

MICHIGAN

STATE HISTORIC PRESERVATION OFFICE

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INSTRUCTIONS  
FOR THE  
*APPLICATION FOR  
SHPO  
SECTION 106  
CONSULTATION  
FORM*



## **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** 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.

- **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. 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 and note the attachment on the Attachment Checklist at the end of the form.

# PREPARING THE APPLICATION FOR SHPO SECTION 106 CONSULTATION

## 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.

#### Examples:

- Michigan Avenue Reconstruction between State Street and Main Street Project
- Johnson Health Center New Construction Project; ABC Industrial Park New Construction
- Old Town Infrastructure Project.

### b. PROJECT MUNICIPALITY

The municipality is the city, village, or township where the project is located. The municipal unit is not necessarily the 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.

### c. PROJECT ADDRESS

If you do not have a single address for the project (for example, streetscapes, utility improvements, new industrial parks, etc.), list the streets where the project will be located or provide clear verbal boundaries for the project location.

#### Examples:

- Streetscapes, utility improvements, street repaving/reconstruction, etc.: Michigan Ave between 1<sup>st</sup> and 10 Streets. Union St and Townsend Ave between Main St and Liberty Rd.
- Rural projects without addresses and or extremely large project: 14 blocks roughly bounded by Dunkley to the north, Edwards to the east, Paterson to the south, and Church to the west.

### d. COUNTY

Be sure to provide **all** counties included in the project footprint.

## 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.

**SHPO requires that applications for Section 106 consultation and all supporting material be prepared a by or under the supervision of a 36 CFR Part 61 federally qualified professional.** Consultants who meet the federal qualifications established in 36 CFR Part 61 and are not currently included on the *Archaeologist/Historian/Architectural Historian Consultant List* should verify whether the SHPO has their qualifications on file prior to submitting their application. If qualifications are not on file, please complete the applicable *Archaeologist/Historian/Architectural Historian Consultant List Update Form* found on the SHPO website at <https://www.miplace.org/historic-preservation/research-resources/consultant-resources/> and include the form with your Section 106 application packet.

**NOTE:** Mailing address *must* be included in order to provide a copy of the SHPO's response letter. Due to the volume of projects we review, the SHPO cannot ensure a copy will go to anyone lacking current mailing address in the application form.

### III. PROJECT INFORMATION

#### a. PROJECT LOCATION AND AREA OF POTENTIAL EFFECTS (APE)

##### i. MAPS

All projects must provide a minimum of one map to identify the project location. In many cases, more than one map may be necessary to adequately convey both the project footprint and the Area of Potential Effects (APE). Maps need to allow a reviewer who is not familiar with either your project or its location to clearly understand the exact location where the project will take place as well as the extent of the APE. Maps must have your project footprint/direct effects as well as the extent of indirect effects APE clearly marked and labeled. Street names at the cross streets nearest your project must be visible. If necessary for clarity, separate maps may be submitted for project location and APE, but these must be clearly labeled.

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.

Projects that have a ground-disturbing component **must** also include a 7.5' USGS topographic quadrangle map graphic marked with the project footprint and APE. 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. See Section IV Archaeology.

Photographs (see below) must also be marked on a map, with the number of the photograph, and an arrow indicating the direction the camera was facing when the photo was taken.

Aerial images may be included as supplemental documents but will not be accepted in place of the maps required above. Hand-drawn maps are not acceptable, unless they are to scale and used to supplement other maps, An example of an acceptable hand-drawn map would be a site map indicating the location of buildings on a rural property Hand-drawn maps cannot be substituted for required maps.

##### ii. SITE 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 the site of the project and the Area of Potential Effects. 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. Key all photographs to your localized map.

Historic photographs of your APE may be required in certain instances. If your project involves the rehabilitation of a 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.

Photographs may be color or black and white and may be pronged on regular paper. It is not necessary to use photographic paper when printing digital photos. The printed photos must have a high dpi and clear resolution and should be printed at an appropriate scale to see the content of the photo. Photographs may be printed no more than two per page. 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.

### **iii. and iv. AREA OF POTENTIAL EFFECTS (APE)**

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. It is critically important to note that the APE is not simply the project's physical boundaries or right-of-way. In defining the APE, you must consider not only the potential for physical effects but also the potential for visual, auditory, vibratory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

As the APE is influenced by the scale and nature of an undertaking, it will be different for different types of projects. For example, the APE for a new bypass will be larger than the APE for a single site development project.

