

MEMORANDUM

DATE: February 2005
Update of the memorandum issued September 2002

FROM: Kathleen Schmidt, U.S. Department of Housing and Urban Development (HUD)
Brian D. Conway, State Historic Preservation Officer (SHPO)

TO: State, local and municipal officials and HUD-assisted non-profit organizations
and public housing authorities

SUBJECT: Guidelines for consulting with the State Historic Preservation Office (SHPO)
under Section 106 of the National Historic Preservation Act of 1966, as amended.

The State Historic Preservation Office (SHPO) and the U.S. Department of Housing and Urban Development (HUD) are working together to improve the Section 106 consultation process as it relates to projects funded in whole or in part with HUD funds. This memorandum explains your responsibilities under federal law, the Section 106 regulations, and provides guidelines for consultation with the SHPO. **The attached consultation guidelines are effective immediately.** These guidelines may be modified as necessary in the future.

Both the SHPO and HUD look forward to working with you under the attached consultation guidelines. A number of helpful websites are also available for more information.

Advisory Council on Historic Preservation: www.achp.gov

Michigan SHPO: www.michigan.gov/shpo

This website also includes Michigan Sites-on-Line, a directory of National and State Register listed sites in Michigan.

National Park Service/National Register of Historic Places: www.nps.gov

National Preservation Institute (offers Section 106 training programs): www.npi.org

National Trust for Historic Preservation: www.nthp.org

HUD Environmental web page:

<http://www.hud.gov/offices/cpd/energyenviron/environment/subjects/preservation/index.cfm>

Questions should be directed to Kathleen Schmidt of HUD at (414) 297-3214 extension 8108, or Diane Tuinstra, Environmental Review Assistant in the SHPO at (517) 335-2723.

DEFINITIONS

Area of potential effects (APE). The APE is defined in 36 CFR § 800.16(d) as the: “*geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. 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 the undertaking.*” For example, the APE for a housing rehabilitation project, particularly when the project is confined to the building’s interior, may be the physical boundaries of the house itself. In contrast, the APE for the development of a new industrial park may include a broad area surrounding the project site that could be visually or audibly impacted by the development. The industrial park development may also spark additional development in the area, a phenomenon known as secondary, or indirect, effects. These possible secondary effects must also be considered when defining the APE.

The Section 106 regulations are very specific and require that an agency first determine and document the APE. Only after an APE has been determined and documented should the necessary steps be taken to identify historic properties, if such properties exist. To determine the APE, it is **not** necessary to know whether any properties exist and an agency **cannot** first discern where historic properties are located and then define the APE so as to avoid including these properties within it. Determining the APE is not intended to center on what is convenient for the agency to avoid affecting historic properties.

Historic property. A historic property is defined in 36 CFR § 800.16(l)(1) as: “*any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places.*” The term “eligible for inclusion in” refers to properties that are not listed in the National Register, but do meet the criteria for listing in the National Register.

National Register of Historic Places. The National Register of Historic Places is the official list of properties recognized by the federal government as worthy of preservation. To be included in, or eligible for inclusion in, the National Register a property must: 1) be at least 50 years of age; 2) retain its integrity; and 3) meet at least one of the following four criteria:

- A) Association with events, activities, or broad patterns of history;
- B) Association with persons significant in the past;
- C) Characteristic of a type, period, or method of construction, or has high artistic value; or
- D) Potential to yield information.

The National Register is not a complete list of all historic properties – it is being added to continuously. It is possible that a property may never be listed in the National Register and for this reason, it is necessary to consider properties that are eligible for inclusion in the National Register in the Section 106 review process.

Effect. Effect is defined in 36 CFR § 800.16(i) as: “*alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.*” These characteristics relate to the design, materials and workmanship of the historic property, as well as location, setting, feeling, and association. For example, a farmstead may have a setting that will be affected by the proposed project. The contributing elements to the setting (i.e. fields, fences, trees, etc.) may be just as important to the farm as the buildings themselves. All of these characteristics must be considered when assessing the effects of a project.

