

# So, What is Section 106 ...Really? And Why Does it Matter?



Kentucky Heritage Council  
Site Protection Program and Archaeology  
Governor's Local Issues Conference 2025



**KENTUCKY  
HERITAGE  
COUNCIL**

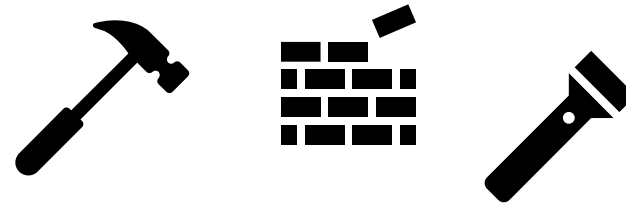
**STATE HISTORIC PRESERVATION OFFICE**

# Administration



Craig Potts

- **State Historic Preservation Officer**
- Budget Specialist
- Administrative Specialists



# Site Identification

- Heritage Commissions
- National Register Program
- **Certified Local Government Program**
- Survey and Data Coordinators



Nicole Roth

# Certified Local Government Program

Anchorage

Bardstown

Bellevue

Boone County

Bowling Green

Campbellsville

Covington

Danville

Dawson Springs

Frankfort

Hopkinsville

Harrodsburg

Horse Cave

Louisville / Jefferson Co

La Grange

Lexington / Fayette Co

Maysville

Middlesboro

Middletown

Newport

Owensboro

Paducah

Pikeville

Shelbyville

# Kentucky Main Street Program



Kitty Dougoud

Bardstown  
Beattyville  
Campbellsville  
Carrollton  
Cumberland  
Grayson  
Guthrie  
La Grange  
Maysville  
Middlesboro  
Morehead

Murray  
Paducah  
Perryville  
Pikeville  
Pineville  
Salyersville  
Scottsville  
Shelbyville  
Springfield  
Taylorsville  
Williamsburg

# Site Development

- Preservation Easements
- Historic Rehabilitation Tax Credits



Katie Wilborn

# Site Protection and Archaeology

aka

## **Section 106**

Review and Compliance



Nicole Konkol

**BUT WAIT!!!**  
**We have a partner!**







Dr. Phil Mink  
State Archaeologist

- William S. Webb Museum of Anthropology
- Kentucky Office of State Archaeology
- NAGPRA coordination
- Archaeological Geophysics Laboratory
- Curation

# Kentucky Antiquities Act

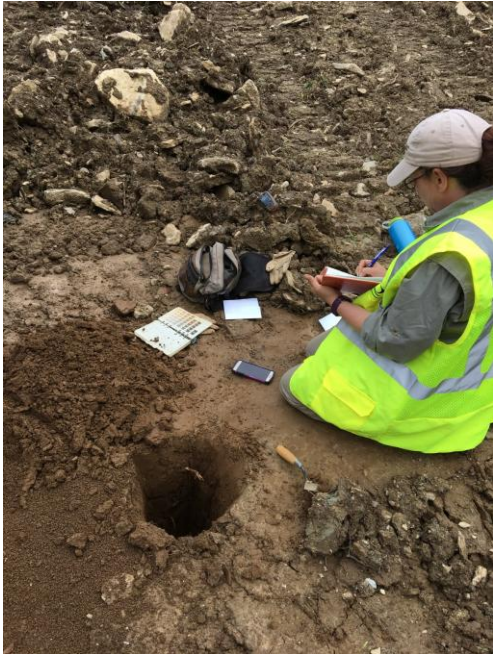
aka

Revised Statutes 164.705, .735, and 990



- Prohibits damage to archaeological sites on lands owned by the **city, county, or state**
- Requires permit from the University of Kentucky prior to ground disturbance.

