

NDOT – Section 106 Programmatic Agreement FY2025 Report

March 11, 2026

The Federal Highway Administration (FHWA) implements the Federal-aid Highway Program (FAHP) in the State of Nebraska by funding and approving state and locally sponsored transportation projects that are administered by the Nebraska Department of Transportation (NDOT). FHWA is responsible for ensuring that the FAHP in the State of Nebraska complies with Section 106.

FHWA has authorized NDOT to initiate, and in most cases conclude, consultation with the Nebraska State Historic Preservation Officer (SHPO) and other consulting parties (except for tribal authorities when they expressly request government-to-government consultation) for the purposes of compliance with Section 106. This authorization is established through an agreement among FHWA, NDOT, SHPO and the Council entitled *Programmatic Agreement Among The Federal Highway Administration, The Nebraska State Historic Preservation Officer, The Advisory Council on Historic Preservation And The Nebraska Department of Transportation to Satisfy the Requirements of Section 106 for the Federal-Aid Highway Program In The State of Nebraska*, February executed in February 2023 (Section 106 PA).

NDOT assumed FHWA's roles and responsibilities as allowable under the 23 USC § 326 Memorandum of Understanding entitled *First Renewed Memorandum of Understanding dated September 12, 2024*, executed by FHWA and NDOT. Under NEPA Assignment, NDOT initiates and conducts tribal consultation. Tribes may request formal government-to-government consultation with FHWA via formal written or oral communication, identifying one or more state transportation projects in the request for government-to-government consultation.

This annual report has been completed in compliance with Stipulation XII.B(2) of the Section 106 PA. There have been no public objections, no inadvertent effects or foreclosures during the period of reporting, October 1, 2024 through September 30, 2025.

October 1, 2024 – September 30, 2025

During the period beginning on October 1, 2024 and ending on September 30, 2025, NDOT Section 106 Professionally Qualified Staff (PQS) processed a total of 144 undertakings. Of these, 42 qualified as Tier I projects, *no potential to cause effects to historic properties*, 96 were processed as Tier II projects, *no historic properties affected* and six were processed as Tier III projects: all resulting in *no adverse effect* determinations. Below, Chart 1 illustrates the program by assigned project effects determination.