Adverse effect. When a project will affect a historic property, the agency must apply the criteria of adverse effect to determine if the effect will be adverse, or negative. Adverse effect is defined in 36 CFR § 800.5(a)(1) as an action that may: “*alter, directly or indirectly, any of the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. . . adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*” Adverse effects include, but are not limited to: demolition; alteration; removal of a property from its original setting; neglect; abandonment; or the introduction of visual, atmospheric, or audible elements.

THE ROLE OF THE FEDERAL AGENCY: UNDERSTANDING YOUR RESPONSIBILITIES UNDER FEDERAL LAW

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, [16 USC 470, 36 CFR § 800; commonly known as Section 106] requires all federal agencies to take into account the effects of their undertakings on historic properties that are included in, or eligible for inclusion in, the National Register of Historic Places **prior** to the approval of the expenditure of any federal funds or to the issuance of any federal license or federal permit.

Under the Housing and Community Development Act [42 USC 5301], recipients of federal funds from HUD assume responsibility for compliance with all applicable federal laws. Therefore, you are acting on behalf of the federal agency as a federally-delegated authority. Federally-delegated authorities bear financial and legal responsibility for undertakings under Section 106.

Under Section 106, each federal agency or their federally-delegated authority is responsible for:

- 1) Determining if there is an undertaking (hereafter referred to as project);
- 2) Determining the project's area of potential effects (APE);
- 3) Identifying historic properties within the project's APE, if such properties exist; and
- 4) Assessing the effect(s) that the project may have on any historic properties in the APE.

Federal agencies or their federally-delegated authorities are **required** to consult with the SHPO during this identification and evaluation process.

Project Planning and Section 106

Timing is crucial to the Section 106 process. It is important that consideration of historic properties occur in the early stages of a project so that preservation concerns can receive thorough consideration as a project is planned. Early consideration also permits modifications to a project while they are relatively easy to accomplish and reduces the potential for conflict and delay. It is imperative that federal agencies seek to avoid adverse effects on historic properties, and planning is key if this is to be achieved. It may be possible to include preservation activities as eligible project costs.

Compliance with Section 106 and the National Environmental Policy Act (NEPA)

It should be understood that Section 106 and NEPA are **not** the same – they are two separate laws. The information submitted for a NEPA review will not suffice for a Section 106 review, **in many instances**. You should plan to complete your responsibilities under Section 106 **first** and then address historic properties in your NEPA compliance.

A project that is “categorically-excluded” under NEPA is **not** exempt from Section 106 review. If a project qualifies as an undertaking according to the Section 106 regulations [36 CFR § 800.3(a)], a Section 106 review must be completed.

Both NEPA and the Section 106 review processes are intended as analytical tools so that environmental issues, concerning both the natural and built environments, receive reasonable and fair consideration. These review processes are performed in the project planning stage, when adverse impacts to the environment can still be avoided or mitigated. Therefore, your compliance with these federal laws is essential to a timely execution of projects at the state and local level.

Involving Consulting Parties in the Section 106 Review Process

The Section 106 regulations require federal agencies, or their federally-delegated authorities, to actively consult with specific individuals and organizations throughout the Section 106 review process. A consulting party is defined as: “individuals and organizations with a demonstrated interest in the project due to the nature of their legal and economic relation to the undertaking or affected properties, or their concern with the undertaking's effect on historic properties” [36 CFR § 800.2(c)(5)]. Mandatory consulting parties include: the SHPO; a Tribal Historic Preservation Officer (THPO) if applicable; federally-recognized tribes if applicable; local units of government if the project may affect historic properties within their jurisdiction; and applicants for federal funds, licenses, or permits. Other individuals and

organizations may request to be consulting parties, but that decision is ultimately up to the federal agency. The federal agency, at an early stage of the Section 106 process, is required to consult with the SHPO to identify those individuals and organizations that have the right to be consulting parties.

Involving the Public in the Section 106 Review Process

The views of the public are essential to informed decision making in the Section 106 process and it is incumbent upon the federal agency to seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties. The federal agency or their federally-delegated authority must provide the public with information about the project and allow the public to comment. Members of the public may also provide views on their own initiative for the federal agency to consider.

The federal agency must decide early how and when to involve the public in the Section 106 review process. A formal plan is not required, although that may be appropriate depending upon the scale of the undertaking and the magnitude of its effects on historic properties.

