for the NRHP.

However, it is essential that SCDOT know the location of all cemeteries in an APE to avoid damage to them and comply with state law. Modern cemeteries should also be identified during cultural resources surveys and their boundaries delineated.

Documentation of modern cemeteries in a cultural resources report should include a thorough discussion of the cemetery characteristics and delineated

boundaries. All modern cemeteries should be plotted on results maps in the cultural resources report.

Note that if a modern cemetery is associated with a historic church and is between 40-50 years old it should be recorded as secondary resource of the church and evaluated as a contributing resource.

5.3 Identification and Treatment of Human Remains

SCDOT shall treat human remains in a manner consistent with the ACHP "Policy Statement Regarding Treatment of Burial Site, Human Remains, and Funerary Objects" (March 1, 2023).

Upon discovery of human remains or associated funerary objects, the Consultant and/or Contractor shall immediately notify the local County Coroner and SCDOT. SCDOT will then notify the Lead Federal Agency (if applicable), the SHPO, and the State Archaeologist within 24 hours.

Every effort will be made to secure the site and all ground disturbing activity in the vicinity of the find shall be halted immediately. Photographs, video, or other means of visual documentation will be restricted. Additionally, every effort will be made to avoid the displacement and collection of human remains and associated funerary objects from the field. The Consultant, SCDOT, and the Lead Federal Agency will take precautions to ensure confidentiality and that only essential personnel are notified of the find(s) through secure methods of communication, such as telephone or email, and that information regarding burial locations and other sensitive information is not shared with the public, including personal and mass media.

The County Coroner will determine if the remains are modern or archaeological. All notified parties will confer on an appropriate course of action. If the remains are determined to be archaeological SCDOT, in consultation with FHWA and the SHPO will develop a treatment plan. If it is determined that the human remains are associated with a Native American occupation, SCDOT and FHWA will consult with the Tribes prior to the development or execution of a treatment plan. The inadvertent discovery of Native American human remains, associated funerary objects, or objects of cultural patrimony will comply with the Native American Graves Protection and Repatriation Act (NAGPRA).

All work conducted on historic period human remains and abandoned cemeteries will comply with the South Carolina Code 27-43-10, Removal of Abandoned Cemeteries.

6. Requirements for Cultural Resource Reports

6.1 General Requirements

In South Carolina Phase I archaeological surveys and architectural surveys are reported in a single combined Phase I Cultural Resources Survey Report. For SCDOT projects consultants will either submit a SCDOT Short Form Report or a Standard Phase I Cultural Resources Survey report, depending on the number of newly identified resources and anticipated project effect.

All reports should be submitted directly to SCDOT. SCDOT cultural resources staff will conduct an internal review of the report and then submit to the SHPO, THPOs, and any other consulting parties for review. **Consultants should never submit reports to SHPO on behalf of SCDOT.**

In general, cultural resources survey reports should follow the requirements of Standards and Guidelines and the Survey Manual. Specific guidance and requirements for reports submitted to SCDOT are presented below.

6.1.1 Terminology

- Terminology should be consistent throughout the report.
- The archaeological survey area should be referred to as the archaeological APE.
- The architectural survey area should be referred to as the architectural APE.
- Above ground resources should be referred to as SHPO Site Number or SHPO Site No. Refer to the Survey Manual for guidance on numbering resources.
- Archaeological Sites should be referred to by their assigned trinomial.
- Archaeological site numbers should be a four-digit number, including any leading zeros. For Example, 38AB0001, 38AB0012, 38AB0123, or 38AB1234.

6.1.2 Report Organization

Short form reports should follow the organization of the provided template. Lists of Figures and Tables can be used but are not required. Figures should appear sequentially in the order they are referenced in the text of the report. Short

forms should include a bibliography/references cited page and any necessary appendices or attachments.

Full reports should generally follow the organization scheme suggested in Standards and Guidelines and the Survey Manual and should include the following elements and chapters:

1. Title Page
2. Abstract
3. Table of Contents
4. List of Figures
5. List of Tables
6. Introduction
7. Environmental Setting
8. Cultural Context
9. Summary of Previous Investigations/Recorded Resources
10. Methods of Investigation
11. Results
12. Summary and Recommendations
13. Bibliography/References Cited
14. Any necessary Appendices or Attachments (ex. Artifact catalogs, SHPO Survey Forms, specialized reports, ARPA permits, etc)

The title page should reference the SCDOT PIN number assigned to the project, ex. P012345.

All figures and tables should appear sequentially in the order they are referenced in the text.

Archaeological and architectural results may be included in the same chapter but should be discussed separately in different sections.

All recorded resources should be presented in tables and descriptions sequentially by either SHPO Site Number or Archaeological Site Number.

Cited references should be presented as endnotes rather than footnotes.

6.1.3 Project Description

Each report should contain a detailed description of the undertaking within the introduction. The project description should be consistent with the NEPA project description and discuss the purpose of the project and its proposed activities. Include the project sponsor, identify the legislation or regulations governing the work, and include any required permit numbers.

The description should also provide a detailed definition of the archaeological and architectural APEs, including lengths and widths, and describe how the APEs were defined.

6.1.4 Cultural Context

The goal of the cultural context is to provide sufficient information to evaluate the significance and integrity of the cultural resources recorded in the APE. The cultural context should include an overview of the history of the project region, specifically tailored to the relevant cultural and temporal spans of resources identified during the survey.

The historic overview of the time period from which the identified resources date should be discussed more extensively than time periods that were not represented. For example, if no pre-contact archaeological sites are identified during the survey, the cultural context can focus primarily on the post-contact period. If only resources dating to the twentieth century are recorded, the historic overview should provide a detailed history of that period and can briefly summarize earlier historic development in the region.

6.1.5 Table of Results

Each report will have tables summarizing all archaeological and architectural resources identified as a result of the survey. There will be one table each for archaeological sites and architectural resources including columns for site number, resource type, resource name (if applicable), resource address (if applicable), cultural affiliations or construction date, and eligibility. Site numbers should be listed in the table sequentially. This format should also be used to summarize previously identified resources mentioned in the background research.

6.1.6 Description of Results

The results of the archaeological survey and architectural survey should be presented in separate sections of the report.

The archaeology survey results section should include maps that show shovel test results and the location of any newly identified or revisited archaeological sites. Maps should be to an appropriate scale so that all shovel test locations are visible as distinct symbols and their relationship to the archaeological APE is clearly represented. Shovel test coverage maps may need to be presented in multiple figures to meet this requirement.

The archaeology survey results section should present a general description of observed conditions in the archaeological APE and provide photographs

illustrating those conditions. Including representative photographs of any noted disturbances or wetlands present in the archaeological APE that prevented the excavation of shovel tests is strongly encouraged. The results of the survey should be summarized, including number of shovel tests excavated, how many were negative, positive, nor not excavated, the reasons why any shovel tests were not excavated, and the typical soil profiles encountered.

The architectural results section should include a map that shows the location of all newly recorded and revisited resources in the architectural APE. The map should be to an appropriate scale so that the location of the symbols representing the resources is clearly visible. Maps should include the location of both primary and secondary resources.

The architectural results section should provide an overview of the number of resources identified and revisited and note any resources that were inaccessible for survey.

If any bridges that qualified for FHWA's Program Comment on Common Post-1945 Concrete or Steel Bridges (see Section 4.3) are located in the architectural APE, a brief description of that bridge should be included in the results section. Full resource descriptions are not required for these bridges, nor should these bridges be assigned a SHPO Site Number or recorded on a Survey Form.

6.1.7 Archaeological Site Descriptions and Evaluations

Reports should include a site-by-site description of each archaeological site identified or revisited whether recommended eligible, ineligible, or requiring additional research. Archaeological site descriptions should be presented sequentially by archaeological site number. Descriptions should be titled with the assigned trinomial site number.

As a heading to the narrative site description, certain site-specific information should be presented in tabular form, including: UTM coordinates; elevation; site type; temporal affiliation; landform location; site dimensions; depth of deposits; eligibility recommendation; and management recommendations.

The narrative site description should reiterate the above information in greater detail and provide all necessary descriptive information and interpretations to adequately evaluate the site's significance and integrity. Archaeological sites will generally be determined eligible under Criterion D, however, all criteria of eligibility should be considered when evaluating significance, particularly for historic period sites.

The descriptions of historic period sites should include a review of applicable historic maps, aerial photographs, and other archival sources to present any documentary evidence of that site.

If artifacts are recovered, the count and type should generally be presented in both a table and summarized in the narrative. Artifact tables are not needed if only a small quantity of artifacts of few types are identified.

Each identified site, including cemeteries recorded as both archaeological sites and above ground resources, should include a planview map showing the location of site boundaries, shovel tests, natural and cultural features, bodies of water, roadways, artifact concentrations, disturbances, buildings, etc. If available, including the existing ROW, proposed new ROW, and project construction limits on the site plan can be helpful for management recommendations.

Photographs of the site should be provided and include general overview photographs, photos of any site features or disturbances, and photos of a typical soil profile. Photographs should be clearly and consistently labeled and identify the direction of the photograph.

Brief descriptions and locational information should be included for any isolated finds. Isolated finds should also be plotted on the shovel test results map.

6.1.8 Architectural Site Descriptions and Evaluations

Reports should include a site-by-site description for all architectural resources identified or revisited, whether recommended eligible, ineligible, or requiring additional research. Newly recorded resources should be presented in a separate section from previously recorded resources. Architectural resource descriptions should be presented in the report sequentially by SHPO Site Number. Descriptions should be titled with the SHPO Site Number, followed by the address. For example, SHPO Site Number 1234 – 567 Oak Lane.

Architectural resource descriptions should provide all necessary descriptive information and research to adequately evaluate the resource's significance and integrity. All resources should be evaluated under all four Criteria of Eligibility.

Photographs should be provided in the narrative for all resources. Photographs should be clearly and consistently labeled and identify the direction of the photograph. Refer to Section 4.4 for further guidance on requirements for photographs of architectural resources.

If any resources are recommended eligible for inclusion on the NRHP a proposed NRHP boundary should be recommended. The boundary should be both described in the text and depicted on a map. If available, showing the existing ROW, proposed new ROW, and construction limits on this map can be helpful for management recommendations.

6.1.9 Resources Recorded as both Archaeological and Architectural Resources

Some resources will be recorded as both archaeological and architectural resources (ex. Cemeteries, a building with an archaeological component).

A full description and discussion of the resource is only required in either the archaeological or architectural results section of the report. Please choose the appropriate section for each individual resource based on the information being presented. However, the resource should be mentioned in both sections. The section that does not contain the full resource description should provide a brief overview of the resource and a note that it will be discussed further in the other section.

All resources should be referred to in results tables and description titles by both of their site numbers.

Collaboration between the project archaeologist and historian is essential for adequately evaluating these resources for NRHP eligibility.

6.1.10 Assessment of Effects

Per the regulations, it is the responsibility of federal agency to apply the criteria of adverse effect and in consultation with SHPO/THPOs determine whether a project may have an adverse effect on any of the historic properties identified within the APE.