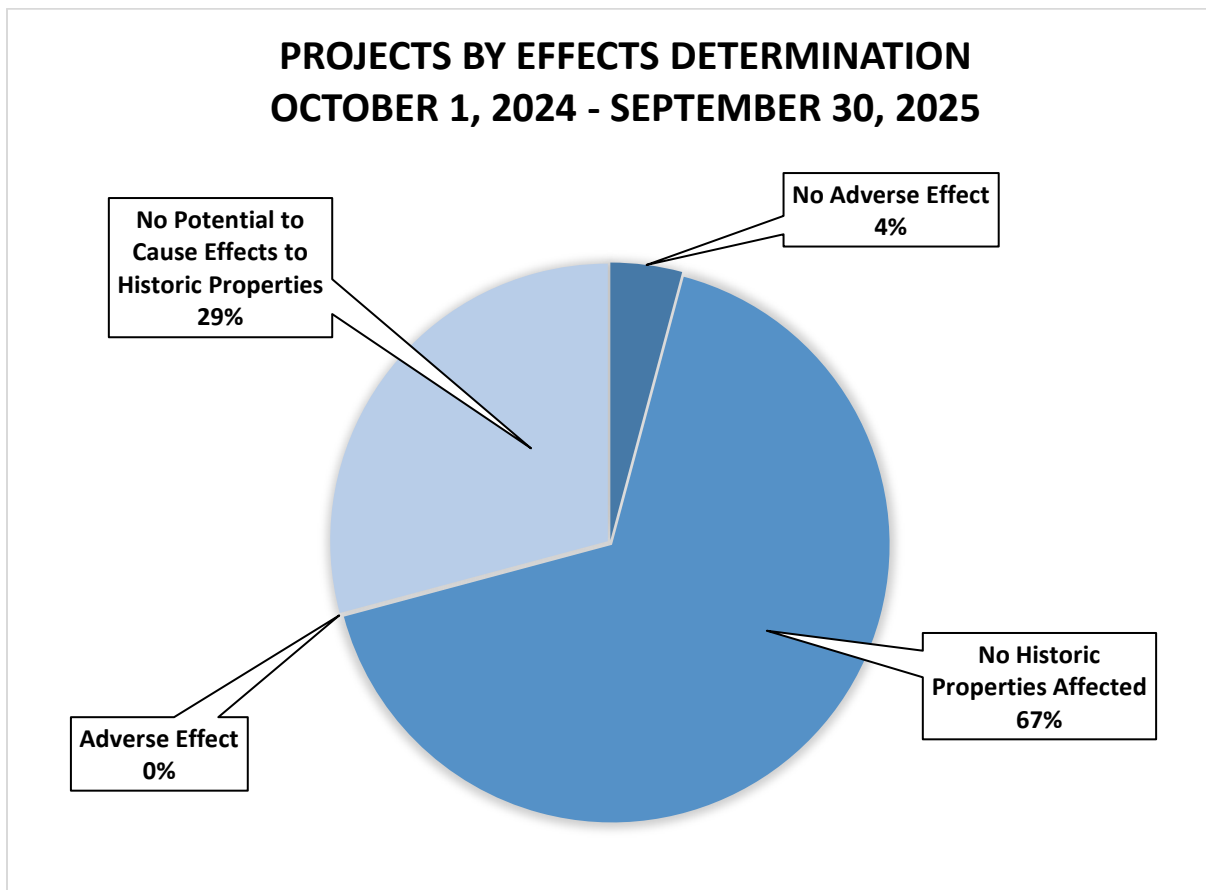


Chart 1

Overall, the Federal-aid Highway Program in Nebraska is characterized by undertakings that rehabilitate or repair existing infrastructure. This is borne out by the overall number of undertakings resulting in a project effects determination of either *no potential to cause effects to historic properties* or *no historic properties affected* (Chart 1), which taken together equal 96% of the entire program.

Tier II Projects: Minimal Potential to Cause Effects

A subcategory of Tier II projects entitled “Tier II – Undertakings with Minimal Potential to Cause Effects” was created for the FAHP in Nebraska in 2023 (Section 106 PA). Projects classified as Minimal Potential are those projects, that based upon our experience with the program, pose very little potential to affect historic properties. Of the 144 projects processed as Tier II projects referenced above, 27 projects were processed as Minimal Potential projects (Chart 2). These numbers further reinforce that the FAHP in Nebraska is characterized by projects which repair or rehabilitate existing infrastructure.

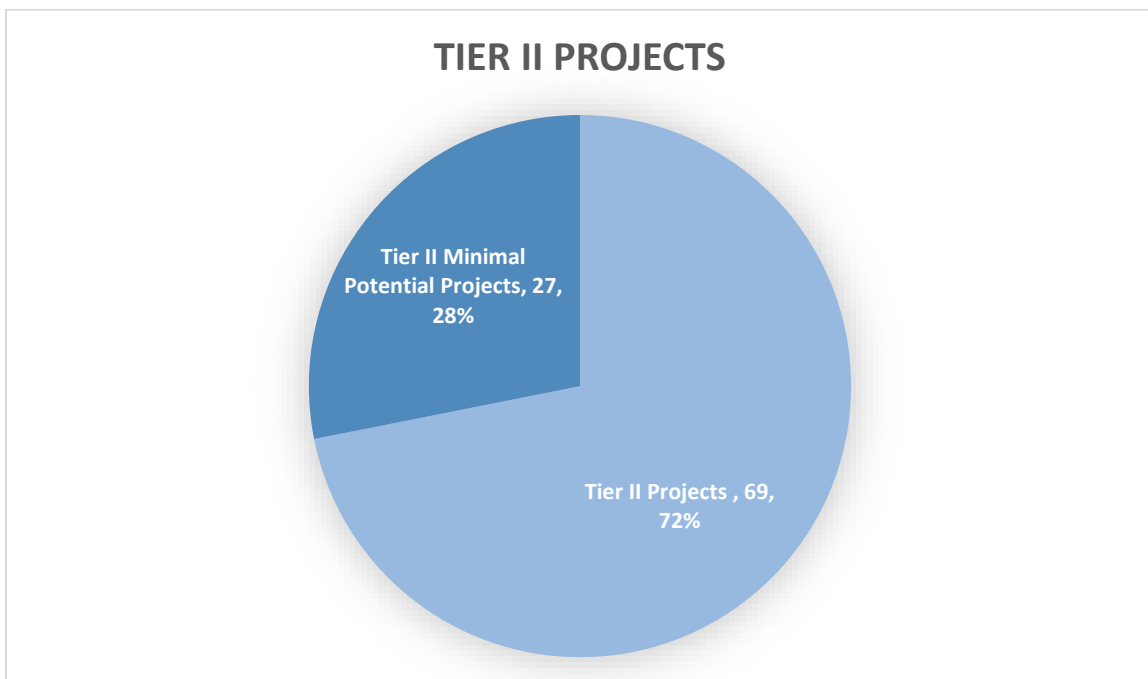


Chart 2

No Adverse Effect Determinations

During the time frame covered under this interim report, NDOT processed six undertakings which resulted in *no adverse effect* determinations.