Because Section 106 compliance is the responsibility of the federal agency or their federally-delegated authority, concerns expressed by the public about specific projects should **first** be directed to the appropriate federal, state, county or municipal contact, not the SHPO. Doing otherwise may result in inefficient and erroneous communication and possible unforeseen delays in the consultation process. It is generally not appropriate for the public to contact the SHPO **unless** communication efforts with the federal agency or their federally-delegated authority have been unsuccessful.

A Proactive Approach to Section 106 Consultation

The SHPO strongly encourages communities to be proactive in their efforts to identify and evaluate their historic resources. Time spent evaluating these resources now will streamline the Section 106 review process in the future. Moreover, the identification of these resources is part of your responsibility as a recipient of federal funds.

The most effective way to identify historic resources is to conduct a reconnaissance-level, or “windshield”, survey of your community. This type of survey provides the most basic information about a community’s historic resources. It typically involves photographing areas that are likely to contain historic properties and evaluating their historic significance in consultation with a historic preservation professional. The SHPO maintains a list of such professionals. Research is conducted to develop a general history of the area and can be gathered from available local resource (see page 6 on where to go for information). Once completed, communities consult with the SHPO to finalize the survey and a copy of the survey is retained by the SHPO and used to expedite future Section 106 reviews. It is important to note that because historic properties are newly-identified on a continuing basis, surveys should periodically be updated.

Conducting a survey enables National Register-eligible properties to be identified and, in the case of historic districts, their boundaries to be defined. With adequate survey information, projects that fall outside the boundaries of these historic districts, specifically in areas that are not currently nor likely to become National Register-eligible, **may** eventually be exempt from Section 106 reviews. The SHPO believes that such an effort will significantly streamline the Section 106 review process.

Reconnaissance-level surveys can be cost-effective and provide innumerable benefits. Communities can enlist volunteers, such as students and retirees, to take photographs, conduct research and compile the data. Several communities may even choose to pool their resources to hire a historic preservation professional to undertake such a survey. Furthermore, communities may be eligible to receive HUD funds to conduct such a survey.

Several communities in Michigan have streamlined the Section 106 review process by entering into a programmatic agreement (PA) with the SHPO and the Council. A PA is an agreement that enables a community to undertake their own identification and evaluation efforts for specified projects, thus not necessitating SHPO involvement. Please contact the SHPO if you are interested in pursuing any of the above-mentioned options.

THE ROLE OF THE SHPO

State Historic Preservation Offices, created by the National Historic Preservation Act of 1966, as amended, exist in every state. In Michigan, the SHPO is part of the Michigan Historical Center, Department of History, Arts and Libraries. The SHPO identifies, evaluates, registers, interprets and protects the state's historic properties.

As mandated in the Section 106 regulations, the SHPO is a mandatory consulting party in the Section 106 review process. The SHPO **is not mandated** to conduct research, identify historic properties, or determine project effects related to Section 106 projects on behalf of a federal agency. The SHPO **is required** to respond, either with concurrence or non-concurrence, to a federal agency's adequately documented finding of effect. Furthermore, the SHPO is **not** a regulatory agency and, thus, does not have the authority to either clear or authorize federally-funded, licensed or permitted projects.

In order to avoid misunderstandings about the SHPO's role in the Section 106 process, the SHPO wishes to clarify the following points:

- **The SHPO does not have a complete list or database of all historic properties in the state.** The SHPO maintains a list of historic properties that are listed in the National Register of Historic Places and the State Register of Historic Sites. This list is available through Michigan Sites-on-Line at: www.michigan.gov/historicsites. In the case of Section 106 consultation, however, federal agencies or their delegated authorities are required to identify historic properties included in, or eligible for inclusion in, the National Register within the project's area of potential effects (APE). The identification of historic properties is the result of an appropriate level of effort undertaken by the federal agency, or its delegated authority, during the Section 106 process. Again, the SHPO does not conduct research or identify historic properties in a project's APE on behalf of an agency.
- **The SHPO is responsible for other programs in addition to Section 106 review activities.** In a given year, the SHPO is consulted on approximately 5000 federal undertakings of varying degrees of complexity. In addition to Section 106 review, the SHPO is responsible for implementing the National Register of Historic Places, and the Historical Marker and Centennial Farm programs, state and federal tax incentives programs, Michigan's Certified Local Government (CLG) program, several grant programs, assists governments in establishing local historic districts, and provides planning and technical assistance. The SHPO also oversees the state survey and archaeology programs.
- **The SHPO cannot conduct site visits.** The SHPO generally cannot accommodate requests for site visits concerning Section 106 projects. For this reason, the adequacy of information submitted to the SHPO for a Section 106 review is even more important.

