

Chapter 15
Table of Contents

| <u>Section</u> | <u>Page</u> |
|---|--------------------|
| 15.1 LAND AND WATER CONSERVATION FUND ACT- SECTION 6(f) | 15.3 |
| 15.1.1 Introduction | 15.3 |
| 15.1.2 Procedures | 15.3 |
| Activity No. 1: Determine if 6(f) Properties are Present..... | 15.4 |
| Activity No. 2: Coordination with DCNR-Nevada State Parks | 15.4 |
| Activity No. 3: Addressing a 6(f) Conversion..... | 15.4 |
| 15.2 NOXIOUS WEEDS AND INVASIVE SPECIES..... | 15.5 |
| 15.2.1 Introduction | 15.5 |
| 15.2.2 Procedures | 15.6 |
| 15.3 FARMLAND IMPACTS..... | 15.6 |
| 15.3.1 Introduction | 15.6 |
| 15.3.2 Procedures | 15.6 |
| 15.4 WILD AND SCENIC RIVERS | 15.7 |
| 15.4.1 Introduction | 15.7 |
| 15.4.2 Procedures | 15.8 |
| 15.5 IMPAIRED WATERS/TMDLS..... | 15.8 |
| 15.6 MIGRATORY BIRD TREATY ACT | 15.8 |
| 15.6.1 Introduction | 15.8 |
| 15.6.2 Procedures | 15.9 |
| 15.7 STATE PROTECTED SPECIES..... | 15.9 |
| 15.7.1 Introduction | 15.9 |
| 15.7.2 Procedures | 15.10 |

Chapter 15
Table of Contents
(Continued)

| <u>Section</u> | <u>Page</u> |
|---|--------------------|
| 15.8 TEMPORARY WORKING IN WATERWAYS/DISCHARGE PERMIT..... | 15.10 |
| 15.9 NATIVE AMERICAN CONSULTATION/COORDINATION..... | 15.10 |
| 15.9.1 Introduction | 15.10 |
| 15.9.2 Procedures | 15.12 |

Chapter 15

OTHER ENVIRONMENTAL ANALYSES/PERMITS

15.1 LAND AND WATER CONSERVATION FUND ACT - SECTION 6(F)

15.1.1 Introduction

Section 6(f) of the Land and Water Conservation Fund Act of 1965 prohibits the conversion of property acquired or developed with Land and Water Conservation Fund (LWCF) grants to a non-recreational purpose without the approval of the Department of the Interior's National Park Service (NPS). Section 6(f) further directs the Department of the Interior to assure that replacement lands of equal fair market value, location, and usefulness are provided as conditions to such conversions. Consequently, where conversions of Section 6(f) lands are proposed for highway projects, replacement lands will be required.

There is an overlap between Section 4(f) and Section 6(f). Lands acquired and/or developed with LWCF funds are generally public parks or recreation areas, and therefore, both are Section 4(f) properties and subject to the requirements of Section 6(f). In identifying Section 4(f) properties, it is important to determine whether Section 6(f) LWCF funds were used to purchase all or part of the Section 4(f) property, or to develop a specific part of the property.

Regulations and Guidance

[Title 16 USC Chapter 1, Subchapter LXIX, Part B, Section 4601-8\(f\)\(3\)](#), *Land and Water Conservation Fund*; "Conversion of Property to Other Uses".

[Title 36 CFR Part 59](#), *Land and Water Conservation Fund Program of Assistance to States*; "Post-Completion Compliance Responsibilities".

15.1.2 Procedures

The Environmental Services Division will coordinate with the Nevada Department of Conservation and Natural Resources (DCNR), Nevada Division of State Parks (NDSP), LWCF Grants Coordinator, to identify properties that have been acquired or developed with LWCF funds that would be affected by proposed NDOT projects.

When an NDOT project proposes to convert 6(f) lands, the Section 6(f) compliance process discussed below will be addressed in the environmental documentation for the project (see Chapter 3, Chapter 4, and Chapter 5) and in the documentation prepared for compliance with Section 4(f) (see Chapter 8).

ACTIVITY NO. 1:**Determine if 6(f) Properties are Present**

Once the location and extent of the proposed project has been established, verify if it might impact potential 6(f) properties. These are usually parks, recreation areas or open spaces. Contact the administrator of these properties to inquire if they are aware of 6(f) funds having been used to create or improve the property. Section 6(f) applies only to the portion of a property acquired or developed with LWCF assistance.