Undertakings resulting in *no adverse effect* determinations include NW 56th St, I-80 to W. Holdrege Street, a New & Reconstruction project; Benedict North Wetland Mitigation Site; S98th St, A – O St, Lincoln, New & Reconstruction project; A St, 6th to 17th St, Lincoln, a 3R (resurfacing, restoration, and rehabilitation) project with widening and pavement repairs; a resurfacing project that also installed turn lanes; Ponca to US-20, a 3R project with resurfacing, bridge repair and a

bridge replacement project; In Red Cloud, a New & Reconstruction project to replace brick pavers within historic district, new pavement elsewhere.

See Table 1 for a list of undertakings resulting in *no adverse effect* determinations.

Table 1. Undertakings Resulting No Adverse Effect Determinations

Control Number	Project Number	Project Name	Project Description	Date Processed
13494	LCLC-5287(1)	NW 56 th St, I-80 to W. Holdredge Street	New & Reconstruction: adding hard surface to existing county road	01/21/2025
42967G	MISC-81-2(1052)	Benedict North Wetland Mitigation Site	Construction of a new wetland mitigation site	05/06/2025
13418	LCLC-5275(2)	S 98 th St, A St – O St, Lincoln	New & Reconstruction: one mile on new alignment	05/12/2025
13495	LCLC-5220(7)	A St, 6 th to 17 th St, Lincoln	3R with ROW: widening, pavement repair, resurfacing, ADA ramp reconstruction	05/13/2025
32352	STP-12-6(119)	Ponca to US-20	3R with ROW: resurfacing, bridge repair, bridge replacement	05/20/2025
42619	NH-281-1(117)	In Red Cloud	New & Reconstruction: remove existing brick pavement, build 3" brick pavers on sand base with doweled concrete base course and stabilized subgrade within historic district, new concrete pavement elsewhere. Sidewalk reconstruction with ADA ramp reconstruction	08/08/2025

Adverse Effect Determination

During the reporting period, zero adverse effect determinations were reached.

Consultation Efforts

NDOT completed formal, project specific consultation with outside agencies and/or property owners other than SHPO on 73 occasions and tribal consultation was completed on 73 occasions (Chart 3). Consultation was completed with SHPO on the six Tier III projects. Instances of informal consultation are not reflected in these numbers.

Consultation with entities other than tribes is generally characterized as occurring among project proponents, counties, cities, towns and villages, federal agencies, Certified Local Governments (CLGs), local historical societies or groups and affected property owners.

Please note that Chart 3 records presence or absence regarding consultation efforts. For example, though consultation may have been initiated with more than one tribe on an undertaking, this chart records each undertaking as presence/absence for tribal consultation.

Similarly, consultation may have been initiated with more than one outside agency on a given undertaking, this chart records each undertaking as presence/absence for consultation other than SHPO. Consultation efforts with SHPO may overlap each of these categories.

