Appendix H

Sharpe Homestead Site Memorandum of Agreement

MEMORANDUM OF AGREEMENT
AMONG THE FEDERAL HIGHWAY ADMINISTRATION, THE NEBRASKA DEPARTMENT OF TRANSPORTATION, AND THE NEBRASKA STATE HISTORIC PRESERVATION OFFICE
REGARDING NORFOLK - WISNER
PROJECT NUMBER 275-6(1052)
CONTROL NUMBER 32319

WHEREAS, The Nebraska Department of Transportation (NDOT) is proposing to expand existing US Highway 275 (US-275) from a two-lane highway to a four-lane expressway between Nebraska Highway 57 (N-57) and the city of Wisner, Nebraska, also known as the Norfolk - Wisner project (the Project), and is the Project sponsor; and

WHEREAS, the Project has been developed as a federal-aid project with the Federal Highway Administration (FHWA) as the lead federal agency; and

WHEREAS, NDOT would provide construction administration for the Project; and

WHEREAS, FHWA has defined the undertaking's area of potential effects (APE) as described in Appendix A, Figures 1 and 2; and

WHEREAS, FHWA has determined that the undertaking will have an adverse effect on the archeological site known as the Sharpe Homestead site, site number 25ST16, which is eligible for listing in the National Register of Historic Places (NRHP), and;

WHEREAS, FHWA has consulted with the Nebraska State Historic Preservation Office (SHPO)(Appendix B); and

WHEREAS, FHWA has consulted with the consulting parties listed in Appendix C; and

WHEREAS, FHWA has consulted with NDOT regarding the effects of the undertaking on historic properties and has invited them to sign this Memorandum of Agreement (MOA) as an invited signatory; and

WHEREAS, a public information meeting was held on September 10, 2019, to disclose the potential effects to the historic Sharpe Homestead site; and

WHEREAS, in accordance with 36 CFR Section 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen not to participate in the consultation (Appendix D) pursuant to 36 CFR Section 800.6(a)(1)(iii); and

WHEREAS, SHPO concurred upon the proposed data recovery plan as presented in Appendix A; and

NOW, THEREFORE, FHWA, SHPO and NDOT agree that the undertaking, if advanced, shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

NDOT shall ensure that the following measures, based upon the data recovery plan, are carried out:

I. NDOT shall record the Sharpe Homestead site to include the following information:
   a. High resolution digital photographs of the Sharpe Homestead site prior to any construction activity at the site. Photographs shall be numbered and labeled according to NRHP standards and include at a minimum the following images:
      i. Images of the setting and surrounding area including landscape and the county road to put the Sharpe Homestead site into a geographical context.
      ii. Images of features mapped and/or excavated.
   b. A site plan with detailed contour mapping including:
      i. The location of each feature correlated with other known site features and site boundaries.
   c. Select plan and profile views of site features shall be produced.
   d. Limited mechanical stripping of two areas absent of structural anomalies shall be completed and documented.
   e. Limited controlled hand-dug excavation units shall be excavated and documented.
   f. A narrative description of the function, construction methods and character of features, placing the features into context regarding the Sharpe Homestead site and its history.
   g. A final report shall be prepared which encompasses the information gained through these data recovery efforts.

II. An electronic copy of the final report shall be submitted to FHWA, SHPO and Nebraska's State Archeology Office.

III. GEOARCHEOLOGICAL TESTING
   a. NDOT shall complete geoarcheological testing necessary to determine the presence of buried soils. This testing shall be based upon the most recent design plans.
   b. NDOT shall coordinate with FHWA and SHPO prior to completing the geoarcheological testing.
   c. NDOT shall submit results of the geoarcheological testing to FHWA and SHPO for review and approval and if appropriate follow Stipulation VIII(B)(5) through (C) of

the 2023 Statewide Programmatic Agreement to fully satisfy the assessment and resolution of an adverse effects to historic properties that may occur.

IV. DURATION

This MOA will expire if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the MOA and amend it in accordance with Stipulation VIII below.

V. POST-REVIEW DISCOVERIES

If properties are discovered after project construction begins, that may be historically significant or unanticipated effects on historic properties found, NDOT and FHWA shall follow Stipulation X(C) of the *Programmatic Agreement Among The Federal Highway administration, The Nebraska State Historic Preservation Officer, The Advisory Council on Historic Preservation And The Nebraska Department of Transportation to Satisfy the Requirements of Section 106 for the Federal-Aid Highway Program in the State of Nebraska.*

VI. MONITORING AND REPORTING

Each year following the execution of this MOA until it expires or is terminated, NDOT shall provide all parties to this MOA a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in FHWA's efforts to carry out the terms of this MOA. If the stipulations identified herein are carried out prior to the yearly anniversary, then no reporting is required.

VII. DISPUTE RESOLUTION

Should any signatory or concurring party to this MOA object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with such party to resolve the objection. If FHWA determines that such objections cannot be resolved, FHWA will:

a. Forward all documentation relevant to the dispute, including the FHWA's proposed resolution, to the ACHP. The ACHP shall provide FHWA with its advice on the resolution of the objection within thirty (30) days of receiving adequate documentation. Prior to reaching a final decision on the dispute, FHWA shall prepare a written response that takes into account any timely advice or comments regarding the dispute from the ACHP, signatories and concurring parties, and provide them with a copy of this written response. FHWA will then proceed according to its final decision.
b. If the ACHP does not provide its advice regarding the dispute within the thirty (30) day time period. FHWA may make a final decision on the dispute and proceed accordingly. Prior to reaching such a final decision, FHWA shall prepare a written response that takes into account any timely comments regarding the

dispute from the signatories and concurring parties to the MOA and provide them and the ACHP with a copy of such written response.

c. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged.

VIII. AMENDMENTS

This MOA may be amended when such an amendment is agreed to in writing by all signatories. The amendment will be effective on the date a copy signed by all of the signatories is filed with the ACHP.

IX. TERMINATION

If any signatory to this MOA determines that its terms will not or cannot be carried out, that party shall immediately consult with the other signatories to attempt to develop an amendment per Stipulation VIII, above. If within thirty (30) days (or another time period agreed to by all signatories) an amendment cannot be reached, any signatory may terminate the MOA upon written notification to the other signatories.

Once the MOA is terminated, and prior to work continuing on the undertaking FHWA must either (a) execute an MOA pursuant to 36 CFR Section 800.6 or (b) request, take into account, and respond to the comments of the ACHP under 36 CFR Section 800.7. FHWA shall notify the signatories as to the course of action it will pursue.

Execution of this MOA by the FHWA and SHPO and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the ACHP an opportunity to comment.