ACTIVITY NO. 2:**Coordination with DCNR – Nevada State Parks**

For projects in Nevada, information on Section 6(f) properties is maintained by NDSP. Section 6(f) determinations also require concurrence by NPS, who administers the LWCF program. If it appears a 6(f) property may be impacted by a project, contact the NDSP LWCF Liaison for confirmation.

NDSP and NPS must ensure that all practical alternatives to converting the Section 6(f) property have been evaluated. Where no practical alternative exists to a conversion, the act requires that replacement property be acquired for those lands to be converted, and the agencies are charged with ensuring that proposed replacement lands would be reasonably equivalent.

A conversion occurs when the use of a Section 6(f) site is changed for longer than six consecutive months to something other than funded, regardless of whether the change is temporary or permanent. Changes in use of Section 6(f) sites lasting less than 6 months are not considered to be conversions, although they would be evaluated under NEPA as recreation impacts.

Conversions can occur in three different ways:

1. when the use of an *entire* Section 6(f) resource site would be changed for longer than six months;
2. when use of a *portion* of a Section 6(f) resource would be changed for longer than six months (known as a partial conversion); or
3. when a project would occur on the same property where the Section 6(f) resource is located, and would not directly affect the Section 6(f) resource, but would affect access to or other reasonable use of the Section 6(f) resource on the site for more than six months.

NDSP and NPS may determine use of 6(f) lands does not constitute a conversion if the conversion enhances the purpose of the property.

ACTIVITY NO. 3:**Addressing a 6(f) Conversion**

When it is determined a Section 6(f) property will be converted to other uses by a project, approval for the conversion must be granted by the NPS at the request of NDSP. In accordance with 26 CFR Part 59.3(b), the request should be in writing and must provide the NPS Regional Director with relevant information regarding the following prerequisites for conversion:

- All practical alternatives have been evaluated;
- The fair market value of the replacement property is at least equal to that of the converted property;
- The replacement property is at least as useful and of similar location as the converted property;
- The replacement property has met the eligibility requirements for LWCF assisted acquisition as outlined in 36 CFR 59.3(b)(4)(i-iv);
- All other relevant agency coordination has been completed, including compliance with Section 4(f); and
- The proposed conversion and replacement is in accordance with the Statewide Comprehensive Outdoor Recreation Plan (SCORP), which identifies public recreation trends and provides strategies for improving outdoor recreation within the state.

The overall viability and recreational usefulness of replacement lands is partly dependent on the timetable to develop the replacement park(s). While replacement of sites is usually expected to occur within three years of conversion approval, full development of the site may be beyond the three years if the NPS and NDSP agree.

Regulations and Guidance

[36 CFR 59](#) LWCF

[NPS/FWCF Manual](#)

[23 CFR 774](#) – Section 4(f)

[FHWA Technical Advisory – Guidance for Preparing and Processing Environmental and Section 4\(f\) documents](#) – October 1987

[16 USC - Conservation Chapter 1 - National Parks, Military Parks, Monuments, and Seashores - Subchapter LXIX-Outdoor Recreation Programs, Part B](#) - LWCF

15.2 NOXIOUS WEEDS AND INVASIVE SPECIES

15.2.1 Introduction

Federal and State requirements are in place for controlling or eliminating noxious weeds and invasive species in relation to highway facilities and projects.

Regulations and Guidance

[Executive Order 13112](#) on Invasive Species

[16 USC 4701](#) et seq., *Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990*

[7 USC 2801](#) et seq., *Federal Noxious Weed Act of 1974*

[16 USC 1531](#) et seq., *Endangered Species Act of 1973*

[23 USC 329](#), “Eligibility for Control of Noxious Weeds and Aquatic Noxious Weeds and Establishment of Native Species”

[Nevada Revised Statute \(NRS\) 555](#), “Control of Insects, Pests and Noxious Weeds”

[Greener Roadsides, Quarterly FHWA newsletter](#).

15.2.2 Procedures

The Environmental Services Division will conduct surveys to identify noxious weeds and invasive species and coordinate the information with the Maintenance Division and the Project Management Team (PMT).