SCDOT prefers that definitive assessment of effects not be included in cultural resources reports. Often cultural resources surveys are completed when projects are in a preliminary design stage, and the consultant is unlikely to know what the final construction plans and actual areas of impact will be. With incomplete information a thorough assessment of effects cannot happen. Additionally, SCDOT cultural resources staff will try to work with the project team to avoid effects on historic properties, if possible, resulting in project plans that may change from what was available during the cultural resources survey. An assessment of effects in a cultural resources report that differs from the final effect determination can lead to confusion.

Considering the project information available to them, consultants may apply the criteria of adverse effects and provide a preliminary assessment of effect and suggest management recommendations. However, the report should clearly state that this assessment is preliminary and that the final determination of project effects will be completed by SCDOT in consultation with SHPO/THPOs.

6.1.11 Addendum Reports

If investigations are an extension or amendment to a previously submitted and reviewed report (ex. Due to a change in project design or lapse in time necessitating additional architectural survey) an Addendum to the existing report should be prepared. If a report has already been reviewed and considered final, that existing report should not be further edited to encompass the additional work.

Addendum reports can either be a short form or full report regardless of the format of the original report. The level of report documentation will be dependent on the number of newly recorded resources documented in the addendum.

Addendum reports should generally follow the same guidelines as above, but a few additional considerations apply:

- The title should include “Addendum” or should indicate that the report is subsequent/additional to previous work on a project.
- Any project changes should be specifically detailed in the introduction, in addition to the general project description.
- The original and all previous reports should be referenced in the addendum’s background section when discussing previous investigations and should be cited in the bibliography.
- The environmental overview as well as the cultural context section may be abbreviated or may be eliminated, if presented adequately in previous documents and if there have been no changes since the submittal of the original report.

6.2 Requirements for Short Forms

The SCDOT Cultural Resources Short Form Report is an abbreviated report template used for Phase I cultural resources surveys that meet certain conditions. A copy of the short form template is provided in Appendix B. The short form report

provides similar information to a full Phase I Cultural Resources Survey report, with the exception of a historic context. All of the above guidance, other than that for historic contexts, will also apply to a short form report.

The use of a Short Form Report is restricted to surveys where 10 or fewer newly identified cultural resources have been identified and there are no adverse effects on historic properties (with the exception of eligible bridges).

Short forms can only be used when FHWA is the lead federal agency. Short forms cannot be used for projects without FHWA funding, but trigger Section 106 because they require a USACE permit. The USACE is lead federal agency for these projects and reports should follow their requirements.

Short form reports should include a header on all pages identifying the company that completed the survey, an abbreviated project name, and date of research, as well as a footer with page numbers.

6.3 Requirements for Full Reports

Cultural resources surveys that identify 11 or more new resources or have an anticipated adverse effect should be documented in a full format Phase I Cultural Resources Survey Report. Full reports should also be utilized for SCDOT projects where the USACE is the lead federal agency.

This report must meet all the requirements of Standards and Guidelines and the Survey Manual and follow the above SCDOT-specific guidance.

6.4 Final Deliverables

Once a draft report has been reviewed and revised and SCDOT and SHPO deem the report final, additional final deliverables are required to close out a project.

6.4.1 Hard Copies of Final Reports

Four (4) hard copies of the final version of the report are required to be submitted to SCDOT for distribution to SHPO, SCIAA, and the Catawba Nation.

Three (3) bound and one (1) unbound copy of the report should be submitted.

6.4.2 Survey Forms and Photographs

If revision to SHPO survey forms were required during the draft review phase, final copies of those forms and photographs should be submitted with the final report.

Survey forms should be submitted as individual PDF files. Photographs should be submitted as TIFF files. Consult the Survey Manual for detailed instructions on naming the files and their associated photographs.

6.4.3 Submittal of Revised Archaeological Site Forms to SCIAA

If the eligibility determination, boundaries, or description of an archaeological site changed during the course of draft report review, it is responsibility of the consultant to submit updated site forms and/or site boundary shapefiles to the SCIAA Site Files Manager.

6.4.4 Required GIS Data

GIS data is required so that project information can be published in ArchSite. Shapefiles should be submitted along with final copies of the above survey deliverables. Required shapefiles include:

- Survey area boundaries
- Architectural resources, including primary and secondary resources, for all individual resources and historic areas or districts

Shapefile metadata should correspond with information in the *final copy* of the corresponding report and survey forms regarding a resources name, construction date, address, and eligibility.

Please see GIS Data Submission Requirements for additional information.

7. Cultural Resources Report Review Process

7.1 SCDOT Environmental Services Office (ESO)

SCDOT's ESO was developed to efficiently and effectively maneuver all SCDOT construction and maintenance projects through the National Environmental Policy Act (NEPA) process, permit acquisition and compliance. ESO is comprised of three Divisions: NEPA, Permitting and Compliance.

- **NEPA Division** evaluates environmental impacts and compiles and documents information pertaining to the physical environment, communities, natural, cultural, and socioeconomic resources during the preconstruction phase.

- **Permitting Division** assesses impacts to waters of the United States, coordinates with agencies to complete Jurisdictional Determinations and Critical Lines, obtains all required Federal and State environmental permits and certifications, and coordinates with lead, participating, and commenting agencies to develop Compensatory Mitigation Plans during the preconstruction phase.

- **Compliance Division** ensures all environmental commitments are adhered to during the construction phase and monitoring commitments are met post-construction.

The ESO's cultural resources staff are part of the NEPA Division. Currently the ESO has one dedicated cultural resources staff position, the Chief Archaeologist. Other NEPA staff members with backgrounds in archaeology and architectural history assist in cultural resources review and Section 106 coordination, as needed.

FHWA and SCDOT also fund a DOT liaison position at the SC SHPO. This position, the Transportation Review Coordinator, is dedicated to the review of federal aid transportation projects and helps to streamline our review process.

Section 106 of NHPA and NEPA are two separate laws with individual requirements. However, Section 106 falls under the "NEPA umbrella" and at SCDOT most Section 106 coordination is handled as part of the NEPA process. Final NEPA approval cannot be granted until the Section 106 process is complete.

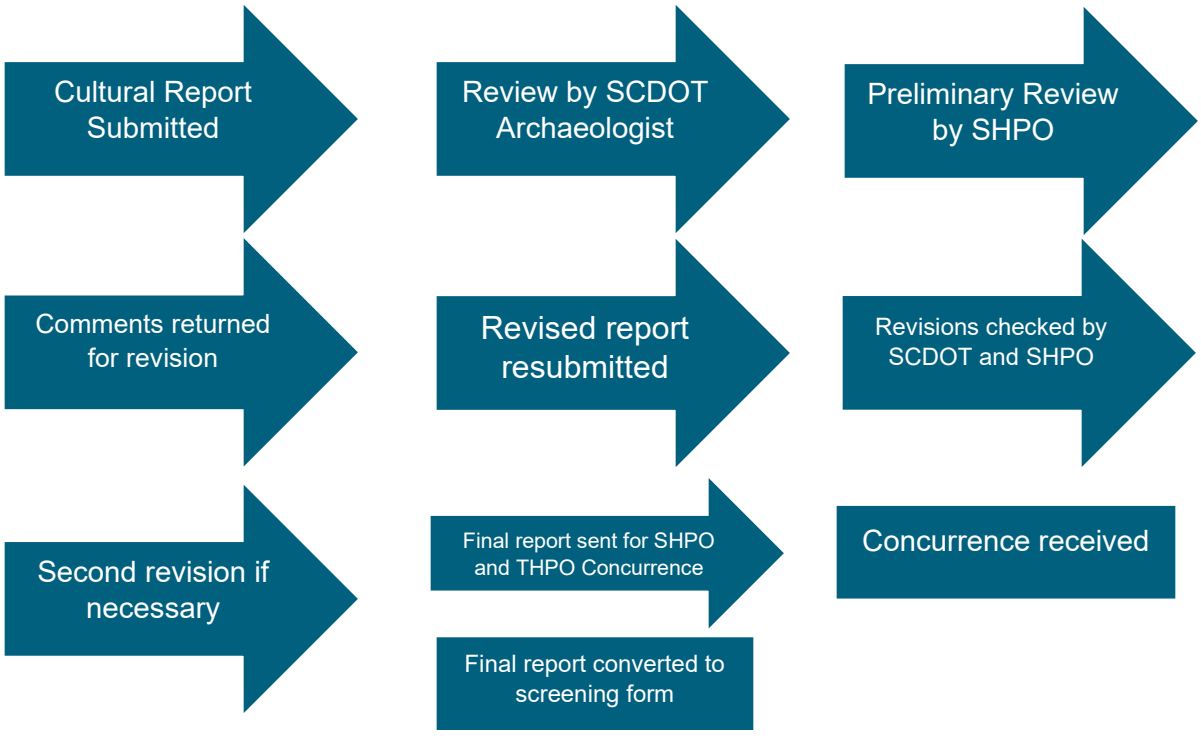
Typically, NEPA related studies, including cultural resources survey reports, are submitted to SCDOT Project Managers or NEPA Coordinators and passed on to SCDOT cultural resources staff for review and coordination.

7.2 General Cultural Resources Report Review Process

SCDOT's cultural resources staff, through consultation with SC SHPO, have developed a cultural resources report review process that emphasizes the preliminary review of cultural resources reports. This process takes care of any necessary report revision early, so SHPO and THPO concurrence on project effects can occur in a more timely and efficient manner.

All SHPO and THPO consultation must be conducted by SCDOT/FHWA. Consultants are not permitted to consult with SHPO or THPOs on behalf of SCDOT.

A flow chart of the general cultural resources report review process for consultant written reports is shown below:



7.3 Preliminary Report Review

When draft cultural resources reports are submitted to SCDOT they will be reviewed by SCDOT cultural resources staff, who will comment on the report. Following SCDOT review the report will be submitted to the SHPO Transportation Review Coordinator who will also conduct a preliminary review.

During this phase the report will also be provided to any other agencies required to review the report if the project required an ARPA permit, took place on State Park land, or required an underwater archaeological survey.

This review checks that the cultural resources survey methods and report documentation follow both SCDOT and state standards and that SHPO would agree with any NRHP eligibility recommendations.

If above ground resources were recorded during the survey, SHPO Survey Forms and associated photographs should also be submitted with report drafts for review and comment.

Following the review of the first draft, comments will be sent back to the consultant for revision.

Once a revised report is submitted it will be checked by SCDOT cultural resources staff to ensure that all comments have been addressed appropriately. If revisions are approved the report will be considered final. Occasionally a second round of revision may be required before a report can be considered final.

At this point the report will either be converted to an SCDOT cultural resources screening form or sent out for formal SHPO and THPO concurrence on project effects.

7.4 Applying the Criteria of Adverse Effects

If cultural resources listed on or eligible for the NRHP have been identified in the project's APE, SCDOT will apply the Criteria of Adverse Effect in consultation with the SHPO to any historic properties in accordance with 38 CFR 800.4(d) and 800.5 and consult with the SHPO, the Tribes, and others regarding avoidance and minimization of the adverse effects, if needed.

