



Geo-Environmental **BULLETIN**

<p>SUBJECT Qualification Program for Cultural Resource Compliance &amp; Documentation</p>	<p>FINAL NUMBER GE14-04(B)</p>	<p>EFFECTIVE DATE 11/13/2014</p>	<p>VALIDATION DATE</p>	<p>SUPERSEDES</p>
<p>TOPIC/PROGRAM Environmental Resources Unit – Cultural Resources Program</p>	<p>WEB LINK(S) <a href="http://www.oregon.gov/ODOT/HWY/TECHSERV/Pages/technicalguidance.aspx#">http://www.oregon.gov/ODOT/HWY/TECHSERV/Pages/technicalguidance.aspx#</a></p> <p>APPROVED SIGNATURE Original Signed By: Susan Haupt Geo-Environmental Manager</p>			

*PURPOSE*

This bulletin establishes professional qualifications and expectations for the consultant community that contracts with the Oregon Department of Transportation (ODOT) and/or through various Local Governments, to perform Cultural Resource compliance documentation under Section 106 of the National Historic Preservation Act (NHPA). ODOT will only authorize those who complete the Qualification Program described in this Bulletin to prepare Section 106 documents for ODOT and Local Government projects.

*GUIDANCE*

To improve the consistency of Section 106 documentation and streamline interagency consultation, ODOT requires that both internal cultural resource staff and consultants (we are certifying the person not the firm), meet the Secretary of the Interior’s (SOI) Standards (36 CFR Part 61) in the required discipline for the work conducted. Consultants must complete ODOT’s training course, and pass a written exam before ODOT will authorize them to submit Section 106 documentation to the agency. Specifically, only those consultants who meet SOI Standards in architectural history or history and pass the training course can prepare historic built environment evaluations for ODOT/Local Agency projects; only those consultants who meet SOI Standards in archaeology and pass the training course can prepare archaeological evaluations for ODOT/Local Agency projects. This will help ensure the quality of the deliverables and lessen the frequency of rejected documents. This certification must be renewed every 2 years.

ODOT will use this course as criteria for future performance evaluations and to demonstrate a level of competency to perform such services on behalf of the agency.

## *BACKGROUND/REFERENCE*

In 2010, the ODOT Cultural Resource Program implemented a plan to improve the quality of consultant-sourced Section 106 documentation. This effort involved an archaeologist and a historian with extensive ODOT-SHPO experience, stakeholders, ODOT staff, and external agency partners. They identified three desired outcomes: (1) develop a training program that establishes ODOT expectations for Section 106 documentation, and (2) develop a process to ensure that Section 106 documents are of a consistent quality and (3) ensure that work is performed by technically qualified professionals.

Importantly, ODOT's 2011 Programmatic Agreement with the Federal Highway Administration (FHWA) and the Oregon State Historic Preservation Office (SHPO) for implementing Section 106 of the National Historic Preservation Act for the Federal -Aid Highway Program requires the use of standardized templates. Documents include, but are not limited to: Programmatic Agreement (PA) Memos, Environmental Baseline Reports (EBR), Determinations of Eligibility (DOE), Findings of Effect (FOE), and Memoranda of Agreement (MOA). ODOT bases these expectations for documentation on guidance from the Advisory Council on Historic Preservation (ACHP), FHWA, and SHPO.

The goals for the Qualification Program are:

- Include representatives from agencies with which ODOT consults or represents in Section 106 compliance.
- Maintain efficiency in interagency Section 106 consultation.
- Improve the quality and consistency of consultant documentation.
- Reduce the cost of consultant documentation, including ODOT staff review.
- Establish best practices for ODOT/Consultant communication.

## *EXPLANATION*

Elements of the ODOT Qualification Program for Cultural Resources Compliance and Documentation are below. Interested parties may find additional information on the program on the ODOT Cultural Resource Program web page:

[http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/pages/cultural\\_resources.aspx](http://www.oregon.gov/ODOT/HWY/GEOENVIRONMENTAL/pages/cultural_resources.aspx)

Existing ODOT Cultural Resource Price Agreements state that: "The Agency may require consultants to demonstrate competency in the particular area/discipline to which they are assigned." ODOT's Cultural Resources Qualification Program would fulfil the requirement noted in the Price Agreements. Also Statements of Work (SOW) for this and other professional services contracts as well as Intergovernmental Agreements for cultural resource services on ODOT projects must reflect the requirements of this qualification program.