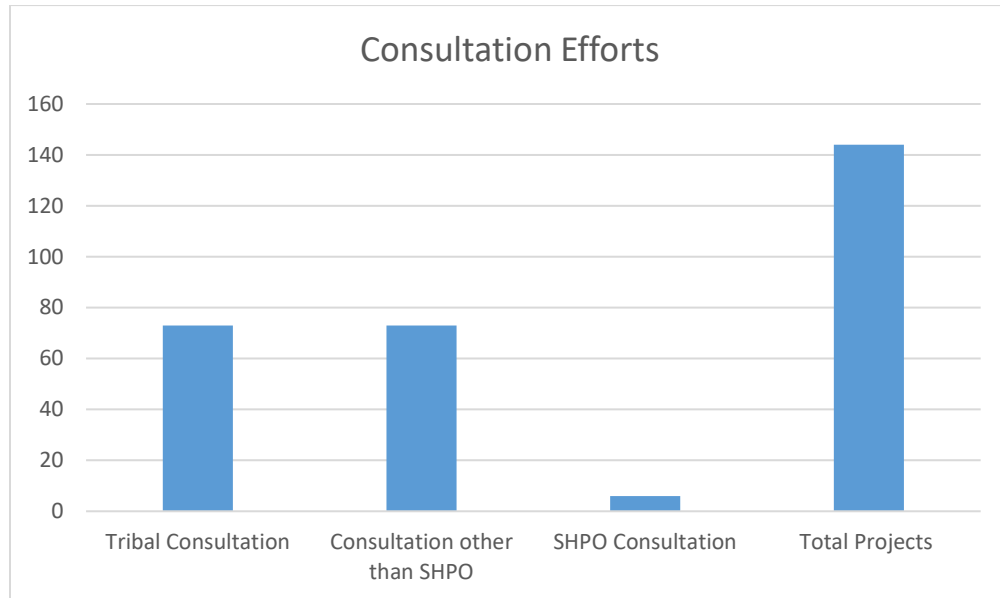


Chart 3

Six Native American Indian tribes, the Santee Sioux Nation, the Winnebago Tribe of Nebraska, the Omaha Tribe of Nebraska and Iowa, the Iowa Tribe of Kansas and Nebraska, the Sac and Fox Nation of Missouri, and the Oglala Sioux have reservation land within the boundaries of Nebraska. In Nebraska, federal highway miles are present within the reservations associated with the Santee Sioux Nation, the Winnebago Tribe of Nebraska and the Omaha Tribe of Nebraska and Iowa. The Ponca Tribe of Nebraska is not associated with a reservation in Nebraska, but does own land within the state, some of which is held in trust by the Bureau of Indian Affairs (BIA).

During the period of reporting, and under the 2023 statewide programmatic agreement, 18 tribes have declared an interest in Nebraska’s FAHP. These tribes include, Apache Tribe of Oklahoma, Arapaho Tribe of the Wind River Reservation, WY, Cheyenne and Arapaho Tribes, OK. Cheyenne River Sioux Tribe of the Cheyenne River Reservation, SD, Comanche Nation, OK, Iowa Tribe of Kansas and Nebraska, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, MT, Oglala Sioux Tribe, Omaha Tribe of Nebraska, Otoe-Missouria Tribe of OK, Pawnee Nation of Oklahoma, Ponca Tribe of Nebraska, Rosebud Sioux Tribe of the Rosebud Indian Reservation, SD, Sac & Fox Nation of Missouri in Kansas and Nebraska, Santee Sioux Nation, Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota, Winnebago Tribe of Nebraska and the Yankton Sioux Tribe of South Dakota. Consultation with these tribes was completed with the Tribal Historic Preservation Officer (THPO) or their designee, for each tribe according to identified areas of interest. If no area of interest has been identified, the area of interest is considered to be

statewide. Consultation is also completed with THPO or their designee for undertakings which fall in whole or in part, within the boundaries of a reservation.

NDOT’s tribal consultation program has remained consistent since the full fiscal year following execution of the statewide programmatic agreement in 2023. During the reporting period the program was most active in number of projects consulted upon with the Northern Cheyenne, the Oglala Sioux Tribe, the Otoe-Missouria, and the Yankton Sioux Tribe. (Chart 4). This is a result of large areas of interest that overlay the entire State of Nebraska and correspond to areas of interest that have not been specifically defined.

Opportunities for Engagement

In Person Meetings with Tribal Staff

NDOT participates in meetings with tribal staff throughout the year, and these meetings are held in person whenever possible. The meetings allow us to revisit our processes, to make sure that we are engaging with appropriate staff members and to discuss specific projects and resources.

