

How to Successfully Navigate the Section 106 Consultation Process?



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



**KENTUCKY
HERITAGE
COUNCIL**

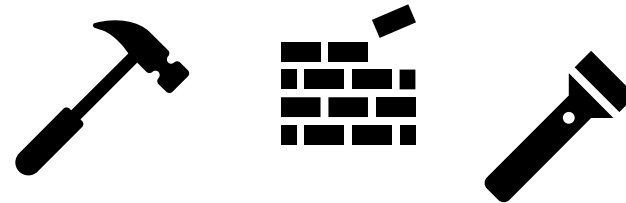
STATE HISTORIC PRESERVATION OFFICE

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.



Nicole - Archaeologist



Ellis - Archaeologist



RaShae
Cultural Historian



Patti
Archaeologist

Position
Vacant

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: https://heritage.ky.gov/compliance/Pages/overview.aspx	
SECTION 1: APPLICANT INFORMATION	
Project Applicant:	
Contact Person (name & position):	
Return Address:	
Telephone:	E-mail:
Project Title:	
SECTION 2: AGENCY INFORMATION ADD email here, if applicable	
Federal Agency:	
Agency Contact Person (name & position):	
Telephone:	E-mail:
SECTION 3: PROJECT LOCATION	
Street Address (or other location):	
City:	County:
Lat (Dec/Deg):	Long (Dec/Deg):
SECTION 4: PROJECT TYPE (please check all that apply)	
Proposed Activity: ☐ Demolition ☐ Rehabilitation ☐ Structural Relocation ☐ Trails	
☐ New Construction ☐ Land and/or Building Acquisition ☐ Sewer/Water Lines ☐ Roads/Bridges	
☐ Non-Construction Planning/Refinancing ☐ Other (describe):	
SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES	
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? ☐ Yes ☐ No	
SECTION 6: ATTACHMENTS - Attach All.	
All documentation should be labeled with the project name or site address.	
☐ 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. ☐ Results of your Preliminary Records Review from the Site Identification web portal.	

If you have questions, email 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:

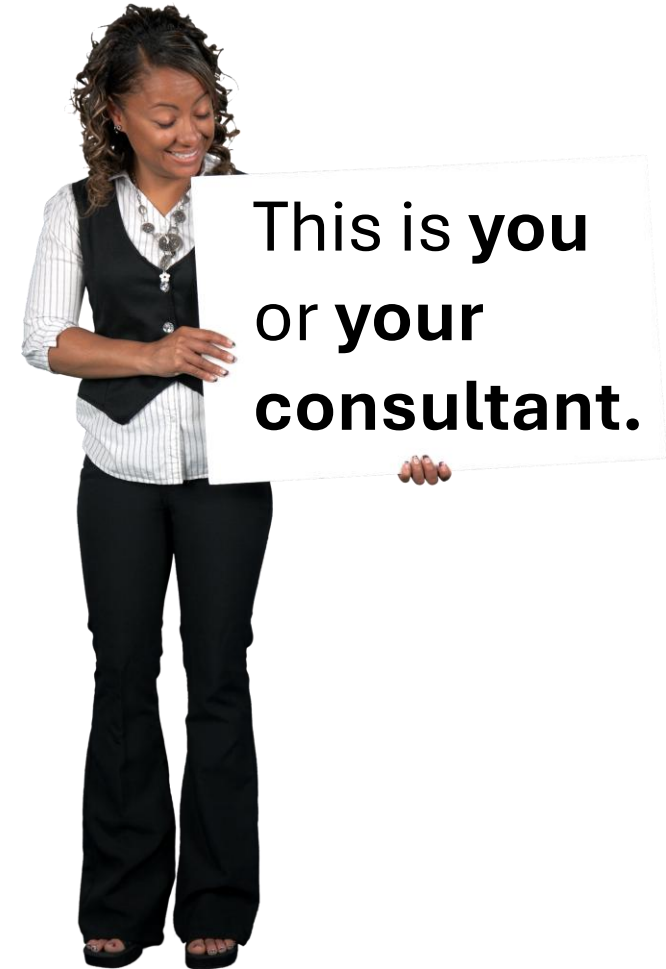
Fax:

