



# Section 106 Permitting and Cultural Landscapes

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**SUPPORTING**

**[DOING]**

**LEADING**



## What is TRC?

- International firm with approximately 6,500 employees.
- Consulting firm specializing in engineering, real estate, construction management, and environmental permitting.
- Large majority of employees and offices are located in the United States
- From a cultural resources standpoint, TRC has 16 offices across the US, and we've completed projects in every state except Hawaii.

## Your Incredibly Good Looking and Distinguished Speaker

- Over 20 years of experience conducting cultural resources management investigations.
- Work primarily in the Southeast.
- Permitted thousands of miles of oil and gas pipelines, including FGT's Phase VIII Expansion, Elba Express (SNG), Valley Crossing (Spectra/Enbridge), Delhi (Sempra).
- Former Louisiana Archaeologist of the Year.

## Compliance with Section 106

- Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires federal agencies to take into account the effects of their undertakings on historic properties.
- Seeks to identify historic properties and determine if they are eligible for listing in the National Register of Historic Places (NRHP).
- NRHP is the official list of the Nation's historic places worthy of preservation.
- Maintained by the National Park Service in order to support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.

## When does Section 106 Come In to Play?

- Usually triggered by Federal permits or funding.
- May also be triggered by state or local permitting requirements.
- Seeks to identify cultural resources that may be significant under one of four criteria. Are they associated with patterns of America's history (Criterion A), a significant person (Criterion B), do they have singular design characteristics (Criterion C), and/or do they have information potential regarding history or prehistory (Criterion D)?
- Cultural resources can include prehistoric or historic archeological sites, buildings or other structures, cemeteries, or *places associated with events or traditional beliefs or practices.*

## Important Things to Know

- Section 106 requires consideration of resources, but it does not mandate preservation and is NOT intended to prevent construction projects.
- Section 106 is a process, and if the process is followed correctly, it's often (relatively) painless.



# The Easy Stuff



# Cultural Landscapes

- A cultural resource that includes an area, with or without buildings, that is associated with an historic event, person, or activity.
- Can be found anywhere, from cities to wilderness.
- Range in age from thousands of years to decades in age.
- In the past few years, regulatory agencies have paid more attention to these types of resources and the effects projects, particularly linear projects, have on them.
- For example, the Georgia Historic Preservation Division pays particular attention to their historic farmsteads when considering project impacts.
- Virginia gives explicit guidance on conducting cultural landscape surveys in their guidelines for conducting cultural resources surveys.



# Not a New Idea



Gettysburg Battlefield



William Paca House and Gardens, Annapolis, Maryland

# Cultural Landscapes—A Deeper Dive

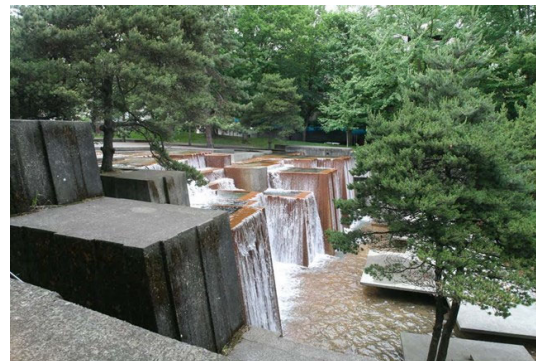
- The National Park Service (NPS) defines a cultural landscape as:  
*“A property that is eligible for inclusion in the National Register Historic Places because of its association with the cultural practices or beliefs of a living community that are rooted in that community’s history and are important in maintaining the continuing cultural identify of the community”*
- They define four different types: historic designed landscapes, historic sites, historic vernacular landscapes, and ethnographic landscapes.

## Historic Designed Landscape

- A landscape that was consciously designed or laid out in a recognized style or tradition, generally by a master gardener, architect, or horticulturalist.
- Could also be associated with a movement in landscape gardening or architecture.
- Generally recognized as a work of art.



