



U.S. Department
of Transportation

**Federal Highway
Administration**

West Virginia Division

September 30, 2015

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700 Washington Street, East
Charleston, West Virginia 25301
Phone (304) 347-5928
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IN REPLY REFER TO:
West Virginia Statewide
Programmatic Agreement

Mr. Reid Nelson
Director, Office of Federal Agency Programs
Advisory Council on Historic Preservation
401 F Street NW., Suite 308
Washington, DC 20001-2637

Dear Mr. Nelson:

In 1998, the Federal Highway Administration (FHWA) in consultation with the West Virginia Division of Culture and History (SHPO), the Advisory Council on Historic Preservation (Council) and the West Virginia Department of Transportation, Division of Highways (WVDOH), executed a statewide Programmatic Agreement (PA) for the Federal aid highway program in West Virginia. FHWA has been working with WVDOH and SHPO to draft a new PA that would update and replace the existing agreement. The current draft of the new PA is enclosed for your review and comment.

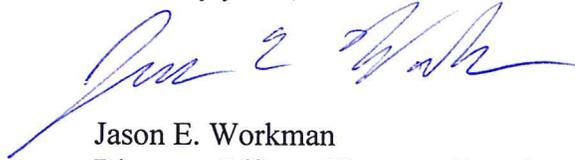
Similar to the 1998 agreement, FHWA will delegate its review of minor transportation projects under Section 106 of the National Historic Preservation Act (NHPA) to WVDOH; however, the new PA will improve on successful practices and ensure the program is consistent with the current implementing regulations (36 CFR 800). The types of projects that will be reviewed under the new PA are limited to those typically processed as categorical exclusions (CE) under FHWA's National Environmental Policy Act (NEPA) implementing regulations (23 CFR 771.117). As described in the new PA, these projects constitute undertakings and are divided into two types:

1. No potential to cause effects to historic properties, and
2. Some potential to affect historic properties, but after screening, would not cause effects.

The new PA outlines the screening process that will be employed by WVDOH and expands on key elements of the Section 106 implementing regulations including: consultation with Indian Tribes, consulting parties and public participation, review of emergency situations, the post-review discovery process, and the treatment of human remains. It also describes the quality assurance/quality control (QA/QC) measures, the reporting requirements for projects reviewed under the agreement, and the process that will be followed to resolve disputes.

We plan to execute the new PA before the end of the 2015 calendar year. In order to maintain our schedule, we respectfully request Council's comments on or before October 31, 2015. Should you have any questions regarding the accompanying information, please contact Ms. Alison Rogers by telephone at (304) 347-5436 or via e-mail at alison.rogers@dot.gov. Thank you for your attention to this matter.

Sincerely yours,



Jason E. Workman
Director, Office of Program Development

Enclosure