GUIDELINES FOR HUD PROGRAM CONSULTATION WITH THE SHPO

HUD, in consultation with the SHPO, has developed the following guidelines for agency consultation with the SHPO. When preparing your annual action plan or yearly consolidated plan, please include the information described in these guidelines for the appropriate project type. The information described in these guidelines reflects the **minimum requirements** for a Section 106 review. Please contact HUD or the SHPO to determine if a project not mentioned in these guidelines requires consultation with the SHPO.

I. GENERAL INFORMATION

How to submit your project and when to expect a response

Specific guidelines for submitting projects are outlined in the subsequent pages of this memorandum. All projects, including housing rehabilitation projects, that are not submitted to the SHPO in the appropriate format or that do not provide complete information may be returned for revision and resubmission or with a request for more information. To assure a timely response from the SHPO, you are advised to initiate all consultation with the SHPO in accordance with these guidelines.

The SHPO has thirty (30) calendar days from the receipt of an adequately-documented finding of effect to respond. The SHPO **cannot guarantee** a thirty-day response to projects submitted without: 1) adequate documentation; and/or 2) demonstration of a reasonable, good-faith effort to identify historic properties within the project's area of potential effects (APE) and to assess the effects of the project on historic properties.

What is an adequately-documented finding? The adequacy of documentation necessary to support a finding of effect and documentation specifics are outlined in 36 CFR § 800.11. A finding must be supported by sufficient documentation to enable any reviewing parties to understand its basis. Documentation specifics are reflected in the information the SHPO requires for a project review and are outlined in the subsequent pages of this memorandum.

What is a reasonable and good faith effort? 36 CFR § 800.4(b)(1) indicates that federal agencies 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 shall take into account past planning, research and studies, the magnitude and nature of the project 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 project's area of potential effects (APE).

What is a finding of effect? According to the Section 106 regulations, the final step in the process is to assess the effect(s) that a project may have on any historic properties in the APE. There are three findings of effect: 1) no historic properties affected; 2) no adverse effect; and 3) adverse effect.

- 1) **No historic properties affected [36 CFR § 800.4(d)(1)].** This determination means that: 1) there are no historic properties in the project's APE; **or** 2) there are historic properties present in the APE but the project will have no effect on them (see page 2 for definition of effect)
- 2) **No adverse effect [36 CFR § 800.5(b)].** This determination means that there are historic properties present in the project's APE and the project will have an effect on them, however, this effect does not meet the criteria of adverse effect (see page 2 for definition of adverse effect).
- 3) **Adverse effect [36 CFR § 800.5(d)(2)].** This determination means that there are historic properties present in the project's APE, the project will have an effect on them, and this effect does meet the criteria of adverse effect (see page 2 for definition of adverse effect).

Who can submit projects to the SHPO?

Consultants, property owners, non-profit housing corporations, housing coalitions, etc. are **not** recognized as federally-delegated authorities. The SHPO will not respond to these entities. Although projects may be submitted to the SHPO by some of these entities, excluding property owners, the project information **must** include the name, address, telephone and fax number of the federal agency or the federally-delegated authority contact. A response will not be provided for projects that fail to provide this information.

Where to go for information about historic properties

The SHPO recognizes that it may be difficult to gather information about historic properties in a project's APE and there may not be any information available in some instances. However, it is the responsibility of the federal agency or federally-delegated authority to conduct research on historic properties before submitting project information to the SHPO. 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

In addition, the National Park Service maintains a list of properties listed in the National Register of Historic Places. Please reference their website at: www.cr.nps.gov/nr/. The SHPO maintains a website of historic properties that are listed in the National Register of Historic Places and the State Register of Historic Sites at: www.michigan.gov/historicsites.

