STIPULATION VII DOCUMENT GUIDE

A companion guide for projects processed via Stipulation VII of the Programmatic Agreement

PURPOSE

Project undertakings which are not reviewed pursuant to **Stipulation V** or **Stipulation VI** of the *Programmatic Agreement Among, The Federal Highway Administration (FHWA), The Florida Department of Transportation (FDOT), The Advisory Council on Historic Preservation (ACHP), and The Florida State Historic Preservation Officer (SHPO) Regarding Implementation Of The Federal-Aid Highway Program In Florida* (2023 PA), are processed via **Stipulation VII: Standard Program Process**. This guide was developed in coordination with the FDOT's Office of Environmental Management (OEM) staff, SHPO transportation compliance review staff, and FDOT Districts. It is provided to promote clear and reasonable expectations and facilitate efficient compliance reviews. As a reminder, Section 106 of the *National Historic Preservation Act* (Section 106) is a PROCESS and the documents and guidance referenced herein have been thoughtfully developed over years to achieve an efficient consultative process between agencies responsible for implementing and reviewing transportation undertakings.

The guidance presented complies with the laws and regulations cited within the 2023PA and serves to augment (not replace) the information provided in the Division of Historical Resources' (DHR's) *Module Three: Guidelines for Use by Historic Preservation Professionals* (Module 3), *Chapter 1A-46, Florida Administrative Code* (*F.A.C.*), FDOT's *Project Development and Environment (PD&E) Manual* and *Cultural Resource Management (CRM) Handbook* (collectively referenced herein as *Standards and Guidelines*).

ORGANIZATION

There are three (3) main cultural resource (CR) document types available for undertakings processed via Stipulation VII; **Desktop Analysis and Effects Determination Letter (Desktop Analysis)**, **Cultural Resource Assessment Survey (CRAS) Report**, and **Addendum to a CRAS Report (Addendum/Addenda)**. The *Standards and Guidelines* provide extensive guidance on **CRAS Reports** and, as such, that information will not be extensively repeated herein. Rather, this guidance will mainly focus on the other CR document types which have only modest guidance in the *Standards and Guidelines*.

For each of these document types, **Desktop Analyses, CRAS Reports,** and **Addenda**, a checklist has been created outlining the baseline (read minimal) required components that should be included for each document submitted to the SHPO for compliance review. While this is the baseline for all submissions, project specifics may warrant expanded information and should be included in addition to the minimal requirements. Each checklist is designed with an eye towards balancing the proposed project activities and potential effects to historic properties with the level of research and production effort needed to sufficiently convey the parameters of said project. The general hierarchy of Stipulation VII document types is as follows:

1. **Desktop Analyses** present projects that are the least intricate and/or require the least amount of research, include no survey (barring one exception), and are, resultingly, the lowest production effort

2. **CRAS Reports** present survey results for project areas that have not previously been subjected to a CRAS meeting current archaeological standards per the *Standards and Guidelines* and, level of survey depending, result in a moderate to substantial production effort

3. **Addenda** present new survey results of an expanded area of an in-progress project and typically result in a moderate production effort since previous production efforts may be referenced/cited rather than repeated

Each project has its own set of circumstances and Districts have the role of evaluating the level of review, analysis, and/or survey that is warranted for each project. The checklists provided reflect the document components that SHPO compliance review staff are looking for when reviewing submissions; however, if the decision is made to omit one of these key aspects, a reasonable justification for the omission should be included, per Chapter 1A-46.001(3). Clear documentation of the decision-making process in submissions may eliminate the need for follow-up questions.

DESKTOP ANALYSIS AND EFFECTS DETERMINATION LETTER

Most frequently, **Desktop Analyses** present minor undertakings for project activities contained within Appendices 1 and 2 of the 2023PA that were elevated beyond the Stipulation V/VI Form. Reasons for elevation beyond the Stipulation V/VI form are often (but not exclusively) due to:

- presence of a historic resource which has not yet been recorded or evaluated;
- presence of a historic property with a SHPO evaluation of NRHP-eligible or -potential eligible, or which has insufficient information for an NRHP evaluation; or
- presence of a cemetery

In most circumstances, the Desktop Analysis needs to include all pertinent project data that is required by the Stipulation V/VI Form and then go a step further addressing the circumstances that elevated the undertaking into a Stipulation VII document. Desktop Analyses are not curated or incorporated into the Florida Master Site File (FMSF) database or State Archives, with one exception outlined below. Desktop Analysis cannot include new historic resource evaluations or updated evaluations to previously recorded resources as those are survey related actions and require FMSF Forms and a Survey Log to accompany the document to the FMSF for inclusion in their database. Summarization of a previously recorded and evaluated resource is permissible, and likely required, and statements pertaining to upholding or maintaining previous NRHP evaluations based on the current desktop analysis is also appropriate.

The single exception to the above outlined parameters is applicable to undertakings which meet the following circumstances: if the only reason an undertaking is kicked out of the Stipulation V/VI Alternative Process Form is because of an unrecorded segment of a historic linear resource in the Area of Potential Effect (APE), that segment of the resource <u>can</u> be recorded and evaluated within the Desktop Analysis. An abbreviated CRAS Report will no longer be required for this specific set of circumstances; however, do include a discussion of the circumstances for this exception and clearly convey the survey methods used to document the new segment of the resource. FMSF forms for the new segment of the historic linear resource and an FMSF Survey Log are required in this circumstance. Please note that Desktop Analyses that include the recording of a new segment of historic linear resource will be entered into the State Archives and FMSF database (currently they are only saved in Compliance & Review records). The exception has been incorporated in this documentation type in response to the ongoing development of computer-based software allowing researchers to conduct remote visual inspections of project areas with sufficient detail that a baseline NRHP eligibility assessment can be made with confidence. This could be considered a virtual windshield survey when appropriately implemented; however, researchers must evaluate the clarity, coverage, and relevancy (date images were obtained) of this software to determine when it is of sufficient quality to be used in this manner.