# Archaeology







Nicole - Archaeologist



Ellis - Archaeologist



RaShae  
Cultural Historian



Patti  
Archaeologist



Sarah  
Cultural Historian



Steph - Archaeologist



Kim  
Cultural Historian

KHC Site Protection Team

Protecting Kentucky's Unique Resources  
One Review at a Time

# INHERIT Application for Section 106 submissions



KENTUCKY HERITAGE COUNCIL COVER SHEET FOR SECTION 106 SUBMISSIONS	
We want to help you with your project as early in the process as possible. Our reviewers need up to 30 days to review and provide comments to you for your proposal. If you are using federal funds or permits, you definitely need us. If you are working through the e-Clearing House (KHC does not use e-Clearinghouse), or need environmental review, you'll likely need us. DONT WAIT! We're here to help. Submit your documentation in a single attachment to our INHERIT portal: <a href="https://heritage.ky.gov/compliance/Pages/overview.aspx">https://heritage.ky.gov/compliance/Pages/overview.aspx</a>	
<b>SECTION 1: APPLICANT INFORMATION</b>	
Project Applicant:	
Contact Person (name & position):	
Return Address:	
Telephone:	E-mail:
Project Title:	
<b>SECTION 2: AGENCY INFORMATION</b> <small>ADD email here, if applicable</small>	
*Federal Agency*:	
Agency Contact Person (name & position):	
Telephone:	E-mail:
<b>SECTION 3: PROJECT LOCATION</b>	
Street Address (or other location):	
City:	County:
Lat (Dec/Deg):	Long (Dec/Deg):
<b>SECTION 4: PROJECT TYPE (please check all that apply)</b>	
Proposed Activity: <input type="checkbox"/> Demolition <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Structural Relocation <input type="checkbox"/> Trails	
<input type="checkbox"/> New Construction <input type="checkbox"/> Land and/or Building Acquisition <input type="checkbox"/> Sewer/Water Lines <input type="checkbox"/> Roads/Bridges	
<input type="checkbox"/> Non-Construction Planning/Refinancing <input type="checkbox"/> Other (describe):	
<b>SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES</b>	
OSA Preliminary Site Check #:	
Provide a detailed description of your project. If necessary, include it in your pdf attachments.	
Is there anything over 50 years of age in or visible from the project location? <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>SECTION 6: ATTACHMENTS - Attach All.</b>	
All documentation should be labeled with the project name or site address.	
<input type="checkbox"/> Clear, current photographs of the project site and anything over 50 years of age in or visible from it. <input type="checkbox"/> Site map/plan indicating the exact location and boundaries of the project area. <input type="checkbox"/> Detailed description of the project (may include plans, scope of work, and other available information.) <input type="checkbox"/> Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.) <input type="checkbox"/> Any known information about the history/use of the property and local significance. <input type="checkbox"/> Results of your Preliminary Records Review from the Site Identification web portal.	

If you have questions, email [Nicole.Konkol@ky.gov](mailto:Nicole.Konkol@ky.gov).

KHC 106 Cover Sheet

# Section 106 Cover Sheet

Section 1 – Applicant

Section 2 – **Lead Federal Agency**

Section 3 – Project Location

Section 4 – Project Type

Section 5 – OSA data

**Section 6 – Attachments** – including KHC data

# Section 1

## **Applicant** Information

Name of Applicant/Consultant:

Point of Contact:

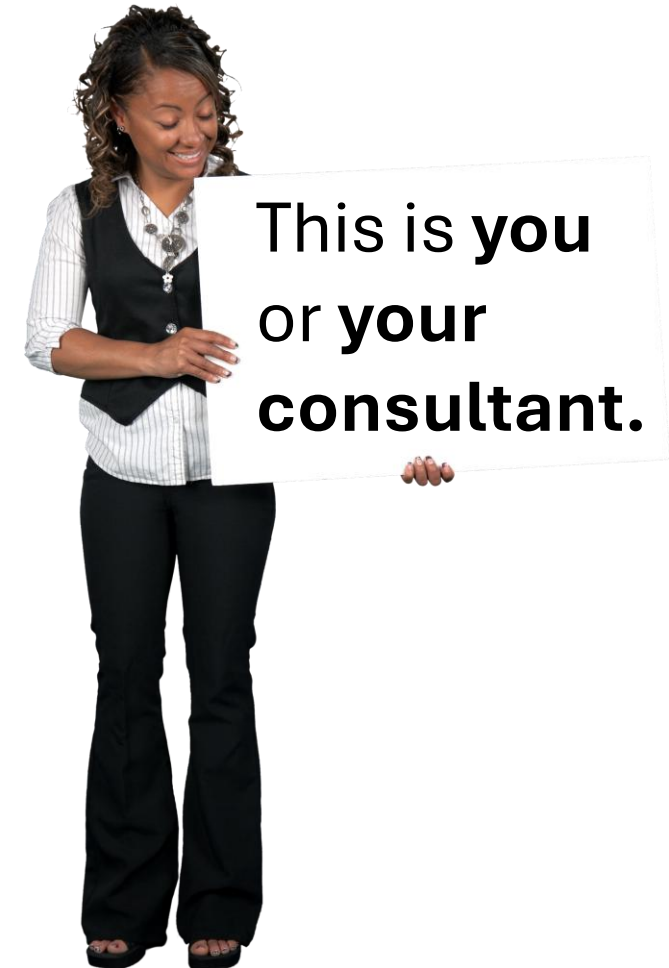
Phone:

Fax:

**Email Address of Contact:**

Project Title:

Unique Identifier





# Section 2

## Agency Information

Funding Agency:  
**Lead Federal Agency**

Point of Contact:

Phone:

Fax:

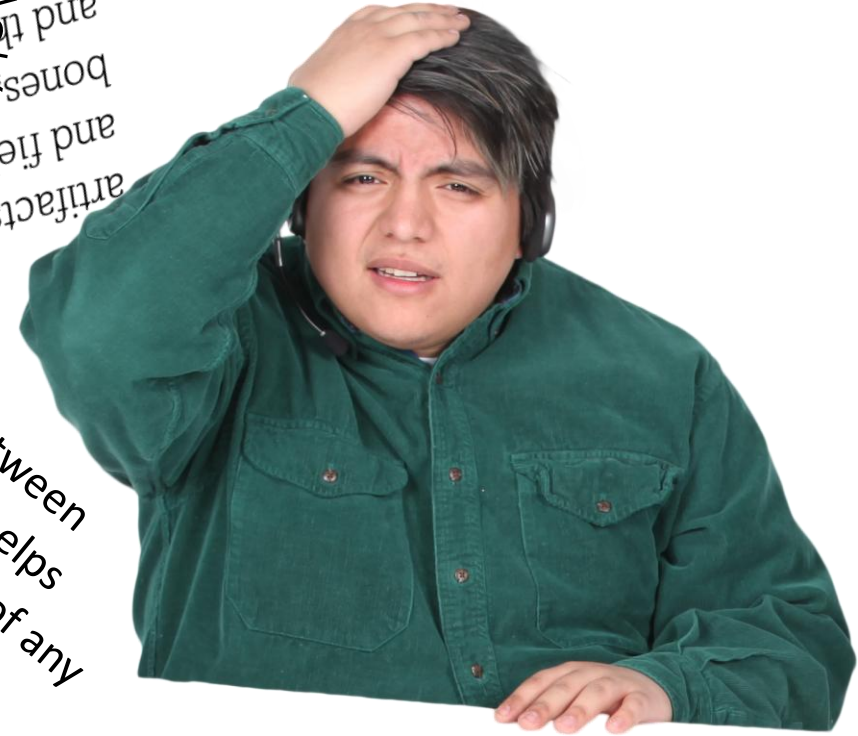
Email Address of Contact:



This is the **federal agency** giving you **money** or a **permit**.



# The Importance of Federal Agencies



# The Importance of Federal Agencies

## Logistical and Administrative Needs

All submissions should be compiled into a pdf and submitted to INHERIT.

**WHY??? So particular you may ask**

- 45 federal agencies
- 120 counties
- 100s of email and phone inquiries per day
- 1,000s of reviews per year
- Multiple PAs / MOAs



3 – 6  
Reviewers

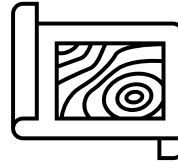
# Section 3

## Project Location

Street Address:



**County:**



Lat/Long:



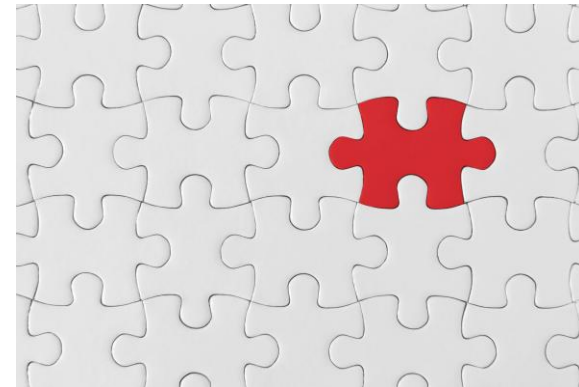
# Section 4

## Project Type

Activity:  
**Check all that apply**

Land/Building Acquisition

Non-Construction Planning/  
Refinancing





# Section 5

## OSA Preliminary Records Review

The screenshot shows a web browser window with the URL <https://anthropology.as.uky.edu/office-state-archaeology>. The browser's address bar and tabs are visible at the top. Below the browser window is the website's header, which includes the University of Kentucky logo and the text "College of Arts and Sciences Department of Anthropology". A navigation menu is located below the header, with links for "ABOUT US", "PEOPLE", "ACADEMICS", "RESEARCH", "COMMUNITY & ENGAGEMENT", and "ALUMNI & GIVING".

