

MICHIGAN

STATE HISTORIC PRESERVATION OFFICE

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INSTRUCTIONS

FOR THE

*APPLICATION FOR*

*SHPO*

*SECTION 106*

*CONSULTATION*

*FOR SINGLE-FAMILY HOUSING*

*DEMOLITION*



## **If your project utilizes federal funds or requires a federal license or permit, it will likely require Section 106 consultation to determine if it has the potential to affect historic resources.**

**Section 106 of the National Historic Preservation Act (NHPA) of 1966**, requires all federal agencies to take into account the effects of their undertakings on historic properties and to consult with the State Historic Preservation Officer (SHPO) regarding the undertaking. An undertaking is any action by or on behalf of a federal agency that has the potential to affect historic properties and includes funding, permits, licenses, or other approvals. Although the federal agency is responsible for initiating and completing the Section 106 review process, under certain circumstances, state or local governmental bodies may act as the responsible agency or delegated authority. Consultants can be used to conduct associated cultural resource investigations and provide the agency with the required information; however, they are not recognized as federally delegated authorities.

Federal agencies are required to identify historic properties that may be affected and to avoid, minimize, or mitigate any adverse effects. Section 106 regulations are codified in 36 CFR 800 and are available from the Advisory Council on Historic Preservation website at <http://www.achp.gov/regs-rev04.pdf>.

If you have a question regarding whether your project has federal involvement, please contact the agency requesting consultation.

### **To Learn More About the Section 106 Process...**

More information can be found on the Michigan State Historic Preservation Office's website: [www.michigan.gov/shposection106](http://www.michigan.gov/shposection106).

Additionally, the Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. The ACHP's Federal Agency Programs administer the National Preservation Act's Section 106 review process and provide guidance on the process: <http://www.achp.gov/work106.html>.

## BEFORE YOU GET STARTED

Submission of a completed ***Application for Section 106 Consultation for Single-Family Demolition*** form with adequate information and attachments constitutes a request pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). Submit one application for each project for which a review is requested.

- **Coordinate large scale demolition programs with SHPO.** If demolition is occurring in a targeted area, it may be beneficial to coordinate a survey and build a unified approach to address demolition consultation in the long term.
- **The application form is required.** Compliance reports and other documentation submitted for review without an application form will not be reviewed.
- **Answer every question thoroughly.** Sufficient information must be provided to allow SHPO to make an informed decision about a project's potential to affect historic properties. If sufficient information is not provided, review will be delayed until the SHPO receives the required information.
- **Applications and supporting documentation must be complete for review to begin.** The SHPO cannot concur with projects submitted with incomplete or missing information. Supplemental materials submitted for review will not be returned. Review of the project will begin only after all missing information has been received.
- **Section 106 regulations allow for a 30-day response time by the SHPO from the date of receipt of complete information.** To avoid unnecessary delays for your project, provide all information requested and provide any supporting documentation as appropriate. The 30-day clock stops when the SHPO asks for missing information and resets when that information is received.
- **Include mailing addresses for each party requiring a copy of our response.** SHPO must have mailing addresses for the applicable federal and/or state agencies to provide copies of the response letters. Failure to provide complete, accurate addresses may delay the response to your submission.
- **Materials not submitted by federal agencies must be accompanied by documentation from the federal agency allowing the submitting entity to consult with the SHPO as the federal agency's delegate.** Consultation under Section 106 of the National Historic Preservation Act of 1966, as amended, is between the federal agency and the SHPO. If the federal agency itself does not submit the material, the SHPO will need documentation from the federal agency allowing the SHPO to consult with another party on the federal agency's behalf. For HUD projects where the responsibility has been delegated legislatively, please note that in the Federal Agency Section. If the work is outlined in a Programmatic Agreement, note that as well. The federal agency remains responsible for all determinations of eligibility and effect.
- **The form is a fillable Word document.** The check boxes are clickable. To enter text into the form, click on the appropriate area with blue text. As you type, the boxes will expand.

The font is set differently in those text boxes to allow the SHPO reviewer to more easily distinguish the questions from the responses, allowing for a more efficient review. If you have text that is too long to fit in the form, or will be cumbersome to insert – such as a table or graphics – indicate in the text box that the information will be provided as an attachment.