For noxious weeds and/or invasive species identified along NDOT facilities, the Maintenance Division will implement practices to control or eliminate the weeds and/or species.

For corridors and alignments for proposed projects, the Environmental Services Division will coordinate with the PMT to identify measures to minimize the spreading or introduction of noxious weeds and/or invasive species. The Environmental Services Division will coordinate with the Nevada Department of Agriculture to discuss noxious weed and invasive species issues and prevention and control measures. On projects where noxious weeds and/or invasive species are known to be present, the Environmental Services Division will ensure the environmental documentation for the project (see Chapter 3, Chapter 4 and Chapter 5) identifies:

- noxious weeds or invasive terrestrial or aquatic animal or plant species in the study area,
- the potential impact of disturbances caused by construction, and
- preventive or eradication measures that would be implemented on the project.

The Environmental Services Division will review the Construction Contract Documents for noxious weeds and/or invasive species aspects and will conduct monitoring of the implementation of preventive or eradication measures during construction.

15.3 FARMLAND IMPACTS

15.3.1 Introduction

The *Farmland Protection Policy Act* (FPPA) requires that before taking or approving an action that would result in conversion of farmland as defined in the *Act* and implementing rules, NDOT must examine the effects using the criteria set forth in the implementing rules, and if the effects are adverse, must consider alternatives to lessen them.

Regulations and Guidance

[7 CFR 658](#), *Farmland Protection Policy Act*

[FHWA Environmental Guidebook](#)

[FHWA Technical Advisory T 6640.8A](#) – October 1987

[NRCS Web Soil Survey](#)

15.3.2 Procedures

The Environmental Services Division will identify farmland that would be affected by proposed NDOT projects and coordinate with the Natural Resources Conservation Service (NRCS), Nevada field office to verify whether specific properties meet the definition of farmland as set forth

in 7 CFR 658.2(a). When coordination with NRCS is necessary to determine whether a site is farmland, the request to NRCS will be submitted on Form AD-1006.

For projects that would impact farmland, the Environmental Services Division will provide information on the location of farmland in the project area to the Project Management Team and coordinate in evaluating potential farmland impacts of project alternatives and options for avoiding and minimizing those impacts.

The Environmental Services Division will complete Parts I and III of Form AD-1006 and will submit three copies of the form and three copies of maps indicating the location of the project to the NRCS, Nevada field office.

The NRCS will make a determination as to whether the proposed project area contains prime, unique, statewide or local important farmland. In cases where farmland will be converted, NRCS will complete Parts II, IV and V of Form AD-1006 and will return two copies to NDOT.

The Environmental Services Division will complete Parts VI and VII of Form AD-1006 and, in cooperation with the FHWA Division Office, will make a determination as to whether the proposed conversion is consistent with the FPPA.

For projects in which the alternatives under consideration involve farmland subject to the FPPA and once a final decision has been made on the project alternative selected for implementation, the Environmental Services Division will provide a copy of Form AD-1006, indicating the final decision, to the NRCS Nevada field office.

15.4 WILD AND SCENIC RIVERS

15.4.1 Introduction

The *Wild and Scenic Rivers Act* and implementing rules provide that for any Federally-assisted “water resources project” (i.e., any...construction of developments that would affect the free-flowing characteristics of a Wild and Scenic River or Study River), no license, permit or other authorization can be issued without prior notice to the Secretary responsible for administering the river (i.e., the Secretary of the Interior, through the NPS, US Fish and Wildlife Service (USFWS) and the Bureau of Land Management (BLM); or the Secretary of Agriculture, through the US Forest Service (USFS)) and a determination that the project will not have a direct and adverse effect on the values that provide the basis for designation as a Wild and Scenic River or Study River.

Regulations and Guidance

[16 USC 1278](#), “Wild and Scenic Rivers, Restrictions on Water Resources Projects”

[36 CFR 297](#), “Wild and Scenic Rivers”

[FHWA Policy Guidance for Wild and Scenic Rivers](#), October 3, 1980

[FHWA Section 4\(f\) Involvement – Wild and Scenic Rivers System](#), May 26, 1981

[23 CFR 771.135\(d\)](#), “Environmental Impact and Related Procedures, Section 4(f)”

[FHWA Environmental Guidebook](#) – Legislation, Policy and Guidance

[FHWA Technical Advisory T 6640.8A](#) - October 1987

15.4.2 Procedures

The Environmental Services Division will monitor the NPS and USFWS Nationwide Rivers Inventory information and *Federal Register* notices issued by the US Department of the Interior to identify river segments determined to have potential for classification as Wild and Scenic Rivers and those segments that have received such designation. The Environmental Services Division also will consult the listing of river segments designated for study in 16 USC 1276, *Rivers Constituting Potential Additions to National Wild and Scenic Rivers System*.