Finally, the SHPO maintains a list of historic preservation professionals who can assist you in conducting research and identifying historic properties. Please contact the SHPO for a copy of this list.

Emergency situations

36 CFR § 800.12 addresses procedures to be followed in emergency situations. An emergency is defined as an action undertaken in response to a: "*disaster or emergency declared by the President of the United States, a tribal government, a state governor or to other immediate threats to life, public health, public safety, or property.*" The agency must notify the Council and the SHPO of the action and afford the SHPO seven (7) days, less if circumstances do not permit, to comment. Should the SHPO object to the action within this time period, the agency must follow the standard Section 106 review process.

Section 106 emergency provisions are applicable only to actions that will be undertaken within thirty (30) days after formal declaration of the disaster or emergency, unless circumstances warrant an extension of that time frame.

Immediate rescue and salvage operations conducted to preserve life or property are exempt from the Section 106 review process.

The Section 106 regulations are clear and denote that emergencies must be of a unique and unusual community/neighborhood-wide nature, **not** concerning single residences. Also, emergencies must be the result of a sudden event or a natural disaster. **A gradually deteriorating situation over a period of time resulting in part from neglect or diminished maintenance would generally not be considered an emergency.** Single-family residential rehabilitation actions are generally not considered emergencies under these regulations or 24 CFR § 58.33.

II. SUBMITTING HOUSING REHABILITATION PROJECTS

All structures that are fifty (50) years of age or older must be reviewed by the SHPO, unless the proposed work is considered a project type that does not require consultation with the SHPO (see pages 12-13 for a list of these project types). Please do not direct property owners to contact the SHPO. The following items are required and must be submitted to the SHPO **before** the project work begins.

1. The housing rehabilitation card supplied by the SHPO.
 - A. This card must be completed and include the following information regarding the structure:
 - Address;
 - Municipal unit (the municipal unit is the actual location of the property, **not** the mailing address i.e. if a property is located in Alpha Township, but the mailing address is Beta City, the address should be given as Alpha Township);
 - County;
 - Date of construction (found in city/township tax assessor's records);
 - Date of photograph; and
 - Existing exterior materials.
 - B. **Attach** (staple, glue or tape) an original, clear photograph to the front of the card. Photographs should be no larger than 4.5" x 4.5". The subject of the photograph should not be obscured by shadows, trees, cars or any other type of object. 35mm color or black and white photographs are preferred. Digital photographs should have a high resolution; please do not enlarge photographs too much as this detracts from their resolution. Polaroid photographs are acceptable, however the quality of these photographs is very poor; if possible, the SHPO prefers that polaroids not be submitted.
 - C. A map with *legible* street/road names should be **attached** (stapled, glued or taped) to the back of the card. This map must highlight the exact location of the property. Please do not simply circle the approximate location of the property because in some instances, the location of a property on one side of the street or the other will determine whether the property is located in an eligible or listed historic district, and such information is critical. Many agencies and organizations use computer websites to supply the SHPO with the correct information. Two such websites include: <http://maps.yahoo.com> and <http://mapquest.com>. Maps copied from the local telephone book, showing nearby cross streets, also suffice. **Hand-drawn maps or copies of large-scale road maps are not acceptable.**
2. The historic significance response sheet supplied by the SHPO. This should be filled out with:
 - Your return address;
 - Date;
 - Address of the property to be reviewed;
 - Municipal unit (the municipal unit is the actual location of the property, **not** the mailing address i.e. if a property is located in Alpha Township, but the mailing address is Beta City, the address should be given as Alpha Township); and
 - County.

If the structure is determined to be historic, the SHPO will request to review the plans and specifications of the proposed work. These plans and specifications should be as detailed as possible and indicate the exact nature of the work to be undertaken.

III. SUBMITTING ALL OTHER PROJECTS

HUD, in consultation with the SHPO, has determined that the following undertakings may affect historic properties within the project's area of potential effects (APE) unless the proposed work is considered a project type that does not require consultation with the SHPO (see pages 15-16 for a list of these project types).