## PREPARING THE APPLICATION FOR SHPO SECTION 106 CONSULTATION

**ONLY SUBMIT ONE PROPERTY PER FORM.**

**Portal to submit:** [Single-Family Housing Rehab/Demo Section 106 Consultation Request \(smartsheet.com\)](https://smartsheet.com)

### I. GENERAL INFORMATION

The Application for SHPO Section 106 Consultation requests applicants to indicate whether this project is a new submittal or more information on an existing project. Also indicate whether a project is submitted under a programmatic agreement or other agency agreements, including the name and date of that agreement.

#### a. PROJECT NAME

The project name should be something that briefly, but clearly, provides a summary of the project.

#### b. PROJECT LOCATION

Complete the location information for the property with proposed demolitions. Note that municipality means the city, village, or township where the project is located, which is not necessarily the same thing as mailing address. For example, if a mailing address lists Lansing as the city, yet the project is outside the city limits, then the township is the municipal unit. **Township, Range, and Section must be included.** For example, please display as: T5N R4E Sec 15. Some areas may also have a Private Claim number, please include that as well.

### II. FEDERAL AGENCY INVOLVEMENT AND RESPONSE CONTACT INFORMATION

This section will provide the SHPO with the names of all agencies that should receive a copy of our response, as well as the contacts to whom the copies should be directed and mailing addresses. We cannot guarantee a copy will go to anyone for whom we are lacking a correct and complete mailing address.

Consultation under Section 106 of the National Historic Preservation Act of 1966, as amended, is between the SHPO and the federal agency. With the exception of HUD Part 58 funded projects, the SHPO's response must be addressed to the federal agency.

#### a. FEDERAL AGENCY

Every Section 106 project has a federal funding, licensing, or permitting agency. Projects neither receiving federal assistance nor requiring either a federal permit or license are not subject to Section 106 review. If you do not know your federal agency, contact the party requiring you to apply for Section 106 review for this information. The SHPO is required to consult with the federal agency or their federally delegated representative. In order to respond

to a request for consultation, the SHPO must have a mailing address for the federal agency as well as a person to whom the letter must be addressed.

Identify the federal agency involved. If there is more than one federal agency involved in the project, list contact information for each federal agency. This can be accomplished on the application by copying and pasting this section, if necessary.

**ii.-iii.** Provide the name and address for the project's contact at the federal agency. SHPO must respond, in most cases, directly to the federal agency. As such, we must have a contact name and mailing address to provide a response.

**iv.** Provide a valid email address for the federal agency contact.

**v.** Indicate what type of federal involvement – federal funding, license/permit, or other. Provide the name of the specific source of federal funding, license, or permit.

#### **b. HUD-FUNDED PROJECTS**

Identify HUD's designated Responsible Entity (RE). The SHPO must address their response to the RE if Part 58 funds are used. If Part 50 funds are used, the SHPO must address their response to HUD. You must include a mailing address, email address, and a contact name, as well as the name of the entity. This contact is often a local unit of government. Consultants, grant managers, contractors, non-profit entities, and building owners cannot be responsible entities. ***Failure to include this information for HUD-funded projects will delay review of your project.*** Provide the HUD program name, for example CDBG, HOME, etc., in section II.a.iv., above, as they type of federal involvement with the project.

#### **c. STATE AGENCY**

If the federal funding is being passed through a state agency, identify the agency and provide the name(s) of the contact person(s) and contact information for the state agency. If there is no state agency involved in your project, simply leave this section blank.

#### **d. APPLICANT**

The applicant is the party applying for federal agency assistance, not a consultant. The applicant can be a private party applying for a federal license, or it could be a local unit of government applying for federal assistance. If applicable, complete this section by providing contact information for the party receiving federal assistance. If the federal agency is the applicant, simply leave this section blank.

Applications can be submitted by those with delegated authority from a federal agency. An applicant will need to either obtain a letter from the federal agency formally delegating authority to consult with the Michigan SHPO or the application will need to come directly from the federal agency.

#### **e. CONSULTANTS**

If a consultant prepared the information for Section 106 review, please provide the consultant's information. If a consultant was not involved in the preparation of this information, simply leave this section blank.

### **III. PROJECT INFORMATION**

#### **a. PROJECT LOCATION MAPS**

All projects must provide a minimum of one map to identify the project location. The map should show the property location as well as the structures proposed for demolition. More than one map may be necessary to show the distribution of multiple demolitions.

Maps must include a scale, a north arrow, the city(ies)/township(s) and county(ies) contained on the map, and any streets or geographic features that are labeled must be legible.