If a proposed action would have foreseeable adverse effects on a river on the National Wild and Scenic Rivers System or a river under study, the Environmental Services Division will coordinate with the agency responsible for management of the affected river segment (i.e., NPS, USFWS, BLM or USFS) and the PMT to develop options for avoiding or minimizing adverse effects. In the environmental documentation for the proposed action, the Environmental Services Division will reflect the results of early coordination and will identify the potential adverse effects on the natural, cultural and recreational values of the listed or Study River.

The Environmental Services Division will submit a request to the FHWA Division Office for obtaining consent for project approval from the Secretary of the Interior or, in accordance with 36 CFR 297.4, *Requirements for Federal Agencies* and 36 CFR 297.5, *Determination*, from the Secretary of Agriculture. The Environmental Services Division will provide FHWA the following information for purposes of the request to the Secretary of the Interior or the Secretary of Agriculture:

- name and location of affected river;
- location of the project;
- nature of the authorization being requested for the action;
- a description of the proposed activity; and
- other relevant information (e.g., plans, maps, environmental studies, assessments, environmental impact statements).

The Environmental Services Division will include a copy of the response from the Secretary of the Interior or the Secretary of Agriculture in the environmental documentation for the project.

15.5 IMPAIRED WATERS/TMDLS

Assessments of project effects on impaired waters (i.e., those listed on the Section 303(d) List) and Total Maximum Daily Loads (TMDLs) are the responsibility of NDOT's Stormwater Division. See [NDOT Stormwater Program](#) more information.

15.6 MIGRATORY BIRD TREATY ACT

15.6.1 Introduction

The *Migratory Bird Treaty Act* affords protection to migratory bird species native to the United States or its territories and makes it unlawful (unless and except as permitted by regulations) at

any time, by any means or in any manner to take, kill, capture, possess, buy, sell, trade, ship, import or export any migratory bird or any part, nest or egg thereof.

Regulations and Guidance

[16 USC 703](#), “Taking, Killing or Possessing Migratory Birds Unlawful.”

15.6.2 Procedures

The Environmental Services Division will survey proposed projects to identify migratory bird nesting locations that would be affected by project construction operations. Where nesting locations would be affected by tree clearing or heavy equipment operations that would result in killing of migratory birds or destruction of their nests/eggs, the Environmental Services Division will coordinate with the PMT and the Construction Division to determine construction measures to avoid the nesting locations during the nesting season. The Environmental Services Division will include language in the Construction Contract Documents to reflect the work restriction and will monitor construction activities on the project to ensure compliance.

If it is not possible to avoid construction operations in the nesting areas during the nesting season, the Environmental Services Division will coordinate with the Roadway Design Division and the Construction Division to establish buffer areas to protect the nesting locations and to reflect their location and extent in the Construction Contract Documents.

The Environmental Services Division will coordinate with the USFWS, Nevada field office to review/confirm their findings on migratory bird nesting locations and measures to protect the nesting locations during the nesting season.

The Environmental Services Division will include information in the project environmental documentation (see Chapter 3, Chapter 4 and Chapter 5) regarding the migratory bird nesting locations, effects on the locations and measures to be implemented to ensure construction operations will not result in killing of migratory birds.

15.7 STATE PROTECTED SPECIES

15.7.1 Introduction

The State of Nevada, through the Nevada Revised Statutes (NRS) and the Nevada Administrative Code (NAC), authorizes protection of selected plant, cactus and animal species declared to be in danger of extinction. No protected species may be removed or destroyed at any time by any means except under special permit issued by the Nevada State Forester or the Nevada Department of Wildlife (NDOW).

