

# Instructions for Application for Section 106 Review

Revised August 22, 2019

## Introduction

**Section 106 of the National Historic Preservation Act of 1966, as amended**, requires federal agencies or their delegates to consider 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 resources and includes funding, permits, licenses, or other approvals. Federal agencies are required to identify historic properties that may be affected (i.e., adverse effect) and to avoid, minimize, or mitigate any adverse effects. The 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>.

**Answer every question thoroughly.** Projects submitted with missing or incomplete information will be returned for resubmission. Review will be delayed until the State Historic Preservation Office receives complete information. **Regulations allow 30 days upon receipt of complete information for SHPO review and comment.** If the SHPO has to request additional information, the 30-day clock resets and the SHPO has an additional 30 days from the time we receive the required information. **TO AVOID UNNECESSARY DELAYS FOR YOUR PROJECT, PROVIDE ALL INFORMATION REQUESTED AND PROVIDE ANY SUPPORTING DOCUMENTATION AS APPROPRIATE.**

More information on the Section 106 process is available from the Advisory Council on Historic Preservation at <http://www.achp.gov/work106.html> and on the Michigan SHPO's website at <http://www.michigan.gov/shposection106>.

## Section I: General Information

- a. Please provide the name of your project. The project name should be something that briefly, but clearly, provides a summary of the project, describing the action being taken as part of the project. Please be as specific as possible.
- b. Provide the street address of your project if applicable. If no street address exists please leave this blank. If you do not have a single address for the project (for example, a streetscape project), list the streets where the project will be located or provide verbal boundaries for the project. If this is not possible, please complete the Section, Township, and Range portion of Section II.
- c. Municipal unit is the city, village, or township where the project is located, not the mailing address of the project location or the name of the local government carrying out the project. 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.
- d. Every project has a federal funding, licensing, or permitting agency. Projects not receiving federal assistance, nor requiring a federal permit or license, are not subject to Section 106 review except in certain circumstances when mandated by state or local policy. Include the name, mailing address, and telephone number of the contact person at the federal agency. A federal agency or federally delegated authority contact is mandatory. If you do not know your federal agency, please contact the party requiring you to apply for Section 106 review for this information.
- e. If federal funding is being passed through a state agency, identify the state agency and provide the name, *mailing address*, and telephone number of the contact person at the state

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agency. If this is a grant program note the name of the program (i.e. CDBG, HOME, TEA-21, etc.)

- f. Please provide the name, *complete mailing address*, telephone number, and email address of the contact person to whom questions may be directed. **For HUD-funded projects, you *MUST* include the name and address of the Responsible Entity as well as a contact name, as our response will be directed to them. Failure to include this information will result in a delay in your project's review.**

**NOTE:** We *must* have complete mailing addresses on the form in order to provide copies of letters. If you wish a party to receive a copy of our response, please ensure that the full and complete mailing address is included in Section I.

### Section II: Ground Disturbing Activity

Section 106 requires that federal agencies consider the effects of their undertakings on historic resources. This includes archaeological resources. If your project includes the potential for ground-disturbing activities, you must complete this section and provide a USGS 7.5 minute quadrangle map with the location clearly marked.

- a. Provide a USGS 7.5 minute quadrangle map with the location clearly marked. To the best of your ability, illustrate the direct effects of your project to scale on the quad map. Do not simply circle a large portion in the general area where your project will occur. An entire quad map does not have to be submitted; an 8.5x11 inch portion of the map may be submitted. Map scale must be 1:24,000. Photocopies are acceptable as long as the map and location are clear. Street maps, plat maps, or aerial photographs are not acceptable substitutes. Provide the name of the quadrangle map. USGS quadrangle maps may be obtained online for free at <https://ngmdb.usgs.gov/topoview/viewer/#14/42.7116/-85.4452> (works best with Google Chrome).
- b. Township, Range and Section refer to the coordinates of the project location. These are numbers such as T21N, R2W, Section 12. Do not put names of townships in this location. Alternative coordinates, such as UTM, may be submitted in addition to the Township, Range and Section.
- c. Describe the proposed dimensions of ground disturbing activity, including utilities, sidewalks, access roads, etc. Plans and specifications should not be substituted here. Example: 4 feet wide, 20 feet long, 2 feet deep.
- d. Describe the previous use of the land. Was it farm land, an industrial site, a homestead, etc.? Was there a utility corridor placed on the property, were sewer and waterlines placed there 10 years ago, etc.? You may also submit photos, aerials, etc. of any previous land use and previous ground-disturbing activities within the area where your project will have a direct effect.
- e. Describe the current use and condition of the property.
- e. Ask the landowner(s) if they are aware of any artifacts being discovered on the property at any point in time. Include their description of items that have been found, if any. An artifact is a non-stationary object made, modified, transported, or used by people in the past (e.g., stone or metal tools, pottery, butchered bone, beads, bottles, window glass, or toys).