The main content area of the website is titled "Kentucky Office of State Archaeology" and "WELCOME". It contains several paragraphs of text, including a welcome message, information about the OSA library and site records, and a list of links for more information. Two purple arrows are drawn on the page, pointing to the following sections:

- To request information on previously recorded archaeological sites and project areas** - Preliminary Records Review and Project Registration Site Checks are generally completed as part of the process of complying with Section 106 of the National Historic Preservation Act and coordinating with relevant agencies, including the Kentucky State Historic Preservation Office.
- Helpful Information and Links** - A summary of Kentucky state laws affecting preservation and management of archaeological resources and links to other state agencies or information relevant to archaeology.

# Section 5

Has the Site Been Previously Disturbed?



Never say Never



# Section 5

Anything Visible over 50 Years Old



It's OK if you don't know.

# Section 6

## Attachments

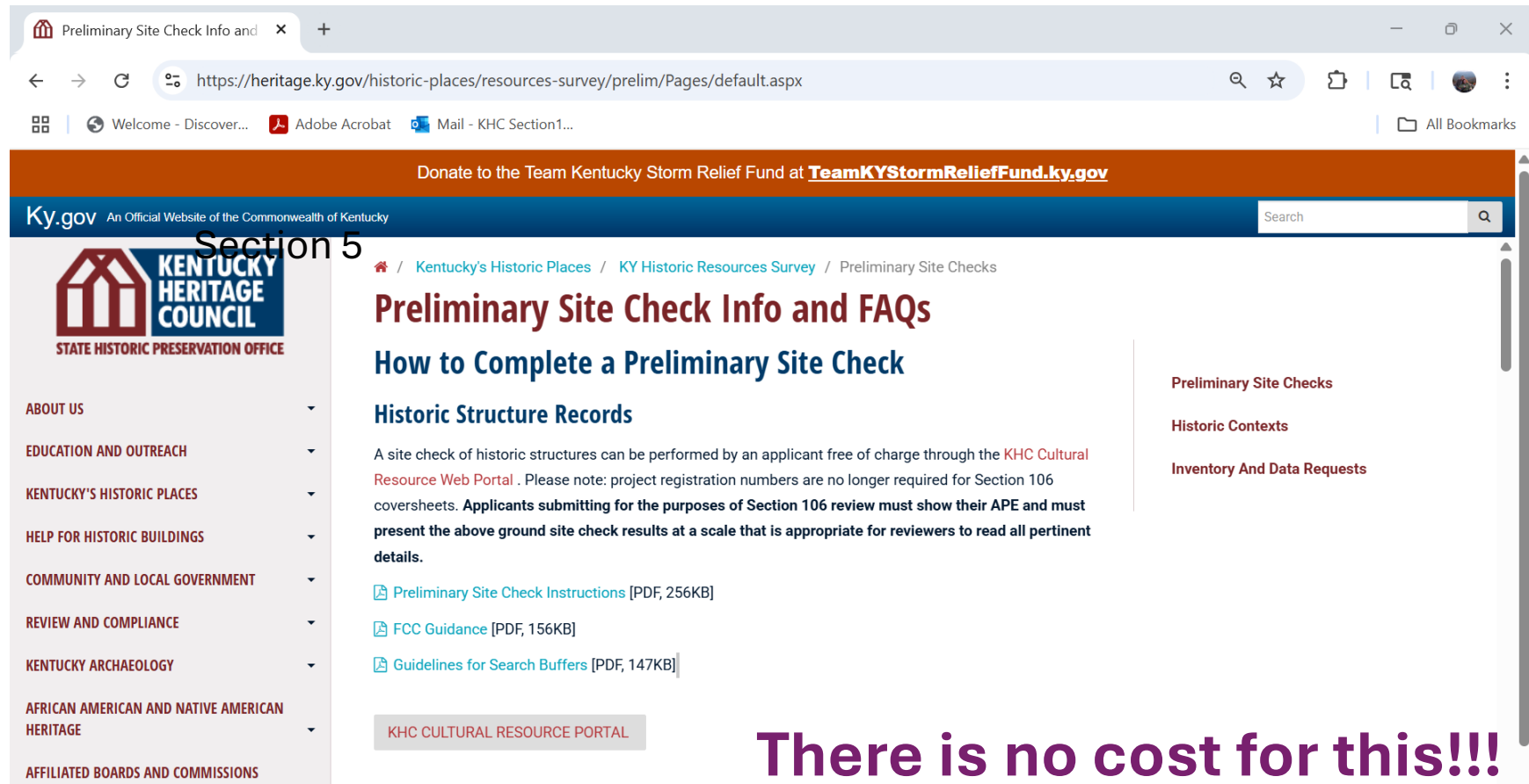
- ☐ Clear, current photographs of the project site and anything over 50 years of age in or visible from it.
- ☐ Site map/plan indicating the exact location and boundaries of the project area.
- ☐ Detailed description of the project (may include plans, scope of work, and other available information.)
- ☐ Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.)
- ☐ Any known information about the history/use of the property and local significance.



