

Streamlined Activity List and Standard Operating Procedures Subject to Section 106 Programmatic Agreement Between the US Army Corps of Engineers and the NYS Historic Preservation Office

Streamlined Activity List:

1. Projects outside of archaeologically sensitive areas where total ground disturbance (including uplands) is less than 1 acre and there are no listed properties or buildings older than 50 years within 50' of the permit area
2. Solar farm projects where there is no surface grading, no sub-base preparation for access roads or solar panel support pads, where trench excavation does not exceed one foot in width, and there are no listed properties or buildings older than 50 years within 50' of the permit area
3. Breakwalls/bank stabilization with no cut back of existing bank
4. Breakwalls/bank stabilization with bank cut back which is at least 500 feet from a known archaeological site
5. Stream bank stabilization to restore/replace areas lost to erosion within 10 feet of the washout
6. Work in active stream channels¹
7. In kind culvert replacements where no new soil disturbance is proposed.
 - a. A finding of "No historic properties affected" for projects involving culvert replacements where the new culvert:
 - i. Is placed on the same alignment as the old; and
 - ii. Is no more than 33% larger in cross section; and
 - iii. Is placed such that all pre-construction contours and conditions are restored.
8. Maintenance dredging of existing marinas, boat slips/dockage areas and channels where previous Corps permits have been issued or where the applicant provides evidence of pre-existing elevations (does not apply if the applicant proposes to deepen an area beyond previously authorized or pre-existing depths).
9. Residential docks – open pile or crib supported

¹ **Active-channel width:** The width of the active channel measured perpendicular to streamflow. The active-channel, a short-term geomorphic feature formed by prevailing stream discharges, is narrower than the bankfull channel and is defined by a break in bank slope that also typically is the edge of permanent vegetation. (USGS Scientific Investigations Report 2004-5263)

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Standard Operating Procedures (SOP) for Section 106 Review:

- I. USACE/NYSHPO Consultation Procedures for activities with No Potential to Cause Effects to historic properties or activities listed on the Streamlined Activity List: Review for Historic/Cultural Resources
 - a. Determine the Corps permit area for the project.
 - b. Review NYSOPRHP CRIS database for information on known historic resources or archaeological sensitivity in the project area.
 - c. Determine if there are any National Register listed, eligible, or potentially eligible historic resources on the project site or that could be affected visually by the undertaking.
 - d. Determine if the project is on tribal reservation or trust lands or if tribal consultation may be necessary.

- II. Determine if Consultation with NYSHPO is Required
 - a. If the project has no potential to cause effects to historic properties, pursuant to 36 CFR 800.3 and 33 CFR 325 Appendix C (including interim guidance from 2005 AND 2007), NO CONSULTATION IS REQUIRED WITH SHPO.

 - b. If the activity is consistent with one or more of the activities listed on the Streamlined Activity List, NO CONSULTATION IS REQUIRED WITH SHPO.

 - c. If the project is not consistent with any of the activities on the Streamlined Activity List and the Corps determines that there is potential for the project to cause an effect to Historic/Cultural Resources, the Corps will consult with SHPO through the CRIS Online database.

- III. Procedures if no consultation is required with SHPO pursuant to II. a. or II.b. (i.-ix.)
 - a. Decision Document/Memorandum For the Record will state that the project has No Potential to Effect Historic/Cultural Resources or No Historic Properties Affected, as appropriate, including decision rationale
 - b. Place CRIS map print out in administrative record
 - c. Choose appropriate subordinate action in Corps database (ORM2)

Notes:

1. This SOP does not apply to any activity located on or within 500 feet of lands which are part of a reservation or held in trust by federally recognized Native American Tribal Nations.
2. This SOP does not apply to any activity for which tribal consultation is necessary.