Email Address of Contact:

Project Title:

Unique Identifier

THIS IS WHO THE RESPONSE WILL GO TO



Section 2

Agency Information

Funding Agency:
Lead Federal Agency

Point of Contact:

Phone:

Fax:

Email Address of Contact:

This is NOT DLG or an ADD



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

The Importance of Federal Agencies

archeological preservation involves private organizations and individuals. (NPS Archeology Program)

levels of government, Federal, State, and local, and that also

st, historic preservation, an activity that occurs at all

Antiquities Act (16 U.S.C. 431-433) and

public policy and management and to maintain

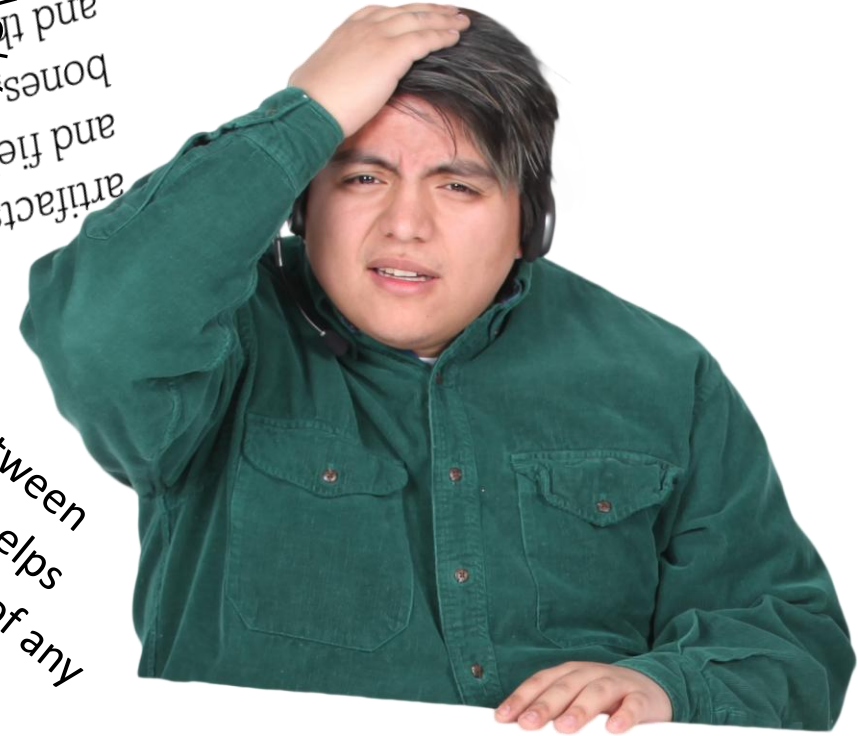
public lands, and to provide for the enjoyment of the American

project (Article 1, Section 8, Clause 17)

define the

historical

to



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



5 – 6
Reviewers

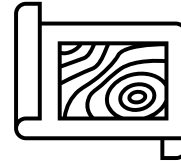
Section 3

Project Location

Street Address:



County:



Lat/Long:



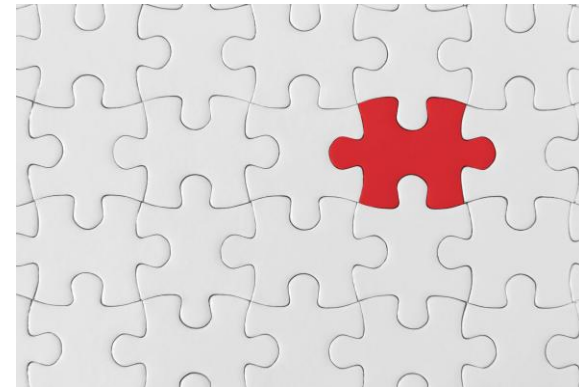
Section 4

Project Type

Activity:
Check all that apply

Land/Building Acquisition

**Non-Construction Planning/
Refinancing**



Section 5

www.webbosa.uky.edu/osa/records-reviews

Records Reviews

[Home](#) / [Office of State Archaeology](#) / Records Reviews

Request for Information on Previously Recorded Archaeological Sites and Project Areas