SIGNATORIES

FEDERAL HIGHWAY ADMINISTRATION

RICHARD W FEDORA Digitally signed by RICHARD W FEDORA
Date: 2024.05.20 09:25:22 -05'00' Date:_____

Wayne Fedora, Division Administrator
Federal Highway Administrator, Nebraska Division

NEBRASKA STATE HISTORIC PRESERVATION OFFICER

Date: 5/7/24

Betty Gillespie, Interim Deputy SHPO
History Nebraska

INVITED SIGNATORIES

NEBRASKA DEPARTMENT OF TRANSPORTATION

Date: 5-13-24

Vicki Kramer, Director
Nebraska Department of Transportation

Appendix A

Data Recovery Plan

Data Recovery Plan for Norfolk to Wisner, S-275-6(1052), CN 32319, Cuming and Stanton Counties

Prepared by the
Nebraska Highway Archeology Program

For the
Nebraska Department of Transportation
and the
Federal Highway Administration
August 2019

Introduction and Project Background

The construction of Nebraska Department of Transportation (NDOT) project S-275-6(1052) Norfolk to Wisner will add two lanes to US-275 between the intersection of US-275 and N-57 and the intersection of US-275 and 16th Street in Wisner, NE. At this time it is unclear where the lanes will be added and in response to this uncertainty a large APE that encompasses two additional lanes on either the north or south side of the existing highway has been used to develop this Data Recovery Plan (Figure 1). Intensive cultural resource surveys of the APE were conducted by History Nebraska (HN) archeologists between late 2016 and the summer of 2019. These surveys identified six archeological sites in the APE (Figure 2). Of these six only 25ST16 is eligible to the National Register of Historic Places (NRHP). Regardless of whether a north or south expansion is ultimately selected by NDOT, 25ST16 will be adversely affected by this project (Figure 3). This data recovery plan is designed to mitigate the adverse effect to the site by gaining new information from the archeology of the site.

25ST16 the Sharpe Homestead

25ST16 is an archeological site that is reported to be the first homestead in Stanton County. The site was marked by a sign from the local historical society for many years. HN archeologists investigated the site in 2012 for work on an unrelated project. At that time there were four shallow depressions, which are presumably former building locations. These were in a small portion of the site that was not tilled. There is also a large scatter of Euro-American artifacts extending west and south from the intersection of N-15 and US-275. 25ST16 was recommended as "eligible" for listing on the NRHP under Criterion D in 2012.

The site is in the APE for S-275-6(1052). In an effort to determine the location of any and all features at the site the Nebraska Highway Archeology Program contracted with the Midwest Archeological Center (MWAC) to perform a geophysical survey of the entire site. This work was completed in June of 2019. Three geophysical techniques were used on all or portions of the site and numerous anomalies relating to non-extant structures, utility lines, and fences were found (Figure 4 [Wiewel 2019]). The site retains a high degree of integrity. When combined with its age and local significance as the first homestead in Stanton County, the site is eligible to the NRHP under Criterion D.

Data Recovery Plan

Research Potential

The most common type of archeological site discovered in the Norfolk to Wisner APE are former locations of Euro-American farms and homesteads (Johnson 2019). With the exception of 25ST16, all date to the late 19th century and even well into the 20th century based on historic map sources and the type of artifacts discovered on the surface. In terms of research potential, these later sites have very limited utility. While the possibility does exist for preservation of features such as truncated outhouse pits or cellars, productive research and significance values have yet to be defined for post-statehood, late 19th and early 20th century archeological farmstead locations in eastern Nebraska in the absence of other important characteristics such as association with persons, events, and so forth. Essentially the historic and archival record of post-statehood eastern Nebraska rural settlement is sufficiently rich so that archeological research is not warranted at former farmstead locations without associations of important persons or events. None of these sites have obvious association with historically significant persons or events. All are therefore considered not eligible for the NRHP.

25ST16 poses an exception to this general rule of Euro-American sites significance. The Sharpe Homestead dates earlier than the other Euro-American sites as it was occupied as early as 1865 during the pre-statehood or "territorial" period. Archeological excavation of features associated with this site would enhance a reconstruction of life during the early settlement period. The quantity of archival documentation regarding rural settlement increases greatly during the later decades of the 19th century but is limited for the period during and before the Civil War. Although the site has later 19th and 20th century components, which are not significant, the remaining mid-19th century features such as cellars, foundations, privies, and trash deposits make this site eligible for the NRHP. While features that date to the late 19th and early 20th century are not eligible on their own, they will be documented if encountered during testing.

Research Topics

This site presents an opportunity to supplement what little we know about territorial period settlement from the historic record with archeological data. Three specific research topics are addressed in the proposed plan: 1) site structure; 2) subsistence; and 3) material culture. Site structure refers to the built environment of the site including types of structures present, their condition, and their distribution over the landscape. Subsistence refers to the types of food consumed by site residents. Material culture refers to the artifacts used by inhabitants to cope with their physical and social environment.

Site Structure

No surviving sketches or photographs of the Sharpe Homestead area are known to exist prior to a 1940's air photo. Consequently we know virtually nothing of the physical arrangement or functions of the early buildings present at the site. The questions that follow are directed toward a better understanding of the built environment at 25ST16:

1. What types of buildings were constructed at the site? What building materials were used?
2. Can the arrangement, modification, and replacement of buildings at the site expand our understanding of agriculture through time? Of particular interest at 25ST16 is the house, which some records indicate was the original frame home with numerous later additions added on to it.

Data from excavations will help define the size of structures and identify the materials with which they were made. Surviving structural elements, foundations, glass, nails and building hardware would provide useful data in understanding these structures.

Subsistence

Little is known regarding the composition of the diet or the means by which food was procured by the residents at 25ST16. Very few archeofaunal collections from mid-19th century to early 20th century Euro-American domestic sites have been reported in the Central Plains area. Some information can be gleaned from both published and unpublished sources regarding Euro-American subsistence on the homestead frontier (Snyder 1982; Bozell 1994; Bleed et al. 2008). The following questions relate to subsistence practices at 25ST16:

3. What was the composition and quality of diet for the residents of 25ST16?
4. Were some foods and beverages purchased from a local merchant or other source?
5. To what extent was the diet supplemented by hunting, fishing, or collecting of wild plant foods?
6. Were domestic animals raised, butchered, and processed on site?

Archeological data will identify foods actually consumed at the site. Animal bone can provide data on the kinds and relative quantities of animals consumed. It should be possible to determine which meat cuts were consumed as indicated by the bones present. Meat dishes can be inferred from some meat cuts. Butchering patterns can be determined from the types of bones present and from saw marks, chop marks, and cut marks.

Botanical remains including nuts, seeds, and other preserved plant parts are needed to provide additional data on the consumption of domesticated or wild plant foods. Flotation samples will be collected in order to facilitate identification of these small remains.

Material Culture

Much regarding material life at 25ST16, as well as many other territorial and early statehood period occupations, is unknown. The following questions are directed toward a better understanding of other basic needs:

7. What kinds of tools and other domestic goods were utilized by residents at 25ST16?
8. What kinds of health care and medical supplies were available to residents?