7.5 Formal Distribution of Report and Concurrence

Once a final report requiring concurrence has been submitted to SCDOT, SCDOT cultural resources staff will draft a transmittal letter to the SHPO Transportation Review Coordinator describing the project, the findings of the cultural resources survey, any historic properties located within the project's APE, and the assessment of project effects. A copy of this letter and the cultural resources report will also be sent to the Tribes and any other identified consulting parties. A 30-day period is required for the SHPO and THPOs to review and concur with the determination of effect.

Consultant written reports that are converted to Cultural Resources Screening Forms do not require SHPO concurrence letters.

Upon submittal of the final report the consultant will also be required to submit all final deliverables (survey forms, photographs, GIS files, hard copies). More information about the required final deliverables can be found in Section 6.4.

7.6 Resolving Adverse Effects

If adverse effects to historic properties cannot be avoided, SCDOT and FHWA will consult with SHPO, the Tribes, and other consulting parties in order to resolve adverse effects in accordance with 36 CFR 800.6.

Upon SHPO concurrence with the finding of adverse effect, SCDOT will coordinate with FHWA to notify the ACHP per 36 CFR 800.6(c).

SCDOT's cultural resources staff or consultants acting on behalf of SCDOT will develop a Memorandum of Agreement (MOA) for review by SHPO, FHWA, the Tribes, other consulting parties, and the ACHP (if participating in consultation).

Upon execution of the MOA to resolve adverse effects, FHWA will file the executed agreement with the ACHP.

Appendix A: PA

PROGRAMMATIC AGREEMENT AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT, THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION, THE SOUTH CAROLINA STATE HISTORIC PRESERVATION OFFICER, AND THE ADVISORY COUNCIL ON HISTORIC PRESERVATION

REGARDING

SECTION 106 IMPLEMENTATION FOR FEDERAL-AID TRANSPORTATION PROJECTS IN THE STATE OF SOUTH CAROLINA

WHEREAS, the Federal Highway Administration (FHWA), under the authority of 23 U.S.C. 101 et seq., implements the Federal-aid Highway Program (Program) in the state of South Carolina by funding and approving state and locally sponsored transportation projects that are administered by the South Carolina Department of Transportation (SCDOT); and

WHEREAS, the South Carolina FHWA Division Administrator is the "Agency Official" responsible for ensuring that the Program in the state of South Carolina complies with Section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. § 306108), as amended, and codified in its implementing regulations, "Protection of Historic properties" (36 CFR Part 800); and

WHEREAS, SCDOT administers Federal-aid projects throughout the State of South Carolina as authorized by Title 23 U.S.C. 302 and Section 57-1-30 of the South Carolina Code of Laws; and

WHEREAS, FHWA has delegated responsibility to the South Carolina Department of Transportation (SCDOT) through a Programmatic Agreement originally dated March 9, 1993 with updates December 13, 2011, and August 18, 2014, to coordinate with the South Carolina State Historic Preservation Officer (SHPO) on certain matters related to Section 106 of the National Historic Preservation Act; and

WHEREAS, the responsibilities of the South Carolina State Historic Preservation Officer (SHPO) under Section 106 of the NHPA and 36 CFR Part 800 are to advise, assist, review, and consult with Federal agencies as they carry out their historic preservation responsibilities and to respond to Federal agencies' requests within a specified period of time; and

WHEREAS, FHWA has determined that implementation of the Program in South Carolina may have an effect upon properties included in, or eligible for inclusion in, the National Register of Historic Places (NRHP), hereafter referred to as historic properties, and has consulted with the South Carolina State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP) pursuant to 36 CFR 800.14(b); and

WHEREAS, in accordance with 36 CFR § 800.2(a)(2) in processing a Department of the Army (DA) permit application, the U.S. Army Corps of Engineers, Charleston District (Corps) will generally accept for Federal or Federally assisted projects the lead Federal agency's compliance with the requirements of Section 106 of the NHPA; and

WHEREAS, for the purpose of Section 106 compliance for all FHWA undertakings in the State of South Carolina that require Corps authorization pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 and 403), the Corps has been consulted in the development of this Programmatic Agreement (Agreement), and designates FHWA as the lead Federal agency for such undertakings; and

WHEREAS, the Corps has been invited to be a signatory party to this Agreement pursuant to 36 CFR 800.2(a)(2), and FHWA will act on the Corps' behalf to fulfill both FHWA and the Corps' collective responsibilities

under Section 106 of the NHPA; and

WHEREAS, the Corps is individually responsible for compliance with Section 106 for undertakings where FHWA is not the lead Federal agency on a specific undertaking; and

WHEREAS, FHWA has notified Federally-recognized Indian tribes (Tribes) with ancestral lands in South Carolina about this Agreement, has requested their comments, and has taken any comments received into account. These Tribes include the Absentee-Shawnee Tribe, Catawba Indian Nation, Chickasaw Nation, Eastern Band of the Cherokee Indians, Eastern Shawnee Tribe of Oklahoma, Muscogee (Creek) Nation, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Tuscarora Nation, United Keetoowah Band of Cherokee Indians in Oklahoma, Cherokee Nation, Shawnee Tribe; and

WHEREAS, FHWA has provided follow-up consultation with the one Tribe (Eastern Band of Cherokee Indians) that provided comments on the draft Agreement and addressed their comments; and

WHEREAS, pursuant to the consultation conducted under 36 CFR 800.14(b), the signatories have developed this Agreement in order to establish an efficient and effective program alternative for taking into account the effects of the Program on historic properties in South Carolina and for affording the ACHP a reasonable opportunity to comment on undertakings covered by this Agreement; and

WHEREAS, FHWA has notified the public, Federal and State agencies, and Certified Local Governments (CLGs) about this Agreement, has requested their comments, and has taken any comments received into account,

WHEREAS, SCDOT has participated in the consultation and has been invited to be a signatory to this Agreement; and

WHEREAS, all borrow pits will be reviewed in accordance with SCDOT Engineering Directive Memorandum Number C-16 (Attachment 1); and

NOW, THEREFORE, FHWA, the Corps, the SHPO, the ACHP, and SCDOT agree that the Program in the State of South Carolina shall be carried out in accordance with the following stipulations in order to take into account the effects of the Program on historic properties in South Carolina and that these stipulations shall govern compliance of the Program with Section 106 of the NHPA until this Agreement expires or is terminated.

To aid the signatories of this PA, the stipulations are organized in the following order:

I. Applicability and Scope
II. Definitions
III. Professional Qualifications Standards
IV. Responsibilities
V. Consultation with Tribes
VI. Participation of Other Consulting Parties and the Public
VII. Short Form Report
VIII. Project Review
IX. Emergency Situations
X. Post-Review Discoveries
XI. Identification and Treatment of Remains
XII. Administrative Stipulations
XIII. Amendment
XIV. Termination
XV. Confidentiality
XVI. Duration of Agreement

STIPULATIONS

The FHWA, with the assistance of SCDOT, shall ensure that the following measures are carried out.

I. APPLICABILITY AND SCOPE

A. This Agreement sets forth the process by which the FHWA, with the assistance of SCDOT, will meet its responsibilities pursuant to Section 106 and 110 of the NHPA (54 U.S.C 306108 and 54 U.S.C. 306101).

B. The objective of this Agreement is to consolidate existing Section 106-related agreements and make more efficient the methods by which FHWA and SCDOT review individual undertakings processed under Section 106 that may affect historic properties and to establish the process by which FHWA (who retains ultimate Section 106 responsibility, except where such responsibility has been delegated to SCDOT) carries out its Section 106 responsibilities.

C. Through this Agreement, FHWA authorizes SCDOT to initiate and, in most cases, conclude consultation with the SHPO and other consulting parties for purposes of compliance with Section 106 of the NHPA.

D. Through this Agreement, FHWA and SCDOT establish three categories of projects (Type I, II, and III Projects) that require different levels of review and consultation with the SHPO.

E. The FHWA retains the responsibility to consult with Tribes as required under 36 CFR 800, as amended. SCDOT may assist FHWA if individual Tribes agree to alternate procedures.

F. This Agreement shall not apply to undertakings that occur on or affect tribal lands as they are defined in 36 CFR 800.16(x). For such undertakings, FHWA shall follow the procedures in 36 CFR Part 800.

G. Cooperating Federal Agencies who recognize FHWA as the lead Federal agency for an undertaking may fulfill their obligations under Section 106 of NHPA according to 36 CFR 800.2(a)(2), provided that FHWA and SCDOT follow the requirements of this Agreement and the cooperating agency's undertaking does not have the potential to cause effects to historic properties beyond those considered by FHWA and SCDOT.

II. DEFINITIONS

A. Type I Projects: undertakings which typically involve minor amounts of ground disturbance. Examples include pavement resurfacing, installation of fencing, installation of rumble strips, and landscaping.

B. Type II Projects: undertakings which typically involve a limited amount of ground disturbance adjacent to areas previously disturbed by road construction. Examples include bridge replacements on alignment, construction of bicycle/pedestrian paths, and intersection improvement projects that involve the construction of turn lanes and/or realignment of roads.

C. Type III Projects: undertakings which typically involve a moderate to large amount of ground disturbance. Examples include road widening and new road alignments.

D. Ground disturbance is defined as any work or activity that results in a disturbance of the earth, including excavating, digging, trenching, drilling, augering, backfilling, clearing, and grading.

E. For purposes of this agreement, the definitions provided in 36 CFR Part 800.16 (a) through (y) shall apply whenever applicable.

III. PROFESSIONAL QUALIFICATIONS STANDARDS

All actions prescribed by this Agreement that involve the identification, evaluation, analysis, recording, treatment, monitoring, or disposition of historic properties, or that involve the reporting or documentation of such actions in the form of reports, forms, or other records, shall be carried out by or under the direct supervision of a person or persons who meets the Secretary of the Interior's Professional Qualifications Standards (published in 48 FR 44738-44739). However, nothing in this stipulation may be interpreted to preclude FHWA or SCDOT or any agent or contractor thereof from using the services of persons who do not meet these qualifications standards, providing their activities are conducted under the direct supervision of a person who does meet the standards.

IV. RESPONSIBILITIES

The following section identifies the responsibilities of FHWA and of SCDOT in complying with the terms of this Agreement.

A. FHWA (lead Federal agency) Responsibilities

1. Consistent with the requirements of 36 CFR 800.2(a) and 800.2(a)(1-4), FHWA remains legally responsible for ensuring that the terms of this Agreement are carried out and for all findings and determinations made pursuant to this Agreement by SCDOT under the authority of FHWA. At any point in the Section 106 process, FHWA may inquire as to the status of any undertaking carried out under the authority of this Agreement and may participate directly in any undertaking at its discretion.
2. FHWA retains the responsibility for government-to-government consultation with Tribes as defined in 36 CFR 800.16(m). FHWA may ask SCDOT to assist in consultation if the individual Tribes agree to alternate procedures.
3. Pursuant to 36 CFR 800.6(a)(1), FHWA is responsible for notifying the ACHP of an adverse effect determination and offering the ACHP the opportunity to become a consulting party.
4. FHWA shall provide ACHP copies of any Memorandum of Agreement (MOA) developed for undertakings which adversely affect historic properties.
5. FHWA shall be responsible for resolving disputes and objections pursuant to Stipulation XIII(B) of this Agreement.