### 1) Minimum Qualifications

Consultants eligible to produce Section 106 documentation on behalf of ODOT are required to meet minimum professional qualifications. These can be found on the National Park Service website [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm). Archaeologists must meet the minimums set forth in the "Archaeology" category, while Built Resource Historians must either meet the minimums set forth in the "Architectural History" or History" Category. Documentation of required education and experience is mandatory for non-ODOT personnel seeking qualification.

### 2) Training and Testing

Only Consultants who meet the minimum qualifications and pass the written test will be considered ODOT Qualified Cultural Resource Consultants. Periodic refresher or update courses may require additional training. ODOT developed the Cultural Resource Qualification course in partnership with SHPO and will revise it as necessary.

Following the training, course participants must pass a written examination. A passing score of 80 percent on this timed, open-book, test qualifies the Cultural Resource Consultant to provide Section 106 documentation on behalf of ODOT; testing material is separate for archaeology and historic built environment

Individuals who fail to pass the full exam following two attempts must re-take the training. Qualification lasts for two years. Individuals are responsible for staying current with their qualification.

### 3) Ensuring Quality

ODOT has two additional requirements to assure the quality of Section 106 documentation produced on behalf of ODOT. Agency will post on the ODOT Cultural Resource Program web page. ODOT expects qualified Cultural Resource Staff to check for updates to the respective templates each time they produce new Section 106 documents; ODOT is not responsible for notifying qualified Cultural Resource staff of template updates.

- (1) To remain qualified, Consultants must maintain their qualification by renewing every two years. . After ODOT posts training dates, individuals with scheduling conflicts should contact the ODOT Training Consultant for direction and guidance.

## *RESPONSIBILITIES*

### **Environmental Leadership Team (ELT)**

- Communicate expectations of the ODOT Qualification Program for Section 106 Compliance and Documentation to Region environmental staff, CPMs and Federal Aid Specialists and/or Local Agency Liaisons.

- Forward Qualification Program issues and suggestions for improvement to the Geo-Environmental Section, Environmental Resources Unit, and Cultural Resources Program Manager.

### **ODOT Cultural Resources Program, Environmental Resources Unit (ERU)**

- Develop and revise the Qualification Program for Section 106 compliance and documentation as needed.
- Revise the required exam as needed.
- Post program documents and templates on ODOT's Cultural Resource webpage.
- Involve stakeholders as needed to ensure that the goals of the Qualification Program are being met.
- Work with ODOT Training Consultant to offer the qualification course and refresher courses as needed for individuals to maintain their ODOT qualification status.
- Advise Regions of ODOT qualified consultants – maintain an updated list with assistance from Human Resources.
- Provide feedback to the Technical Services Leadership Team on the effectiveness of the ODOT Qualification Program for Cultural Resource Certification.

### **Region Environmental Staff, Federal-Aid Specialists, Local Agency Liaisons**

- For contracted Section 106 documentation, only use consulting firms that employ or sub-consult to ODOT Qualified Cultural Resources Consultants, or require in the contract that consultants must complete the qualification course prior to NTP

### **Technical Services Senior Training Consultant**

- Using the documentation submitted, confirm that non-ODOT registrants meet ODOT Cultural Resource education and experience requirements.
- Administer and correct tests developed for the program, track test scores, and track Cultural Resource Staff qualified by ODOT to perform Section 106 documentation.
- Provide retesting opportunities as necessary.
- Establish an ODOT expenditure account and manage payments received from training participants.

### **Consultants and Local Governments that Provide Section 106 Documentation to ODOT**

- Enroll in Qualification Program for Cultural Resource Compliance and Documentation course and track attendance.
- Meet and maintain the minimum qualifications identified in this Bulletin to be eligible to produce documents on behalf of ODOT.
- Check the ODOT Cultural Resource Program website for updated guidance and templates; use the most recent information and templates.
- Submit Section 106 documents to Regional Environmental Staff for review, processing and submittal to SHPO. Documents must come through ODOT to ensure quality prior to SHPO submittal.

- Enroll in refresher courses.

### *SPECIAL INSTRUCTIONS*

This Bulletin is effective immediately.

### *CONTACT INFORMATION*

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