



Changes to the identification of historic properties process

Frequently Asked Questions

Who can submit an application for Section 106 review?

Applications can be submitted by those with delegated authority from a federal agency, but the identification efforts must be completed by individuals meeting the applicable federal qualifications outlined in 36 CFR Part 61. A consultant 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.

Why will identification efforts from non-qualified individuals no longer be accepted?

Identification efforts completed by non-qualified individuals do not meet the guidelines outlined in the federal regulations. The regulations state the following, "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." The Michigan SHPO is working to follow the federal regulations more closely and ensure that projects are being adequately documented as they come in for consultation.

The federal regulations outline the identification efforts needed for the project in 800.4(a). The regulations can be found here: <https://www.achp.gov/sites/default/files/regulations/2017-02/regs-rev04.pdf>. We have included portions of that language here for your convenience:

In Section 800.4(b)(1) Level of Effort. The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's Standards and Guidelines for Identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal and local laws, standards and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

In Section 800.11(a) Adequacy of documentation. The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient documentation to enable any reviewing parties to understand its basis.

What are the benefits of this change?

The benefits of submitting adequate documentation up front include more efficient reviews and consultation as well as providing better data to the SHPO database which over time will speed reviews and provide consultants and federal agencies with more accurate information regarding previously recorded archaeological and architectural sites and surveys.

What are the federal qualifications and how do I find someone who meets those?

The federal qualifications are those used by the National Park Service and published in the Code of Federal Regulations, 36 CFR Part 61; they define the minimum education and experience required to perform identification, evaluation, registration, and treatment activities. These qualifications can be found on the NPS website: https://www.nps.gov/history/local-law/arch_stnds_9.htm

The Michigan State Historic Preservation Office does not permit or license consultants; this [Consultants List](#) is provided as a courtesy. The individuals in this list have provided documentation to the state Historic Preservation Office that they meet the minimum federal professional qualifications set forth in 36 CFR Part 61. Inclusion in this list does NOT constitute endorsement by the State Historic Preservation Office, Michigan Economic Development Corporation or the Michigan Strategic Fund, nor does it guarantee that any work product carried out by persons on the list will necessarily meet federal and state requirements. Before engaging the services of any consultant, it is always advisable to contact references named by the consultant -- especially those people for whom a consultant has worked. Inquiring about the nature of the project and the quality and timeliness of the work performed and prior experience with Section 106 consultation may provide an indication of a consultant's ability to successfully complete your project.

I am working on a project for the Department of Housing and Urban Development (HUD) where there is no formal delegation of authority, will my application be returned?

For HUD Part 58 funding, the delegation of authority is found in 24 CFR Part 58.4 Assumption authority. Responsible entities assume responsibility for environmental review, decision-making, and action that would otherwise apply to HUD under National Environmental Policy Act (NEPA) and other environmental laws including the National Historic Preservation Act (NHPA). Indicate that your project is receiving Part 58 funding on the application in place of the formal delegation letter.

For HUD Part 50 funding, HUD retains responsibility and a formal letter of delegation is necessary for review.

How are Single-family housing rehabilitation projects impacted by these changes?

There are no changes at this time to single-family rehabilitation projects submitted through HUD, DOE, DHHS, USDA, and others. Ahead of any potential future changes to the way these projects are submitted, SHPO will conduct trainings and send out information to the communities and agencies who participate in these programs.

How will this impact engineering or environmental firms without qualified staff and what are our options?

Beginning July 1, consulting firms without staff meeting the federal qualifications will no longer be able to conduct research at SHPO ahead of submittal of a Section 106 application and those who submit applications without following these guidelines will have their projects returned for resubmittal. The SHPO provides a list of qualified individuals meeting the federal qualifications for Archaeology, Architectural History and History on their website. This list is updated twice annually. Firms will need to hire qualified staff or subcontract that work to qualified consultants.

I am an archaeologist, architectural historian or historian but I am not currently on Michigan's *List of Consultants Meeting Federal Qualifications for Archaeology, History and/or Architectural History*, what does this mean? How do I get on the qualified consultants list?

In order to document your qualifications, please complete the applicable form found [here](#). You can choose at the time of submission whether you would like to be on the consultants list or not but please be aware you may be contacted by those seeking your services.

I am a federally qualified archaeologist; can I complete all the identification work required for a new construction Section 106? I am a federally qualified architectural historian; can I complete all the identification work required for a project with ground disturbance?

No, archaeologists are uniquely qualified to research and understand the potential of a project to impact previously unidentified archaeological sites and at the same time, architectural historians are uniquely qualified to research and identify architectural resources. Projects with both ground disturbance and the potential to impact architectural resources will need to utilize both an archaeologist and an architectural historian.

Does this mean an archaeological survey will be required for every project with ground disturbance?

No, archaeologists will be assessing previously identified sites and surveys as well as assessing the potential for the project scope to impact previously unidentified archaeological resources based on the land use history and topography.