



MDOT LAP SECTION 106 GUIDANCE DOCUMENT



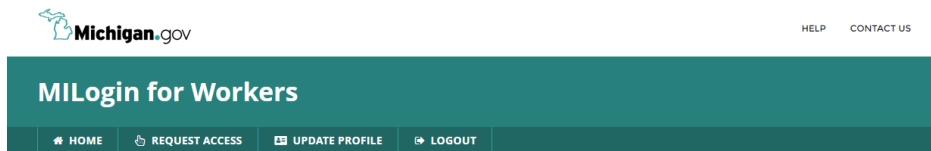
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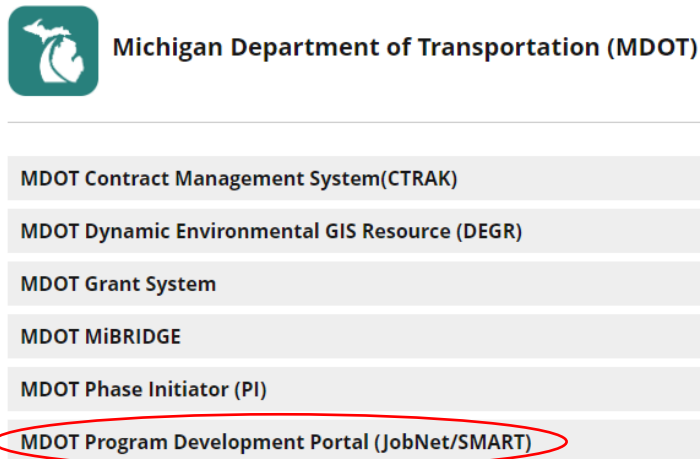
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JobNet:

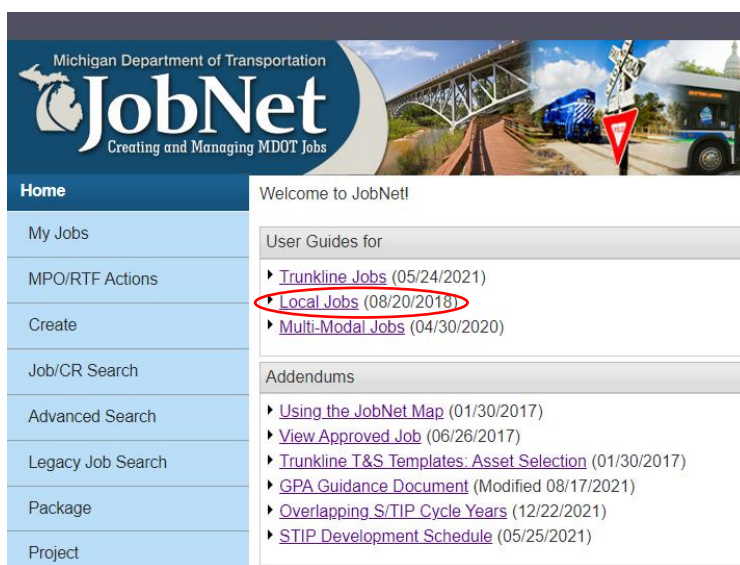
MDOT Job numbers (JN) can be obtained from JobNet, your local planning agency, MDOT Planning or MDOT LAP Project Development Engineer (PDE). To get to JobNet you must go to the MILogin webpage [MILogin - Home Page \(michigan.gov\)](https://milogin.michigan.gov).



From the MILogin webpage you will find the application for JobNet. Click on JobNet.



Click on the link for the JobNet User Guide for Local Jobs to obtain additional guidance:

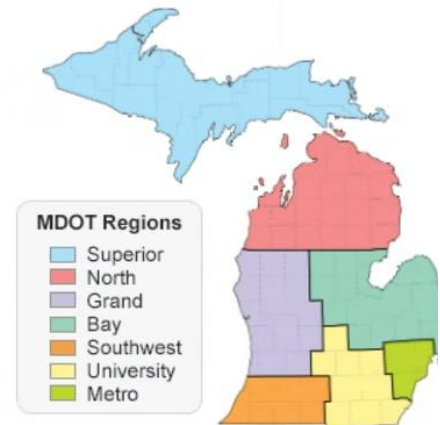
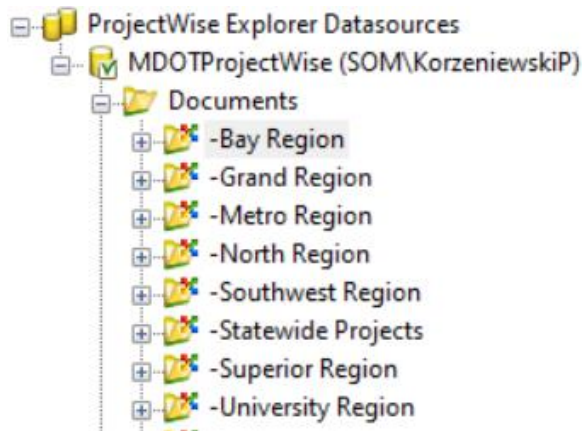