B. SCDOT Responsibilities

Under the authority of FHWA, SCDOT may carry out the following steps with respect to undertakings covered by this Agreement. Assignment of these responsibilities is based on adequate and appropriate performance by SCDOT as evaluated in monitoring by FHWA pursuant to Stipulation XII(1) of this Agreement. This list is not inclusive of all responsibilities of SCDOT under this Agreement.

1. Determine under 36 CFR 800.3(a) whether the undertaking is a type of activity that has the potential to cause effects on historic properties.
2. Determine under 36 CFR 800.3(c) and (d) whether the undertaking may occur on or has the potential to affect historic properties on tribal lands as they are defined in 36 CFR 800.16(x).
3. Solicit public comment and involvement, in accordance with 36 CFR 800.3(e) and SCDOT's public involvement procedures.
4. Except as identified in Stipulation V, identify additional consulting parties, including Tribes, as described in 36 CFR 800.3, and invite them to participate in the undertakings covered by this Agreement.
5. Except as identified in Stipulation VIII, determine and document, in consultation with the SHPO, the scope of identification efforts and level of effort, as described in 36 CFR 800.4 (a) and (b), including the undertaking's area of potential effects (APE).
6. In consultation with SHPO, determine the boundaries and eligibility of properties within the APE for listing in the NRHP.
7. Determine whether historic properties may be affected by the undertaking by applying the criteria

of adverse effect as described in 36 CFR 800.5(a)(l)

8. In consultation with FHWA, the SHPO, and the ACHP (if it has chosen to participate), resolve adverse effects through the development, circulation, and execution of a MOA, if appropriate.
9. Ensure conformance with the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation and the South Carolina Standards and Guidelines for Archaeological Investigations (updated 2013) and any successor to those guidelines.
10. The SCDOT shall submit to the SHPO copies of all fieldwork reports and architectural survey cards, and shall ensure curation of archaeological materials produced under this PA at a facility meeting the standards of 36 CFR 79.
11. Provide FHWA copies of all correspondence sent out on its behalf (e.g. letters to SHPO or Tribes)
12. Notify FHWA of adverse effect findings and invite FHWA to participate in discussions with the SHPO to resolve adverse effects or any disputes.

V. CONSULTATION WITH TRIBES

A. Where formal consultation agreements with Tribes exist, SCDOT may provide general coordination information to Tribes but FHWA shall retain ultimate responsibility for complying with all federal requirements pertaining to government-to-government consultation with Tribes. Notwithstanding any other provision of this stipulation, FHWA shall honor the request of any Tribe for government-to- government consultation regarding an undertaking covered by this Agreement.

B. In accordance with 36 CFR 800.3(f)(2), any Tribes that might attach religious and cultural significance to historic properties in the area of potential effects shall be identified by SCDOT and invited by FHWA to be consulting parties.

C. SCDOT shall ensure that consultation with Tribes is initiated early in the project planning process to identify cultural, confidentiality, or other concerns and to allow adequate time for consideration.

D. SCDOT shall ensure that consultation continues with Tribes throughout the Section 106 review process prescribed by this Agreement whenever such tribes express a concern about an undertaking or about historic properties that may be affected by an undertaking.

E. FHWA may ask SCDOT to assist in consultation if the individual Tribes agree to alternate procedures.

VI. PARTICIPATION OF OTHER CONSULTING PARTIES AND THE PUBLIC

A. Additional Consulting Parties

1. Consulting parties shall be identified in writing by SCDOT in consultation with the SHPO pursuant to 36 CFR 800.3(c-f) and their participation in undertakings covered under this Agreement shall be governed by 36 CFR 800.3(f)(3). Individuals and organizations with a demonstrated interest in an undertaking shall be invited by SCDOT in consultation with FHWA to participate in the Section 106 process. Any land-managing agency whose land may be affected by an undertaking shall be invited by SCDOT to participate in the Section 106 process. Written requests by individuals, organizations, and agencies to become consulting parties will be evaluated on a case-by-case basis by SCDOT and FHWA in consultation with the SHPO.

B. Public Involvement

1. Public involvement in planning and implementing undertakings covered by this Agreement shall be governed by FHWA's and SCDOT's environmental compliance procedures. SCDOT's Public Involvement Plan (Attachment 2) provides guidance for identifying, informing, and involving the public. FHWA's Technical Advisory (T6640.8A, October 30, 1987) and similar and subsequent guidance documents will also be used. Public involvement and the release of information hereunder shall be consistent with 36 CFR 800.2(d), 800.3(e), and 800.1 l(c)(l and 3).

2. The SCDOT shall continue to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, and the likely interest of the public in the effects on historic properties, to remain consistent with the intent of 36 CFR Part 800, as amended.
3. For those actions that do not routinely require public review and comment (e.g., Type I projects), appropriate public involvement should be based on the specifics of the situation and commensurate with the type and location of historic properties, and the undertaking's potential impacts on them.
4. The SCDOT shall make FHWA and SHPO aware of any and all public controversy as it relates to the historic properties potentially affected by the proposed undertaking, including properties of religious and/or cultural significance to the Tribes.

VII. PROJECT REPORTS

A. The SCDOT shall use a short form report, internal memorandum, or the Cultural Resources Screening Form for surveys and testing projects conducted with in-house personnel.

B. The use of short form reports (Example Attachment 3) by SCDOT consultants and subconsultants will be restricted to projects where ten (10) or fewer archaeological and/or architectural sites are identified and a finding of "no historic properties are affected" or "no adverse effect to historic properties" is made.

C. Short form reports must, at a minimum, contain the following information:

Title, Archaeologist (or other cultural resource investigator), Date of Research, County, Project Name, Project Description, Location, USGS Quadrangle Map, Date, Scale, UTM, Zone, Easting, Northing, Environmental Setting, Nearest River/Stream and Distance, Soil Type, Reference for Soils Information, Ground Surface Visibility, Current Vegetation, Investigation Description, Table or List of Previously Identified Resources (Archaeological or Architectural) in Vicinity of Project Area, Description/Discussion of Any Resources Discovered as a Result of Current Survey, and Remarks and Recommendations.

D. Short form reports cannot be used when historic properties are identified within the APE and the SCDOT determines that the project may have an adverse effect.

E. Short form reports may be used on projects involving eligible bridges provided that no other historic architectural or archaeological resources may be adversely affected in the APE. These reports will include a section that describes the historic context of any eligible or listed bridges within the project's APE.

F. The SHPO reserves the right to request a full length or expanded report when additional information (contextual or otherwise) is needed to make a National Register eligibility determination.

VIII. PROJECT REVIEW

A. Type I Projects

SCDOT's cultural resource staff will implement the following review and consultation process for Type I projects. Type I projects may include the following types of undertakings:

1. Pavement resurfacing (with shoulder and ditch work)
2. Installation of fencing, walls, signs, pavement markings, traffic signals, small passenger shelters, and railroad warning devices
3. Installation of rumble strips
4. Landscaping

Type I Project Review Procedure

a. SCDOT's cultural resource staff will evaluate each undertaking for potential effects to historic properties. At a minimum, evaluations shall consist of a review of the state's cultural resource files in a Geographic Information System (GIS) and a review of modern-day aerial photography. Field investigations will be performed at the discretion of SCDOT's cultural resource staff.
b. SCDOT's cultural resource staff will consult with the SHPO on all determinations of eligibility made for above ground resources.
    1. On projects with less than five (5) survey eligible above ground resources that are determined to be not eligible for the National Register in consultation with SHPO, SCDOT may use the Cultural Resources Screening Form to document eligibility and assessment of effect. SCDOT would request state site numbers for all documented above ground resources and would submit digital copies of survey cards and a copy of the Cultural Resources Screening Form to SHPO.
    2. On projects with greater than five (5) survey eligible above ground resources that are determined to be not eligible for the National Register in consultation with SHPO, SCDOT would consult with SHPO to determine what level of report documentation (i.e. Cultural Resources Screening Form, internal memorandum, or short form report) would be required. SCDOT would request state site numbers for all documented above ground resources and would submit digital copies of survey cards and a copy of the Cultural Resources Screening Form to SHPO.
    3. If no eligible above ground resources are identified within a project's Area of Potential Effect, SCDOT's cultural resource staff may proceed with processing the project under the terms of this Programmatic Agreement.

c. For those undertakings in which there are a) no previously recorded historic properties within the APE or b) no newly identified historic properties within the APE, SCDOT's cultural resource staff may issue a finding of "no historic properties affected" and will consult with the SHPO as SCDOT determines appropriate.
d. If there are potential historic properties identified within the APE, SCDOT's cultural resource staff will apply the National Register Evaluation Criteria to determine National Register eligibility. SCDOT will then apply the Criteria of Adverse Effect to any historic properties in accordance with 36 CFR 800.4(d) and 800.5 and consult with the SHPO and others regarding the need for additional investigations and/or measures to ensure historic properties are not adversely affected.
e. If adverse effects to historic properties cannot be avoided, SCDOT's cultural resource staff and FHWA will consult with the SHPO in order to resolve adverse effects in accordance with 36 CFR 800.6.
f. SCDOT shall include the following documentation in the project file:

    i. A cultural resource screening form (Attachment 3)
    ii. Any records on consultation
    iii. Any records on efforts to identify historic properties
    iv. Any findings of eligibility.
    v. Any findings of effect.
    vi. Any records on resolving adverse effects.

B. Type II Projects

SCDOT's cultural resource staff will implement the following review and consultation process for Type II projects. Type II projects may include of the following types of undertakings:

1. Bridge replacements on alignment
2. Construction of bicycle and pedestrian lanes, paths, and facilities
3. Intersection improvement projects that involve the construction of turn lanes and/or realignment of roads.

Type II Project Review Procedure

a. SCDOT's cultural resource staff will evaluate each undertaking for potential effects to historic properties. At a minimum, evaluations will consist of a review of the state's cultural resource files in a Geographic Information System (GIS), a review of the SCDOT bridge database, and an on- site field visit. Field investigations, such as shovel testing and probing, will be performed at the discretion of SCDOT's cultural resource staff.
b. SCDOT's cultural resource staff will consult with the SHPO on all determinations of eligibility made for above ground resources.