Glass and tin container fragments should provide evidence for consumption of certain types of foods and beverages. Switzer's (1974) study of glass containers recovered from the steamboat Bertrand, which sunk in the Missouri in 1865, identifies a range of bottled products that may also have been available: bitters, catsup, mustard, pickles, vegetables, honey, and others. Evidence for the relative amount of canned goods consumed may be derived from archeologically-recovered tin cans and can fragments, an artifact common to a wide variety of mid-to-late 19th century Euro-American sites.

Excavation Strategy

The information gained from the geophysical testing will be relied on to place the initial test units. These will be placed in anomalies that do not relate to buildings on the 1940's air photo, with the exception of what is thought to be the house. Congruently, two areas that are absent of structural anomalies will be mechanically stripped to the base of the plow zone approximately 12-18 inches (Figure 5). This will be done for two reasons. First is to see if the geophysical testing missed any structural remains, and second is to expose the remains of a small shed seen on the 1940's photo to see what structural remains at the site look like. If the first test units do find structural remains such as a cellar or building foundation or other substantive feature, a local grid of one meter squares will be imposed over the structure for horizontal control, and the fill within removed, processed, and specimens cataloged with reference to this grid. Specimens in situ will be mapped with reference to the grid and removed

separately so that their precise locations will be recorded. Should the machine-stripping reveal features not uncovered by the geophysical testing, their treatment will be the same. Their locations will be mapped and excavation will proceed by observable depositional strata or, where such strata are lacking, by arbitrary 10 centimeter levels.

Each feature that is encountered during the excavation will be explored at least until its approximate age can be determined. Features that contain only 20th century artifacts and building material will not be fully excavated. Features that date approximately to 1865-1885 will be excavated fully. The amount of excavation for features that contain a mix of early and more recent artifacts will be determined on a case by case basis based on the context and integrity of the early components of the mixed material.

Most of the excavated soil with be passed through a ¼ inch dry screen. Each level that is believed to contain in situ material, from each test unit will have a soil sample, of consistent size, taken for later processing. The soil samples will either be water-screened through 1/16 inch mesh or will be processed using a Flotec flotation machine which allows for the recovery of very small and fragile botanical artifacts. The treatment of each soil sample will depend on the type of feature it was recovered from and the types of artifacts wanted recovered from the sample. Water-screened and floated material will be sorted by material type. The residue of each will be kept and lotted together by provenience. In addition to water-screening, consistent samples of archeological fill will be collected from stratigraphically significant contexts for later processing for special studies. Water-screened material will be size graded by nesting screens, larger size-grades sorted and smaller size grades cataloged by provenience lot.

A systematic series of basic record-keeping information will be gathered from the excavations. First, supervisory staff will keep a daily journal in order to maintain locational data. Standard forms have been prepared to make comments and draw the position of charcoal, artifact concentration, features, and so forth within the limits of 1 meter^2 excavation units. Similarly, feature-specific forms will be completed which detail descriptive and provenience information from features within and outside of structural ruins.

Photographs will be taken of a large sample of excavated loci, particularly features and structural remains, as well as general views of the sites and physical surroundings and excavations in progress. Instrument mapping will be extensive and include placing the site and all of its excavated features and surface expressions on the landscape both by instrument mapping and the use of GIS.

Representations of vertical distribution of cultural deposits will be achieved by producing measured profiles of north/south and east/west balks across structural ruins. Contained features will also be cross-sectioned and profiles drawn. All maps, photographs, forms, and notes will be neatly organized and permanently curated at the State Archeology Office of History Nebraska.

Laboratory Analysis

Upon return to the History Nebraska Archeology Laboratory in Lincoln, all unwashed specimens will be cleaned and fragile and deteriorating material stabilized. The collection will be cataloged using the standard cataloging program developed by History Nebraska. This program ensures that all items are assigned a discrete number which is related to a specific provenience, such as feature, surface location, or 1 meter^2 excavation unit. Catalog numbers will be permanently marked on the specimen when possible. Items too small to be labeled will be placed in numbered containers.

Basic analysis will revolve around identification, description, and tabulation of the full 25ST16 collection. The analysis will organize the tabulations by the most logical analytic units, in this case, probably structural ruins and other features. All information generated during the course of analysis will be placed on permanent file at History Nebraska.

Reporting

The archeological investigation and analysis of 25ST16 will be reported in detail in a comprehensive report of findings. The final report will contain, but not be limited to, complete descriptions of: the natural and cultural setting, investigation strategy, excavations and features, site history, and recovered materials. The report will also consist of extensive analyses and discussions directly addressing research questions and study topics outlined in this plan. The information from the investigation will be subjected to comparison with other published and unpublished data from Euro-American site excavations.

The report will be supplemented with a set of pertinent maps, photographs, tables, profiles, and line drawings, to enhance the presentation of results. In addition, appendices will be organized which provide select raw data or field documentation.

In general, the report will be prepared in accordance with all federal and state standards. The report will be reproduced in sufficient numbers for dissemination to pertinent government offices and other professionally interested parties. The 25ST16 study may also be appropriate for publication as one or more journal articles in professional outlets such as the *Plains Anthropologist* or *Central Plains Archaeology.*

Curation and Facilities

All specimens, records and other materials shall become the property of History Nebraska. The collections will be permanently curated at the History Nebraska archeological collection facility, which meets federal curation standards. All artifacts will be safely packaged in archival plastic bags, after appropriate laboratory analyses and stabilization procedures have been completed. The collection will be placed in archival boxes and stored on metal shelves in a temperature-controlled storeroom. Any loans or permanent transferal of all or a part of the collection will be carried out with proper documentation for "tracking" the materials.

The History Nebraska Archeology laboratory is a modern facility with full capabilities for processing and analyzing archeological collections. The laboratory is staffed by a full-time lab director. The archeology office, combined with the collections division, contains a complete set of published and unpublished documentation concerning the archeology of Nebraska. The office is the central depository for statewide archeological site files, maps, and photographs.

Personnel

The 25ST16 study will be under the overall direction of History Nebraska Archeologist Nolan Johnson. Johnson has earned a Master's Degree from the University of Nebraska-Lincoln. Johnson wrote his thesis on excavations at a road ranch along a portion of the Oregon Trail in Seward County dating from 1862-1871. Johnson has worked for 15 years on the archeology of Nebraska. Other staff and volunteers at History Nebraska will be used for the excavation and laboratory work during the project. Specialists on particular aspects of material culture may be employed on a limited basis as well.

References Sited

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2008 The *Archeological of Plattford Sarpy County, Nebraska*. Prepared for the Nebraska Department of Roads. On file at History Nebraska.

Bozell, J. R.

1994 Vertebrate Remains from the Martin Farmstead (14RP322), Republic County, Kansas. In *Phase IV Salvage Investigations at the Martin Farmstead (14RP322) in Republic County, Kansas* by C.M. Schoen. Kansas State Historical Society Contract Archeology Publication 12. Topeka.

Snyder, L.M.

1982 *Unmodified Vertebrate Remains Recovered from Six Euroamerican Sites, Monroe County, Missouri: A Preliminary Analysis*. Department of Anthropology, Technical Report 82-01, University of Nebraska, Lincoln.