The Office of State Archaeology maintains the official archaeological site records for the Commonwealth of Kentucky. Under the Kentucky Antiquities Act, archaeological sites and objects of antiquity discovered in Kentucky are to be reported to the University of Kentucky Department of Anthropology. OSA carries out this responsibility by assigning archaeological site numbers, maintaining the statewide archaeological site file, and preserving official archaeological records for research, planning, preservation, and public benefit.

The Office of State Archaeology (OSA) provides several levels of archaeological records review to support cultural resource compliance, planning, and academic research in Kentucky. Each review type varies in cost, scope, and detail, and is designed to meet user needs while ensuring that OSA fulfills its legal and ethical responsibilities as steward of archaeological site data.

All project areas must be **clearly delineated**, and any request that directly or indirectly intersects federal lands will require completion of the **Federal Lands Data Request Form** before processing can begin.

< OSA

[Report an Archaeological Site](#)

[KY Antiquities & Cave Act Permits](#)

Records Reviews

[Records Reviews FAQ](#)

[Archaeological Site Files & OSA Library Access](#)

[Helpful Information and Links](#)

[Directions and Contact Information](#)

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.

These are not optional.

Section 6

Preliminary Site Check from KHC

The screenshot shows a web browser window with the URL <https://heritage.ky.gov/historic-places/resources-survey/prelim/Pages/default.aspx>. The browser's address bar and tabs are visible at the top. Below the browser window, the website's header features a blue bar with the text "Ky.gov An Official Website of the Commonwealth of Kentucky" and a search bar. The main content area has a left sidebar with the Kentucky Heritage Council logo and a list of navigation links: 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, and AFFILIATED BOARDS AND COMMISSIONS. The main content area displays the title "Preliminary Site Check Info and FAQs" and the subtitle "How to Complete a Preliminary Site Check". Below this, the section "Historic Structure Records" contains a paragraph explaining the site check process and a list of links: "Preliminary Site Check Instructions [PDF, 256KB]", "FCC Guidance [PDF, 156KB]", and "Guidelines for Search Buffers [PDF, 147KB]". A button labeled "KHC CULTURAL RESOURCE PORTAL" is located at the bottom of the main content area. On the right side of the page, there is a vertical list of links: "Preliminary Site Checks", "Historic Contexts", and "Inventory And Data Requests".

Donate to the Team Kentucky Storm Relief Fund at 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

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.”

