

## **4/10/15 Phone Conversation Record with Texas Historical Commission Regarding When a New Cultural Resources Investigation Would be Needed After Section 106 Was Completed**

**Date: Friday, April 10, 2015, at about 10 am ET**

John Fringer, NRC Project Manager, called Mr. Mark Denton [at (512) 463-5711; [mark.denton@thc.state.tx.us](mailto:mark.denton@thc.state.tx.us)], the Archaeology point of contact for US Department of Transportation projects with the Texas Historical Commission (THC). (Mr. Denton's number is listed at <http://www.thc.state.tx.us/about/contact>.) Mr. Fringer asked if Mr. Denton knew when a re-survey or re-investigation would be justified for a project for which Section 106<sup>1</sup> had been completed with SHPO concurrence on a finding of no historic properties affected. Mr. Denton replied that Section 106 findings are valid for about 20 years as long as the disturbance footprint and nothing else had changed, and that no re-surveys or new cultural resource investigations would be required. Mr. Fringer asked Mr. Denton if that 20-year rule was written somewhere on the THC website. Mr. Denton replied that it was not written, but was more like an established rule of thumb. Mr. Fringer said that it sounded like a similar guideline he found on the South Dakota State Historic Preservation Officer's (SHPO) website<sup>2</sup>, and read that guideline to Mr. Denton: "Generally, archaeological data, surveys, and reports completed within the last twenty years are valid and may not require a new survey. This twenty-year allowance does not validate inadequate surveys." Mr. Denton asked what the date was of the Section 106 finding in question, and Mr. Fringer replied 2010. He said that was certainly within the valid 106 finding timeframe and he would confirm this 20-year guideline if Mr. Fringer would e-mail him the Texas SHPO concurrence letter. (The Texas SHPO's concurrence with the NRC's finding of no historic properties affected for the South Texas Combined License Project is documented in a stamped letter dated March 30, 2010 with NRC Agencywide Document Access and Management System (ADAMS) accession number ML100990381. A "NO HISTORIC PROPERTIES AFFECTED – PROJECT MAY PROCEED" stamp is at the bottom of the letter dated 3/19/10 from Ryan Whited, NRC, to Mark Wolfe, Executive Director of the THC. The stamp is signed by William A. Martin for Mark Wolfe, dated 3/30/10, and has a "Track#" of 201009703.)

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<sup>1</sup> Section 106 of the National Historic Preservation Act

<sup>2</sup> p. 3 of the "SOUTH DAKOTA GUIDELINES FOR COMPLIANCE WITH THE NATIONAL HISTORIC PRESERVATION ACT AND SOUTH DAKOTA CODIFIED LAW 1-19A-11.1", South Dakota Preservation Office, South Dakota State Historical Society, 2012 at <http://history.sd.gov/preservation/PresLaws/SDGuidelinesSec106&11.1,3-15.pdf>