### **iii. DESCRIBE THE APE**

Provide a brief verbal description of the APE as it exists now, what types of effects are expected to be caused by the project, and what changes may result from those effects. Verbally identify the boundaries of the APE. If the APE for direct impacts differs from the APE for indirect impacts, identify the boundaries of each.

### **iv. DESCRIBE THE STEPS TAKEN TO DEFINE THE APE BOUNDARIES CHOSEN**

Provide a written narrative describing the steps that were taken to identify the APE and justify the boundaries chosen.

### **b. PROJECT WORK DESCRIPTION**

Provide a detailed description of all work that will be undertaken as part of the project including both federally funded and non-federally funded activities. Include any information about the scope of the work, building removals, rehabilitation, and landscape alterations such as sidewalk or tree removals.

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 require more detailed project information, including project plans and specifications, to fully assess the effects your project may have on those historic properties.

The work description should include all actions that may impact above or below ground components of the project area or its area of potential effect. Include information about the project support work, including but not limited to building removals, rehabilitation, new

construction, relocations, landscape alteration, tree/vegetation removals, excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment and materials storage areas, staging, street or sidewalk removal, repair replacement, and the like.

The economic benefits of a project which do not impact historic properties, either architectural, cultural, or archaeological, while important to the project itself, may not be relevant to the section 106 review. If the economic benefit is such that it will result in a change of land use, traffic patterns, public access, etc., that is something that could have an indirect impact on historic properties and should be included. If the economic benefits will be limited and not have an impact, either directly or indirectly, on the physical environment, then it is not necessary to discuss those economic benefits.

#### **IV. IDENTIFICATION OF HISTORIC PROPERTIES**

Historic properties are defined as any prehistoric or historic district, site, building, structure, object, or landscape listed in, or *eligible* for inclusion in, the National Register of Historic Places. It is **the federal agency's** 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. Failure to identify historic properties may result in the SHPO requesting additional information and could delay the review of your project.

**THE SHPO DOES NOT CONDUCT RESEARCH FOR AGENCIES.** Merely checking the National Register for listed properties does not fulfill the requirements of Section 106 to identify properties within your APE that are eligible for listing on the National Register.

The regulations state, "Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archaeological resources, to ensure that all actions taken by employees of contractors of the agency shall meet the professional standards under regulations developed by the Secretary." (36 CFR Part 800.2(a)(1))

**SHPO requires that identification and evaluation of historic properties be done by professionals who meet the Secretary of the Interior's Professional Standards in the appropriate field.** For projects involving ground disturbance, agencies must utilize a federally qualified archaeologist; for projects that have the potential to directly or indirectly affect above-ground historic properties, agencies must utilize a federally qualified architectural historian. For agencies that do not have qualified professionals on staff, SHPO maintains lists of consultants meeting the federal qualifications on their website at <https://www.miplace.org/historic-preservation/research-resources/consultant-resources/>

Individuals who meet the federal qualifications established in 36 CFR Part 61 and are not currently included on the *Archaeologist/Historian/Architectural Historian Consultant List* should verify whether the SHPO has their qualifications on file prior to submitting their application. If qualifications are not on file, complete the applicable *Archaeologist/Historian/Architectural Historian Consultant List Update Form* found on the SHPO website at <https://www.miplace.org/historic-preservation/research-resources/consultant-resources/>. If the qualified professional does not wish to be included on our publicly available lists, indicate this on the form. Inclusion on those lists is not mandatory.

36 CFR Part 800.11(a) requires that any determinations under Section 106 be supported by sufficient documentation to enable any reviewing parties to understand its basis. Include copies of any pertinent resources used to identify historic properties. These could include excerpts from survey reports, copies of Sanborn maps, copies of information found in county histories, etc.



Any documentation submitted in support of recommendations of eligibility for the National Register must clearly identify the source of the materials.

#### **a. SCOPE OF EFFORT APPLIED**

Provide a list of sources consulted for information on historic properties in the project area (including but not limited to the SHPO office and/or other locations of inventory data). Additional repositories of data could include local historical societies, local libraries, the Library of Michigan, and universities.

The SHPO maintains an inventory of previously identified architectural properties and districts that have been determined to be eligible for listing in the National Register. The SHPO's State Archaeological Site File is the only comprehensive listing of previously reported archaeological sites and surveys in the state. These resources are not yet available online. Access to these resources is limited to review in the SHPO office and is by appointment only. Appointments can be made by federally qualified professionals by contacting the research appointment email [SHPOresearch@michigan.gov](mailto:SHPOresearch@michigan.gov). Note that the SHPO does not conduct file reviews for historic resources. A preliminary research request must be submitted by the qualified individual following the steps outlined on the SHPO website, <https://www.miplace.org/historic-preservation/research-resources/consultant-resources/schedule-a-research-appointment/>. Federally qualified archaeologists may submit requests for architectural information as this is publicly available information, but our expectation is that federally qualified architectural historians will make recommendations regarding eligibility for architectural resources. If your project requires both archaeological and architectural records, please coordinate and reduce the number of requests when possible.