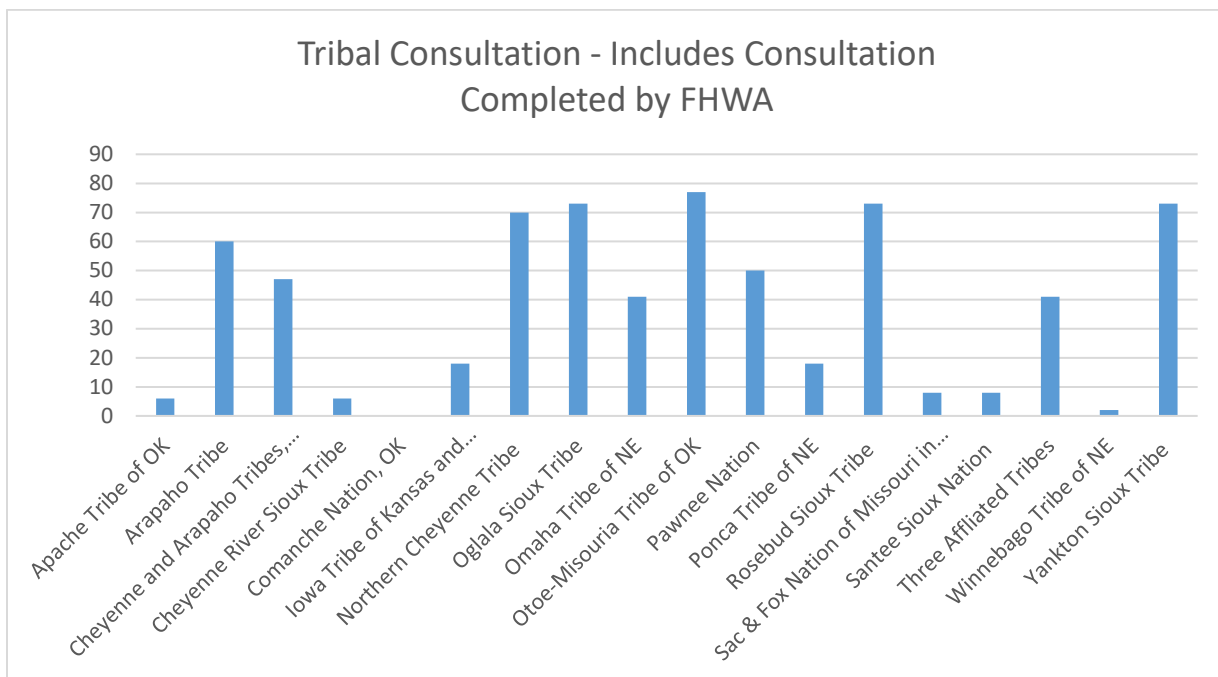


Chart 4

Tribal Transportation Conference

In addition to project specific consultation, NDOT and FHWA participate and provide presentations during NDOT’s Tribal Transportation Conference. This conference is held annually in northeast Nebraska and tribes headquartered within NDOT’s District 3 region are invited to attend.

Tribal Monitoring

Tribal Monitoring occurred on four projects in District 3, which is in northeast Nebraska.

The Omaha Tribe of Nebraska

The Omaha Tribe of Nebraska requested to conduct monitoring during construction on two undertakings partially located within their tribal boundaries, Lyons – Walthill and Macy – Winnebago. On the In Stanton and North undertaking, due to archival records which indicated the inadvertent discovery of unmarked human remains in the 1930s during construction of houses in Stanton, NDOT invited the Omaha Tribe to monitor during construction. No unanticipated discoveries were made during monitoring; construction on the In Stanton and North and Lyons – Walthill projects is complete.

Winnebago Tribe of Nebraska

During construction on the Macy – Winnebago undertaking, the Winnebago Tribe of Nebraska requested to monitor near the historic *Highway 75 Spring* (25TS81; the Spring) which the Tribe was in the process of nominating to the National Register of Historic Places (NRHP) for its past association with tribal lifeways. 25TS81 is located within Winnebago of Nebraska tribal boundaries.

This is the location of a former flowing spring that the Winnebago Tribe used for water for practical and spiritual purposes. The Spring was improved in some fashion, but the details are disputed. Because of the danger to tribal members near US-75, the Spring was intentionally capped to prevent use. Later, ca. 1987, the Spring was unintentionally destroyed by road construction. The site today is a wet spot in the roadway ditch of US-75 and no longer serves any purpose for the tribe. The project repaved the existing US-75 roadway within the NRHP boundary and placed a culvert in the roadway ditch of US-75 just south of the NRHP boundary. The site is described in the NRHP nomination as destroyed and the nomination also specifies it is no longer used for any purpose. That portion of the NRHP nominated property remaining in the roadway ditch was marked as a Sensitive Area to be avoided during construction.

No unanticipated project effects occurred during construction of the Macy – Winnebago project.

