NDOR PQS Project Review Memo
Section 106 - Tier II Project

Control Number 11450 Project Number STPD-63-2(108) Review Date 01/06/16

Project Name Alvo North Project Location Cass County

Date of Project Description Reviewed 04/25/16 (See attached)

Project Results in no historic properties affected ☐ No ☑ Yes ☑ Tier II Project

THPO/Tribal Consultation? ☐ No ☑ Yes

THPO/Tribes(s): Iowa Tribe of KA & NE; Ponca Tribe of NE

Date Correspondence Sent: 07/12/16

THPO/Tribal response date: 08/16/16, no response

THPO/Tribal comment:

FHWA requested tribal comment on 07/12/16; the 30 day comment period expired without receiving comment from either THPO listed above.

CLG Consultation? ☑ No ☐ Yes

CLG:

Date Correspondence Sent:

CLG response date:

CLG comment:

Other Consulting Parties Identified:

Area of Potential Effects (APE)

The APE includes all construction activities outlined in the project description and includes 50 meters (164 feet) along the entire length of the project.

The area of potential effects (APE) includes all areas of construction activity as described in the attached project description: ROW to ROW and 170 feet from current ROW on west side of project site; 60 feet from current ROW on east side of project site (Widths chosen due to relocation of the road to the west).

The APE includes a proposed wetland mitigation site.

APE considered is consistent with 36 CFR 800.16(d): ☑ Yes

Summary of Archeological Investigations

The entire APE was subject to pedestrian archeological survey (with the exception of farm yards and other inaccessible areas). Six archeological sites, 25CC366, 25CC367, 25CC368, 25CC369, 25CC270 and 25CC271 were identified. Sites 25CC366 - 25CC369 are late 19th to mid 20th century Euro-American scatters of artifacts consisting of ceramics, glassware and metal fragments associated with non-extant farmsteads. These sites are not recommended NRHP eligible. Site 25CC370 is a prehistoric site consisting of a chert tool, burned sandstone and a scatter of Euro-American artifacts. Due to low ground surface visibility, this site was tested in 2014 and is recommended not eligible due to lack of physical integrity. 25CC371, the abandoned Belmont Cemetery, was organized in 1881. There are about 75 grave stones still standing in the eastern half of the cemetery. Additional testing was required to check for unmarked burials. A Ground Penetrating Radar (GPR) survey was conducted in November 2013 on a portion of the cemetery. Two anomalies were discovered during the GPR survey. These were tested on May 6, 2014 by excavating shovel tests at the location of the anomalies as well as a control shovel test. No unmarked burials were located. Cemeteries are not normally eligible for the NRHP, and to be considered for listing on the NRHP they must meet special Criteria Considerations found in the National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places. Criteria Consideration D refers to the special conditions cemeteries must meet to be eligible for the NRHP in most cases. They must be significant for having graves of important persons, from their age, distinctive design features, or association with historic events. Using this Criteria Consideration the Belmont Cemetery does not qualify for listing on the NRHP under any of the following Criteria: (Criteria A) association with events that have made significant impacts to history, (Criteria B) association with significant historical figures, (Criteria C) possessing significant artistic or architectural characteristics, or (Criteria D) the potential to yield important information. There are no significant archeological properties present within the APE.

Summary of Above Ground Resource Investigations

The APE was reviewed and evaluated for all above ground resources which meet the NESHPO requirements for survey. Six properties, including two cemeteries were evaluated for NRHP significance. None of these properties are recommended NRHP eligible due to a lack of physical integrity or lack of significance. There are no significant above ground resources within the APE.

Archeological Resources	Above Ground Resources
Are NRHP listed or eligible properties present within the APE? ☑ No ☐ Yes	Are NRHP listed or eligible properties present within the APE? ☑ No ☐ Yes
Please list:	Please list:

Is Temporary Easement Required from ANY Historic Property Listed Above? ☐ No ☐ Yes

Is Permanent Easement Required from ANY Historic Property Listed Above? ☐ No ☐ Yes

Is Right of Way Required from ANY Historic Property Listed Above? ☐ No ☐ Yes

If Yes, describe:

Construction Commitments: ☐ No ☑ Yes

If Yes, detail here:

Excavation within the existing NDOR ROW is allowed.

Excavation within the boundaries of the cemetery are not anticipated, however, pursuant to the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212) Highway Archeology staff will be on site during the removal of the topsoil in any portion of the cemetery, and if any burials are discovered state law and procedures will be followed [Nebraska Revised Statute 12-1205 (2)].