- Streetscape improvement projects
- Infrastructure projects
- New build/infill projects
- Construction of public housing units
- Commercial rehabilitation or development projects
- Construction of new government facilities

If your project meets **any or all** of the following criteria listed below **and** the proposed work is not listed on pages 15-16, you are required to complete the Section 106 review process **prior** to the initiation of any construction-related activity.

- Any properties to be affected by the project are fifty (50) years of age or older.
- Any properties to be affected by the project are included in, or eligible for inclusion in: 1) the State Register of Historic Sites; and/or 2) the National Register of Historic Places.
- Any properties to be affected by the project have historic significance (i.e. the factory building in which there was a significant invention; the site of an important workers' strike; the home of an important local historical figure, etc.)
- The project's APE includes any properties that are included in, or eligible for inclusion in: 1) the State Register of Historic Sites; and/or 2) the National Register of Historic Places.
- The project, or buildings in the project's APE, are located in: 1) a locally-designated historic district; 2) a historic district included in, or eligible for inclusion in the State Register of Historic Sites; and/or 3) a historic district included in, or eligible for inclusion in, the National Register of Historic Places.
- Any properties fifty (50) years of age or older will be altered, removed, abandoned, or demolished to accommodate the project.
- The project is in an established neighborhood (fifty (50) years of age or older) where trees, sidewalks, or other streetscape features may be added, altered, removed, or demolished to accommodate the project.

If your project does not meet any of the above criteria, you should document your decision in the event that you are requested to provide justification for your actions. If you are in doubt about any of the above criteria, it is in your best interest to assume that historic properties may be in the project's area of potential effects (APE) and to submit the required information needed for a project review (see pages 12-13) to the SHPO.

Unless your project is a housing rehabilitation or is project type that does not require consultation with the SHPO (see pages 15-16 for a list of these project types), you must submit the required information needed for a project review to the SHPO. The form required for submission of projects is on pages 13-14. The form is available for download on our website at www.michigan.gov/shpo in the Environmental Review section. The downloaded form may be filled in using MS Word, printed, and sent to us.

Please respond to each point, even if there is no information available. The terms “not applicable” or “unknown” are not acceptable responses. The following instructions will help you complete the form. If you have questions not answered by the instructions, please contact Diane Tuinstra at 517.335.2723 or tuinstrad@michigan.gov.

Section I: General Information

- a. Please provide the name of your project.
- b. Provide the street address of your project if applicable. If no street address exists please leave this blank.
- c. Municipal unit is not always the mailing address of the project location. 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. Include the **name**, address, and telephone number of the contact person at the federal agency. A federal agency or federally delegated authority contact is mandatory. 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. If you do not know your federal agency please contact the party requiring you to apply for Section 106 review for this information.
- e. Include the **name**, address, and telephone number of the contact person at the state 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, address, telephone number, and email address of the contact person to who questions may be directed.

Section II: Ground Disturbing Activity

- a. Provide a USGS 7.5 minute quadrangle map with the location clearly marked. 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 1:24000. Photocopies are acceptable as long as the map and location are clear. Street maps and plat maps are not acceptable substitutes.
- b. Provide the name of the quadrangle map.
- c. 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.
- d. Describe the proposed dimensions of ground disturbing activity. Plans and specifications should not be substituted here. Example: 4 feet wide, 20 feet long, 2 feet deep.
- e. 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.?
- f. Describe the current use and condition of the property.
- g. 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.

Section III: Project Work Description and Area of Potential Effects

- a. This is a detailed description of the 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.
- b. Localized map highlighting the location of the project (i.e. a copy of a portion plat or a city street map). Maps must provide the precise location of the project. 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. Please ensure that street/road names are included and legible.
- 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. **The area of potential effects** 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

- 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, listed or 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. It is your responsibility to 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. Michigan Sites-On-Line is a directory of properties listed in the National Register (www.michigan.gov/shpo). This directory, however, does not include properties eligible for listing in the National Register, and simply searching this directory 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,c.

Section V: Photographs

Faxed or photocopied photographs are not acceptable. Photographs may be color or black and white. Printed digital photographs are acceptable provided they have a high dpi and clear resolution. 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 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. Remember to key all photographs to your localized map.