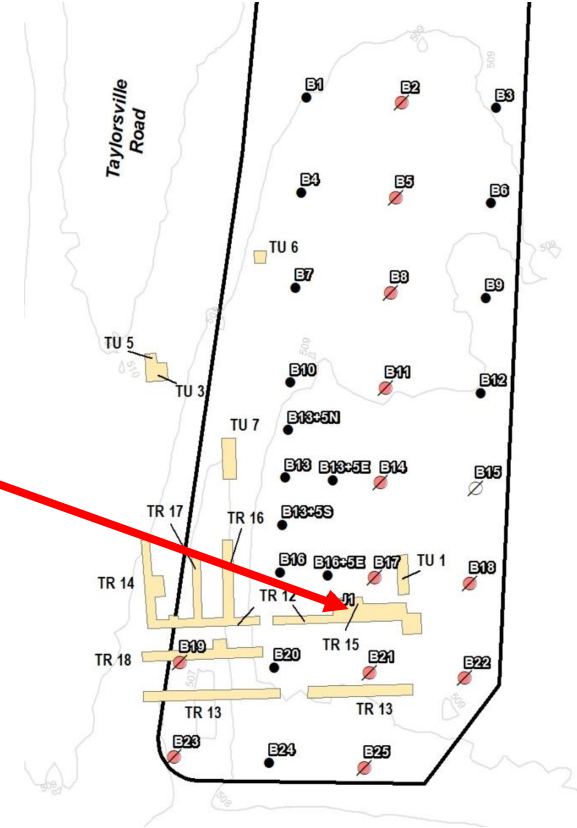
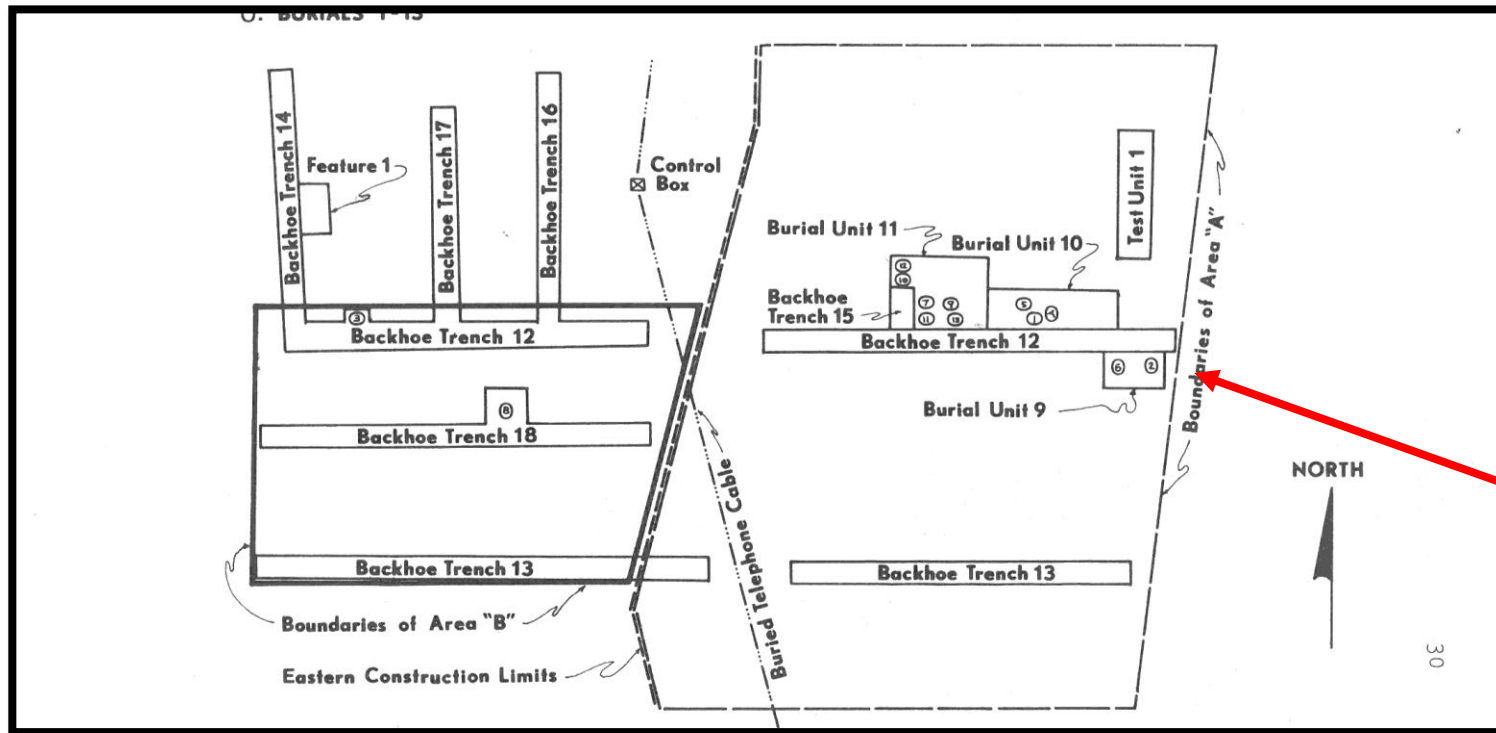


15Sp234 Site Location



What do you see?