Regulations and Guidance

[NRS 527.260-527.300](#) *Protection and Propagation of Selected Species of Native Flora, Endangered Species Act of 1973*

[NAC 527.250-527.360](#) *Protection and Preservation of Timbered Lands, Trees, and Flora; "Permits"*

[NAC 503.030](#) *Protected, Threatened, and Sensitive Mammals*

[NAC 527.500](#) *Protection of Cacti and Yucca*

15.7.2 Procedures

The Environmental Services Division will survey the proposed project to identify protected plant, cactus, and animal species that would be removed or destroyed as a result of project construction. When the selected project alternative affects protected plant, cactus or animal species, the Environmental Services Division will submit an application to the Nevada State Forester or NDOW for a permit, in accordance with the applicable NAC. Depending upon the species, compliance for state protected species may occur as part of the consultation and compliance process for the Endangered Species Act (see Chapter 10).

The Environmental Services Division will comply with permit conditions stipulated by the Nevada State Forester or NDOW, which will include coordinating with the PMT to ensure that permit conditions are reflected in the Construction Contract Documents. The Environmental Services Division will monitor construction activities to ensure compliance with conditions included in the Construction Contract Documents.

The Environmental Services Division will ensure that the environmental documentation for the project includes discussion of potential effects on protected species and the applicability of permitting requirements.

15.8 TEMPORARY WORKING IN WATERWAYS/DISCHARGE PERMIT

NDOT's Stormwater Division is responsible for securing water quality-related permits, including Temporary Working in Waterways/Discharge Permit for work within or immediately adjacent to Waters of the State. See [NDOT Stormwater Program](#) for more information.

15.9 NATIVE AMERICAN CONSULTATION/COORDINATION

15.9.1 Introduction

The NDOT Cultural Resources Section (CRS) identifies affected tribal lands and interests and ensures consultation with tribal officials to address effects of proposed projects on their lands or within tribal areas of interest.

The priority for Native American Consultation (NAC) is:

- (1) Consultation pursuant to the National Historic Preservation Act (NHPA).

The other three areas of coordination and consultation are:

- (2) Courtesy consultation for NDOT projects seeking to use Native American imagery or themes,
- (3) consultation for transportation projects lacking a federal nexus as determined by the NAC Coordinator and the NDOT Cultural Resource Manager, and
- (4) consultation pursuant to NEPA.

Federally recognized tribes within Nevada and adjacent states are consulted as appropriate for projects proposed within the state. Several non-federally recognized tribes and tribal organizations may also be consulted with on a project-by-project basis for their particular expertise or concerns.

Please keep in mind when planning your project schedule that Native American consultation is not a single meeting but rather a lengthy process and must be conducted in a manner respectful of tribal sovereignty and confidentiality issues. Tribal consultation takes place on a government-to-government basis and is the responsibility of the FHWA or the federal land management agency (FLMA) depending on pre-existing agreement or project-specific negotiation. The NAC Coordinator assists these federal agencies in the execution of their obligation. On FHWA federal-aid projects, the NAC Coordinator acts on behalf of FHWA, unless the tribe(s) request to consult with FHWA or the FLMA directly (2014 Section 106 Transportation Programmatic Agreement).

Projects proposed on tribal lands, or taking place on an easement on tribal lands, must comply with the tribe's specific ordinances and regulations, often including additional environmental compliance measures, Tribal Employment Rights Ordinance (TERO), and business taxes. If your project requires acquiring right of way on tribal land, please contact the Right of Way Division at your earliest convenience to discuss that process and your options.

NDOT staff or contractors shall not meet with a tribe to discuss cultural resource issues or concerns without the prior approval and/or participation of the NAC Coordinator.

Any information concerning cultural resources received by NDOT staff or a consultant through non-cultural resource related meetings, or discussions should be forwarded to the NAC Coordinator immediately following such occurrence.

Regulations and Guidance

[Executive Order 13084](#) on Consultation and Coordination with Indian Tribal Governments, (1998)

[36 CFR 800](#) "Protection of Historic Properties"

[43 CFR Part 10](#), "Native American Graves Protection and Repatriation Regulations"

[Native American Consultation Database](#) (NACD)

[Title VI of the Civil Rights Act of 1964](#)

[National Historic Preservation Act](#) (1966)

[National Environmental Policy Act](#) (1969)

[Nevada Revised Statue 383](#) (1977) Historic Preservation and Archaeology

[American Indian Religious Freedom Act](#) (1978)

[Archaeological Resources Protection Act](#) (1979)