Lincoln Memorial and National Mall



Halprin Open Space Sequence,  
Portland, OR



Marsh-Billings-Rockefeller National  
Historic Park, Vermont

## Historic Site

- A landscape that is significant for its association with an historic event, activity, or person.



Chalmette Battlefield, New Orleans, LA



Fort McHenry, Baltimore, MD



# Historic Vernacular Landscape



- A landscape whose use, construction, or layout reflects the traditions, customs, beliefs, or values of the people that lived there.
- Such values are represented by the interrelationships of spatial organization, land use, structures, and vegetation.
- Has evolved in such a way that the physical, biological, and cultural features reflect the everyday lives of people.



Hog Hammock, Sapelo Island, GA



Canyon de Chelly, Chinle, AZ



# Ethnographic Landscapes



- A landscape which contains a variety of natural and cultural resources that associated people define as heritage resources.
- Plant communities, animals, subsistence, and ceremonial grounds are often components.



New Orleans Neighborhoods, New Orleans, LA



Timbisha Shoshone Community at Death Valley

## What Makes a Landscape a Cultural Landscape?

- NPS identifies 13 landscape characteristics.
- Physical expression of tangible and intangible aspects of a place that have either influenced the history of landscape development or are products of its development.
- Intangible Characteristics: Natural Systems and Features; Spatial Organization; Circulation; Land Use; Cluster Arrangements; and, Cultural Traditions.
- Tangible Characteristics: Topography; Vegetation; Constructed Water Features; Small-scale Features; Views and Vistas; Archeological Resources; and, Buildings and Structures.

## Defining a Cultural Landscape

- A cultural landscape does not need to possess all 13 characteristics, but those that it does possess need to possess significance and integrity to be eligible for listing in the NRHP.
- Significance refers to the landscape's place in American history.
- Integrity refers to the landscape's authenticity to a certain time or place.

## Recent Events...

- Dominion Energy's transmission line across the James River.
- Line crosses the Captain John Smith Chesapeake National Historic Trail
- Trail commemorates Smith's voyage from Virginia to New York from 1607 to 1609 and it is the first all-water National Historic Trail.
- Dominion and the USACE were sued by the National Parks Conservation Association with the plaintiffs arguing that the USACE issued a FONSI without considering the effect the powerline and transmission towers would have on the historic landscape.
- The DC Circuit of the US Court of Appeals vacated the permit and ordered the USACE to prepare an EIS.



Jim, you're at the Pipeliners Club of Atlanta. Those transmission guys are a bunch of dopes. We're happy when they get screwed. Besides, what are you, an idiot? Our stuff happens underground so it doesn't have anything to do with landscapes!



# Nothing to Do With Landscapes You Say?



Alright Jim, you got us, now what....

- Section 106 says the federal agencies have to take into account the effects of their undertakings on historic properties.
- This is a little bit different than NEPA, which deals with impacts.
- Under Section 106, there are direct and indirect effects.

# Direct vs. Indirect Effects

## Direct Effects

- Usually involve changes that diminish or remove those features of a historic property that compromise its eligibility for the National Register.
- Are often immediately measurable or observable.
- Adverse effects are often mitigated by some form of documentation or data recovery.

## Indirect Effects

- Also known as “proximity” effects.
- Visual effects are probably the most common example of this kind of potential impact, but could also include noise, increased access, or even odor.
- Can be removed from the project in terms of space and time.