The application **must** also include a 7.5' USGS topographic quadrangle map graphic marked with the project footprint. These maps can be downloaded for free at the USGS Topo View website (<https://ngmdb.usgs.gov/topoview/>). This map should be appropriately cropped and zoomed to clearly show the relevant area(s) and project information. Label this graphic with the official USGS map name.

#### **b. PROJECT SITE DESCRIPTION**

Provide a detailed description of the project site, including **size in acres or square feet**, current and previous land uses, and known previous ground disturbances.

#### **c. DEMOLITION JUSTIFICATION**

Please describe why the structure(s) on the property are being demolished. If condition is a contributing factor, be sure the damage is documented with detailed photographs. Consider attaching inspection reports as well. ***Keep in mind that poor condition does not preclude historic integrity.***

### **IV. ARCHAEOLOGY**

**a. Description of the Undertaking:** Describe width(s), length(s), and depth(s) of proposed ground disturbance(s). This may be presented in a table if multiple activities require varying disturbance. Include permanent, temporary (e.g. workspaces or staging areas), and minimal disturbance areas as well.

**b.** Attach supplemental information (if available) such as site plans, photos, & archaeological assessments/reports.

**c.** If a professional archaeologist is engaged, include their contact information. If their credentials are not on file with SHPO, please enclose a copy.

### **V. ABOVE-GROUND HISTORIC PROPERTIES**

**a. Project Photos:** Attach photos showing all elevations of the structures on the property that are proposed for demolition. Photographs must provide clear views (i.e., subject of the photograph should not be obscured by shadows, trees, cars, or any other type of obstruction) of the of the project area. If the project covers a large area, provide several views. Aerial photographs are not a substitute for ground-level photographs, although they may be submitted as supplemental to those photographs.

Photographs may be color or black and white and printed in a PDF no more than two per page. Be sure each photograph is clearly labeled with the property and direction the photo is facing. Submitting grainy, dark, washed out, or blurry photographs will delay review of your project until the SHPO receives clear photographs. Faxed or photocopied photographs are not acceptable.

**b. Construction Date:** Note the construction year of each structure on site proposed for demolition. If unknown, note a circa date.

**c. Exterior Materials:** Note the exterior materials for the siding, windows, roof, and foundation of each structure proposed for demolition.

**d. Property History:** Attach a property history, which may include information such as previous residents, architect, builder, and alteration dates. The SHPO suggests that the following resources be considered:

**General Resources**

- City or county assessor's offices
- Colleges and universities, particularly those whose faculty are interested in local history
- Local historians
- Local historic district commissions
- Local historical societies
- Local, regional, or state libraries
- Long-term property owners and neighbors

**Specific Resources**

- City directories
- City atlases and plat maps
- County and local histories
- Deed records
- Property abstracts
- Tax records
- Sanborn maps

## **IV. DETERMINATIONS**

After applying the criteria, select the appropriate determination and provide required justification or documentation.

- For a determination of no historic properties affected (36 CFR Part 800.4(d)(1)) in which there are either no historic properties present, or no historic properties affected, include the basis for this determination.
- For a determination of no adverse effect (36 CFR Part 800.5(b)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were not found applicable and include any conditions to avoid, minimize, or mitigate adverse effects.
- For a determination of adverse effect (36 CFR Part 800.5(d)(2)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were found applicable and include any conditions to avoid, minimize, or mitigate adverse effects. Adverse effects must be resolved in consultation with the SHPO pursuant to 36 CFR Part 800.6.
- For projects where the federally qualified professional has recommended archaeological or architectural survey(s), and survey has not yet been conducted, a determination of More Information Needed should be selected. The SHPO will review the recommendation and provide comments. If survey is agreed to be appropriate, the results of the survey(s) and the final Determination of Effect must be submitted to SHPO for review and concurrence.

**You must provide a statement explaining the basis for the determination of effect above. If your determination is No Adverse Effect or Adverse Effect, you must include copies or summaries of public comment on the affects to historic properties. Applications without this statement will be considered incomplete and cannot be reviewed until the statement is provided.**

## **CONTACT THE SHPO**

**300 North Washington Square  
Lansing MI 48913  
517-335-9840**

[preservation@michigan.gov](mailto:preservation@michigan.gov)

[Michigan.gov/SHPO](http://Michigan.gov/SHPO)

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