    1. On projects with less than five (5) survey eligible above ground resources that are determined to be not eligible for the National Register in consultation with SHPO, SCDOT may use the Cultural Resources Screening Form to document eligibility and assessment of effect. SCDOT would request state site numbers for all documented above ground resources and would submit digital copies of survey cards and a copy of the Cultural Resources Screening Form to SHPO.
    2. On projects with greater than five (5) survey eligible above ground resources that are determined to be not eligible for the National Register in consultation with SHPO, SCDOT would consult with SHPO to determine what level of report documentation (i.e. Cultural Resources Screening Form, internal memorandum, or short form report) would be required. SCDOT would request state site numbers for all documented above ground resources and would submit digital copies of survey cards and a copy of the Cultural Resources Screening Form to SHPO.
    3. If no eligible above ground resources are identified within a project's Area of Potential Effect, SCDOT's cultural resource staff may proceed with processing the project under the terms of this Programmatic Agreement.

c. SCDOT's cultural resource staff (or consultant) will complete a short-form report, internal memorandum report, or Cultural Resources Screening Form for all projects that involve the identification or evaluation of an archaeological site or above-ground resource (excluding bridges) within the Area of Potential Effects. See Attachment 3 for examples of completed documents.
d. For those undertakings in which there are a) no previously recorded historic properties within the APE and b) no newly identified historic properties within the APE, SCDOT's cultural resource staff shall issue a finding of no historic properties affected and will consult with the SHPO as SCDOT deems appropriate.
e. If there are potential historic properties identified within the APE, SCDOT's cultural resource staff will apply the National Register Evaluation Criteria in consultation with the SHPO to determine National Register eligibility.
f. SCDOT will then apply the Criteria of Adverse Effect in consultation with the SHPO to any historic properties in accordance with 36 CFR 800.4(d) and 800.5 and consult with the SHPO and others regarding the need for additional investigations and to consider measures to avoid, minimize, or mitigate adverse effects to historic properties.
g. If adverse effects to historic properties cannot be avoided, SCDOT's cultural resource staff and FHWA will consult with the SHPO and other consulting parties in order to resolve adverse effects in accordance with 36 CFR 800.6.
h. SCDOT shall include the following documentation in the project file:

    i. A cultural resource screening form (Attachment 3).
    ii. Any records on consultation
    iii. Any records on efforts to identify historic properties.
    iv. Any findings of eligibility.
    v. Any findings of effect.
    vi. Any records on resolving adverse effects

C. Type III Projects

Type III projects consist of all other federal-aid transportation projects that fall outside of the undertakings described as Type I or Type II projects. Except as identified in Stipulation V, SCDOT will be responsible for completing Section 106 compliance as described in 36 CFR 800 for all Type III projects. FHWA retains final authority, responsibility, and liability for all actions, findings, and determinations.

IX. EMERGENCY SITUATIONS

For the purposes of this Agreement, emergencies are defined as occurrences that require emergency highway system and facility repairs that are necessary to 1) protect the life, safety, or health of the public;
2) minimize the extent of damage to the highway system and facilities; 3) protect remaining highway facilities; or 4) restore essential traffic. The following stipulations apply to emergency situations:

A. Repairs to address emergency situations as defined above can occur regardless of funding category, and regardless of declarations made by federal, state, or local agencies.

B. If the emergency repair project could affect historic properties, SCDOT's cultural resource staff shall notify the SHPO, the FHWA, and Tribes prior to any work taking place. The SHPO and any Tribe that may attach religious and cultural significance to historic properties likely to be affected will have 72 hours to respond.

C. For projects where the repair must be made within the first 30 days of the occurrence of the event that caused the emergency or the declaration of the emergency by an appropriate authority, the processing of environmental documentation will happen concurrently or after the fact. In these cases, SCDOT will comply with the procedures in Stipulation VIII of this Agreement to the extent possible, but the reviews will likely be conducted after the emergency work is completed.

D. For projects taking longer than 30 days for repair, SCDOT will comply with the procedures in Stipulation VIII.

E. Written notification of an emergency action shall be provided to the SHPO. The notice shall be clearly and prominently marked as an emergency notification, and shall include an explanation of how the action meets the requirements for emergency as defined herein. The notice shall also include a brief description of the eligibility and/or significance of the resource(s) involved, the nature, effect, and anticipated effect of the emergency action on the resource(s), and the anticipated time frame available for comment.

X. POST-REVIEW DISCOVERIES

A. Planning for Subsequent Discoveries

When SCDOT's identification efforts indicate that historic properties are likely to be discovered during implementation of an undertaking, SCDOT shall include in any environmental document a plan for discovery of such properties. Implementation of the plan as originally proposed, or modified as necessary owing to the nature and extent of the properties discovered, will be in accordance with 36 CFR 800.4-6.

B. Late Discoveries

1. If previously unidentified archaeological or historic properties, or unanticipated effects, are discovered after SCDOT has completed its review under this Agreement, that portion of the project will stop immediately, in accordance with SCDOT Engineering Directive Memorandum Number C-16

(Attachment 1).

2. No further construction in the area of discovery will proceed until the requirements of 36 CFR 800.13 have been satisfied, including consultation with Tribes that may attach traditional cultural and religious significance to the discovered property.

3. SCDOT will consult with SHPO and Tribes, as appropriate, to record, document, and evaluate NRHP eligibility of the property and the project's effect on the property, and to design a plan for avoiding, minimizing, or mitigating adverse effects on the eligible property.

4. If neither the SHPO nor a Tribe files an objection within 72 hours of SCDOT's plan for addressing the discovery, SCDOT may carry out the requirements of 36 CFR 800.13 on behalf of FHWA, and the ACHP does not need to be notified.

XI. IDENTIFICATION AND TREATMENT OF HUMAN REMAINS

A. In the event that human remains are identified prior to, during, or after project construction, SCDOT will develop a treatment plan in consultation with FHWA and the SHPO. If it is determined that the human remains are associated with a Native American occupation, SCDOT and FHWA will consult with the Tribes prior to the development or execution of a treatment plan.

B. All work conducted on human remains and abandoned cemeteries will comply with the South Carolina Code of Laws Title 27 Chapter 43 Removal of Abandoned Cemeteries.

XII. ADMINISTRATIVE STIPULATIONS

A. Monitoring and Reporting

1. FHWA, the Corps, the SHPO, and ACHP may review activities carried out pursuant to this Agreement. SCDOT shall facilitate this review by compiling specific categories of information to document the effectiveness of the Agreement and by making this information available on an annual basis to FHWA, the Corps, the SHPO, and ACHP in the form of a written report. Categories of information can include, but are not limited to, a summary of actions taken under the Agreement, including all findings and determinations, accomplishments, estimated time and cost savings, public objections, and inadvertent effects or foreclosures. The range and type of information included by SCDOT in the written report and the manner in which this information is organized and presented must be such that it facilitates the ability of the reviewing parties to assess accurately the degree to which the Agreement and its manner of implementation constitute an efficient and effective program alternative under 36 CFR 800, and to determine whether this Agreement should remain in effect, and if so, whether and how it should be improved through appropriate amendment.

2. FHWA shall monitor the provisions of this Agreement no more than every 24 months after the date of execution of this agreement. The monitoring effort shall consist of a review of project records and interviews of staff at SCDOT, SHPO, as well as interviews with other consulting parties. FHWA shall prepare a report that summarizes the conclusions of monitoring that will be posted and publically available on the SCDOT website. FHWA will also transmit the monitoring report to the ACHP for review.

3. SCDOT shall prepare a written report annually on a calendar year basis. The report will provide a description of the number of Type I, II, and III projects that were reviewed during the calendar year. The report will also describe accomplishments/successes achieved over the course of the year as well as suggestions for improvements. SCDOT shall submit the annual reports to FHWA, the Corps, the SHPO, and ACHP no later than March 31st each year.

B. Resolving Objections to Implementation of this Agreement

1. Should any signatory party object in writing to FHWA regarding the manner in which the terms of this Agreement are carried out, FHWA will immediately notify the other signatory parties of the objection and proceed to consult with the objecting party to resolve the objection. FHWA will honor the request of any signatory party to participate in the consultation and will take any comments provided by such parties into account. The FHWA shall establish a reasonable time frame for such consultations.

2. Should any signatory party object to a SCDOT or FHWA determination of eligibility, FHWA will submit the determination to the Keeper of the National Register of Historic Places for resolution.

3. If the objection is resolved through consultation, FHWA may authorize the disputed action to proceed in accordance with the terms of such resolution.

4. If after initiating such consultation, FHWA determines that the objection cannot be resolved through consultation, FHWA shall forward all documentation relevant to the objection to the ACHP and other signatory parties, including FHWA's proposed response to the objection. Within 30 days after receipt of all pertinent documentation, ACHP shall exercise one of the following options:

    i. Advise FHWA that ACHP concurs in FHWA's proposed response to the objection, whereupon FHWA will respond to the objection accordingly; or

    ii. Provide FHWA with recommendations, which FHWA shall take into account in reaching a final decision regarding its response to the objection; or

    iii. Notify FHWA that the objection will be referred for comment pursuant to 36 CFR 800.7(a)(4) and proceed to refer the objection and comment. In this event, FHWA shall ensure that the Agency Official is prepared to take the resulting comments into account in accordance with 36 CFR 800.7(~)(4).

5. Should ACHP not exercise one of the foregoing options within 30 days after receipt of all pertinent documentation, FHWA may assume ACHP's concurrence in its proposed response to the objection.

6. FHWA shall take into account any ACHP recommendation or comment and any comments from the other signatory parties to this Agreement in reaching a final decision regarding the objection. FHWA's responsibility to carry out all actions under this Agreement that are not the subjects of the objection shall remain unchanged.

7. FHWA shall provide all other signatory parties to this Agreement with a written copy of its final decision regarding any objection addressed pursuant to this Stipulation.

8. FHWA may authorize any action subject to objection under this Stipulation to proceed, provided the objection has been resolved in accordance with the terms of this Stipulation.

9. At any time during implementation of the terms of this Agreement, should any member of the public raise an objection in writing pertaining to such implementation to any signatory party to this Agreement, that signatory party shall immediately notify FHWA. FHWA shall immediately notify the other signatory parties in writing of the objection. Any signatory party may choose to comment on the objection to FHWA. FHWA shall establish a reasonable time frame for this comment period. FHWA shall consider the objection, and in reaching its decision, FHWA will take all comments from the other parties into account. Within 15 days following closure of the comment period, FHWA will render a decision regarding the objection and respond to the objecting party. FHWA will promptly notify the other parties of its decision in writing, including a copy of the

response to the objecting party. FHWA's decision regarding resolution of the objection will be final. Following the issuance of its final decision, FHWA may authorize the action subject to dispute hereunder to proceed in accordance with the terms of that decision.

XIII. AMENDMENT

A. Any signatory party to this Agreement may at any time propose amendments, whereupon all signatory parties shall consult to consider such amendment. This Agreement may be amended only upon written concurrence of all signatory parties.

B. Each attachment to this Agreement may be individually amended through consultation of the signatory parties without requiring amendment of the Agreement, unless the signatory parties through such consultation decide otherwise.

XIV. TERMINATION

A. Any signatory party may terminate this agreement. If this Agreement is not amended as provided for in Stipulation XIII, or if any signatory party proposes termination of this Agreement for other reasons, the party proposing termination shall notify the other signatory parties in writing, explain the reasons for proposing termination, and consult with the other parties for no more than 30 days to seek alternatives to termination.

B. Should such consultation result in an agreement on an alternative to termination, the signatory parties shall proceed in accordance with that agreement.