# Section 6

## Preliminary Site Check from KHC

Section 5



The screenshot shows a web browser window with the URL <https://heritage.ky.gov/historic-places/resources-survey/prelim/Pages/default.aspx>. The page is titled "Preliminary Site Check Info and FAQs" and "How to Complete a Preliminary Site Check". It includes a sidebar with navigation links, a main content area with a paragraph about site checks and links to PDFs, and a right sidebar with additional links. A purple text overlay at the bottom right states "There is no cost for this!!!".

Donate to the Team Kentucky Storm Relief Fund at [TeamKYStormReliefFund.ky.gov](https://TeamKYStormReliefFund.ky.gov)

Ky.gov An Official Website of the Commonwealth of Kentucky

**KENTUCKY HERITAGE COUNCIL**  
STATE HISTORIC PRESERVATION OFFICE

ABOUT US  
EDUCATION AND OUTREACH  
KENTUCKY'S HISTORIC PLACES  
HELP FOR HISTORIC BUILDINGS  
COMMUNITY AND LOCAL GOVERNMENT  
REVIEW AND COMPLIANCE  
KENTUCKY ARCHAEOLOGY  
AFRICAN AMERICAN AND NATIVE AMERICAN HERITAGE  
AFFILIATED BOARDS AND COMMISSIONS

Home / Kentucky's Historic Places / KY Historic Resources Survey / Preliminary Site Checks

### Preliminary Site Check Info and FAQs

#### How to Complete a Preliminary Site Check

#### Historic Structure Records

A site check of historic structures can be performed by an applicant free of charge through the [KHC Cultural Resource Web Portal](#). Please note: project registration numbers are no longer required for Section 106 coversheets. **Applicants submitting for the purposes of Section 106 review must show their APE and must present the above ground site check results at a scale that is appropriate for reviewers to read all pertinent details.**

[Preliminary Site Check Instructions](#) [PDF, 256KB]  
[FCC Guidance](#) [PDF, 156KB]  
[Guidelines for Search Buffers](#) [PDF, 147KB]

[KHC CULTURAL RESOURCE PORTAL](#)

**Preliminary Site Checks**  
**Historic Contexts**  
**Inventory And Data Requests**

**There is no cost for this!!!**

# Common Misconceptions about Section 106

Having a property listed on the National Register  
does NOT protect it

We do not want  
to stop  
projects.

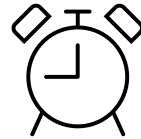


Photo by National Safety Council

There is no  
charge for  
Section 106  
review.

The goal of Section 106 is not  
to protect every cultural resource

# A Side Bar About Creative Mitigation



Discover Kentucky Archaeology  
[www.archaeology.ky.gov](http://www.archaeology.ky.gov)



Discover Kentucky Heritage  
We're working on it.

