

**GLOSSARY:**

**Adverse effect:** when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register of Historic Places (NRHP) in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative. Examples include physical destruction or damage; alteration; removal of the property from its historic location; change of use or physical features; introduction of visual, audible, or atmospheric elements that diminish integrity; neglect causing deterioration; or transfer, lease, or sale [36 CFR 800.5(a)(1-2)].

**Advisory Council on Historic Preservation** (ACHP or Council): An independent federal agency that advises the president and Congress on historic preservation matters and oversees the review of projects under Section 106 of the National Historic Preservation Act. The ACHP is responsible for commenting to the agency official on a project that affects eligible properties. The ACHP may respond to requests for assistance or information from interested persons concerned about a specific project.

**Anticipatory demolition:** Intentionally altering or destroying a historic property (intentionally significantly adversely affecting the property) with intent to avoid the requirements of Section 106 of the National Historic Preservation Act [16 U.S.C. 470-2(k)]. **Such an action may result in the federal agency withholding federal assistance or permission.**

**Archaeological investigation:** Any type study aimed at identifying, evaluating, or recovering data from archaeological sites. Refer to the Wisconsin Archaeological Survey's *Guidelines for Public Archeology in Wisconsin* (<http://www.uwm.edu/Org/WAS/WASurvey/guidelines.html>). In Wisconsin, a phased approach is used for archaeological studies conducted in compliance with federal and state historic preservation laws: Phase I site identification survey, Phase II site evaluation, and Phase III Mitigation/Data Recovery.

**Area of Potential Effects** (APE): The geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking [36 CFR 800.16].

**Archival Review:** Archival or background research generally undertaken prior to any archaeological or architecture/history investigation. Sources may include, but not be limited to, state inventories of archaeological, architectural and historical resources, previously developed historic contexts, historical maps, atlases, tax records, photographs, ethnographies, folklife documentation, oral histories, and other studies, as well as standard historical reference works, as appropriate for the research problem.

**Building:** A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn [36 CFR 60.3].

**Confidentiality:** Project documentation may contain sensitive or culturally important locational information which may need to be protected from release due to concerns for unlawful looting or destruction of cultural resources. Information contained in these documents should be considered confidential. The determination that project documentation needs to be protected is based on stakeholder comments (refer below).

- On federal lands or Tribal lands, confidentiality requests shall be in accordance with Section 304 of the NHPA of 1966, as amended, 16 U.S.C. 470-470w-6, as implemented in 36 CFR 800.11.
- On state or privately owned lands, confidentiality requests shall be in accordance with 44.48 and 157.70 of Wisconsin Statutes.

**Consultation:** The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process [36 CFR 800.16].

**Consulting parties:** The primary participants in the 106 Process. Consulting parties always include the federal agency(ies) with jurisdiction over the project, WisDOT, and SHPO, THPO (if has assumed functions of SHPO for tribal lands under 101(d)(2) of the NHPA), and may—depending on circumstances—include others, such as the Advisory Council on Historic Preservation; local governments; Tribal governments, THPOs, or Designated Tribal Representatives; applicants for federal grants, licenses, or permits; affected landowners; and other interested persons.

**Designated Tribal Representative (or Tribal Government Designee):** A person identified and authorized by their Tribal government to represent the Tribe's cultural resources issues, if there is no THPO or NAGPRA representative.

**Determination of Eligibility (DOE):** A decision by the Agency HPO with concurrence from the SHPO/THPO that a district, site, building, structure, or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register. A DOE does not make the property eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite [36 CFR 60.3]; however, a property that is determined eligible is afforded the same protection under Section 106 as a property actually listed on the National Register.

**District:** A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history [36 CFR 60.3].

**Effect:** Alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register of Historic Places [36 CFR 800.16]. Effects may include alteration to features of a property's location, setting, or use, depending on a property's significant characteristics.

**Eligible property (EP):** A historic property that has been formally determined eligible for the National Register of Historic Places **or** that meets the National Register eligibility criteria [36 CFR 800.16].

**Ethnographic Information:** Information derived from ethnography, the descriptive and analytic study of the culture of particular groups or communities. An ethnographer seeks to understand a community through interview with its members and often through living in and observing it [NR Bulletin 38].

**Federal agency:** A department, agency, or instrumentality of the United States which has the jurisdiction over the project and legal responsibility for complying with Section 106. In the Division of Transportation System Development, highway projects are the responsibility of the Federal Highway Administration (FHWA), and airport projects are the responsibility of the Federal Aviation Administration (FAA). When projects require permits from a federal agency, such as the U.S. Army Corps of Engineers, the permitting agency must also comply with Section 106. FHWA and FAA also monitor compliance with Section 4(f).