C. Should such consultation fail, the signatory party proposing termination may terminate this Agreement by promptly notifying the other parties in writing.

D. Should this Agreement be terminated, FHWA would carry out the requirements of 36 CFR Part 800 for individual undertakings.

E. Beginning with the date of termination, FHWA shall ensure that until and unless a new Agreement is executed for the actions covered by this Agreement, such undertakings shall be reviewed individually in accordance with 36 CFR 800.4-800.6.

XV. CONFIDENTIALITY

All parties to this Agreement acknowledge that information about historic properties, potential historic properties, or properties considered historic for purposes of this Agreement are or may be subject to the provisions of Section 304 of NHPA. Section 304 allows FHWA to withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if SCDOT determines that disclosure may 1) cause a significant invasion of privacy; 2) risk harm to the historic resource; or 3) impede the use of a traditional religious site by practitioners. Having so acknowledged, all parties to this Agreement will ensure that all actions and documentation prescribed by this Agreement are, where necessary, consistent with the requirements of Section 304 of the NHPA.

XVI. DURATION OF AGREEMENT

This Agreement shall remain in effect for a period of ten (10) years after the date it takes effect, unless it is terminated prior to that time. Ninety days prior to the conclusion of the ten year period, SCDOT will notify all parties in writing. If there are no objections from consulting parties, the term of the Agreement will

automatically be extended for an additional ten years. If any party objects to extending the Agreement, or proposes amendments, SCDOT will consult with the parties to consider amendments or other actions to avoid termination.

Execution and implementation of this agreement is evidence that FHWA has delegated certain Section 106 responsibilities to SCDOT, and has afforded the ACHP a reasonable opportunity to comment on the Program and its individual undertakings in South Carolina; that FHWA has taken into account the effects of the program and its individual undertakings on historic properties; that FHWA has complied with Section 106 of the NHPA and 36 CFR 800 for the Program and its individual undertakings; and that FHWA is acting on the Corps' behalf as the lead Federal agency to fulfill both FHWA and the Corps' collective responsibilities under Section 106 of the NHPA for all FHWA undertakings in the State of South Carolina that require Corps authorization pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and/or Section 10 of the Rivers and Harbors Act (33 U.S.C. 401 and 403).

Signatories:

Federal Highway Administration

By: _____ Date: 9/27/17
Emily O. Lawton, Division Administrator

Recommended By: _____ Date: 9/27/17

U.S. Army Corps of Engineers, Charleston District

FOR THE DISTRICT ENGINEER

By: _____ Date: 9/29/17
Travis Hughes, Regulatory Division Chief

Recommended By: _____ Date: 9/29/17

South Carolina Department of Transportation

By: _____ Date: 9-21-17
Chad C. Long, Environmental Services Office, Director

Recommended By: _____ Date: 9-21-17

South Carolina State Historic Preservation Officer

By: _____ Date: 9-25-17
Dr. Eric Emerson, State Historic Preservation Officer

Recommended By: _____ Date: 9-25-17

Advisory Council on Historic Preservation

By: _____ Date: 10/6/17
for John M. Fowler, Executive Director

ATTACHMENT 1

SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND PUBLIC TRANSPORTATION

ENGINEERING DIRECTIVE MEMORANDUM

Number: C-16
Number: PC-16

Subject: Archaeological and Historic Sites Responsibilities - Planning Process, Late Discovery during Construction, Avoidance of Archaeological and Historic Sites

There are several Federal and State legislative acts which deal with guidelines formulated for consideration of archaeological resources. The following procedures are to apply on projects processed with Federal funds:

A. Archaeological and Architectural Studies in the Environmental Planning Process.

To comply with regulations, the Department's Archaeologists will review all proposed federal aid projects. This review may include field investigations.

The initial field investigations will normally consist of an intensive archaeological survey to identify and assess sites for eligibility for inclusion in the National Register of Historic Places. Reconnaissance surveys may sometimes be substituted for an intensive survey if an intensive survey will follow the selection of a preferred alternate or if it can be demonstrated that an intensive survey is not warranted. If additional information is needed for a definitive assessment of eligibility, test excavations may be required. If an eligible site is located which cannot be avoided, and it is not eligible for preservation in place, it may be mitigated through data recovery (large scale excavations).

All structures 50 or more years old will be subjected to architectural historical investigations. These structures will be evaluated for project impacts and eligibility for inclusion in the National Register. Recommendations will be made for mitigation of impacts on eligible structures.

B. Late Discovery of Archaeological/Historical Remains on Federal Aid Projects.

1. Responsibilities:

The contractor and subcontractors must notify their workers to watch for the presence of any prehistoric or historic remains, including but not limited to arrowheads,

pottery, ceramics, flakes, bones, graves, gravestones, or brick concentrations. If any such cultural remains are encountered, the Resident Construction Engineer shall be immediately notified and all work in the vicinity of the discovered materials or site shall cease until the Department's Archaeologist or the State Highway Engineer directs otherwise.

2. Applicability:

This provision covers all areas of ground disturbance resulting from this federal-aid contract, including but not limited to road construction, Department designated borrow pits, Contractor furnished borrow pits, and/or staging areas.

3. Cost Reimbursement and Time Delays:

Any extra work required by B(1) above within the project right of way or on Department designated borrow pits (see below) will be paid for in accordance with Subsection 104.04 of the Standard Specifications. Extra contract time may be provided under Subsection 108.06 of the Standard Specifications for archaeological work within the project right of way or on designated borrow pits.

NOTE: On Contractor furnished borrow pits the contractor is not entitled to any additional time or money for delay or impact resulting from B(1) above or for extra work required by B(1) above. Therefore, contractors may desire to retain professional archaeological services to better insure that borrow pit areas are cleared of archaeological/historical remains prior to use on Federal Aid Projects.

C. Approval of Designated Borrow Pits on Federal Aid Projects (Plant Sites which qualify as commercial are not included).

In instances where the Department specifically designates the location of borrow pits on project plans or in contract specifications for use on a Federal Aid Project, an archaeological survey will be performed by Department archaeologists prior to award of contract.

This provision also applies to designated disposal sites, staging areas, haul roads, and job site field offices.

D. Avoidance of Archaeological and Historic Sites in Borrow Pits, Staging Areas, Disposal Sites, Haul Roads, and Job Site Field Offices

Archaeological and historic sites which are eligible for, potentially eligible for, or already listed on the National Register of Historic Places are often identified on, or near project areas. Some of these sites have been intentionally avoided through project redesign. Avoidance of these sites may be part of agreements with the State Historic Preservation Officer and/or the Advisory Council for Historic Preservation.

Contractors, subcontractors, and consultants will avoid disturbances to these sites. Maps and/or plans will be available to assist in identifying the locations of these sites to insure avoidance.

Approved: W. M. DuBose, III
Director of Pre-Construction

Effective Date: 5/19/93

Approved: W. A. Kellett, III
Director of Construction

Effective Date: 6/4/93

ATTACHMENT 2

South Carolina Department of Transportation

ENVIRONMENTAL MANAGEMENT OFFICE

PUBLIC INVOLVEMENT POLICY FOR NEPA COMPLIANCE

Effective Date: October 1, 2011

Patrick L. Tyndall

Sept. 21, 2011
Date

Patrick L. Tyndall
Planning and Environmental Manager
Federal Highway Administration
1835 Assembly Street
Suite 1270
Columbia, South Carolina 29201
803-765-5460

Randall D. Williamson

August 30, 2011
Date

Randall D. Williamson, P.E.
Environmental Engineer
South Carolina Department of Transportation
955 Park Street
Post Office Box 191
Columbia, South Carolina 29202
803- 737-1700

Transportation projects, by their very nature, greatly affect the citizens that use the facility as well as those that live or work in the communities in which the project is located. As a transportation agency, it is SCDOT's responsibility to:

1) communicate with those who may be affected directly or indirectly by a transportation project; and,
2) to develop a plan to effectively involve the public in the transportation decision-making process.

This policy outlines the South Carolina Department of Transportation's (SCDOT) plan to communicate and involve the public in the development of transportation projects. All projects where SCDOT and/or FHWA will be requested to sign the environmental document are required to follow this public involvement policy. **This Policy will be reviewed every 5 years, and will be updated as needed.** A Public Involvement Checklist has been developed to assist Program Managers and to document the implementation of this Public Involvement Policy on a project level basis (refer to Appendix). This policy complies with and satisfies the requirements of 23 CFR 771.111(h)(1).

I. DEFINITIONS

Public Information Meeting (PIM): A PIM is an informal public gathering hosted by SCDOT for the express purpose of informing and soliciting input from interested individuals regarding transportation issues. Any public meeting that SCDOT is requested to conduct will be completed in accordance with the procedures outlined in this policy. A PIM is most commonly conducted during the alternative development phase, prior to the recommendation of a preferred alternative. The PIM serves as a forum for the public to be engaged early in the project development process. Maps and drawings of the proposed improvements are available and citizens may ask questions and provide comments regarding the possible social, economic and environmental effects of the project. The public comments are reviewed and modifications to the project are considered.

Public Hearing (PH): A PH is required for an Environmental Assessment (EA) and an Environmental Impact Statement. Project details are provided such as potential impacts of the preferred alternative, proposed schedule, and estimated costs. A PH is different from a PIM, as a formal presentation is given and interested individuals have the opportunity to verbally express their views of the project. It is the intent of SCDOT to have the public comments recorded by a court reporter. The public comments are reviewed and modifications to the project are considered. SCDOT provides a written response to all written comments received at the PH and associated comment period.

Public Hearing Officer (PHO): The (PHO) is in charge of the formal portion of the hearing. The PHO will be someone that is impartial to the project, capable of public speaking and controlling a large gathering of people. The PHO will be designated by the Environmental Management Office (EMO).

Speaking Requests – On some projects SCDOT staff may be asked to go and speak to other organizations (Rotary Club, etc) and provide information about the project. The procedures outlined in this policy do not apply to meetings that are not conducted by SCDOT (or their consultant). These speaking requests are not considered SCDOT PIM's or PH's and therefore do not require sign in sheets or comment forms. However, the project manager will summarize the meeting and include this in the project files and in the "comments and coordination" section of the environmental document.

II. APPLICABLE PROJECTS

Four tiers of projects and the level of effort associated with each are described below:

Tier 1: Projects that qualify for a Categorical Exclusion (CE) Type A or B may include landscaping, minor intersection improvements, safety projects, pavement resurfacing or smaller bridge replacements.

Although there are no Public Involvement (PI) requirements for a Tier 1 project, discussions with the EMO and FHWA may result in any of the following potential requirements listed below based on the nature of the project scope.

Potential PI requirements for a Tier 1 project may include:

1. When a project will include a bridge closure, a sign shall be placed near the project. Program Manager's name and phone number shall be included on the sign, as well as an estimated time period for the closure. This sign will be posted after the completion of the environmental document for a period of 15 days, which coincides with SCDOT policy for advertising an opportunity for a public meeting.
2. Letters to public officials.
3. Press release.
4. Letters to affected property owners (A sample of this letter is found in the appendix)
5. Advertise for an opportunity for a PH when a bridge is closed.