- a. Please photograph the location where the project will be taking place. If the project covers a large area, please provide several views.

- b. Please 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.

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.

- 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. 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.
- 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.

**STATE HISTORIC PRESERVATION OFFICE
Application for Section 106 Review**

| | | | | |
|------------------------------|---------------|--------------------|--------------|--------------------|
| SHPO Use Only | | | | |
| <input type="checkbox"/> IN | Received Date | ____ / ____ / ____ | Log In Date | ____ / ____ / ____ |
| <input type="checkbox"/> OUT | Response Date | ____ / ____ / ____ | Log Out Date | ____ / ____ / ____ |
| | Sent Date | ____ / ____ / ____ | | |

Submit one copy for each project for which review is requested. This application is required. Please **type**. Applications must be complete for review to begin. Incomplete applications will be sent back to the applicant without comment. Send only the information and attachments requested on this application. Materials submitted for review cannot be returned. Due to limited resources we are unable to accept this application electronically.

I. GENERAL INFORMATION

- THIS IS A NEW SUBMITTAL THIS IS MORE INFORMATION RELATING TO ER#
- Funding Notice
 - Survey
 - MOA or PA
 - Other:

- a. Project Name:
- b. Project Address (if available):
- c. Municipal Unit: County:
- d. Federal Agency and Contact (*If you do not know the federal agency involved in your project please contact the party requiring you to apply for Section 106 review, not the SHPO, for this information.*):
- e. State Agency and Contact (if applicable):
- f. Consultant or Applicant Contact Information (if applicable):

II. GROUND DISTURBING ACTIVITY (INCLUDING EXCAVATION, GRADING, TREE REMOVALS, UTILITY INSTALLATION, ETC.)

DOES THIS PROJECT INVOLVE GROUND-DISTURBING ACTIVITY? YES NO (If no, proceed to section III.)

Exact project location must be submitted on a USGS Quad map (portions, photocopies of portions, and electronic USGS maps are acceptable as long as the location is clearly marked).

- a. USGS Quad Map Name:
- b. Township: Range: Section:
- c. Description of width, length and depth of proposed ground disturbing activity:
- d. Previous land use and disturbances:
- e. Current land use and conditions:
- f. Does the landowner know of any archaeological resources found on the property? NO YES
Please describe:

III. PROJECT WORK DESCRIPTION AND AREA OF POTENTIAL EFFECTS (APE)

Note: Every project has an APE.

- a. Provide a detailed written description of the project (plans, specifications, Environmental Impact Statements (EIS), Environmental Assessments (EA), etc. **cannot** be substituted for the written description):
- b. Provide a localized map indicating the location of the project; road names must be included and legible.
- c. On the above-mentioned map, identify the APE.
- d. Provide a written description of the APE (physical, visual, auditory, and sociocultural), the steps taken to identify the APE, and the justification for the boundaries chosen.

IV. IDENTIFICATION OF HISTORIC PROPERTIES

- a. List and date **all** properties 50 years of age or older located in the APE. If the property is located within a National Register eligible, listed or local district it is only necessary to identify the district:
 - b. Describe the steps taken to identify whether or not any **historic** properties exist in the APE and include the level of effort made to carry out such steps:
 - c. Based on the information contained in "b", please choose one:
 - Historic Properties Present in the APE
 - No Historic Properties Present in the APE
 - d. Describe the condition, previous disturbance to, and history of any historic properties located in the APE:
-

V. PHOTOGRAPHS

Note: All photographs must be keyed to a localized map.

- a. Provide photographs of the site itself.
 - b. Provide photographs of all properties 50 years of age or older located in the APE (faxed or photocopied photographs are not acceptable).
-

VI. DETERMINATION OF EFFECT

- No historic properties affected based on [36 CFR § 800.4(d)(1)], please provide the basis for this determination.
- No Adverse Effect [36 CFR § 800.5(b)] on historic properties, explain why the criteria of adverse effect, 36 CFR Part 800.5(a)(1), were found not applicable.
- Adverse Effect [36 CFR § 800.5(d)(2)] on historic properties, explain why the criteria of adverse effect, [36 CFR Part 800.5(a)(1)], were found applicable.