Switzer, R.R.

1974 The Bertrand Bottles: A Study of 19th Century Glass and Ceramic Containers. National Park Service, U.S. Department of the Interior, Washington D.C.

Wiewel, Adam

2019 Trip Report, Sharp Homestead (25ST16) Geophysical Survey, Stanton County, Nebraska, June 17-21, 2019. National Park Service, Midwest Archeological Center Lincoln, NE.

S-275-6(1052) Area of Potential Effects

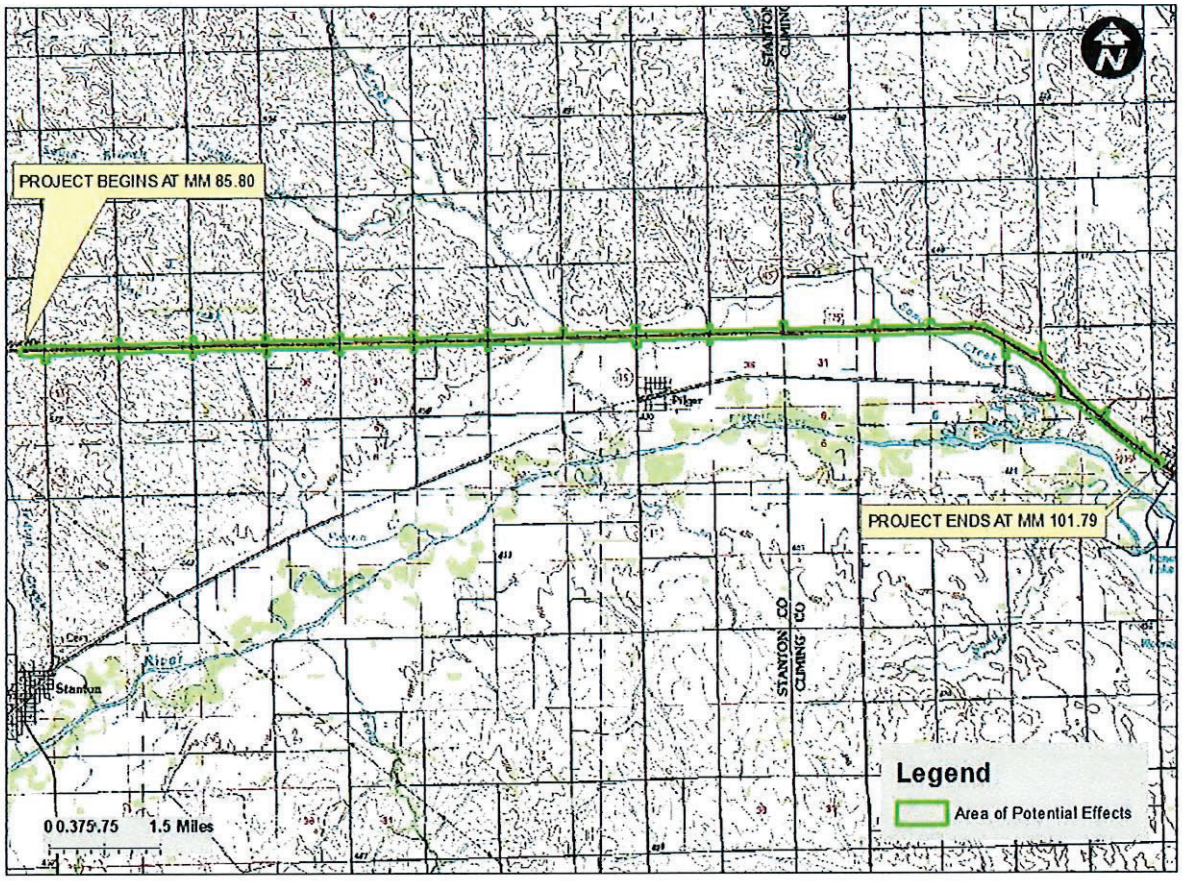

Figure 1: Area of Potential Effects.

S-275-6(1052) Area of Potential Effects

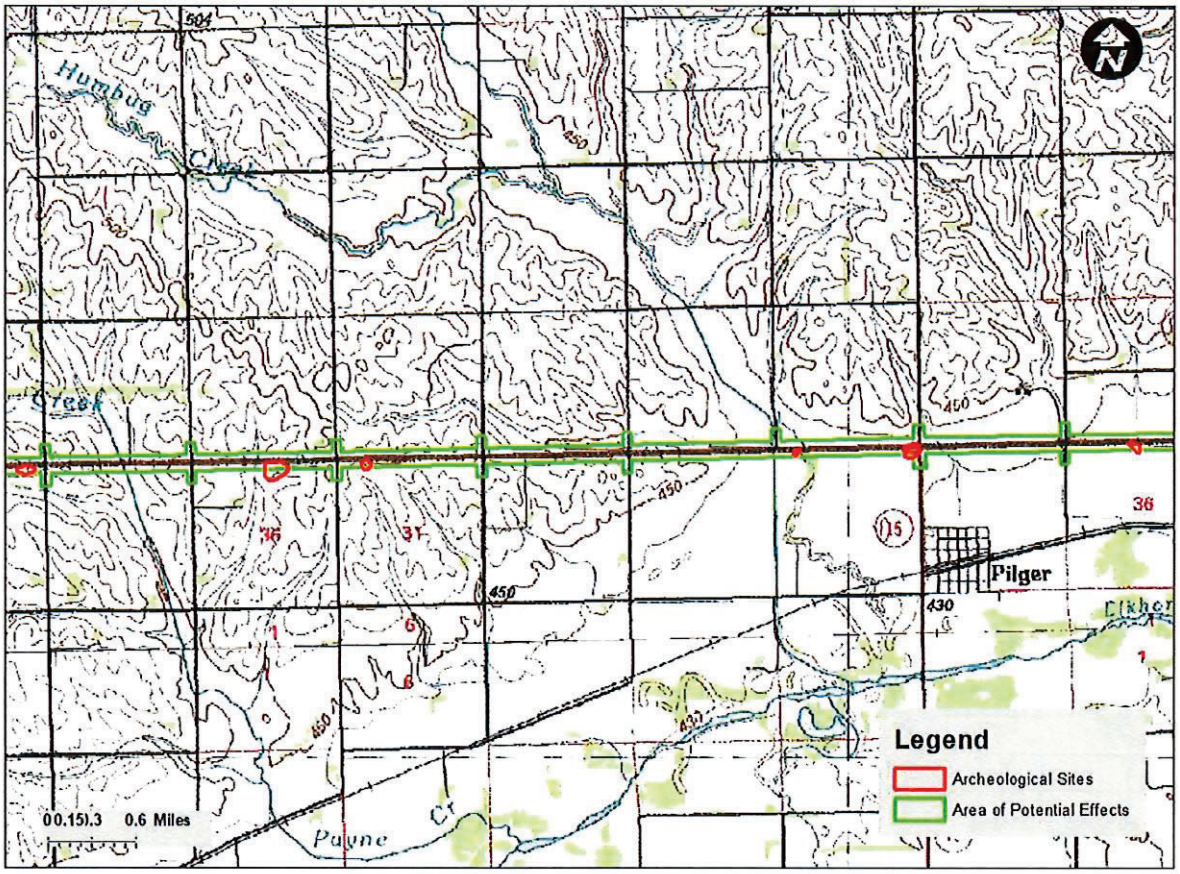

Figure 2: Archeological Sites in the APE.