Tier 2: Projects that qualify for a Categorical Exclusion Type C may include intersection improvements or larger bridge replacements.

Although there are no PI requirements for a Tier 2 project, discussions with the EMO and FHWA may result in any of the following potential requirements listed below based on the specific project.

Potential PI requirements for a Tier 2 project may include:

1. When a project will include a bridge closure, a sign shall be placed near the project. Program Manager's name and phone number shall be included on the sign, as well as an estimated time period for the closure. This sign will be posted after the completion of the environmental document for a period of 15 days,

which coincides with SCDOT policy for advertising an opportunity for a public meeting.
2. Letters to public officials.
3. Press release.
4. PIM or advertisement for an opportunity for a PIM.
5. Letters to affected property owners (A sample of this letter is found in the appendix).
6. Advertise for an opportunity for a PH when a roadway/bridge is closed.

Tier 3: Projects that qualify for an EA may include new location roadways, interstate interchange improvements, highway widenings or major bridge replacements.

PI requirements for a Tier 3 project include:
1. Letter of Intent (A sample of this letter is found in the appendix).
2. PIM, refer to Public Notification portion of this process.
3. PH, refer to Public Notification portion of this process.

Pending discussions with the EMO and FHWA the following potential PI requirements listed below may also be applicable for a Tier 3 project.

Potential PI requirements for a Tier 3 project may include:
1. Letters to public officials.
2. Newsletters, flyers, mailings, toll-free hotline, website, FM tuner recorded announcement, use of social networking sites, outreach to Environmental Justice or non-English reading/speaking communities, etc. (refer to appendix for list of minority media outlets).
3. When a project will include a bridge closure, a sign shall be placed near the project. Program Manager's name and phone number shall be included on the sign, as well as an estimated time period for the closure. This sign will be posted after the completion of the environmental document for a period of 15 days, which coincides with SCDOT policy for advertising an opportunity for a public meeting.
4. Letters to affected property owners (a sample of this letter is found in the appendix).

Tier 4: Projects for which an Environmental Impact Statement (EIS) will be prepared may include new location roadways, interstate interchange improvements, highway widenings or major bridge replacements.

Pursuant to Section 6002 of SAFETEA-LU a specific public involvement plan shall be developed for a Tier 4 project based on the specific project. Discussions with the EMO and FHWA will be completed when developing the plan.

III. PUBLIC INFORMATION MEETING PROCEDURES

Determination of need for a PIM: The EMO and the Program Manager will decide if a PIM is needed on a project by project basis. The Environmental Engineer or NEPA Manager, in coordination with FHWA's South Carolina Division Office will have the final determination as to the need for a PIM. If it is determined that a PIM is needed, the Program Manager, with the assistance of the EMO, will conduct a PIM in coordination with the public involvement policy. The Program Manager will offer potential dates to the EMO before scheduling the PIM. In addition, the Program Manager will provide draft copies of the necessary documents and the PIM displays to the EMO for review.

Please note: If a PIM was conducted for a project in the past and the project was put on hold, an additional PIM may be required depending on the length the project was on hold. The requirement of an additional PIM will be determined through coordination between the Program Manager, the EMO and FHWA.

Identification of affected groups: The Program Manager will coordinate with the EMO to identify any community groups, churches, neighborhood associations or other affected/interested groups and identify a point of contact for these groups. The EMO may also suggest methods for communicating with the affected groups that are identified. These groups may be used as a resource to assist SCDOT with the flow of project information throughout the life of the project. If the affected groups include a population that speaks a primary language other than English, a SCDOT translator will be identified and attend the meeting. (Refer to appendix for list of SCDOT translators).

Please note: On some projects it may be necessary to hold multiple PIMs in different geographic areas of the study area. The requirement of multiple PIMs will be determined through coordination between the Program Manager, the EMO and FHWA.

Public Notification: The following public notification process will be completed for a PIM:

1. A newspaper display ad will be completed by the Project Manager.
    - **It is the Program Manager's responsibility to write the ad and submit it to EMO for publication (an example ad is included in the appendix).**
    - The date, time and location of the PIM will be announced at least 15 calendar days prior to its occurrence.
    - The public comment will be allowed at least 15 calendar days after the conclusion of the PIM.
    - Five working days must be allowed for the EMO to review and publish the ad.
2. The SCDOT website will be updated to include the date, time, and place of the meeting. **It is EMO's responsibility to coordinate the website update.**
3. Physical signs will be placed near the project site at least 15 days prior to the PIM. **It is the Program Manager's responsibility to arrange for the physical signs to be placed.**

FHWA Coordination: An FHWA representative will be given an opportunity to review the proposed displays a minimum of 7 days prior to the PIM. Coordination with FHWA will also be provided to ensure attendance.

Facility Requirements: The Program Manager is responsible for locating a facility meeting the following requirements:

1. Americans with Disabilities Act accessible.
2. Ample parking in close proximity to facility.
3. Audio/Visual compatibility (microphones, projector, screen, etc), if required.
4. Adequate availability of tables and adult-sized chairs.
5. If required, a "Certificate of Insurance" that shows that SCDOT has liability insurance.
    - The Certificate can be directly obtained from the Insurance Reserve Fund by requesting it via e-mail from Patty Trevathan (trevathan@irf.sc.gov). You must provide the name and address of the representative that the Certificate needs to be sent to.

Staffing Guidelines: The Program Manager is responsible for coordinating the staffing with EMO will include:

1. Sign-in table staff.
2. Program Manager and RPG/Traffic personnel.
3. FHWA representative(s).
4. EMO representative(s).
5. Right-of-way Agent(s).
6. Consultant staff (if applicable).

PIM Specifics:

1. The PIM will be held from 5:00PM to 7:00PM, depending on the work hours of the affected population.
2. The PIM will be held on Tuesdays or Thursdays.
3. Directional signs for parking and identification of entrance must be used.
4. A police presence is required and the Program Manager is responsible for arranging.
5. Staff attending the PIM will be clearly identifiable with name badges.
6. Sign-in sheets and comment forms must be provided (please use the standard examples attached in appendix).
7. A recording device must be available to record verbal comments.
8. Handouts must be provided that include:
    - the project's purpose and need
    - a graphic showing the alternatives
    - text explaining that comments on any known cultural or historic properties are encouraged.
9. A minimum of two sets of displays will be available.
10. The number of minority citizens attending must be tallied by the person staffing the sign-in table and provided to the EMO. A minority citizen is defined by FHWA as being:

- Black (having origins in any of the black racial groups of Africa);
- Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
- Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
- American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).

11. The number of females attending must be tallied by the person staffing the sign-in table and provided to the EMO.
12. Based on coordination with the EMO, a 5-10 minute formal presentation may be recommended.

Organizations not affiliated with SCDOT: If an outside organization requests a presence at the PIM, they must be separated from the SCDOT sponsored meeting **AND** they must clearly identify themselves as a group that is not affiliated with SCDOT or the project. The Program Manager will be responsible for designating the location at the PIM for these organizations and to provide a sign that indicates that they are not affiliated with SCDOT.

Comments received from PIM: Comments submitted at the PIM and during the comment period following the PIM will be included in the official project record. Comments will be taken into consideration when evaluating project alternatives. Responses to these comments are **NOT** required, but will be summarized and documented in the NEPA document.

Comments received through email: Comments provided via email during the comment period will be included in the official project record. Responses to these comments are not required, but will be taken into consideration when evaluating project alternatives.

Comments received from social-networking sites (if applicable): Comments provided on a social-networking site, or other site not directly hosted by SCDOT will not be included in the official project record. If a site is utilized for public involvement efforts, this will be clearly stated on the webpage. Furthermore, the webpage will also provide a link or directions on how to leave a formal comment.

IV. PUBLIC HEARING PROCEDURES

Determination of need for a PH: This PIP establishes the process for complying with the Public Hearing requirements of Act No. 114 from the 117th Session of the South Carolina General Assembly and signed into law on June 27, 2007 by the Honorable Governor Mark A. Sanford. As contained in Act No. 114, Section 57-1-370 (G) states that:

> *"The department shall conduct a public hearing in each county in which a public hearing is required by federal regulations to allow the department to share information regarding the project with the local community and to allow the local community to address its concerns with department officials. The hearing must include the opportunity for members of the public to address a hearing officer in a format in which comments can be heard by the general public."*

The Program Manager will offer potential dates to the EMO before scheduling the PH. In addition, the Program Manager will provide draft copies of the necessary documents and the PH displays to the EMO for review.

Identification of affected groups: The Program Manager will coordinate with the EMO to identify any community groups, churches, neighborhood associations or other affected/interested groups and identify a point of contact for these groups. The EMO may also suggest methods for communicating with the affected groups that are identified. These groups may be used as a resource to assist SCDOT with the flow of project information throughout the life of the project. If the affected groups include a population that speaks a primary language other than English, a SCDOT translator will be identified and attend the meeting. (Refer to appendix for list of SCDOT translators).

Please note: On some projects it may be necessary to hold multiple PHs in different geographic areas of the study area. The requirement of multiple PHs will be determined through coordination between the Program Manager, the EMO and FHWA.

Circulation of Environmental Documents and Public Hearings

For EAs:

- EA must be available for public inspection for 15 days prior to the PH. The EA must be available at the SCDOT Headquarters and also at the appropriate District Office. 23 CFR 771.121(d) and (e)
- EA must also be sent by SCDOT EMO office to affected units of Federal, State, and Local Government. 23 CFR 771.121(d)
- SCDOT EMO must notify the State intergovernmental review contacts established under Executive Order 12372. 23 CFR 771.121(d)

For Finding of No Significant Impacts:

- SCDOT EMO will send notice of availability to affected units of Federal, State, and local government. SCDOT EMO will also notify the State intergovernmental review contacts established under Executive Order 12372.

For Draft EISs:

- A Notice of Intent must be published in the Federal Register at the beginning of the project. 23 CFR 771.123(a)
- In accordance with 23 CFR 771.123(g) once the Draft EIS is published, it must be circulated to:
    - Public officials, interest groups, and members of the public known to have an interest in the proposed action or the Draft EIS;
    - Federal, State, and local government agencies expected to have jurisdiction or responsibility over, or interest or expertise in, the action.
    - The State intergovernmental review contacts established under Executive Order 12372.
    - State and Federal land management entities which may be significantly affected by the proposed action or any of the alternatives.
- FHWA will file the Draft EIS with the EPA under section 309 of the Clean Air Act. U.S. Environmental Protection Agency (EPA) will then publish the Notice of Availability of the Draft EIS in the Federal Register (pursuant to 23 CFR 771.123(i).

For Final EISs

- In accordance with 23 CFR 771.125(g), once signed the Final EIS, will be sent to:
    - Any persons, organizations, or agencies that made substantive comments on the Draft EIS or requested a copy.
    - Copies of the Final EIS must also be available for public inspection at SCDOT Headquarters and the appropriate District Office.
    - FHWA will file the Final EIS with EPA. Then EPA will publish the Notice of Availability of the Final EIS in the Federal Register.