Desktop Analyses allow the District to review and analyze a project area with the resources at their fingertips. A full range of archival resources are available digitally allowing the researcher to compile an historical context scaled to the project at hand. Parcel and zoning (land use) data, chain of ownership and deed records, and soil and water surveys are widely available. Historic aerial photographs, satellite images, land survey maps, and topographic maps are available digitally, as is the FMSF database of previous surveys and previously recorded archaeological sites, linear resources, and historic standing structures. Institutional knowledge (FDOT files) of existing and previous ground disturbance from development or maintenance should be considered valuable information in evaluating the potential for unrecorded historic resources within the project area as well. Finally, a brief explanation or image of an installation or construction method/technique coupled with stating the anticipated depth of ground disturbance is extremely helpful, especially when new technologies or rare methods are being employed.

A successful Desktop Analysis will review these and any other pertinent sources, summarize the information for the reviewer, illustrate the most relevant data for that project area (both historic and current images and/or maps), and draw reasonable conclusions from the known data set to make sound project effects determinations.

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CRAS REPORTS

CRAS Reports are well represented in both agencies' guidance and include both format and content expectations; therefore, as mentioned above, that information will largely not be restated herein. For ease of reference, live links to the various detailed guidance for CRAS Reports are presented below:

FDOT OEM: [PD&E Manual, Part 2, Archaeological and Historical Resources Chapter](#)
8.3.2.9.2 CRAS Reports, Technical Memoranda, and Case Reports

FDHR/SHPO: [Cultural Resource Management Standards & Operational Manual Module Three Guidelines for Use by Historic Preservation Professionals](#)
2.7 CRAS REPORTS

[1A-46 : ARCHAEOLOGICAL AND HISTORICAL REPORT STANDARDS AND GUIDELINES - Florida Administrative Rules, Law, Code, Register - FAC, FAR, eRulemaking (flrules.org)](#)

One aspect of CRAS Reports that warrants supplemental explanation is instances of projects with *limited scope*. Per *Chapter 1A-46.001(3), F.A.C.*, "For projects of limited scope, topics that are not applicable may be omitted [from the report] when a justification for this decision is provided." For clarity, *limited scope* is defined herein as a level of survey effort, either archaeological, historical, or a combination of both, that does not constitute a comprehensive cultural resource assessment survey for the APE but rather is focused only on particular subareas or types of properties within an APE. Limited survey or targeted survey are synonymous terms that may be used to describe a survey with a narrowed focus. Examples may include, but are not limited to, survey supplementing a previous archaeological survey that was conducted with insufficient or outdated testing metrics or recording a single newly historic (50 years or older) resource and evaluating its NRHP eligibility. Other common situations may include minor projects that have been elevated beyond a Stipulation V/VI Form or Desktop Analysis due to an unevaluated resource or when there is a need to field-verify the existing conditions indicated by the desktop research.

Tantamount to submitting an abbreviated CRAS Report is the requirement to provide a clear and thorough justification for presenting a report which omits or abbreviates the standard report content as outlined in *Chapter 1A-46, F.A.C.* The preparer is tasked with assessing which report components are essential to present the project in a sufficient manner for review; however, the CRAS Report document content for a limited survey should be appropriately scaled to the location of the undertaking, results of the background research which informed the research design for the survey, nature of the survey conducted, and the results of said survey. For example, limited archaeological testing with no sites located may warrant a more abbreviated cultural context than a limited survey which identifies cultural material; that situation would call for a corresponding expanded cultural and environmental context relevant to the results. Similarly, if an architectural update of a previously surveyed area results in the documentation of NRHP-ineligible structures, the historic context section of the report may be more abbreviated than situations where NRHP-eligible structures or historic districts are documented; the latter situation would warrant a corresponding expanded context relevant to the results. The omission or abbreviated nature of *1A-46*-required CRAS report components must be sufficiently justified within the report; both in the introduction or overview section as well as in the relevant section of the document (i.e., if the environmental history is abbreviated, it should be stated in the Introduction as well as the natural environment subheading). Failure to explain the omission of standard report components may result in requests for additional information and review delays.

ADDENDUM TO A CRAS REPORT

Addenda are updates to a CRAS Report that had completed the review process (was found complete and sufficient by SHPO) when there is new information to be evaluated, project alignment shifts, or pond sites which were not included in the original survey. The passage of time can also necessitate an addendum to a previously completed CRAS Report as historic resources may have gained historic age in the interim thereby necessitating documentation and NRHP evaluation.

Addenda should be regarded as miniature CRAS Reports which may, as appropriate, exclude certain sections of CRAS Report requirements, such as extensive background content or environmental conditions, if these sections were contained in the original SHPO-approved CRAS Report, conditions depending (see Standards and Guidelines for full explanation of excludable content). As a mini CRAS Report, standard report components are expected such as a cover page; executive summary; tables of contents, figures, and tables; page numbers etc.

There also needs to be a degree of continuity, such as project number, NEPA document, or project name to justify building upon previous research rather than starting with a new survey and CRAS Report. The Standards and Guidelines provide details regarding the shelf-life of a survey, but SHPO may take additional consideration into account when evaluating the relevancy of the original CRAS report. Questions about the viability of a previous survey should be discussed with SHPO during the addendum scoping process.