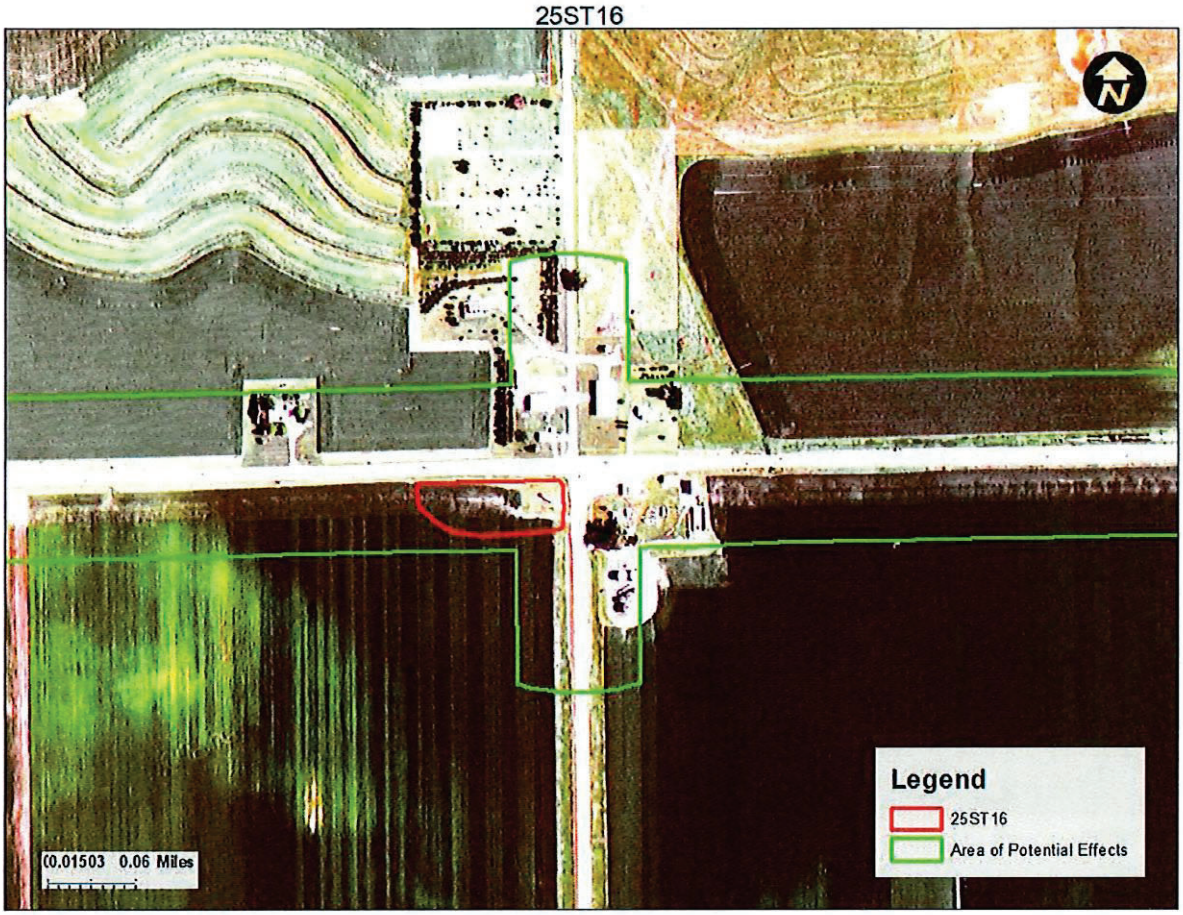

Figure 3: 25ST16 and the APE.