ProjectWise:

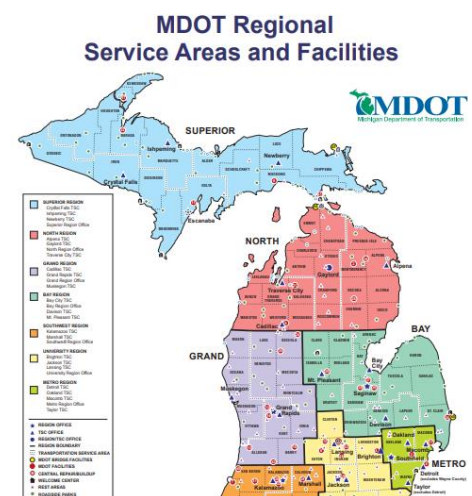
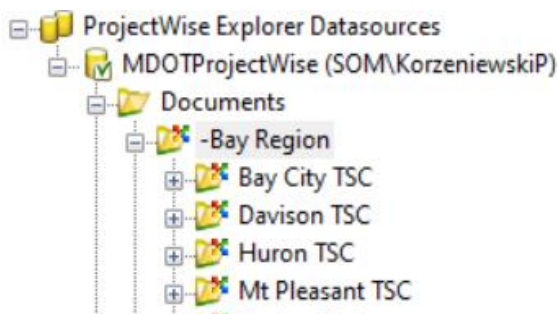
MDOT Section 106 documents are stored within the ProjectWise application. If you need to request a Project Wise folder click on the following link: [Requesting-PW-Folders.pdf](#) (michigan.gov)



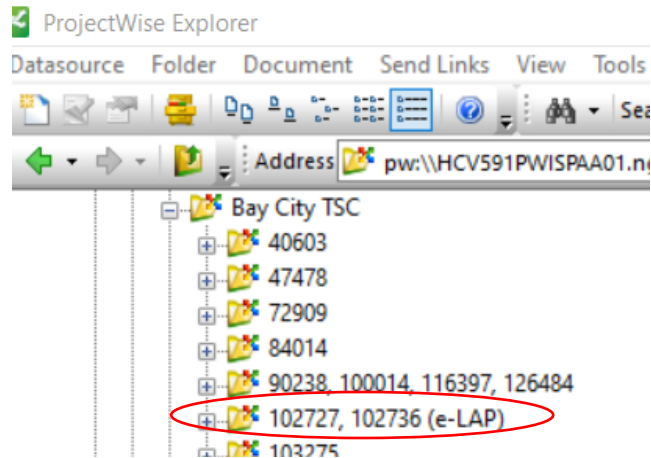
ProjectWise folders are broken down by region (Bay, Grand, Metro, North, Southwest, Superior and University).



Then each of the region folders are broken down by the Transportation Service Centers (TSC) which covers the sub regions. The TSC are shown below for the Bay region.



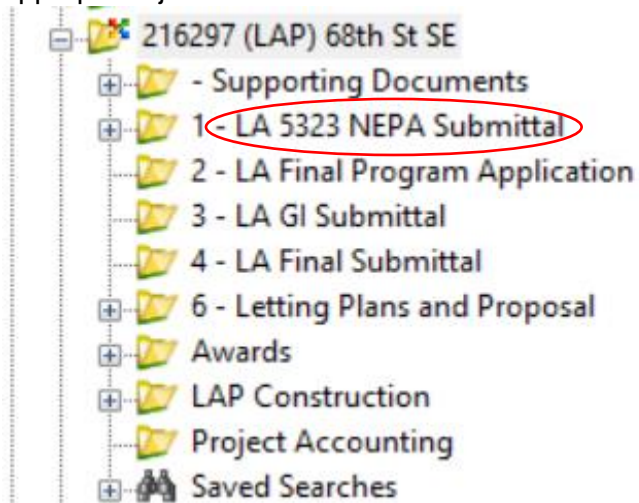
Folders are then broken down by the job number (JN). Local Agency Program (LAP) projects are noted by (e-LAP) after the job number.



