

Brent Spence Bridge

Replacement/Rehabilitation Project

PID No. 75119

HAM-71/76-0.00/0.22

KYTC Project Item No. 6-17



Ohio Consulting Party Meeting

December 8, 2011





National Historic Preservation Act of 1966, as Amended

Section 106

36 CFR Section 800.6

Resolution of Adverse Effects

**B & O Freight and Storage Building/Longworth Hall
Listed on the
National Register of Historic Places**

**Presented by: FHWA/ODOT
December 8, 2011**

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



- Section 106 is a consultative process which requires the agency to take into account the effects of federal actions on properties listed in or eligible for listing in the NRHP.
- It is expected the Federal agency will proceed in a manner that respects historic resources and as good stewards, making “balanced” decisions while assuring locals have a voice in the decisions affecting their resources.

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



Who are Consulting Parties?

- The Section 106 process requires that *Consulting Parties* are appropriately involved.
- *Consulting Parties* may include agency officials, local historic societies, or individuals that have expressed an interest in the affect of the federal action on historic properties and have a demonstrated legal or economic relationship to the affected resources.

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



- *Consulting Parties* are experts on the resources in their communities, and may provide additional information and identify other *consulting party* candidates.
- *Consulting Parties* are provided the opportunity to review minutes, reports, documentation and provide comments (within deadlines).

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



- ***Consulting Parties*** may participate in the development of the Memorandum of Agreement to resolve adverse effects.
- ***Consulting Parties*** are provided an opportunity to sign the final MOA as a concurring party; however, their signature is not required to move forward with the process.
- ***Consulting Parties*** are provided an opportunity to review and comment on subsequent documentation resulting from the fulfillment of the commitments outlined by the executed MOA (whether they sign the MOA or not).

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



What are FHWA's responsibilities?

- FHWA is responsible for the law and is the decision maker, but they may delegate work and some decisions to a State agency (directly or thru partnership with the DOT).
- FHWA officially designates *Consulting Parties*, provides documentation of the Section 106 process, and conducts Section 106 consultation meetings (with the DOT) for Tribes, SHPO, ACHP, local governments, and other *Consulting Parties*.

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



What are FHWA's responsibilities?

- FHWA works with *consulting parties* to seek ways to mitigate adverse effects.
- FHWA resolves disputes and consults with the ACHP.
- FHWA is the ultimate responsible party, answers to the ACHP, and in the event of legal action, provides defense.

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



What is ODOT's role?

- The State DOT is the project applicant (and therefore a *consulting party*), and may be delegated to act on behalf of FHWA.
- In Ohio, ODOT acts on behalf of FHWA in the Section 106 process.

Section 106 – 36 CFR Section 800.6 *Resolution of Adverse Effects*



What is the SHPO's role?

- The SHPO (State Historic Preservation Officer) is the technical “experts” on *eligibility* within their state; stewards and advocates for the state’s historic resources.
- FHWA consults with the SHPO throughout the Section 106 process.

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What is the Advisory Council (ACHP) role?

- ACHP is concerned with the resolution of *Adverse Effects* and mediates major disputes.
- The ACHP is involved in Section 106 cases when there are important questions of policy, interpretation, or when there is a potential for procedural problems.
- The ACHP is involved when National Historic Landmarks may be adversely affected.

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Resolution of Adverse Effects



What does resolving Adverse Effects mean?

- FHWA seeks ways to avoid, minimize or mitigate adverse effects.
- Consultation results in the preparation of a MOA which formalizes what the agency will do to take into account the adverse effects.
- FHWA is required to ensure the provisions of the MOA are carried out.

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Who prepares the MOA?

- For ODOT projects, ODOT prepares the agreement with FHWA oversight and in consultation with the SHPO.

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Who signs the MOA?

- Signatories: FHWA, SHPO and/or THPO (on tribal land), and ACHP (if participating).
- Invited signatories: DOT and others who are assigned substantial MOA tasks. Agreement can proceed without their signature.
- Concurring parties: Persons invited by FHWA to sign in concurrence (consulting parties). Consulting Party signatures are not required.

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Once the agreement is executed –

- The executed agreement is filed with the ACHP.
- Copies of the executed agreement are forwarded to the *Consulting Parties*.
- Section 106 consultation, as stipulated by the agreement, continues with the *Consulting Parties* until the stipulations are fulfilled.

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Mitigation Measures for Longworth Hall

- **Masonry Repair, Tuck-pointing of West, North and South walls. For this item, “Brick-Cleaning” will be added as well.**
- **Installation of Exterior Storm Windows**
- **Restore the East face end to the original construction with original materials using Secretary of Interior’s Standards.**
 - Plans will be developed for review and comment by the owner, CPA and SHPO.
 - Windows removed by construction will be restored and used in the East Wall.
- **Building structural parapet wall on 5th floor to provide a complete facade**
 - Will be built using materials from east end impacted by the project using original materials
 - Will be built as a structural wall, so any future desire by the owner to totally rebuild the 5th floor will not require this facade to be changed/impacted.

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Mitigation Measures for Longworth Hall

- **Plaque/Interpretive Signage**
 - ODOT/FHWA recommends using bricks/stone work to outline the footprint of the original building impacted by the previous Brent Spence bridge construction.
 - Use signage to explain original building footprint, various impacts and educate of building/property use.
 - Combine with refurbish the original letter across the top of the building and replace this lettering either with interpretive signage or with the façade being built on the 5th floor.
 - Include cornerstone commemorative dates on new east wall. (1904 on one side, 2015 on the other.)

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- All materials removed that retain a historic integrity and nature will be returned to the building owner to be reused in future repairs or future expansion.
- ODOT will have follow up discussions with the owner regarding contracting methods and their request to either perform the construction themselves or provide project management control. If ODOT concurs in this approach, details will be outlined in a separate agreement.

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Questions?