# Section 106 Case Study

## Archaeology

A sidewalk is proposed

- Site 15Sp234 is discovered during road construction in 1977
- Sensitive Native American remains
- Multi-component occupations
- Occupied as early as 9,000 years ago

**“It’s in the existing right-of-way.”**



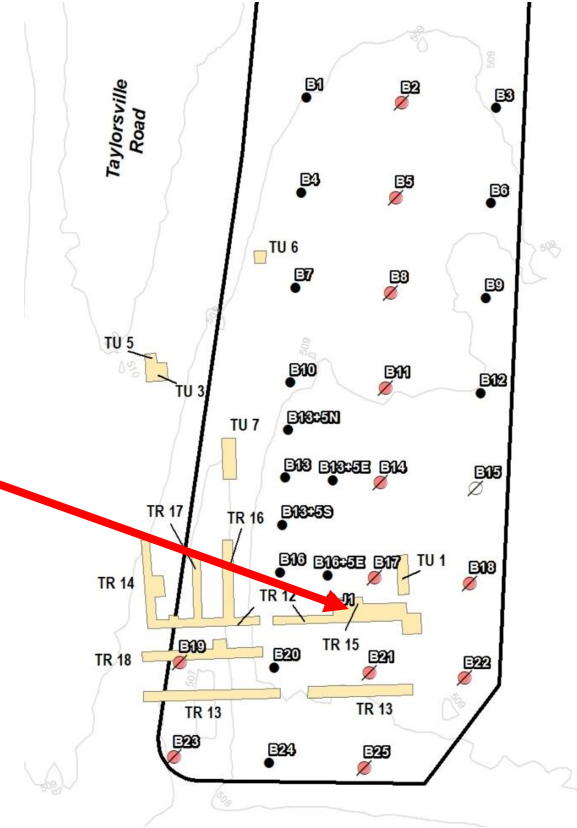
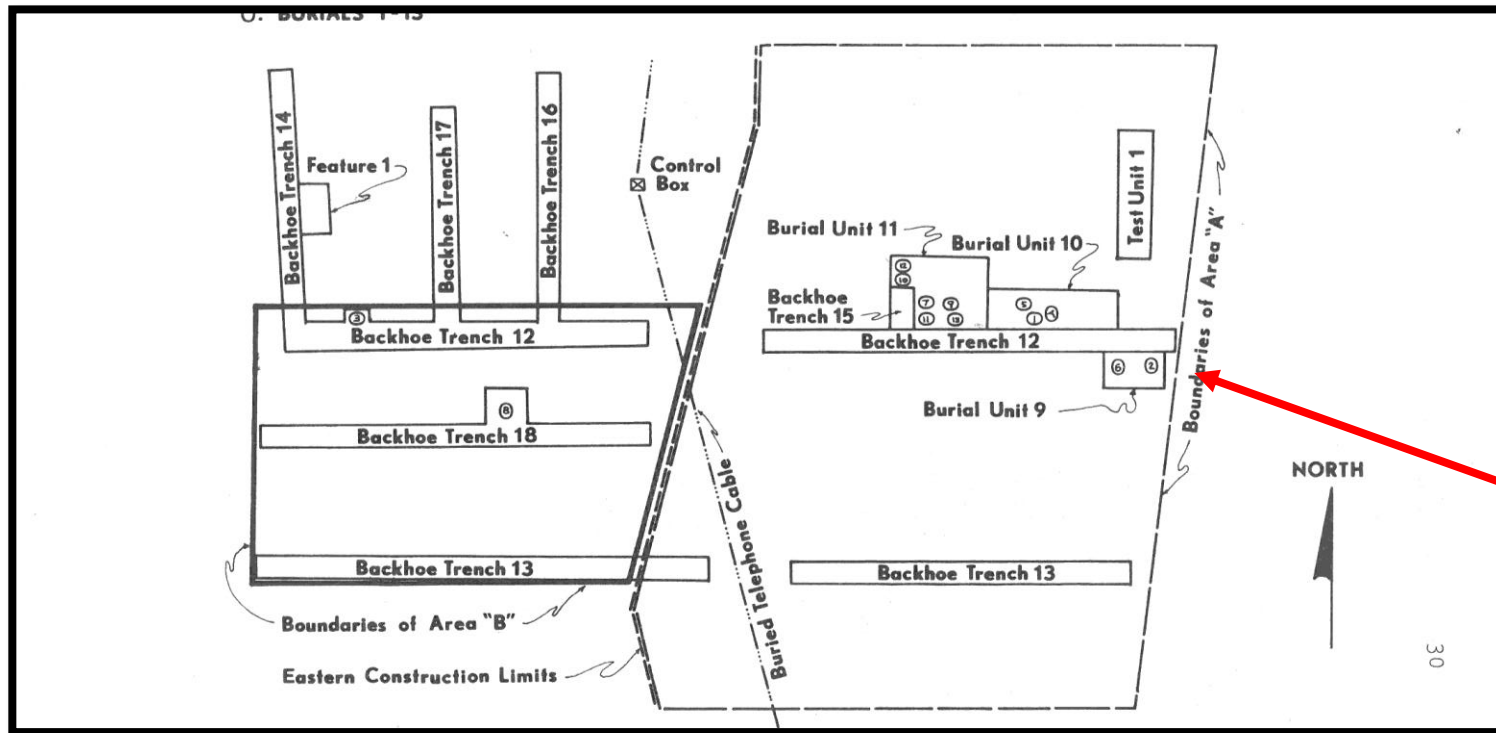