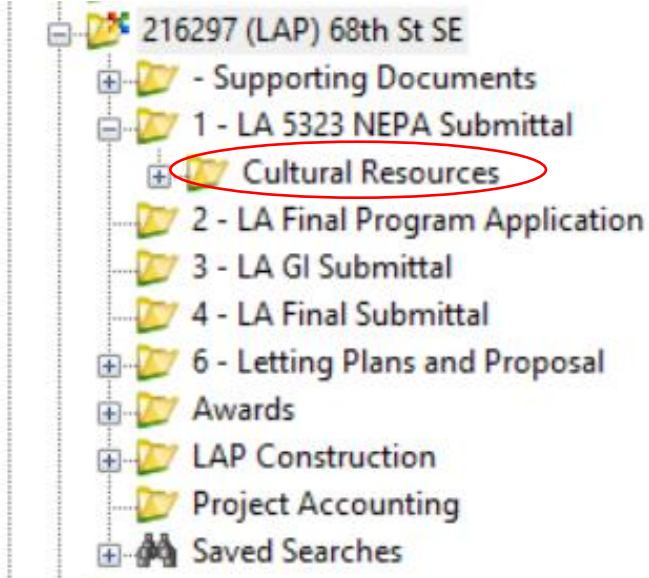
ProjectWise Folders & Documents:

All project documents should be uploaded to ProjectWise into one of three folders:

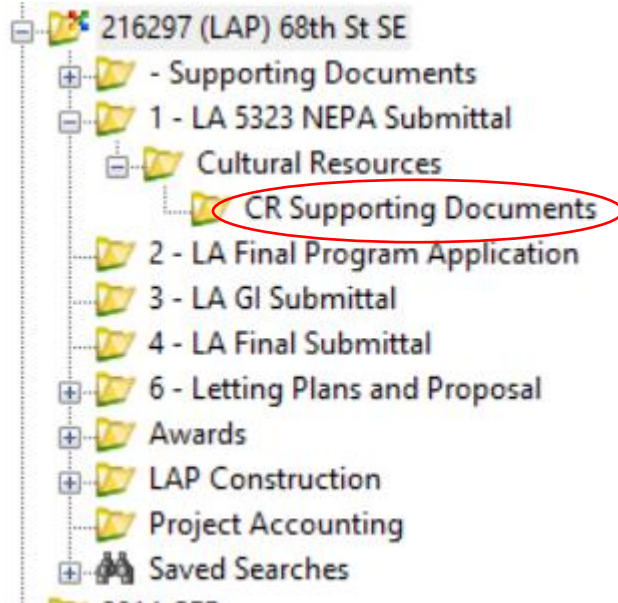
1. LA 5323 NEPA Submittal (folder)
 2. Cultural Resources (subfolder)
 3. CR Supporting Documents (sub, sub folder)
-
1. The **5323 Form** should be uploaded into the LA 5323 NEPA Submittal folder under the appropriate job number.



2. The **MDOT LAP Section 106 Application** should be uploaded to the Cultural Resources subfolder within the LA 5323 NEPA folder.



3. All supporting documentation (maps, plans, photo, documents, etc.) should be uploaded to the CR Supporting Documents sub, sub folder within the Cultural Resources subfolder that is within the LA 5323 NEPA folder.



ProjectWise Naming Conventions & Attributes:

When entering the project information into ProjectWise you must upload the file, right click, and drop down to properties, then click on the general tab. For the naming convention please use 106 APP for **MDOT LAP Section 106 Application** ([Section 106](#)), and Support type for *Supporting Documentation*. All documents submitted to the Cultural Resources folder should be in a word document not PDF. Please use the following naming conventions:

JN (Job number), document type (106APP, Support Type), Date (year-mm-dd)

JN12345_ 106APP_2023-01-01.docx

JN12345_ Support (map type/photo document/etc.) _2023-01-01.docx

JN12345_ Shapefile site/survey area_ 2023-01-01.docx

ProjectWise Submission:

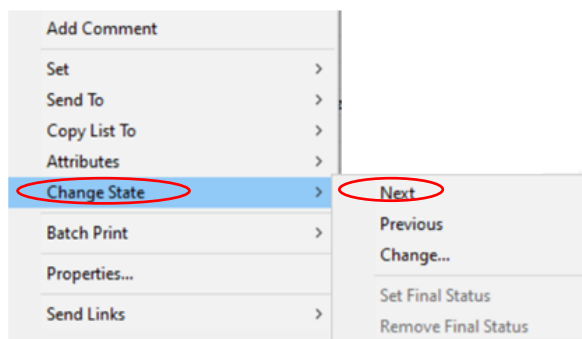
New project submittals will be forwarded through ProjectWise when you change the state on a document, which will alert the cultural resource 106 staff by email that new projects have been submitted. Please remember to Change the state **and** send an email notification to:

MDOT-LAP-Section106-Reviews@michigan.gov.