Project would result in no historic properties affected: ☐ No ☑ Yes

Tier II Project Evaluation Complete

Stacy L. Stupka

Digitally signed by Stacy L. Stupka
DN: cn=Stacy L. Stupka, o=NDOR Environmental, ou=Section 106 Specialist, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2016.08.16 09:21:18 -05'00'

08/16/16

NDOR PQS Review

Date

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)742-8460

July 12, 2016

Mr. Shannon Wright
Tribal Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Dear Mr. Wright:

Project STPD-63-2(108), CN 11450
Alvo North
Cass County
Cultural Resources Evaluation

Please review this document on historic resources for the project mentioned above as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. 36 CFR Part 800.2 (c) (2), specifically addresses consultation between Tribes and federal agencies. The Iowa Tribe of Kansas and Nebraska has also been invited to comment. The Nebraska State Historic Preservation Office (NESHPO) is a consulting party for this project under the terms of the *Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska* (July 2015).

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below [and in enclosures].

Project Description:
This New & Reconstruction project on N-63 would replace the existing asphalt pavement with dowelled concrete pavement on a shifted alignment for 6.15 miles and 0.14 miles of shoulder work located in Cass County. The project starts just south of the northern corporate limits of the City of Alvo at mile marker (MM) 4.20, and extends north to MM 10.49, 0.32 miles south of the Interstate 80 (I-80) and N-63 interchange. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. Removal of the entire pavement structure and modification of the pavement base requires the use of reconstruction standards, in this DR-4 design template.

The existing roadway on this segment of N-63 consists of the following:
MM 4.20 to MM 4.23: This segment consists of two 12 foot wide asphalt lanes and 5 foot wide earth shoulders.

MM 4.23 to MM 10.35: This segment consists of two 11.75 foot wide asphalt lanes and 1 foot wide earth shoulders.

MM 10.35 to MM 10.49: This segment of N-63 consists of two 12 foot wide concrete lanes and variable width earth shoulders.

The improvements on this project consist of removing the existing pavement and reconstructing with dowelled concrete pavement on foundation course and lime stabilized subgrade. The alignment of N-63 would be shifted to the west or east of the existing highway centerline at various locations along the project. The new roadway typical section consists of two 12-foot wide lanes and an 8-foot wide shoulder, of which 2 feet is surfaced. The project also includes grading consistent with the DR4 standard typical cross section to the Lateral Obstacle Clear distance (LOC). One bridge size structure would be extended, Structure Number S063 00814, and an overflow structure would be added. Culverts located along the project would be removed and replaced or extended to accommodate the new grading.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
    - Culverts
    - Guardrail
    - Mailbox turnouts
    - Correction or construction of horizontal alignment
    - Correction or construction of vertical alignment
    - Drives and intersections
    - Shoulder widening and surfacing
    - Flattening foreslopes
    - Ditch construction
    - Ditch cleanout
    - Berm construction
    - Roadway grading for culvert extensions

- All culverts would be modified and culverts may be constructed at new locations.
- One existing bridge size structure (Structure Number S063 00814) would be extended and an overflow structure would be added.
- Existing surfaced driveways and intersections would be replaced.
- Rock or gravel would be placed behind driveways and intersections to match the new concrete.
- Mailbox turnouts would be constructed.
- New horizontal and vertical alignments would be constructed.
- The reconstructed shoulders would be widened from the variable existing width to 8 foot wide with 2 foot wide surfaced. A beveled edge and rumble stripes would be included with the surfaced shoulder.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- Additional property rights would be required to build this project. Alignment shift would occur to meet design standards and to minimize impacts to channels, wetlands, residential homes and two cemetery locations.

- A permittee responsible mitigation site would be acquired and developed as part of this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- Work may be required to be accomplished at night.
- This project would not be constructed under traffic. A detour would be provided.
- Traffic would be detoured on the state highway system. Work would not be required on the designated detour route.
- The project would include relocation of existing utility poles outside of the 30 foot wide Lateral Obstacle Clear distance.

Area of Potential Effects (APE):
The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking (Enclosure 2). The direct construction APE for this project includes all construction activities described above and any new right-of-way that is required for the project. The APE for direct *visual* impacts encompasses a broader area which includes all standing structures adjacent to areas described above. Definition of a broader *indirect* APE for secondary or cumulative impacts is not required in this instance.

The detour follows existing public roadways with similar functional classification to the project, with no construction activities required. Given the scale and nature of the detour, effects resulting from increases to traffic levels (including auditory, vibratory, and atmospheric effects) would be minor and temporary, and the potential impact on historic properties, if any, would be negligible. Therefore, an assessment of the detour is not required, and it is not included in the APE.

Archeological Evaluation:
An archeological evaluation was conducted by Highway Archeologist Nolan Johnson, Highway Archeologist Shaun Lynch, and Archeology Technician Nicholas Fogerty on March 7-8 and June 26, 2013 as well as October 30, 2015 (Enclosure 3). A review of the Nebraska State Historical Society Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that there are no archeological sites recorded within the APE. With the exception of farmstead yards and a few swampy wooded wetlands the entire APE was intensely pedestrian surveyed. Six previously unknown archeological sites, 25CC366-371, were documented (Enclosure 4).