# 15Sp234 Site Location



**What do you see?**

# 1977 Excavations at 15Sp234

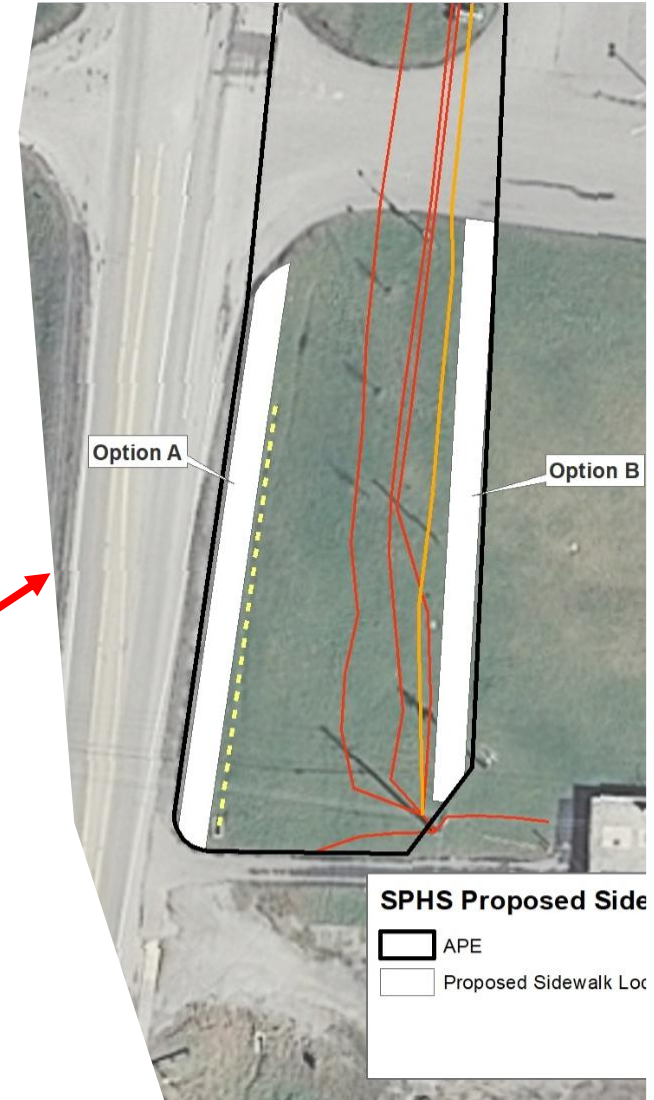
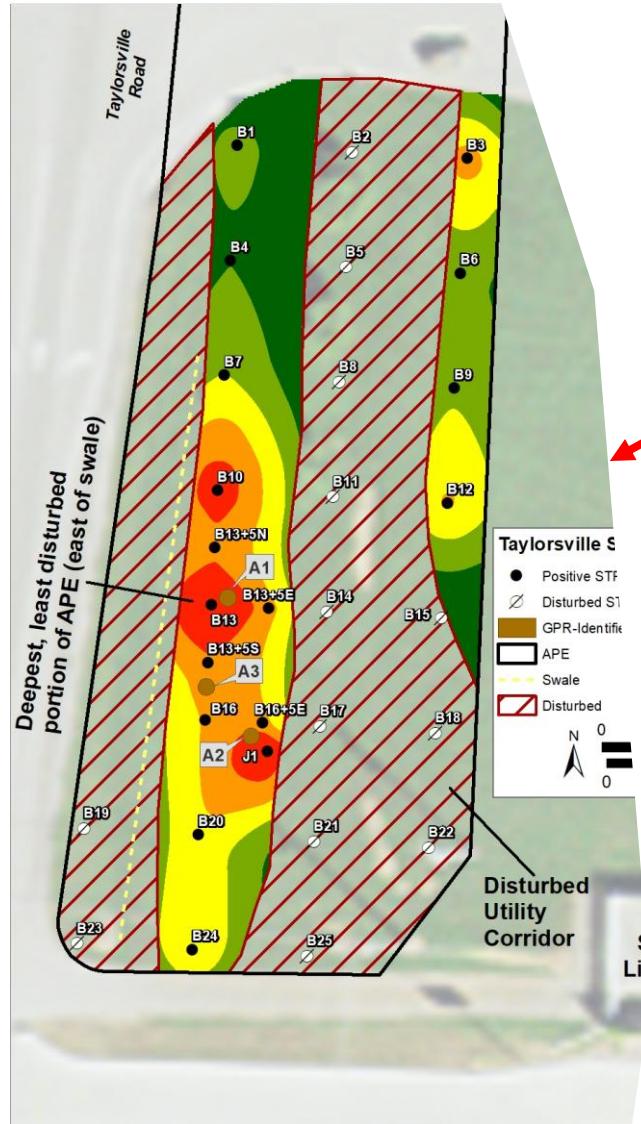