Provide information on previously identified historic properties located within your APE using maps and the appropriate *Michigan SHPO Identification Form*. The map should show the relationships between the direct and indirect APEs and the previously identified historic properties. Include photographs and indicate whether there will be direct or indirect impacts to each of these historic properties.

#### **b. IDENTIFICATION RESULTS**

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

It is **the federal agency's** 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. **The SHPO does not conduct research.** Simply checking the National Register for listed properties does not meet the requirements of Section 106 to identify properties within your APE that are eligible for listing on the National Register. Failure to identify all historic properties in the project APE may result in the SHPO requesting additional information and could delay the review of your project.

The scope of identification efforts should be based on the scope and size of the project. If you are unsure of the level of identification required for your project, please contact SHPO staff to discuss. Depending on the scope and nature of the project, additional identification efforts may be required after preliminary materials are reviewed by the SHPO.

As part of your application package, complete the appropriate *Michigan SHPO Identification Form* for each resource over 50 years of age. This includes at a minimum the following information: address, municipality, county, property type, photograph, architectural information (when available for buildings), eligibility recommendation, integrity, survey date/recorder, architectural description, and statement of significance. The architectural description should be a brief description of the building, structure, or object. Provide information on existing materials,

outbuildings, building form and style, as applicable. The Statement of Significance should include a description of the reasons the property is or is not eligible for inclusion in the National Register, based on the National Register criteria.

If the APE contains an eligible historic district complete a *Michigan SHPO Architectural District/Complex Identification Form* including a description of the district, map or aerial photograph with boundaries, district type, eligibility, integrity, survey date/recorder, statement of significance, and list of historic resources. In this case, do not complete an individual form for each property.

If your APE contains a landscape, use the *Michigan SHPO Cultural Landscape Identification Form* to assess the significance of the landscape and associated features.

If your APE has a large (more than 25) number of previously unidentified resources consult with SHPO staff prior to completing identification forms to develop a plan appropriate to the scope of work.

## **APPLYING THE NATIONAL REGISTER CRITERIA**

For each identified resource, include a recommendation for eligibility by applying the National Register Criteria for Evaluation found in *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* on the National Park Service website.

(<https://www.nps.gov/subjects/nationalregister/index.htm>) All identification forms must include a brief statement from the qualified professional recommending the whether the property is eligible or not for the National Register, including which of the criteria have been met or not and how they are applicable or not.

## **ii. ARCHAEOLOGY**

Projects including ground disturbance, even temporary or minimal disturbance, must complete this section with the assistance of a federally qualified archaeologist.

**A.** Attach a 7.5' USGS topographic quadrangle map showing both the direct and indirect effect APE boundaries, the contextual research radius employed, and the boundaries of any associated previously reported archaeological sites and surveys. Label the graphic Archaeological Sensitivity Map (Not for Public Distribution) and caption with the official quadrangle map name(s). Appropriate base maps can be downloaded free from the USGS topoView website; alternative base maps (e.g. street maps or aerials) may not be substituted but may be included as supplemental. This map should be appropriately cropped and zoomed to clearly show the relevant area(s). This map demonstrates the spatial relationships between the project, reported archaeological sites and surveys, and the larger environmental context, and is the main visual exhibit supporting the related determination of effect.

**B.** Summarize any previously reported archaeological sites and surveys in the project area; this information may be presented in a table. This summary will key directly to the Archaeological Sensitivity Map.

**C.** List all Town/Range/Section or Private Claim numbers of the project area.

**D.** 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.

**E.** Will work impact previously undisturbed soils? If so, summarize new ground disturbance. This helps us assess the potential for impacting intact resources.

**F.** Briefly summarize the past and present land use of the project area (any relevant supporting documentation should be submitted as attachments). This research effort should be proportional to the scope of work. This helps us assess the potential for impacting historically referenced properties that could retain significant archaeological signatures and the horizontal and vertical extent of prior soil disturbance.

**G.** Considering the background research, the overall environmental context, and the proposed scope of work, assess the project's potential (low, moderate, or high) to adversely affect significant archaeological resources, both previously reported and yet undiscovered. This is your research-based opinion. For moderate and high assessments, briefly justify whether archaeological fieldwork is recommended. If fieldwork is recommended, briefly describe what is prescribed (e.g. pedestrian and/or shovel test survey, deep testing, or monitoring). Note that if an adequate survey is conducted, rarely do we support additional monitoring (an exception may be reported human remains in the immediate area).