The Pawnee Nation of Oklahoma

The Monroe East and West project proposed to replace the bridge over the Loup Public Power Canal east of Genoa on N-22. That this region was home to ancestors of the Pawnee Tribe of Oklahoma is reflected by the number of archeological village sites identified through archeological investigations, archival research and oral histories and personal communication with the Pawnee Tribe.

The Hanna Larson site (25PT1) is a Lower Loup village site dating from approximately 1650 to 1750. Most archeologists agree that the Lower Loup archeological culture is ancestral to the Pawnee Nation of Oklahoma. Lower Loup represents the Pawnee Tribe prior to sustained contact with Europeans. 25PT1 was listed on the NRHP in 1975 under Criterion D.

European trade materials have been found at the site and earth lodges and graves were excavated in the 1930's. Further work was carried out in 1978 by the Highway Archeology Program during previous construction work on N-22. Archeological survey completed in support of this project found pottery sherds and chipped stone debris in the APE on either side of N-22.



Figure 1. Matt Reed, Pawnee Nation THPO, conducting monitoring during construction.

NDOT invited Matt Reed, the Tribal Historic Preservation Officer for the Pawnee Nation to be present during archeological testing of the site in the spring of 2019. The testing was designed to better understand the potential for buried soil in the area of disturbance created by construction of the new bridge. Through extensive archival research regarding construction of the Loup Public Power Canal and this testing, it was confirmed that a buried component was still present and Mr. Reed was invited to monitor during construction in the spring of 2025. To date, no unanticipated discovery has been made and there have been no inadvertent effects to the historic property. Construction on this project has not yet been completed, and NDOT will continue coordination with Mr. Reed this spring.

Outstanding Memoranda of Agreement

Two Memoranda of Agreement relative to the Norfolk to Wisner and the Columbus South Bridges projects remain active.



Figure 2. An archeologist excavates a cistern at the Sharpe Homestead site.

Norfolk to Wisner

This 2 + 2 project resulted in an *adverse effect* to the Sharpe Homestead archeological site in Stanton County, a homestead site settled by the Sharpe family in the mid-1860s. An *adverse effect* to this significant archeological site could not be avoided and a Memorandum of Agreement (MOA) was executed on 05/20/2024. The MOA included implementation of an archeological data recovery plan for which archeological fieldwork was completed during the spring and summer of 2025. Laboratory analysis is ongoing.

Columbus South Bridges

The Columbus Loup River Bridge was a steel, rigid-connected Parker through truss bridge comprised of seven truss spans with a steel girder span on each end. Constructed in 1932-1933, the bridge was 1,270 feet in length. When it was constructed, the Columbus Loup River Bridge was one of the longest trussed crossings developed by the Nebraska Bureau of Roads, aside from structures crossing the Missouri River. The Columbus Loup River Bridge was technologically significant as a culmination of truss design by the Nebraska State Engineer and was listed in the NRHP under Criterion C for a significant association with Engineering in 1992.



Figure 3. The historic Columbus Loup River Bridge, now no longer extant.



Figure 4. Depiction of the re-created truss end to be installed in a city park.

NDOT was unable to avoid replacement of this bridge, resulting in an *adverse effect*. A MOA executed on 02/28/2024 included recordation of the bridge, design and installation of a re-creation of one of the historic bridge truss ends in a nearby City of Columbus public park. The installation will be created of all new material and will be placed over an existing trail. Finally, an interpretive panel will be installed adjacent to the new truss end.

Recordation is completed and NDOT has worked with signatories to design both the truss installation and the interpretive panel during the reporting period. Installation is expected during the summer of 2026.

Conclusion

The intent of the Section 106 PA was to provide streamlining opportunities in the Federal-aid Highway Program in Nebraska. At its most basic level, this streamlining is realized in fewer Section 106 reviews sent to SHPO for concurrence, saving staff time across three state and federal agencies. During this reporting period, with the implementation of the Tier II subcategory “Minimal Potential to Cause Effects” NDOT processed 27 projects as Minimal Potential projects.

Taking the rest of the projects resulting in *no historic properties affected* determinations, this equates to 96% of NDOT's overall program and has proved to be effective streamlining tools.

NDOT continues to work to identify strategies to further streamline these efforts without sacrificing quality and while still maintaining relationships with consulting parties, especially tribal nations. As we work to advance NDOT's Section 106 program, we look forward to working with SHPO and FHWA to plan and execute a new statewide bridge survey.

NDOT believes that the Section 106 PA is operating effectively and is being implemented as intended.