**Federal Preservation Officer (FPO):** The official designated by the head of each federal agency responsible for coordinating that agency's activities under the National Historic Preservation Act, as established in 16 U.S.C. 470h-2(c) [36 CFR 60.3].

**Government-to-government relationship:** The formal relationship that exists between federally recognized tribes and the federal government. Tribal governments are considered domestic sovereignties with primary and independent jurisdiction (in most cases) over tribal lands. The relationship between tribal and state governments should also be characterized as government-to-government [WisDOT Tribal Partnership Agreement].

**Historic Preservation Officer (HPO):** The individual responsible for ensuring that WisDOT projects meet the requirements of Section 106 explained in this chapter. The Director of BEES has been appointed as WisDOT's HPO by the Department Secretary.

**Historic property:** Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places. This term includes artifacts, records, and remains that are

related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe and that meet the National Register criteria [36 CFR 800.16].

**Interested persons/parties:** Those individuals and organizations that have made known their concerns regarding the effects of a particular project on historic properties. Interested persons/parties may include local governments; applicants for federal assistance, permits and licenses; affected land owners; Tribal governments, THPOs, or Designated Tribal Representatives; and the general public. Contact with interested persons should be made at each stage in the 106 Process (identification, evaluation, assess effects, consultation). Consultation with Tribal governments should follow the WisDOT Tribal Consultation process and timelines as described in Procedure 26-5.

**Memorandum of Agreement (MOA):** The document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties [36 CFR 800.16].

**Memorandum of Understanding (MOU)** (also called Partnering or Partnership Agreement): An agreement between or among two or more entities that defines roles and responsibilities on how to conduct business [WisDOT Tribal Partnership Agreement].

**Mitigation:** A course of action taken to address the Section 106 requirement to “avoid, minimize, or mitigate” adverse effects of an undertaking on historic properties.

Mitigation measures can include recovery and recording of important information from historic properties (for example, excavations at archaeological sites or documentation of historic structures) but can also incorporate alternative treatments developed by the consulting parties, such as public interpretive displays. By considering alternatives to data recovery, federal agencies can address how the community or the general public best benefits from the expenditure of public funds for preservation treatments.

**Museum Archaeology Program (MAP):** A program area of the Wisconsin Historical Society that provides archaeological services to WisDOT for in-house designed and managed projects through a cooperative agreement between the two agencies. The MAP conducts screening, identification, evaluation, and mitigation studies; provides recommendations regarding the treatment of archaeological properties; and prepares required reports, documents, and interpretative products. The MAP also acts as curator for archaeological collections and associated records generated through this cooperative agreement.

**NAGPRA (Native American Graves Protection and Repatriation Act) representatives:** Individuals who have been determined by Tribal government resolution to act on the Tribe’s behalf in the identification and negotiations for repatriation of Indian remains, grave goods, sacred objects and objects of cultural patrimony. NAGPRA representatives represent their tribes on federal and intertribal levels. Tribal governments may determine that an individual can serve as both the THPO and the NAGPRA representative.

**National Historic Landmark (NHL):** A historic property that the Secretary of the Interior has designated a National Historic Landmark because of its national importance in American history, architecture, archaeology, engineering, or culture. The 106 Process affords special protection to NHLs.

**National Register of Historic Places (NRHP or National Register):** The nation's inventory of significant historic buildings and structures, archaeological sites, and traditional cultural places. The NRHP is administered by the National Park Service on behalf of the Secretary of the Interior. NRHP listings include buildings, structures, sites, objects, and districts that possess historic architectural, engineering, archaeological, or cultural significance. Properties listed are not limited to those of nationwide significance; most listed properties are significant at the state or local level.

**National Register criteria:** The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register [36 CFR 800.16]. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and that are associated with events that have made a significant contribution to the broad patterns of our history; or

that are associated with the lives of persons significant in our past; or  
that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or  
that have yielded, or may be likely to yield, information important in prehistory or history [36 CFR 60.4].

**Potentially eligible property** (PEP): A historic property identified as possibly meeting the criteria for the National Register of Historic Places, but not yet formally evaluated.

**Project manager**: The individual at the region or with a consulting engineering firm who is responsible for guiding the project through the environmental review and construction. The individual who is assigned this responsibility may change over the course of a project.

**Sacred Sites**: Any specific, discrete, narrowly delineated location on Federal land that is identified by an Indian tribe, or Indian individual determined to be an appropriately authoritative representative of an Indian religion, as sacred by virtue of its established religious significance to, or ceremonial use by, an Indian religion; provided that the tribe or appropriately authoritative representative of an Indian religion has informed the agency of the existence of such a site.