Note that archaeological fieldwork is not required for every project, nor is it appropriate for many projects. The need for fieldwork, typically survey, should be determined by the federal agency, often in consultation with consulting parties, such as the SHPO. The archaeological consultant contributing to this form will produce the baseline information to inform these decisions; the consultant cannot require survey.

**H.** Sometimes a project area has been previously (and adequately) surveyed during an earlier research initiative. If this is the case, check Yes and refer to the part a. map and b. summary.

Sometimes fieldwork is conducted for a new project prior to the initiation of SHPO consultation (e.g. some telecommunications projects or when otherwise required by a federal agency). If this is the case, check Yes, provide the full report reference on the form, and attach both a standalone color hardcopy and a consolidated/single PDF (on USB drive or CD) of the new report for review and file.

**I.** Unless this individual already appears on our qualified consultants list, attach a SHPO archaeological qualifications form and resume for this consultant. SHPO staff may refer to this documentation but note that federal agencies are responsible for assuring the use of qualified consultants.

## **V. IDENTIFICATION OF CONSULTING PARTIES**

The SHPO is only one of the mandated consulting parties under Section 106; according to 36 CFR 800.2(c) federal agencies **must** consult with Native American tribes, representatives from local government, applicants for federal assistance/permits/licenses, parties with a demonstrated interest in the undertaking due to the nature of their relationship to the project or affected properties, or their concern with the undertaking's effects on historic properties. The public is also considered a consulting party.

For projects in which there are historic properties in the APE, the agency must notify **all** consulting parties of the finding – whether no adverse effect or adverse effect – and provide each party with 1) a description of the project, specifying the federal involvement, and its APE, including photographs, maps, and drawings, as necessary; 2) a description of the steps taken to identify historic properties; 3) a description of the affected historic properties, including information on the characteristics that qualify them for the National Register; 4) a description of the project's effects on historic properties; 5) an explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid,

minimize, or mitigate adverse effects; and 6) copies or summaries of any views provided by consulting parties and the public.

**a. Provide a list of all consulting parties and the parties' contact information.**

Identify all Native American tribes and/or Tribal Historic Preservation Offices (THPOs) contacted for the project. Include the name of the Tribe, the person to whom your consultation request was addressed, a mailing address, and an email address.

If you are unsure which tribes to consult, we recommend contacting the applicable federal agency contact. More information on tribal consultation can be found on the Advisory Council on Historic Preservation's website, <https://www.achp.gov>.

Provide names, mailing addresses, and if possible, email addresses for any other consulting parties identified per 36 CFR part 800.2(c). Possible consulting parties that should be considered are identified at 36 CFR Part 800.2(c)(3-5).

Local governments should be consulted for projects in their jurisdiction. This includes local units of government that participate in the National Park Service's Certified Local Government (CLG) program. The SHPO has a list of Michigan's current CLG communities and contact information on its website at [www.Michigan.gov/shpo](http://www.Michigan.gov/shpo). If your project is located within those communities, please consult with the appropriate contact. For non-CLG communities, the SHPO does not maintain a list of contacts.

**b. Brief summary of consultation with consulting parties**

Provide information related to parties consulted, correspondence sent to those parties, responses received, and contact information.

**c. Public comment**

Provide summaries of public comment and describe the steps taken to notify the public about the project and solicit public comment.

## **VI. DETERMINATION OF EFFECT**

Following a reasonable and good faith effort to identify historic properties within the project's APE (area of potential effects), the Agency is responsible for providing the SHPO with its finding of effect upon historic properties within the project's APE. While project effects can potentially be either positive or negative, the Section 106 process requires special attention to those impacts that could negatively affect historic resources.

### **CRITERIA OF ADVERSE EFFECT**

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the national Register. More specifically, the project's effect on the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, including those characteristics that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the project that may occur later in time, be farther removed in distance, or be cumulative.

**Examples of adverse effects include, but are not limited to:**

- Physical destruction of or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that

**is not** consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR Part 68) and applicable guidelines;

- Removal of the property from its historic location;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

## 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.

**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.**

The official responsible for the determinations must sign the form.

## ATTACHMENT CHECKLIST

The attachment checklist is provided as a quick reference to ensure that all of the expected attachments are included with the submission. It will also allow the SHPO reviewer to confirm that all intended maps, qualifications, reports, etc., have been received.

## 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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