# Proposed Compressor Station, Sweetwater County, WY



Pilot Butte, White Mountain, 7932 ft  
Prominent landmark for prehistoric and  
historic travelers for 1000s of years  
Ceremonial Stone Features  
Used by Modern Native American Tribes  
and Local Masonic Lodge

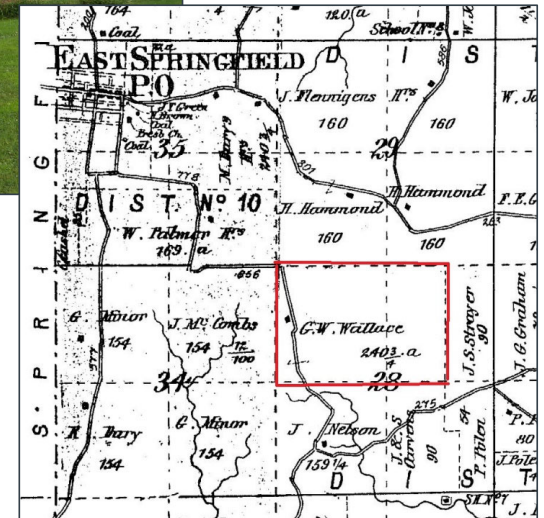
## Programmatic Agreement – Mitigation

- Rural Landscape and Traditional Cultural Property Analysis – 20 mi. visual APE
- Historic Trail GIS Mapping
- Wayside Interpretive Markers – National Historic Trails, Cherokee Trail, Wagon/Stage Roads
- Native American Land Use Patterns
- Internships to support documentation
- Website/Podcast and Brochures
- Photo Documentation
- Reduce Visual Effects of station on Historic Properties



## M&R Station, Jefferson County, Ohio

- Construction would have an adverse effect on the c. 1860, Italianate Style, Wallace House and its associated agricultural landscape.





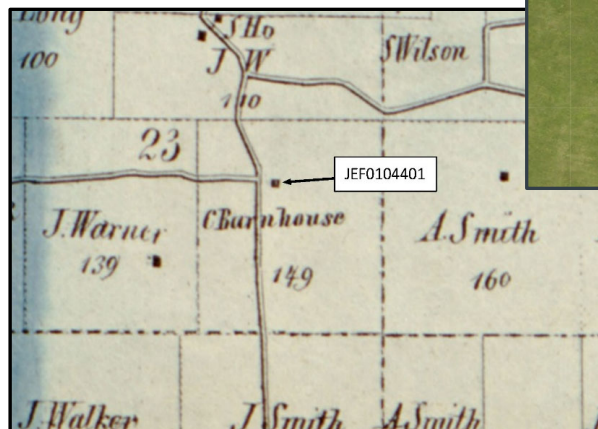
## Historic Farms in Jefferson County, Ohio: An Agricultural Context



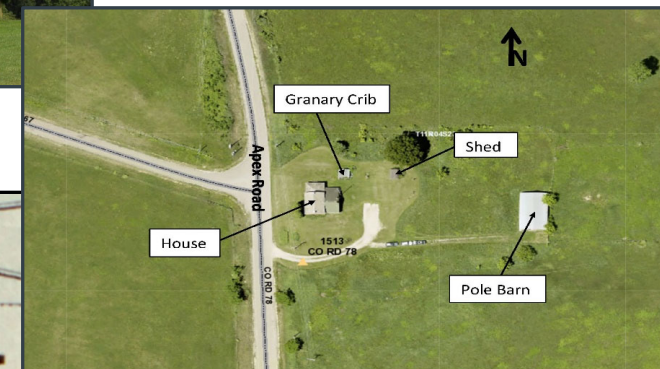
- Compile data on historic farms already recorded with the Ohio Historic Preservation Office (OHPO)
- Survey 25 newly recorded farms that appear NRHP eligible
- Establish guidelines for NRHP eligibility of agricultural properties for future planning purposes



Miller Farm – circa 1835



1856 map showing Miller Farm



Site plan

# Final Thoughts

- Landscape therefore is not simply what we see, but a way of seeing: we see it with our eye but interpret it with our mind and ascribe values to landscape for intangible – spiritual – reasons—Ken Taylor (2008).
- Planning is key.
- Get out in front of cultural resources.
- Provide your cultural resources contractor time on the front end to identify the entire universe of cultural resources.
- Remain flexible to the extent possible.

# Questions?



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