# Site 15Sp234

as mapped  
ca 2018

Section 106  
consultation  
alternatives



# Section 106 Case Study

## Take Aways

- All road and utility rights of way are not necessarily disturbed.
- There is a lot to be gained from revisiting archaeological data.
- The consultation process laid out in Section 106 of the National Historic Preservation Act can yield viable solutions from all parties to further both preservation and progress.





# Section 106 Case Study

## Cultural History

Proposed Rehabilitation Would Result in an Adverse Effect



# Section 106 Case Study

## Cultural History

Proposed Designs DID NOT Result in an Adverse Effect





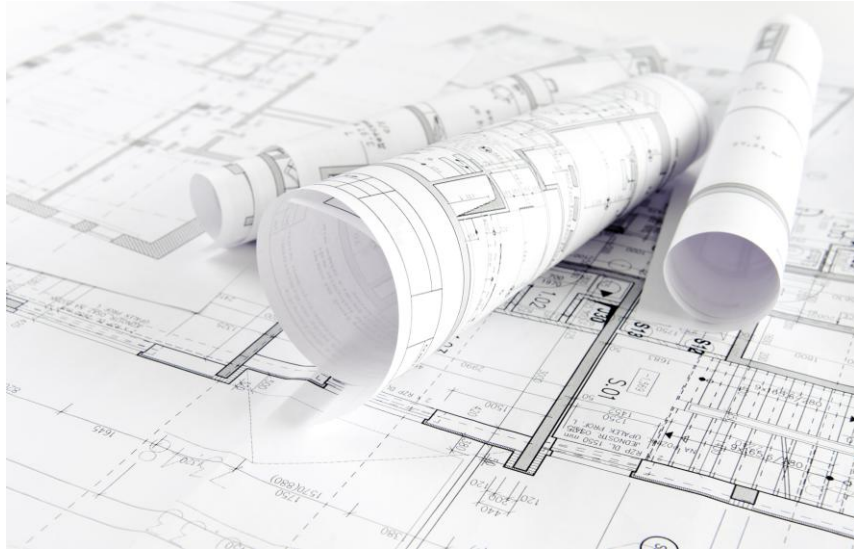
# Let's Talk!!!

## What does Section 106 do for US?



# What Section 106 **IS**

It's a planning tool



We can help you plan your project to avoid or minimize impacts to significant cultural resources.

# What Section 106 **IS**

Identifier of historic neighborhoods

Which is the  
foundation for:





# Nominating and Designating Historic Districts

which is the foundation for:



Preservation planning



increase in property values

# AND



Heritage Tourism



Rehabilitation Tax Credits



Social Cohesion

# Why is Section 106 important?

The process gives a voice to people interested in the preservation and development concerns of their communities.

Without consideration of Kentucky's significant and unique cultural resources, pieces of our history and identity are lost.

Most of the time, once cultural resources are lost, they are lost forever.



Image taken from *Prehistoric Kentucky Cave Art: Resources and Lessons for the Kentucky Educator Grades 2-12* (KAS, KHC, and UK)



Thank you to  
DLG for  
including us!



Nicole Konkol  
Kentucky Heritage Council  
Site Protection Program  
Administrator

Any questions?

Want to talk more?

Can we come to visit you?



[Nicole.Konkol@ky.gov](mailto:Nicole.Konkol@ky.gov)

502-892-3617

502-330-7212