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**Site file check:** The State Archaeological Site File is a resource that should be reviewed; this resource is not available online. You can make an appointment to view the State Archaeological Site File by contacting Stacy Tchorzynski at 517-335-9914 or the SHPO main number at 517-335-9840. **Note that the SHPO does not do file reviews for Sec. 106 applicants.**

### Section III: Project Work Description and Area of Potential Effects

- a. This is a **detailed description of all work** that will be undertaken. Include any information about building removals, rehabilitation, and landscape alteration such as sidewalk or tree removals. The SHPO is mandated to assess the effects that a project will have on the historic built environment. Economic benefits, impacts to the natural and social environment are not relevant unless these bear some connection to the integrity of the historic built environment. Plans and specifications or other materials cannot be substituted for this project work description; however, it may be necessary to include them to fully illustrate the scope and nature of the project. If there are historic properties in your APE, the SHPO will request more detailed project information, including plans and specifications, in order to more fully assess the effects your project will have on those historic properties.
- b. Submit a localized map highlighting the location of the project (i.e. a copy of a portion plat or a city street map, or a printout from an online map service, such as Google Maps, MapQuest, or Bing Maps). Maps must provide the precise location of the project. Ensure that street/road names are included and legible. At a minimum, the names of the cross streets on either side of the project must be visible. It is useful if the map includes a major street that can assist our staff in locating the project on the maps we use internally to see if any historic properties have been previously identified. If the project will occur in several locations (i.e. curb and gutter replacement at several places along a roadway), all such locations must be noted.
- c. Draw/Outline/Highlight the APE for your project.
- d. *The terms “not applicable” or “unknown” are not acceptable responses.* Describe the steps taken to identify the area of potential effects and justify the boundaries chosen. Please note that the **area of potential effects (APE)** is not simply the project’s physical boundaries or right of way. It is important to understand this. The APE is defined as the geographic area or areas within which an undertaking may directly, **or indirectly**, cause changes in the character or use of historic properties. *In most instances, the area of potential effects is not simply the project’s physical boundaries, or right-of-way.* The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by an undertaking. In defining the APE, you must consider not only physical effects but also visual, auditory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

### Section IV: Identification of Historic Properties

36 CFR § 800.4(b) requires federal agencies to identify any properties in your APE that are listed in the National Register of Historic Places or that are eligible for listing in the National Register. If you are not familiar with the National Register criteria, they can be found online at <http://www.achp.gov/nrcriteria.html>. A historic property is defined as any prehistoric or historic district, site, building, structure, or object that is 50 years of age or older and is listed in, or eligible for listing in, the National Register of Historic Places.

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It is your responsibility to make a reasonable and good faith effort to carry out appropriate identification efforts, which could include background research, consultation, oral history interviews, sample field investigation, and field survey. If you consulted a survey report, list the name and date of the survey. Simply checking to see if any properties in your APE are listed on the National Register does not fulfill this requirement. You will need to apply the criteria for listing on the National Register to any properties in your APE. The Sec. 106 Above-Ground Resources inventory form is the preferred format for providing this information. A completed form should be submitted with the project application.

**Consulting existing records:** The SHPO maintains an inventory of previously-identified properties that have been found eligible for listing on the National Register. Records are available for review. Contact the SHPO at 517-335-9840 to request an appointment. Note that the SHPO does not conduct file review for historic resources.

**Listed on the National Register:** You can check the National Register listings at <http://nrhp.focus.nps.gov/>. Searching for a specific address may not indicate that a property is listed if that property is located in a historic district. On the form, indicate whether there are any properties within your APE listed in the National Register of Historic Places and whether the property is listed individually or in a district. It is unnecessary to list every structure if your project is located in or if your APE includes: (1) a National Register eligible district; (2) a National Register listed district; or (3) a local historic district. Instead, identify the district and describe its general characteristics and range of construction dates.

**Eligible for Listing on the National Register:** If the property is not listed, you will need to apply the criteria for listing and make a determination of eligibility.