For Projects that Have Section 4(f) Impacts:

- Coordination with the agencies or officials with jurisdiction over the Section 4(f) resource must be documented.
- FHWA will send all Individual Section 4(f) evaluations to Department of Interior for 45 day comment period. 23 CFR 774.5(a)
- After 15 days beyond the end of the comment period, FHWA and SCDOT will assume a lack of objection and proceed with the project. 23 CFR 774.5(a)
- For projects with impacts to historic properties, consulting parties must be coordinated with pursuant to 36 CFR 800.
- For projects with impacts to parks, recreation areas, wildlife and waterfowl refuges; public notice and an opportunity for public comment must be documented. 23 CFR 774.5(b)(2)

For Projects that Have Noise Impacts:

- Ensure that the public involvement requirements of SCDOT's Noise Policy have been met.

Please Note: For all environmental documents, SCDOT will normally provide copies for free. However, if necessary, SCDOT can charge a fee to reproduce the environmental document sufficient to cover the actual cost of reproduction. 23 CFR 771.125(f)

Public Notification: The following public notification process will be completed:

1. Newspaper display ad:
    - **It is the Program Manager's responsibility to write the ad and submit it to EMO for publication (an example ad is included in the appendix).**
    - The PH ad must include an explanation of the informal/formal portions of the meeting, as well as the procedures for signing-up to speak during the formal portion.
    - The date, time and location of the PH must be announced at least 15 calendar days prior to its occurrence and Public comment will be allowed at least 15 calendar days after the conclusion of the Public Hearing.
    - The environmental document must be available for public review during the entire public comment period. A hard copy will be maintained at Department Headquarters and the appropriate District office.
    - Five working days must be allowed for the EMO to review and publish the ad.
2. The SCDOT website will be updated to include the date, time, and place of the meeting. **It is EMO's responsibility to coordinate the website update.**
3. Physical signs will be place near the project site at least 15 days prior to the PH. **It is the Program Manager's responsibility to arrange for the physical signs to be placed.**

FHWA Coordination: An FHWA representative will be given an opportunity to review the proposed displays a minimum of 7 days prior to the PH. Coordination with FHWA will also be provided to ensure attendance.

Facility Requirements: The Program Manager is responsible for locating a facility meeting the following requirements:

1. Americans with Disabilities Act accessible.
2. Ample parking in close proximity to facility.
3. Audio/Visual compatibility (2 microphones with one that can be turned on/off as needed, projector, screen, etc).
4. Adequate availability of tables and adult-sized chairs.
5. If required, a "Certificate of Insurance" that shows that SCDOT has liability insurance.
    - The Certificate can be directly obtained from the Insurance Reserve Fund by requesting it via e-mail from Patty Trevathan (trevathan@irf.sc.gov). You must provide the name and address of the representative that the Certificate needs to be sent to.

Staffing Guidelines: The Program Manager is responsible for coordinating the staffing of the PH with EMO, including the Public Hearing Officer to include:

1. Sign-in table staff.

2. Staff for the formal comment sign-up table.
3. Program Manager and RPG/Traffic personnel.
4. FHWA representative(s).
5. EMO representative(s).
6. Public Hearing Officer. The (PHO) is in charge of the formal portion of the hearing. The PHO will be someone that is impartial to the project, capable of public speaking and controlling a large gathering of people. The PHO will be designated by the Environmental Management Office (EMO).
7. Right-of-way Agents.
8. A court reporter (arranged by EMO).
9. Consultant staff (if applicable).

PH Specifics:

1. The PH will be held from 5:00PM to 7:00PM, depending on the work hours of the affected population.
2. The PH will be held on Tuesdays or Thursdays.
3. Each PH will include both a formal and informal portion. The typical time allotment for the entire Public Hearing shall be no less than two (2) hours, of which, at least one hour will be designated for the formal portion.
4. Directional signs for parking and identification of entrance must be used.
5. A police presence is required and the Program Manager is responsible for arranging.
6. Staff attending the PH will be clearly identifiable with name badges.
7. Sign-in sheets, sign-up sheets and comment forms must be provided (use the standard examples in appendix). The comment form can include a series of check boxes that allow the responses to be addressed in a specific manner (refer to example).
8. A recording device must be available to record verbal comments.
9. Handouts must be provided with a graphic showing the recommended preferred alternative.
10. The number of minority citizens attending must be must be tallied by the person staffing the sign-in table and provided to the EMO. A minority citizen is defined by FHWA as being:
    - Black (having origins in any of the black racial groups of Africa);
    - Hispanic (of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race)
    - Asian American (having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands); or
    - American Indian and Alaskan Native (having origins in any of the original people of North America and who maintains cultural identification through tribal affiliation or community recognition).
11. The number of females attending must be tallied by the person staffing the sign-in table and provided to the EMO.
12. Two sign-in tables will be required at the entrance to the PH facility.
    - The first for capturing the participants name, address and phone number.

- The second for capturing the name of those wishing to make a formal verbal comment during the formal portion.

13. Sign-up for formal verbal comment will be open until five minutes prior to the beginning of the formal portion.
14. A minimum of two sets of displays will be available. The recommended preferred alternative will be presented, if not another meeting may be required.
15. Where possible, the informal portion will continue during the formal portion.
16. A court reporter, obtained by EMO, will be required to record the formal portion.
17. Following the formal presentation there will be an opportunity for citizens to make a formal verbal comment.
18. A two-minute time limit for each formal verbal comment and the time is not transferrable.
19. A timekeeper will be present to keep the speakers on schedule.
20. The formal portion will continue until all citizens who signed-up to make a formal verbal comment have had an opportunity to do so.
21. The formal presentation will still take place, even if no citizens signed-up to provide formal verbal comments.
22. The PHO shall start the formal portion on time using the following format:
    - Introduce him/herself as the PHO. Inform audience that this is not a question and answer session and that this portion is being recorded for inclusion in the public comments record along with any other written or recorded comments.
    - Introduce and allow any government elected officials who desire to speak to make a brief statement about the project. If they do not wish to speak, ask if they would like to be recognized.
    - Introduce the Project Manager and have them give a brief overview of the project (no more than 10 minutes).
    - Inform the audience and remind the speakers of the following ground rules that they agreed to abide by:
        i. The formal portion is being recorded.
        ii. Understanding of two minute time limit.
        iii. No profanity or personal attacks.
        iv. State their name, address, and any group affiliation.
        v. The time is not transferrable.
        vi. If a citizen agrees with a previous formal verbal comment they may forfeit their time by simply recognizing their agreement with the previous citizen.
        vii. Only those citizens whom previously signed up will be allowed to speak.
    - After the last speaker has finished thank the speakers and the audience for their participation.
    - Remind the audience of the other opportunities to provide comments. Explain that these verbal comments will not be responded to, but if they would like to receive a written response, they **MUST** submit a written comment either at the PH or during the comment period.

- If time allows, advise the public that they may return to the displays, etc. and ask questions about the project to SCDOT representatives.

Organizations not affiliated with SCDOT: If an outside organization requests a presence, they must be separated from the SCDOT sponsored meeting **AND** they must clearly identify themselves as a group that is not affiliated with SCDOT or the project. The Program Manager will be responsible for designating the location at the PH for these organizations and to provide a sign that indicates that they are not affiliated with SCDOT.

Comments received from PH: Comments submitted at the PH and during the comment period following the PH will be included in the official project record. A written response to each comment is required and will be taken into consideration when evaluating the preferred alternative.

Comments received through email: Comments provided via email during the comment period will be included in the official project record. A response to each comment is required and will be taken into consideration when evaluating the preferred alternative. A log of the email comments will be kept in the project files.

Comments received from social-networking sites, if applicable: Comments provided on a social-networking site, or other site not directly hosted by SCDOT will not be included in the official project record. If a site is utilized for public involvement efforts, this will be clearly stated on the webpage. Furthermore, the webpage will also provide a link or directions on how to leave a formal comment.

PH Certification Package:

1. Summary of the PH attendance and comments (refer to sample in appendix).
2. A transcript of the formal portion of the PH.
3. Sign-in sheets.
4. Comments received.
5. Handout.
6. Responses to Comments.

ATTACHMENT 3

Cultural Resources Project Screening Form

File Number: 26.041860 PIN: 41860RD Route: 1st Avenue South County: Horry

Project Name:

1st Avenue South Sidewalks and Crosswalks

Type 1: Resurfacing, installation of fencing, signs, pavement markings, traffic signals, passenger shelters, railroad warning devices, installation of rumble strips, and landscaping

Type 2: Bridge replacements on alignment, construction of bicycle/pedestrian facilities, and intersection improvements

Type 3: Projects that do not fall into Type 1 and Type 2 categories (e.g. road widening)

Project Type

1

Comments

This project proposes to introduce sidewalks, crosswalks, curbing , and public parking along 1st Avenue South between Highway 17 and Bay Street in the City of North Myrtle Beach. The project area was examined on aerial maps and through ArchSite GIS. No previously surveyed historic properties are lcoated in the project area, which was surveyed for aboveground properties via the Horry County Historic Resources Survey (Richey, 2009). Examination of the project area via aerial maps revealed that the project area has been developed and is therefore disturbed with no real potential for archaeological resources to be present. The proposed project will not affect historic properties. No further investigations are recommended.

Effect Determination: No Historic Properties Affected

*SHPO consultation is required for all Type 3 projects and any project with a No Adverse or Adverse Effect Determination.

This screening form was developed to satisfy documentation requirements for Type I and Type II projects under a Programmatic Agreement between the Federal Highway Administration, the South Carolina State Historic Preservation Office, the US Army Corps of Engineers, and the South Carolina Department of Transportation. For Type I and Type II projects that have no effect on historic properties, the completion of this screening form with supporting documentation (e.g. ArchSite Map) provides evidence of FHWA and SCDOT's compliance with Section 106 of the National Historic Preservation Act.

Prepared by: David Kelly Review Date: 5/7/2013

Appendix B: Short Form Report Template

CULTURAL RESOURCES FIELD REPORT
SCDOT ENVIRONMENTAL SECTION

TITLE
DATE OF RESEARCH:
COUNTY:
PIN:

ARCHAEOLOGIST:
ARCHITECTURAL HISTORIAN:
PROJECT:

PROJECT DESCRIPTION:

LOCATION:

USGS QUADRANGLE:

DATE:

SCALE:

UTM:
EASTING:

ZONE:
NORTHING:

ENVIRONMENTAL SETTING:

NEAREST RIVER/STREAM AND DISTANCE:

SOIL TYPE:

REFERENCE FOR SOILS INFORMATION:

GROUND SURFACE VISIBILITY: **1-25%** ___ **26-50%** ____ **51-75%** ___ **76-100%** ___

CURRENT VEGETATION:

BACKGROUND INVESTIGATION:
.

ARCHAEOLOGICAL SURVEY:

ARCHAEOLOGICAL SURVEY RESULTS:

ARCHITECTURAL SURVEY:

ARCHITECTURAL SURVEY RESULTS:

REMARKS AND RECOMMENDATIONS:

SIGNATURE: _____ **DATE:** _____