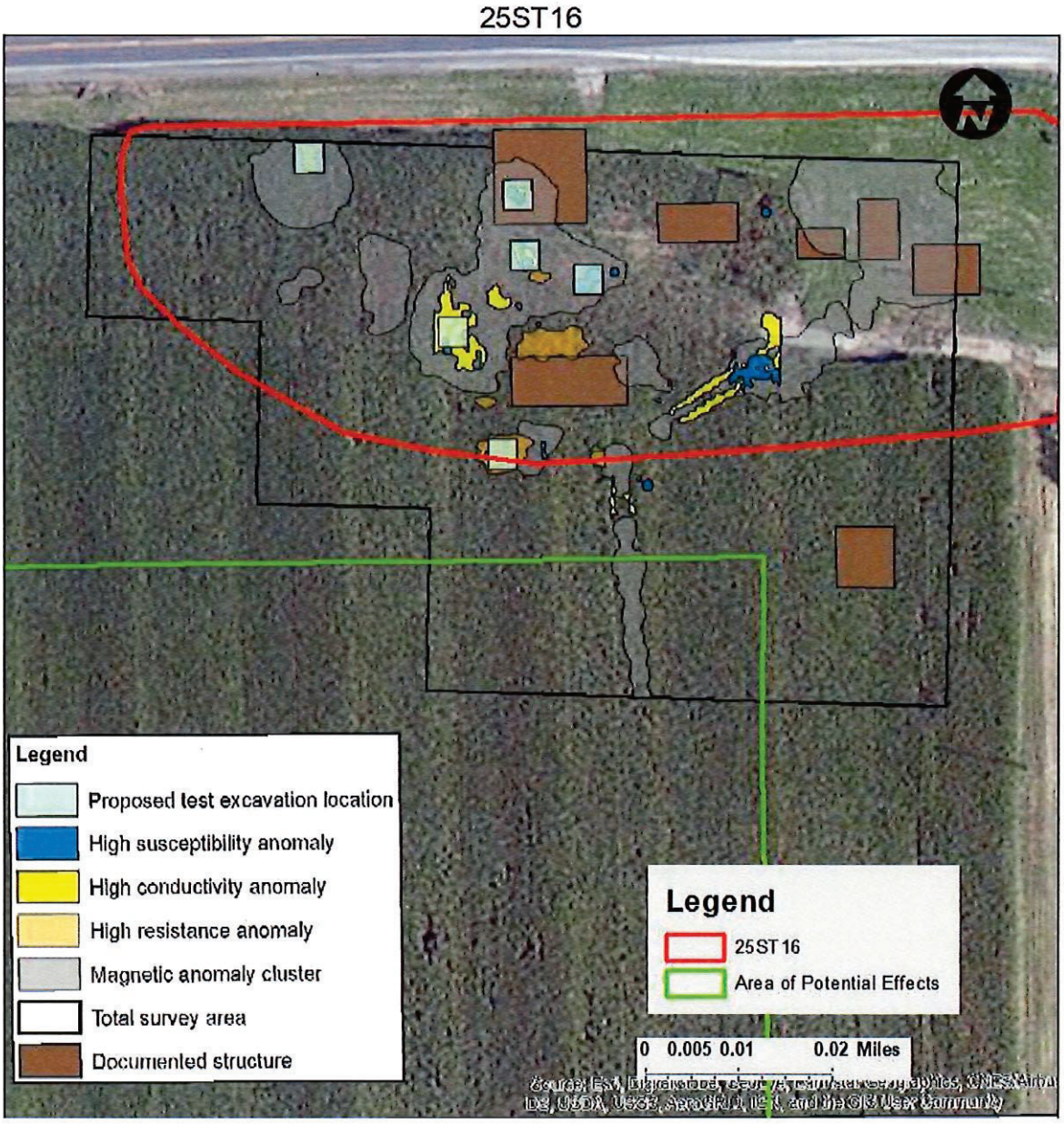

Figure 4: Results of Geophysical Testing at 25ST16.

25ST16

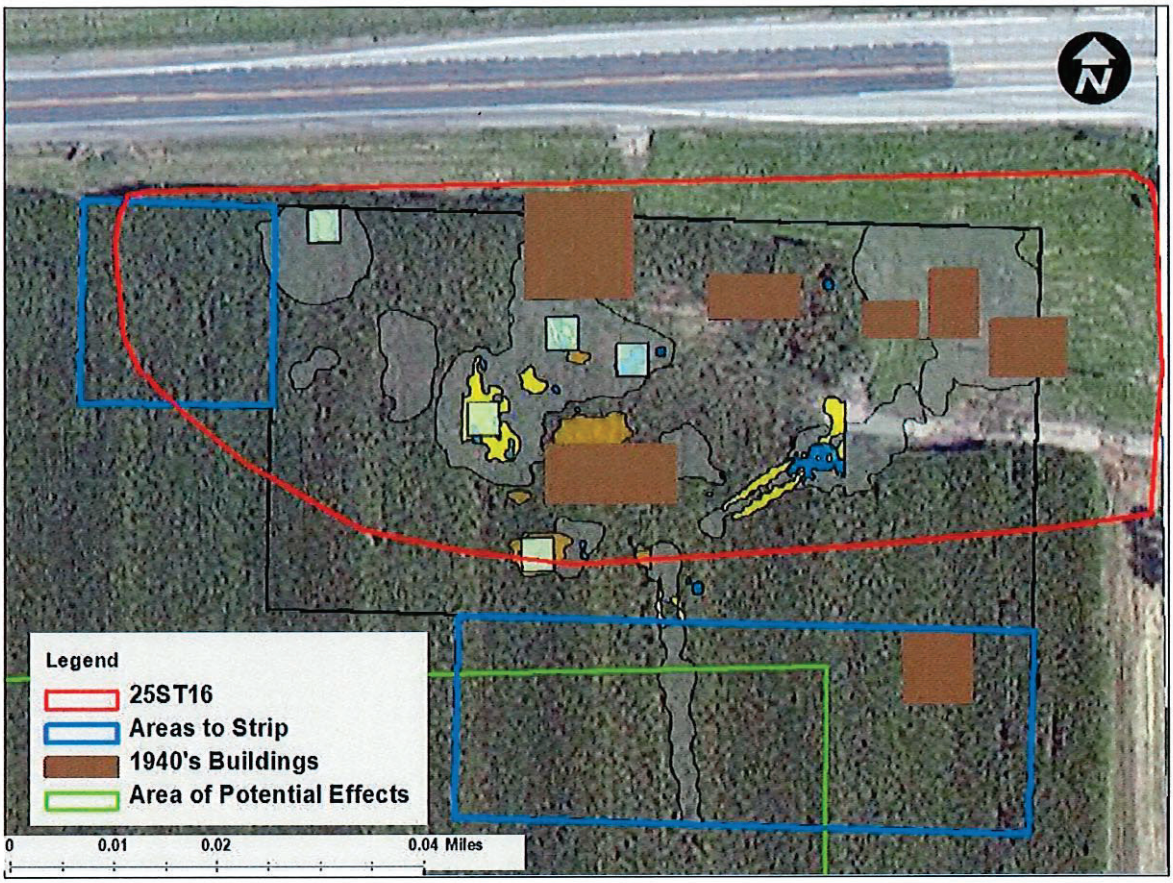

Figure 5: Areas for Mechanical Stripping.

Appendix B

Record of Consultation with SHPO

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North, Rm 220
Lincoln, Nebraska 68508
402-742-8460
402-742-8480

June 20, 2023

Betty Gillespie
Interim Deputy State Historic Preservation Officer
Nebraska State Historical Society
Box 82554
Lincoln, NE 68508

Project Number 275-6(1052)
CN 32319
US-275, Norfolk – Wisner
Stanton and Cuming Counties
HP#2002-176-01
Consultation RE: Project Effects Determination

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Stanton and Cuming Counties on US-275 (Enclosure, Figure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency. Please see Enclosure, Appendix A for a list of consulting parties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. As an EA, this project has **not** been assigned to NDOT pursuant to 23 U.S.C. §326, commonly referred to as "CE Assignment". FHWA is the lead federal agency.

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2020. SHPO concurred upon a FHWA determination that there are two historic properties, the Sharpe Homestead site (25ST16) and the former Pilger Rest Area, present within the area of potential effects (APE) (Enclosure, Appendix B). In 2020, project design had not progressed to the point where a project effects determination could be made. Project planning has progressed and FHWA is reinitiating consultation with SHPO and consulting parties.

Project Description
This project would improve approximately 16 miles of US-275 located in Stanton and Cuming Counties. The Project begins near mile marker (MM) 85.80 and extends east to MM 101.79. The improvements would expand the existing highway to a four-lane expressway by constructing a new, parallel, two-lane roadway (called "2+2 Construction" by NDOT) on one side of the existing US-275. In addition to mainline US-275 construction, the Project would improve US-275 tie-ins to Nebraska Highway 15 at two locations and Nebraska Highway 51 northwest of Wisner, along with various county roads. Drainage structures would either be extended, replaced, or used in place. A Restoration, Rehabilitation, and Resurfacing (3R) strategy may also be applied to the existing two lanes. The Project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices. Temporary surfacing may be required to accommodate phased construction. No detour is required.

The preferred alternative being carried forward in the draft EA is the Widen South + Shift Alternative which includes adding two new lanes on the south side of the existing US-275. Between 575th Avenue in

Stanton County and 2nd Road in Cuming County, the eastbound lanes would shift approximately 150 feet to the south to avoid an intermittent channel feature in the south ditch of the existing roadway.

2023 Section 106 Supplemental Evaluation
Since consultation completed in 2020, NDOT determined that proposed construction activities associated with realignment of County Road 573 are outside the archeological APE previously considered. Therefore, the archeological APE has be expanded to encompass these activities (Enclosure, Appendix C). The architectural/structural APE previously considered remains appropriate and was not expanded. No architectural/structural historic properties are located within the expanded APE.