Please note that unless you are using Outlook, ProjectWise does not automatically notify the MDOT LAP 106 Cultural Resources team of your submission. If an email is not generated when you change the state, please send one to MDOT-LAP-Section106-Reviews@michigan.gov . If you do not have outlook email you must send us a manual submission by email containing the link. This step has to occur for the NEPA and 106 CR reviewers to know the documents are ready for review.

The Local Agency should only change the state of a document when all the documents are finished, and ready for review. Change the state on the **5323 Form** ([5323 Form](#)), in the LA 5323 NEPA Submittal folder, and the **MDOT LAP Section 106 Application** ([Section 106](#)), in the Cultural Resources folder.


Change the state on all document in the Cultural Resources folder. To change the state of a document, right click on the document. Scroll down until you see 'Change State'. Choose 'Next', then click ok on the next screen.



Changing the state on a document locks it from further changes by the local agency and alerts the MDOT reviewer that the document has been submitted and is ready for review. If you do not change the state on the document, the Cultural Resource Staff (CRS) will not know that the project has been submitted, which may affect your turn around time and cause project delays.

If you have to make changes to a document or need something deleted after you have changed the state of the document in PW, you must send an email to MDOT-LAP-Section106-Reviews@michigan.gov to alert the Cultural Resource Staff.

Emails are auto generated, and will auto populate with the correct, required email address (MDOT CRS & NEPA Coordinators). Do not remove the auto populated addresses. You must manually add the email addresses (in the **Cc:** field) for anyone who you want to be copied on the response (local agency, consultant, etc.). Everyone who is included in the submission email will be notified by the CRS staff when they have completed their review. You must include the Local Agency name, Job #, project location & document type in the subject line of the email.

 Send	To	<input type="radio"/> <u>MDOT-LAP-Section106-Reviews</u>
	Cc	<input type="radio"/> <u>MDOT-LAP-NEPA-Reviews</u> ; <input type="checkbox"/> local agency; <input type="checkbox"/> consultant
Subject		(Job number) JNxxxx, Local Agency, project location & document type

Section 106 Review:

Cultural Resources – Cultural Resources are evidence of past human activity. These include sites, districts, buildings, structures and objects significant in history, architecture, archaeology, engineering, culture, or with religious or traditional significance.

Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies consider the effects of transportation projects receiving federal funding on historic, cultural, and archaeological properties. The purpose of Section 106 is to avoid or minimize impacts to eligible historic resources. If a potential project is located in an area of sensitivity for archaeological sites, traditional cultural properties, tribal lands, or potential historic district survey may be required. Additionally, if a project has the potential to impact historic or archaeological resources, modifications may be required to avoid or minimize impacts under Section 106 of the NHPA.

Timing for the project can be affected by the complexity of the project scope, and the potential to affect cultural resources. If an above-ground survey or archaeological survey is required, additional review time may be needed to complete the survey and review the results. The survey season generally extends from May through September. Other projects may need time to complete coordination with tribal governments (THPO) or the State Historic Preservation Office (SHPO).

The applicant is required to make any necessary alterations to avoid and/or minimize negative impacts on cultural resources. The final design plans must receive a “no adverse effect” or “no properties affected” determination under the National Historic Preservation Act in order to receive funding. The applicant should be prepared to work with MDOT LAP Cultural Resources Staff to ensure the project will not affect cultural resources.

Keep in mind that installation of sidewalk and pathways on or along cemetery properties should be avoided. Cemeteries do not always retain accurate maps of the location of interments in relation to the legal boundaries of the cemetery (e.g., cemetery fencing, a consistent line of gravestones adjacent to the project, etc.) or, especially in the case of older portions of a cemetery, when records or grave markers of the internments have been lost over the years. Human remains could be inadvertently discovered during ground disturbing construction outside of the perceived boundaries. It is also illegal to unearth internments. Per Michigan Law, any person who willfully digs up, disinters, or moves human remains from their place of burial, or who aids in such activities without being lawfully authorized to do so can be found guilty of a felony punishable by up to ten (10) years in prison and a fine of up to Five Thousand Dollars (\$5,000.00). In addition, some cemeteries may be listed or eligible for listing in the National Register of Historic Places (NRHP). If a project is fronting a cemetery the applicant may have to choose an alternate route to avoid impacts.