[Native American Graves Protection and Repatriation Act](#) (1990)

[Religious Freedom Restoration Act](#) (1993)

[Executive Order 12898](#) (1994) Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations

[Executive Order 13007](#) (1996) Indian Sacred Sites

[DOT Oder 5610.2](#) (1997) to Address Environmental Justice in Minority Populations and Low-Income Population

[Executive Order 13084](#) (1998) Consultation and Coordination with Indian Tribal Governments

[DOT Order 5301.1](#) (1999) Department of Transportation Programs, Policies, and Procedures Affecting American Indians, Alaska Natives, and Tribes

[Executive Order 13175](#) (2000) Consultation and Coordination with Indian Tribal Governments

[Executive Memorandum Government-to-Government Relations with Tribal Governments](#) (dated 9/23/2004)

[Programmatic Agreement among the Federal Highway Administration, the Nevada Department of Transportation, the Nevada State Historic Preservation Officer, and the Advisory Council on Historic Preservation Regarding Implementation of Federal-Aid Transportation Projects in the State of Nevada](#) – 2014

[FHWA website on tribal consultation](#)

[AASHTO website on tribal consultation](#)

[Advisory Council on Historic Preservation Office of Indian Affairs](#)

[Advisory Council on Historic Preservation Consulting with Indian Tribes in the Section 106 Process](#)

[National Native American Graves Protection Repatriation Act Native American Consultation Database](#)

15.9.2 Procedures:

Section 106 Consultation

In determining the Area of Potential Effect (APE) for proposed projects (see Chapter 7), CRS notifies the NAC Coordinator of a proposed project and the NAC Coordinator will make a recommendation to the CRS Manager and the FHWA Environmental Program Manager as to consultation, pursuant to Section 106 of the NHPA, should be undertaken for a proposed project. These determinations are based on a number of criteria including federal facilities, funding, or approvals, and the presence of known historic properties or sites of traditional religious or cultural importance in the APE, and any conditions concerning tribal consultation contained within any current MOAs or MOUs. Note that not all sites of religious or cultural concern are documented so the absence of one in a background search does not indicate a lack of need for consultation. The NAC APE is defined as the entire valley in which a transportation project takes place.

The NAC Coordinator will prepare the Native American consultation package for FHWA including information on the proposed project, a location map, and information regarding previously documented historic properties within the APE. The FHWA Environmental Program Manager reviews the package and transmits it to the chairperson and cultural resources representative of the affected tribe(s). This initiates the formal government-to-government consultation process. The NAC Coordinator maintains close and open communications with the affected tribal

representatives, during which information will be solicited regarding documented and undocumented historic properties and sites of traditional religious or cultural importance within the proposed project area. This will be accomplished through appropriate levels of interaction and may take the form of in-person interviews, meetings, and site visits. Additionally, information will be solicited with regards to the proposed project and environmental concerns. At any point in the consultation process, if a tribe requests direct government-to-government consultation with FHWA on a proposed project, the FHWA Environmental Program Manager will be notified of the issues and begin to facilitate those consultations.

The NAC Coordinator, the CRS Manager, and the FHWA Environmental Program Manager will coordinate information, as appropriate, with the PMT to ensure consideration and response to the views and effects on tribal interests.

Often during the course of Section 106 consultation, questions related to general environment, right-of-way, general transportation planning and safety issues, economic development, etc., will be raised by the consulted party. In these instances, the NAC Coordinator will refer the question to the appropriate Division within NDOT, FHWA, or appropriate outside party for follow-up.

Advice for Other Transportation Projects

Upon request, the NAC Coordinator will provide a list of tribes and tribal organizations to be contacted for NDOT planning studies and other NDOT environmental efforts. It is the responsibility of the Project Manager or Consultant to conduct the coordination for that planning effort.

Courtesy Consultation

The NAC Coordinator will conduct a courtesy consultation of area tribes when there is a Landscape and Aesthetics project which proposes to utilize Native American imagery or discuss issues of specific concern to a Native American group. Examples of such work would be the use of rock art designs or basket patterns from an area as decorative elements in a soundwall or bridge (e.g., Las Vegas Spaghetti Bowl, Carson Bypass). Additional examples would be proposing to use historic photographs of Native Americans and discussing their history and/or practices as part of an informational kiosk (e.g., Schellbourne Rest Area).