Review of the Nebraska State Historical Society Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that there are no previously recorded archeological sites located within the expanded APE or in the immediate vicinity of the expanded APE.

Highway Archeologist Nolan Johnson completed intensive pedestrian survey of the expanded APE on May 24, 2023 using transects spaced at 20 meters apart, walking in a zig zag pattern along the transect. The expanded APE is planted in corn, and ground surface visibility ranged between 25 to 50%. No archeological sites were identified, and Johnson notes that the expanded APE has been previously disturbed by activities unrelated to this proposed transportation project, including straightening of Humbug Creek and extensive agricultural modifications.

There are no historic properties within the 2023 expanded APE.

Historic Properties
Two historic properties have been identified within the area of potential effect (APE), 25ST16, Sharpe Homestead archeological site and the former Pilger Rest Area.

Pilger Rest Area
The Pilger Rest Area is a former NDOT rest area is located approximately three miles west of Pilger on the north side of US-275 (Enclosure, Figure 2). Constructed in 1969, the rest area features a mid-century one-story red brick building with a flat concrete roof, wide brick columns and glass block windows centered among curvilinear concrete walkways. Open air picnic shelters line the curvilinear walkways, echoing the main building with flat concrete roofs, brick walls, concrete table and benches, concrete floor, and stationary charcoal grill. The site also features a curvilinear drive, a parking lot and a windbreak.

Using funding obtained under the Highway Beautification Act of 1965, this rest area is one of four rest areas that NDOT constructed which were located away from the Interstate 80 system (Lincoln Journal Star, June 05, 1969). Commonly associated with Lady Bird Johnson, the Highway Beautification Act encouraged clean up and beautification of the nation's highways. NDOT owned and operated the Pilger Rest Area until the mid-2000s. It is now in private ownership.

FHWA determined that the Pilger Rest Area is NRHP eligible at the local level under Criterion A for a significant association with Transportation and under Criterion C for Architecture and Landscape Design. This property retains all aspects of physical integrity.

Sharpe Homestead archeological site (25ST16)
Located approximately 1/2 mile north of Pilger (Enclosure, Figure 3), the Sharpe Homestead archeological site encompasses approximately 3.5 acres and consists of a homestead site settled by the Sharpe family in the mid-1860s. This site retains a high degree of physical integrity and due to its early date and local significance as likely the first homestead in Stanton County, FHWA determined that this archeological site is eligible for listing in the NRHP under Criterion D. This archeological site is likely to yield information important to our past that is not available through archival resources.

SHPO concurred upon these NRHP determinations in 2020 (Enclosure, Appendix B).

Consulting Party and Public Participation
Consulting parties invited to participate in consultation regarding this undertaking include the property owners of two identified historic properties, the City of Wisner, Cuming County Historical Society, Historical Society of Stanton County, Stanton County Museum (Pilger location), Village of Pilger, Wisner Heritage Museum, the Ponca Tribe of Nebraska, the Ponca Tribe of Oklahoma, Otoe-Missouria Tribe, the Omaha Tribe of Nebraska, Pawnee Nation of Oklahoma, Santee Sioux Nation, and the Winnebago Tribe of Nebraska.

FHWA and NDOT hosted a stakeholder meeting in Wisner on August 27, 2019 and the then identified consulting parties were invited to attend. NDOT Professional Qualified Staff (PQS) Stacy Stupka provided a brief overview of potential historic properties along the proposed alignment during this meeting; no concerns regarding historic properties were voiced during this meeting. A public information meeting regarding this project was held in Wisner on September 10, 2019 and again, consulting parties were invited to attend. Stupka was in attendance and provided information to the public regarding the historic properties identified. No concerns regarding historic properties have been received to date.

To date, only the Pawnee Tribe of Oklahoma has provided comments in response to invitations the stakeholder and public meetings. On September 16, 2019, Matt Reed, the Tribal Historic Preservation Officer (THPO) for the Pawnee Nation of Oklahoma responded on behalf of the Tribe indicating that the "proposed project does not appear to adversely affect the cultural landscape of the Pawnee Nation" and indicated that the project may proceed as planned. Mr. Reed did indicate that if undiscovered properties are encountered, that consultation with his office be re-initiated (Appendix B).

Under the statewide Section 106 Programmatic Agreement signed in February 2023, several additional tribes have been identified as consulting parties. These tribes include Arapaho Tribe of the Wind River Reservation, Wyoming; Cheyenne and Arapaho Tribes, Oklahoma, Cheyenne River Sioux Tribe, South Dakota; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe, Rosebud Sioux Tribe of the Rosebud Sioux Indian Reservation, South Dakota, Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota and the Yankton Sioux Tribe of South Dakota.

Assessing Project Effects
NDOT PQS Stacy Stupka assessed the potential for adverse effects by utilizing the adverse effects methodology identified at 36 CFR Part 800.5, and her detailed assessment is included and an enclosure to this letter.

FHWA has determined that the preferred alternative avoids a direct effect to the former Pilger Rest Area (Enclosure, Figure 5) depicts the preliminary impact area adjacent to the former Pilger Rest Area as identified by project designers. The additional lanes of traffic are designed to alleviate traffic on an already busy two lane highway. While the conversion of this two lane highway to a four lane highway will increase the average daily traffic count in the US-275 corridor, the increase in traffic will not affect this historic property. Constructed as a transportation related resource, those characteristics that cause this property to be a good candidate for listing in the NRHP will not be altered. This historic property will not be affected by the project as proposed.

When considering the preferred alternative, FHWA has determined that the Widen South + Shift Alternative would adversely affect the Sharpe Homestead archeological site (25ST16) (Enclosure, Figure 6). Per 36 CFR Part 800.6, NDOT developed and evaluated alternatives or modifications to the undertaking that could avoid, minimize or mitigate the adverse effect on the historic property, and these are discussed below.

Avoidance, Minimization and Mitigation of the Adverse Effect
The Widen South + Shift Alternative would expand the existing two-lane highway to a four-lane expressway by constructing the new lanes directly south of existing US-275, with a slight shift south

between 575th Avenue in Stanton County and 2nd Road in Cuming County as described above and in Enclosure, Figure 4. A 3R strategy would also be applied to the existing two lanes of US-275. In addition to mainline US-275 construction, the Widen South + Shift Alternative would improve various intersections along the route, including at the N-15 intersection with US-275 north of Pilger, which includes construction of an off-set right-turn lane.

Construction of the new eastbound travel lanes, off-set right-turn lane, shoulders and median would result in a new south edge of pavement located approximately 80 to 90 feet south of the existing pavement for the length of the Sharpe Homestead site adjacent to US-275. Construction would require removal of approximately 1 foot of topsoil and then fill and pavement would be placed on top of the Sharpe Homestead site. A minor amount of grading would be required at the toe of the fill to re-establish the ditch to convey roadway drainage to the ditch along the west side of N-15. NDOT evaluated several potential options to minimize impacts to the Sharpe Homestead site.