**Screening List**: A streamlined process for projects with no potential to affect historic properties; these projects are exempted from comprehensive Section 106 Review. In compliance with a Programmatic Agreement (PA) with the FHWA, SHPO and WisDOT, projects are considered to qualify for the screening list if the potential effects of the project are foreseeable and likely to have no effect on historic properties and burial sites.

**Secretary's Guidelines**: The "Guidelines" portions of the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* ([http://www.nps.gov/history/local-law/arch\\_stnds\\_0.htm](http://www.nps.gov/history/local-law/arch_stnds_0.htm)). The Standards provide broad national principles of archaeological and historic preservation practices and methods. The Guidelines provide broad national guidance on how to apply the Standards [36 CFR 61.2] These guidelines are not regulatory but are frequently cited as a source for technical advice about archaeological and historic preservation activities, methods, and professional qualifications.

**Site**: The location of a significant event, or a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure [36 CFR 60.3].

**State Historic Preservation Officer** (SHPO): The official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act to administer the State Historic Preservation Program or a representative designated to act for the State Historic Preservation Officer [36 CFR 800.16, 36 CFR 60.3]. In Wisconsin, the Historic Preservation – Public History Division of the Wisconsin Historical Society acts as the State Historic Preservation Office. The SHPO assists communities, organizations, agencies, and individuals with identifying and protecting archaeological sites, burial places, and historic buildings, and maintains inventories of those properties.

**Structure**: A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale (36 CFR 60.3).

**Survey**: Field work and literature search conducted to identify historic properties that may be affected by a project. A broad range of survey methods and approaches are available (see Secretary's of the Interior's Guidelines for Identification, URL [http://www.nps.gov/history/local-law/arch\\_stnds\\_2.htm](http://www.nps.gov/history/local-law/arch_stnds_2.htm)), and the methods used should be tailored to the requirements of the particular project. Surveys should be completed under the guidance of a principal investigator who meets the Secretary of the Interior's Professional Qualification Standards (URL: [http://www.nps.gov/history/local-law/Prof\\_Qual\\_83.htm](http://www.nps.gov/history/local-law/Prof_Qual_83.htm)).

**Traditional Cultural Property** (TCP): A property that is eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. Evaluating the

National Register eligibility of a TCP involves (1) ensuring that the entity under consideration is a tangible property (rather than the intangible practices or beliefs themselves); (2) consideration of the property's integrity (does it have an integral relationship to traditional cultural practices and beliefs, and is the property's condition such that the relevant relationships survive?); (3) evaluation of the property in terms of the four National Register criteria of eligibility; and (4) determination of whether any of the National Register criteria considerations make the property ineligible [NR Bulletin 38].

**Tribal experts:** Tribal individuals with whom THPOs or Designated Tribal Representatives consult as a resource regarding historic properties. *Tribal experts are NOT the official contact or resource for the consultation process unless specifically determined by the Tribal government in writing.*

**Tribal governments:** The governing body of any American Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for the entity or its members. Such term also includes any Native village corporation, regional corporation, and Native group established pursuant to the Alaska Native Claims Settlement Act.

**Tribal Government Designee (see *Designated Tribal Representative*)**

**Tribal Historic Preservation Officer (THPO):** The Tribal official appointed by the Tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on Tribal lands in accordance with Section 101(d)(2) of the National Historic Preservation Act [36 CFR 800.16]. These officers serve to inform and protect tribal cultural resources for the Tribe, state, and federal agencies. THPOs uphold Tribal cultural resources laws and policies on their respective reservations *and* are to be consulted on off-reservation projects as well.

**Tribal Liaison:** The internal WisDOT Tribal Liaison responsible for intergovernmental relations between WisDOT and the federally recognized Tribal governments in Wisconsin. The Tribal Liaison is responsible for information and expertise on working with Tribal governments in all sections of WisDOT. The Tribal Liaison, in cooperation with the Regional Tribal Liaisons, work with departmental compliance officers on incorporating tribal initiatives into appropriate policies and procedures.

**Tribal sovereignty:** The ability of a Tribe to govern itself; having the status, dominion, rule, or power of a sovereign. In the United States, this term refers to the status of federally recognized American Indian tribes and pueblos, for which court decisions since the ratification of the United States Constitution have established legal doctrines that presume them to be sovereign "domestic dependent nations." Sovereignty is not given by an exterior government, but is recognized by said exterior government.

**Undertaking:** A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval [36 CFR 800.16].