- a. List and provide construction dates for all properties 50 years of age or older located in the APE. The terms “*not applicable*” or “*unknown*” are not acceptable responses. If research has been done and no approximate date is found, the term “not found” is acceptable. If your project is located in a National Register eligible or listed district or in a local historic district, it is not necessary to list every structure. Identify the district and describe its general characteristics and range of construction dates.
- b. A historic property is defined as any prehistoric or historic district, site, building, structure, or object that is 50 years of age or older and is listed in, or eligible for listing in, the National Register of Historic Places (NRHP). You may find information for sites listed in the NRHP on the National Park Service (NPS) database (<http://www.nps.gov/nr/research/>), or on Google Earth ([http://nrhp.focus.nps.gov/natreg/docs/Google\\_Earth\\_Layers.html](http://nrhp.focus.nps.gov/natreg/docs/Google_Earth_Layers.html)). These directories, however, do not include properties eligible for the NRHP, and simply searching these directories does not fulfill your responsibility to identify historic properties. *The SHPO does not conduct research.*
- c. Please choose one.
- d. Please describe the condition, previous disturbance to and history of any historic property located in the APE and identified on section IV of this form.
- e. Key identified historic properties onto a localized map. This can be the same map that was created in Section III.b and c.

### **Section V: Photographs**

Faxed or photocopied photographs are not acceptable. Photographs may be color or black and white and may be printed on regular paper; it is not necessary to use photographic paper when printing digital

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photos. Printed digital photographs are acceptable provided they have a high dpi and clear resolution. Digital photographs must be printed at an appropriate scale to see the content of the photo and should measure at least 3"x5". Submitting review requests containing grainy, dark, washed-out, or blurry photographs will delay review of your project until the SHPO receives clear photographs.

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 any historic properties in the project's area of potential effects. If dense foliage obscures a critical view of a property, more than one photograph should be used to give the overall form and materials of the building/site/structure/object. Aerial photographs are not a substitute for ground-level photographs of the project site and the APE, although they may be submitted as supplemental to those photographs. If submitting a project which is, or may be in, a historic district (especially in commercial or residential neighborhoods fifty years of age or older) please submit representative streetscape views of the built environment in the project's area of potential effects to provide the SHPO with an idea of the architectural context. **Key all photographs to your localized map.**

- a. Photograph the location where the project will be taking place. If the project covers a large area, please provide several views.
- b. Provide photographs of properties identified in Section IV.a. If the project is located in a National Register eligible, listed or local historic district it is not necessary to photograph every structure. Streetscape photographs that clearly illustrate the district are sufficient.

Historic photographs of your APE may be required in certain instances. If your project involves the rehabilitation of an historic property, especially a commercial property, historic photographs should be submitted. Submissions for streetscape projects should also include historic photographs, especially those that show historic lights and street furniture.

### Section VI: Determination of Effect

Following a reasonable and good faith effort to identify historic properties within the project's area of potential effects, provide the SHPO with your finding of the project's effect upon historic properties within the project's area of potential effects. You must make a determination.

- a. For a determination of: (1) *no historic properties affected* [36 CFR § 800.4(d)(1)] in which there are either no historic properties present or no historic properties affected, include the basis for this determination.
- b. For a determination of *no adverse effect* [36 CFR § 800.5(b)], explain why the criteria of adverse effect [36 CFR § 800.5(a)(1)] were not found applicable and include any conditions to avoid, minimize, or mitigate adverse effects. **Please indicate the efforts undertaken to seek views provided by consulting parties and the public pursuant to 36 CFR § 800.6(a)(4), and provide copies or summaries of this information to the SHPO.**
- c. For a determination of *adverse effect* [36 CFR § 800.5(d)(2)], explain why the criteria of adverse effect [36 CFR § 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 § 800.6. Please indicate the efforts undertaken to seek views provided by consulting parties and the public pursuant to 36 CFR § 800.6(a)(4), and provide copies or summaries of this information to the SHPO.**

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**Consulting Parties and Public Comment**

The SHPO is only one consulting party identified under Section 106. Other participants entitled to comment on the Section 106 process include Indian Tribes, representatives of local government, interested parties, and the public.

Indian tribes are mandatory consulting parties per 36 CFR § 800.2(c)(2). Consultation with the SHPO cannot be substituted for consultation with Indian tribes. Additional information regarding tribal consultation may be found online at <http://www.achp.gov/nap.html>.

The views of the public are essential to informed decision making in the Section 106 process. Federal agency officials or their delegated authorities must plan to involve the public in a manner that reflects the nature and complexity of the undertaking, its effects on historic properties, and other provisions pursuant to 36 CFR § 800.2(d).

**Questions:** Please contact the SHPO Cultural Resource Management staff:

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