Minimization considered but not incorporated:

1. **Narrowing the Median:** The proposed median on rural sections of US-275 is a minimum of 54 feet wide. NDOT considered narrowing the median on the Widen South alternative to reduce impacts on the Sharpe Homestead site but determined that narrowing the median for a short section through the N-15 intersection is not advisable due to violation of driver expectancy and potential safety issues associated with adding curvature near the N-15 intersection.

2. **Right Turn Lane:** The proposed right-turn lane would be offset 15 to 20 feet from the driving lane along the Sharpe Homestead site to improve intersection sight distance. NDOT considered eliminating the offset but determined that the offset is appropriate to accommodate sight lines for turning and crossing traffic, providing a safer intersection.

Minimization incorporated into the design

1. **Earthwork:** The ditch along an expressway is typically a minimum of 2.5 feet deep, measured from the edge of shoulder. In an effort to minimize impacts on the Sharpe Homestead site, NDOT has flattened ditch grades as much as possible to limit the depth of excavation for the ditch to 0.5 to 2 feet.

   A typical ditch design along the Sharpe Homestead site would have maintained the existing drainage pattern by conveying runoff from west to east in a new ditch with a minimum 1-foot-deep excavation and a minimum 0.5% slope. To minimize impacts on the site, NDOT has modified the drainage pattern slightly so that US-275 runoff along the site instead flows east in a special ditch with a minimum excavation depth of 0.2 feet and minimum ditch slope of 0.2%. The proposed special ditch limits the deepest US-275 eastbound ditch excavation to less than 2 feet along the Sharpe Homestead site.

Despite these minimization efforts, FHWA has determined that the Sharpe Homestead site would be adversely affected by construction of the preferred alternative through destruction of all or part of the significant archeological site.

Therefore, based upon information gather during archeological site testing activities, FHWA approves the data recovery plan presented as (Enclosure, Appendix D).

FHWA has determined that the Sharpe Homestead site will be adversely affected and attempts to avoid or minimize the adverse effect will not resolve the adverse effect. FHWA requests NESHPO concurrence with FHWA's determination that no historic properties are present within the expanded APE (Enclosure, Appendix C), with the *adverse effect* determination, as well as upon the enclosed data recovery plan as mitigation for the adverse effect this undertaking would have on the historic property, the Sharpe Homestead archeological site (25ST16). FHWA will notify the Advisory Council on Historic Preservation of the adverse effect.

Upon receiving SHPO concurrence, FHWA will further engage SHPO in consultation regarding the development of a Memorandum of Agreement (MOA) using the enclosed data recovery plan as mitigation for the adverse effect.
If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Dillon Dittmer

Dillon Dittmer
Environmental Protection Specialist
402-742-8465
Dillon.dittmer@dot.gov

CONCUR:

6/22/2023

Betty Gillespie, Interim Deputy State Historic Preservation Officer Date

ENCLOSURE

Appendix C

Consulting Parties

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

Pete Ricketts, Governor

Norfolk – Wisner
S-275-6(1052)
CN 32319

Invited Consulting Parties:

Omaha Tribe of Nebraska

Otoe-Missouria Tribe of Oklahoma

Pawnee Nation of Oklahoma

Ponca Tribe of Nebraska

Ponca Tribe of Oklahoma

Santee Nation

City of Wisner

Cuming County Historical Society

Historical Society of Stanton County Nebraska

Stanton County Museum – Pilger Location

Village of Pilger

Wisner Heritage Museum

Bobalu Investments – Property Owner, Sharpe Homestead Site

Elkhorn Valley Horizons Inc – Property Owner, Rest Area

JD and Debra Alexander – Property Owner of farmstead; now known to be outside the APE

Raymond & Kathleen Johnson - Property Owner of farmstead; now known to be outside the APE

Appendix D

ACHP Notification

August 16, 2023

Dillon Dittmer, PWS
Environmental Protection Specialist
Federal Highway Administration
100 Centennial Mall North, Room 220
Lincoln, NE 68508-3803

Ref: *Construction of the Norfolk to Wisner Project on US-275*
Stanton and Cuming Counties, Nebraska
ACHP Project Number: 19903

Dear Mr. Dittmer:

On August 9, 2023, the Advisory Council on Historic Preservation (ACHP) received your notification and supporting documentation regarding the potential adverse effects of the referenced undertaking on a property or properties listed or eligible for listing in the National Register of Historic Places. Based upon the information you provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe our participation in the consultation to resolve adverse effects is needed.

However, if we receive a request for participation from the Nebraska State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer, affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Should the undertaking's circumstances change, consulting parties cannot come to consensus, or you need further advisory assistance to conclude the consultation process, please contact us.

Pursuant to 36 CFR § 800.6(b)(1)(iv), you will need to file the final Section 106 agreement document (Agreement), developed in consultation with the Nebraska SHPO and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the Agreement and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the NHPA.

Thank you for providing us with your notification of adverse effect. If you have any questions or require our further assistance, please contact Ms. Emily Choi at (202) 517-0207 or by e-mail at echoi@achp.gov and reference the ACHP Project Number above.

Sincerely,

LaShavio Johnson

LaShavio Johnson
Historic Preservation Technician
Office of Federal Agency Programs

From:	Dittmer, Dillon (FHWA)
To:	e106
Cc:	luther, justin; Jurgens, Jason; Ziska, Courtney; Trenne, Ben
Subject:	Notice of Adverse Effect Determination: NDOT Project // Norfolk - Wisner, CN 32319, 275-6(1052) , Stanton and Cuming Counties, Nebraska
Attachments:	32319_Norfolk-Wisner_ACHP e106_08.09.2023.docx 32319_Norfolk-Wisner_ACHP e106 notification_Enclosures_08.09.2023.pdf

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Pursuant to 36 CFR 800.6(a)(1), the Federal Highway Administration Nebraska Division (FHWA) is submitting the attached e106 Form and supporting documents to notify the Advisory Council on Historic Preservation of the adverse effect determination for the above-mentioned project. The FHWA is currently conducting the environmental review, consultation, and other required actions under applicable Federal environmental laws for this project through an Environmental Assessment.

The project in question, Norfolk - Wisner, CN 32319, 275-6(1052), is proposed by the Nebraska Department of Transportation. Comprehensive details regarding its scope, impact, and projected timeline can be found in the accompanying supporting documents.

The attached information describes the assessment of effects to any potentially impacted historical sites and describes efforts to avoid, minimize, or mitigate those adverse effects. The FHWA proposes to execute a Memorandum of Agreement that establishes the measures the division will implement to resolve the adverse effects per 36 CFR 800.6(b)(1)(i iv).

Please do not hesitate to contact me if any additional information or clarification is required.

Thank you,

Dillon Dittmer, PWS
Environmental Protection Specialist
Federal Highway Administration
o: 402-742-8465