1977 Excavations at 15Sp234

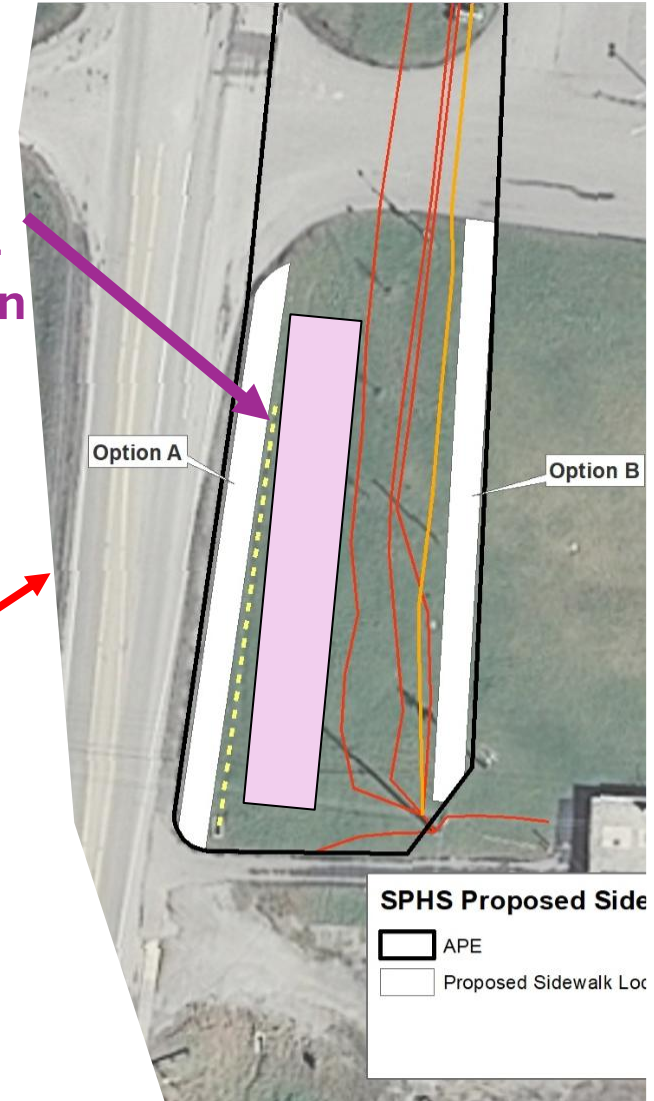
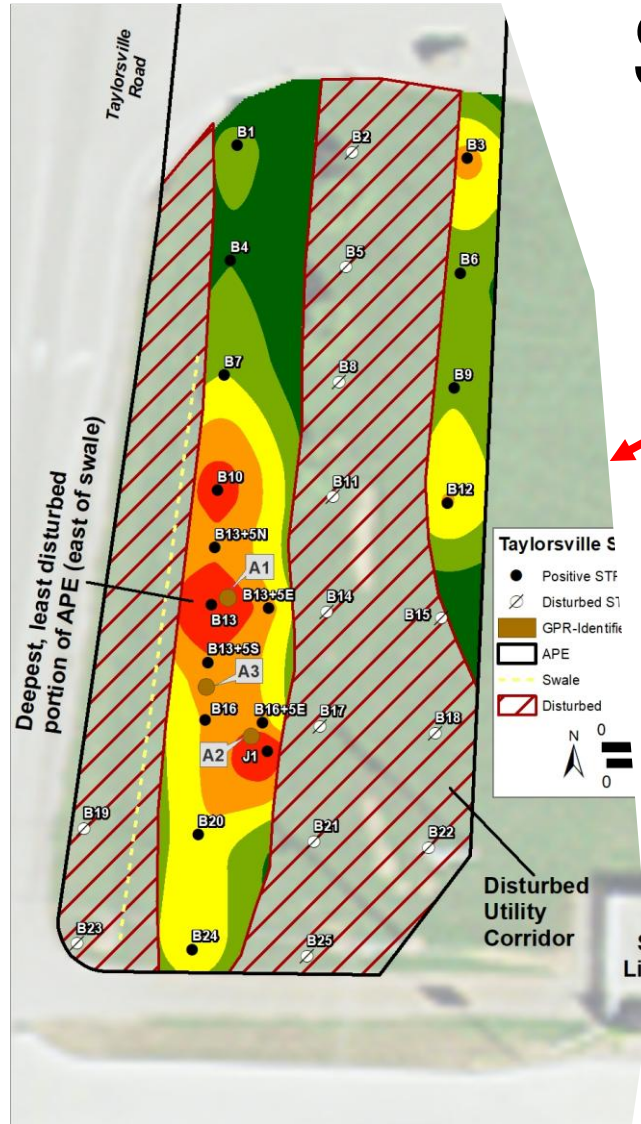


