



### Basic Information

SOP Title:	<b>Material Sources/Cultural Resources (Section 106) Clearances</b>	Date	10/26/2022
Preparer:	Wendy Terlizzi	Preparer's Title	Environmental Manager
Short Description of Procedure:	To provide information to Environmental Planners, Materials Engineers, Source Managers, and Resident Engineers about the applicability of Section 106 to Material Sources.		

### Related Document Links

Title of Document	Location

Replaces memo from March 27, 2013

### Procedure

#### I. Applicability

Projects with a federal nexus require compliance with Section 106 of the National Historic Preservation Act.

#### II. Commercial Sources

Per interpretation by ITD Headquarters (HQ) Environmental Headquarters and FHWA Division, use of a **commercial** material source does not constitute a federal undertaking under Section 106; therefore Section 106 clearance is not required for commercial sources.

Definition: For this purpose, "commercial" material source is defined as an established lawful business, operating at the time of bid opening, as a source to the general public. Sources must clearly be established prior to the project, exist independent of the project, and sell aggregate materials to any purchaser. There must be no causal relationship between the project and the materials source.

#### III. State Sources

State material source use does constitute a federal undertaking under 106; therefore Section 106 clearance is required for commercial sources.

A District Environmental Planner will submit a clearance request to HQ Environmental Cultural Resource staff. Approval may be granted on a project basis. Submit a source map with the boundary of the proposed impact area and the proposed action. Coordinate with HQ for details on the map requirements.