25CC366, 25CC367, 25CC368, and 25CC369 are all late 19th to mid 20th century Euro-American scatters consisting of ceramics, glassware, and metal fragments associated with non-extant farmsteads. These sites are recommended ineligible for inclusion on the National Register of Historic Places (NRHP) due to lack of integrity and lack of information potential that could contribute to our knowledge and understanding of history beyond that already available from archival records.

25CC370 was discovered in a field of dense grass and other vegetation. A Nehawka chert scraper and an abundance of burnt sandstone as well as a sparse scatter of Euro-American artifacts were seen. In light of the poor visibility and the extensive construction activities at the site additional

testing was required to determine its NRHP eligibility. It was tested in June 2014 and found to be ineligible for the NRHP due to lack of integrity and lack of research potential (Enclosure 5).

25CC371, the abandoned Belmont Cemetery, was organized in 1881. There are about 75 grave stones still standing in the eastern half of the cemetery. The western 20% of the cemetery could be affected by construction. Additional testing was required to check for unmarked burials. A Ground Penetrating Radar (GPR) survey was conducted in November 2013 on a portion of the cemetery. Two anomalies were discovered during the GPR survey. These were tested on May 6, 2014 by excavating shovel tests at the location of the anomalies as well as a control shovel test. No unmarked burials were located. See Enclosures 5 and 6 for the complete testing reports.

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There are no archeological historic properties in the APE.

Standing Structures:

The project was investigated by Preservation Historian Megan Hilger using the Nebraska State Historic Preservation Office inventory and site files, *Cass County Nebraska Historic Building Survey* (2004), the Cass County Tax Assessor records, historic maps, and other primary and secondary sources. Hilger also performed a vehicular reconnaissance in July 2013 of the APE and conducted an inspection of all properties identified as meeting the NeSHPO Historic Resources Survey Manual criteria for survey. All properties meeting these criteria were evaluated and incorporated into this investigation. These criteria include, but are not limited to, properties that are:

- 50 years old or older, and
- In the original location, and
- Possess the potential for integrity, historic association, and historic architectural qualities

The properties that met the above criteria were evaluated using the guidelines set forth in the 1991 National Park Service Bulletin 15: *How to Apply the National Register Criteria for Evaluation.* All surveyed properties were evaluated to determine eligibility to the National Register of Historic Places (NRHP).

The investigation resulted in the identification and National Register evaluation of six properties in the APE (Enclosure 7). All are recommended ineligible for the NRHP due to lack of integrity and/or significance.

The bridge that may be repaired S063008147 is not identified as an eligible structure in the Nebraska inventories of bridges before 1947 or of those from 1947 to 1965. These inventories were a joint effort between the Nebraska Department of Roads and the Nebraska State Historic Preservation Office and evaluated the National Register eligibility of all bridges in the state. The bridge is not listed in the inventories as eligible for inclusion on the National Register of Historic Places because it does not possess the necessary engineering/design significance to be considered eligible. The bridge is also not on the list of structures excluded from the November 2012 Advisory Council on Historic Preservation Program Comment issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges.

There are no architectural or standing structure historic properties in the APE.

Recommended Effect:
This undertaking has been reviewed under the programmatic agreement entitled *Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska* (July 2015) and meets the requirements to be considered a Tier II Project. Tier II projects result in a project effect recommendation of no historic properties affected.

Due to the proximity to the Belmont Cemetery, the following commitment would be carried forward to the NDOR Green Sheet:
Excavation within the existing NDOR ROW is allowed. Excavation within the boundaries of the cemetery are not anticipated, however, pursuant to the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212) Highway Archeology staff would be on site during the removal of the topsoil in any portion of the cemetery, and if any burials are discovered state law and procedures would be followed [Nebraska Revised Statute 12-1205 (2)].

The Federal Highway Administration (FHWA) is providing this documentation for your review and comment and requests that the Ponca Tribe notify FHWA of any objections within 30 days of receipt of this letter.

If you have any questions regarding this information, do not hesitate to contact me at your convenience.

Sincerely yours,

Scott H. Stapp
Environmental Protection Specialist

Enclosures

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)742-8460

July 12, 2016

Mr. Lance Foster
Tribal Historic Preservation Officer
Iowa Tribe of Kansas & Nebraska
3345 B, Thrasher Rd
White Cloud KS 66094

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Scott H. Stapp

Scott H. Stapp
Environmental Protection Specialist

Enclosures

Nebraska Department of Roads

Project Description

Project Name: Alvo North
Project No: STPD-63-2(108)
Control No: 11450
Date of Last Revision: 04/25/16

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