Please print and mail completed form and required information to:

State Historic Preservation Office
Environmental Review Office
Michigan Historical Center
702 W. Kalamazoo Street
P.O. Box 30740
Lansing, MI 48909-8240

IV. HUD PROJECT TYPES NOT REQUIRING CONSULTATION WITH THE SHPO

HUD, in consultation with the SHPO, has determined that the following activities do not meet the definition of undertaking since they do not have the potential to cause effects on historic properties per 36 CFR § 800.3(a) **or** they have limited potential to affect historic properties and therefore *no historic properties will be affected* by these undertakings per 36 CFR § 800.4(d). Therefore, you are not required to initiate consultation with the SHPO for the following federally-funded undertakings **if** permanent impacts upon original interior elements or surface treatments, particularly those elements of the historic property that contribute to its historic or architectural significance, are avoided. **You should document your decision in the event that you are requested to provide justification for your actions.**

| Community Improvement Projects | General Activities | Interior Rehabilitation | Exterior Rehabilitation |
|---|---|--|---|
| Reconstruction of roads where no change in width, surface materials, surface treatments, or vertical alignments of drainage is to occur | Administration overhead, including salaries | Electrical work | Caulking, weatherstripping or replacement of missing or damaged window glass with glass of the same surface qualities (color, texture, and reflectivity) |
| Repair or replacement of existing curbs and sidewalks with identical materials within existing dimensions | Code enforcement | Installation of new kitchen and bath appliances, cabinets, counters, tubs, sinks and toilets | Installation or replacement of gutters and downspouts (if the color is historically appropriate for the period and style of the historic resource) |
| Repair or replacement of water, gas, storm, and/or sewer lines if it occurs within the dimensions of the original trench and permanent impacts upon surface treatments (sidewalks, curbs, raised planters, benches, streetlights, etc.) or landscape features (trees, shrubs, lawns, etc.) which contribute to the historic or architectural significance of the resource are avoided | Drug abuse resistance educational programs | Installation of insulation provided it is restricted to attics, crawl spaces, the upper surfaces of existing ceilings when the ceilings are not dropped ceilings, and proper vapor barriers are used | Flat or shallow pitch roof repair or replacement (shallow pitch is understood to have a rise-to-run ratio equal to or less than 3" to 12"), with no part of the surface of the roof visible from the ground |
| Tree planting or landscaping adjacent to the right-of-way | Emergency services programs | Installation of smoke or carbon monoxide alarms | Painting <u>previously painted</u> surfaces in color(s) historically appropriate for the period and style of the historic resource |
| Repainting parking spaces or streets | Equipment purchases | Interior surface treatments (floors, walls, ceilings and woodwork) provided the work is restricted to repainting, refinishing, repapering, or laying carpet or linoleum and the feature is not significant to the historic character of the property | In-kind <u>replacement</u> of asphalt shingles |
| | Home health care | Plumbing rehabilitation work and replacement, including pipes and fixtures | <u>Repair of existing</u> wheelchair ramps |
| | Outreach programs | Repair or replacement of concrete basement floors and interior basement walls | Repair or replacement of <u>existing</u> siding if done with siding that matches the existing siding in dimension, profile and material |

| Community Improvement Projects | General Activities | Interior Rehabilitation | Exterior Rehabilitation |
|--------------------------------|---|---|---|
| | Public safety programs | Repair, replacement or cleaning of existing water heaters, heating systems (including duct work and piping) or other appliances | Repair, replace or install new sidewalks or driveways that match the existing sidewalk or driveway in materials and dimensions |
| | Public service activities | Replacement of door locks | Repair or replacement of chimneys with the same material and dimensions |
| | Planning activities and programs | Restroom improvements for handicapped access provided that the work is contained within the existing restroom | Repair of porch ceilings, steps, floors or railing if done in-kind to match existing original materials, configuration and dimensions |
| | Recreational activities and services | | Repair or repainting of <u>existing</u> storm windows |
| | Relocation assistance | | |
| | Section 108 principal and interest payments | | |
| | Senior activities and services | | |
| | Senior transportation and programming | | |
| | Vector control programs | | |