There are three different types of project categories: Excepted (Group 1), Conditionally Excepted (Group 2), and Not Excepted (full review) within Appendix B, of the Programmatic Agreement (PA). For reference, the Programmatic Agreement (PA) can be found at the following link: ([Microsoft Word - MI PA FINAL 5-11-22 \(michigan.gov\)](#))

Forms & Documentation:

You must fill out and upload the **5323 Form**. The work description on page 2 of the 5323 form must match the cultural resources project descriptions. If it does not match your project will be sent back for revisions. The MDOT LAP NEPA Coordinators will review the **5323 Form** for Excepted Projects (Group 1). You must fill out page 13 for the cultural resources review based on your project. The MDOT LAP NEPA Coordinators will review the **5323 Form** ([5323 Form](#)).

Check your project work types on the [106 Quick Activity Guide](#), *this will show where your work types fall under Group 1, Group 2 or Full Review.*

You must fill out and upload the **MDOT LAP Section 106 Application** ([Section 106](#)) as a **Word document** and provide supporting documentation, for both Group 2 and Full review. All projects require Part 1 to be completed.

You must complete Part 2 for Group 2. The MDOT LAP archaeologist & historian will review Part 2 to determine if the project meets the Group 2 conditions and provide a response indicating whether the project work types are Conditionally Excepted.

You must complete Part 3 for Full Review. The MDOT LAP historian and archaeologist will review the submission and provide a response indicating the determination of effects on historic properties.

5323 Form:

You must ensure that you are using the most up to date version of the **5323 Form**: [LOCAL AGENCY ENVIRONMENTAL CLEARANCE FORM \(state.mi.us\)](https://state.mi.us).

MDOT 5323 (02/2024)

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HISTORIC PROPERTIES AND ARCHAEOLOGICAL RESOURCES

HISTORIC PROPERTIES INCLUDE BOTH ABOVE GROUND AND BELOW GROUND RESOURCES.

THERE ARE THREE DIFFERENT TYPES OF PROJECT CATEGORIES: EXCEPTED, CONDITIONALLY EXCEPTED, AND NOT EXCEPTED

****CLICK ON THE MORE INFO LEAF TO ACCESS THE MDOT LAP SECTION 106 GUIDANCE DOCUMENT & REQUIRED APPLICATIONS****

EXCEPTED PROJECTS (GROUP 1):

DOES YOUR PROJECT MEET THE GROUP 1 EXCEPTED WORK TYPES? YES ☐ NO ☐

IF YES, DESCRIBE THE SCOPE OF WORK AND PROVIDE AN EXPLANATION OF HOW THIS PROJECT AND ALL OF ITS COMPONENTS MEET THE GROUP 1 EXCEPTION:

IF YOUR PROJECT IS DETERMINED TO BE EXCEPTED (GROUP 1) BY THE MDOT LAP NEPA COORDINATOR SECTION 106 IS CONCLUDED. IF THE PROJECT LIMITS OR SCOPE CHANGE, YOU MUST RESUBMIT FOR REEVALUATION.

IF YOUR PROJECT IS NOT EXCEPTED (GROUP 1) YOU MUST SUBMIT FOR EITHER (GROUP 2) CONDITIONALLY EXCEPTED (ONLY IF YOUR PROJECT MEETS THE CONDITIONS) OR FULL REVIEW USING THE MDOT LAP SECTION 106 APPLICATION.

CONDITIONALLY EXCEPTED PROJECTS (GROUP 2):

YOU MUST COMPLETE PART 2 OF THE MDOT LAP SECTION 106 APPLICATION AND PROVIDE DOCUMENTATION TO DEMONSTRATE HOW YOUR PROJECT MEETS THE (GROUP 2) CONDITIONAL EXCEPTIONS.

IF YOUR PROJECT IS DETERMINED TO BE CONDITIONALLY EXCEPTED FOR (GROUP 2) BY THE MDOT LAP CULTURAL RESOURCES STAFF, SECTION 106 IS CONCLUDED. IF THE PROJECT LIMITS OR SCOPE CHANGE, YOU MUST RESUBMIT FOR REEVALUATION.