Site 15Sp234

This is an
archaeological
site with human
burials

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 for all parties to further both preservation and progress.



Section 106 Case Study

Cultural History

Proposed Rehabilitation Would Result in an Adverse Effect

ADVERSE EFFECT?



Section 106 Case Study

Cultural History

Proposed Designs DID NOT Result in an Adverse Effect

NOT



ADVERSE EFFECT

The Dreaded “Adverse Effect”

Steps of the Section 106 Process



Creative Mitigation

as a means to resolve Adverse Effects



Discover Kentucky Archaeology
www.archaeology.ky.gov



Discover Kentucky Heritage
www.heritage.ky.gov

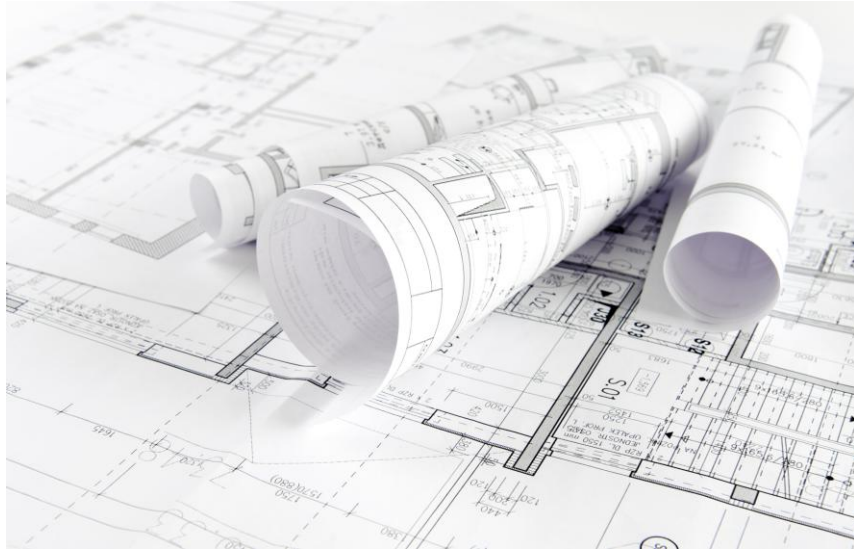
Let's Talk!!!

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.

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)

FEDERAL THREATS TO SECTION 106

- Unilateral decisions from federal government
- Strips requirements to consult with local governments
- Strips requirement to allow for public comment
- www.savingplaces.org/section106

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

502-892-3617

502-330-7212