NOT EXCEPTED PROJECTS (FULL REVIEW):

IF YOUR PROJECT IS NOT EXCEPTED (GROUP 1) OR CONDITIONALLY EXCEPTED (GROUP 2), YOU MUST COMPLETE PART 3 OF THE MDOT LAP SECTION 106 APPLICATION FOR FULL REVIEW. THIS COULD TRIGGER TRIBAL COORDINATION, SHPO COORDINATION, AND CULTURAL RESOURCE SURVEY. THEREFORE, YOU SHOULD SUBMIT FULL REVIEW AT LEAST 6 MONTHS AHEAD OF GRADE INSPECTION (GI) SUBMITTAL.

DID YOU TURN IN THE MDOT LAP SECTION 106 APPLICATION? YES ☐ NO ☐

NEPA IS NOT COMPLETE UNTIL THE REQUIRED RESPONSES FROM THE MDOT CULTURAL RESOURCES SPECIALISTS HAVE BEEN PROVIDED TO THE MDOT NEPA REVIEWER.



MORE INFO

You must fill out and upload the **5323 Form**: [5323 Form](#) . The MDOT LAP NEPA Coordinators will review the **5323 Form** for Excepted Projects (Group 1).

You must check the box that corresponds to the project's work types. For a full list of Excepted (Group 1) project types and activities look to the Quick Activity Guide .Check your project work types on the [106 Quick Activity Guide](#), this will show where your work types fall under Group 1, Group 2 or Full Review. If YES ☒, give a description of how they meet the exception. If NO ☒, you must submit the **MDOT LAP Section 106 Application** ([Section 106](#)) .

MDOT 5323 (01/2023)

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HISTORIC PROPERTIES AND ARCHAEOLOGICAL RESOURCES	
HISTORIC PROPERTIES INCLUDE BOTH ABOVE GROUND AND BELOW GROUND RESOURCES. THERE ARE THREE DIFFERENT TYPES OF PROJECT CATEGORIES: EXCEPTED, CONDITIONALLY EXCEPTED, AND NOT EXCEPTED	
CLICK ON THE MORE INFO LEAF TO ACCESS THE MDOT LAP SECTION 106 GUIDANCE DOCUMENT & REQUIRED APPLICATIONS	
EXCEPTED PROJECTS (GROUP 1):	
DOES YOUR PROJECT MEET THE GROUP 1 EXCEPTED WORK TYPES? YES <input type="checkbox"/> NO <input type="checkbox"/>	
DESCRIBE THE SCOPE OF WORK AND PROVIDE AN EXPLANATION OF HOW THIS PROJECT AND ALL OF ITS COMPONENTS MEET THE GROUP 1 EXCEPTION:	
<div></div>	
IF YOUR PROJECT IS EXCEPTED, SECTION 106 IS CONCLUDED UNLESS THE PROJECT LIMITS OR SCOPE CHANGE. IF YOUR PROJECT IS NOT EXCEPTED, YOU MUST SUBMIT EITHER THE ARCHAEOLOGICAL SENSITIVITY INQUIRY OR THE MDOT LAP SECTION 106 APPLICATION.	

Group 1

What do I type into the fillable box for the Group 1 Exception?

DESCRIBE THE SCOPE OF WORK AND PROVIDE AN EXPLANATION OF HOW THIS PROJECT AND ALL OF ITS COMPONENTS MEET THE GROUP 1 EXCEPTION:
IF YOUR PROJECT IS EXCEPTED, SECTION 106 IS CONCLUDED UNLESS THE PROJECT LIMITS OR SCOPE CHANGE. IF YOUR PROJECT IS NOT EXCEPTED, YOU MUST SUBMIT EITHER THE ARCHAEOLOGICAL SENSITIVITY INQUIRY OR THE MDOT LAP SECTION 106 APPLICATION.

Describe the scope of work and provide an explanation of how this project and all of its components meet the group 1 exception on the **5323 Form**:

1. Scope of work:

This should be the work description and give the types of work activities, associated activities, location of activities, beginning and ending of the project, etc.

Reconstruction: From Pine Ave to Walnut Ave for 0.5 miles, work will include remove existing pavement up to 3 inches. Replace HMA pavement up to 3 inches, and new pavement markings. This includes adding a 3 foot paved shoulder over existing gravel shoulders, ditch cleanout up to 4 inches, adding signage with driven posts, in-kind all within the existing road footprint within the project area, in the city of Lansing.

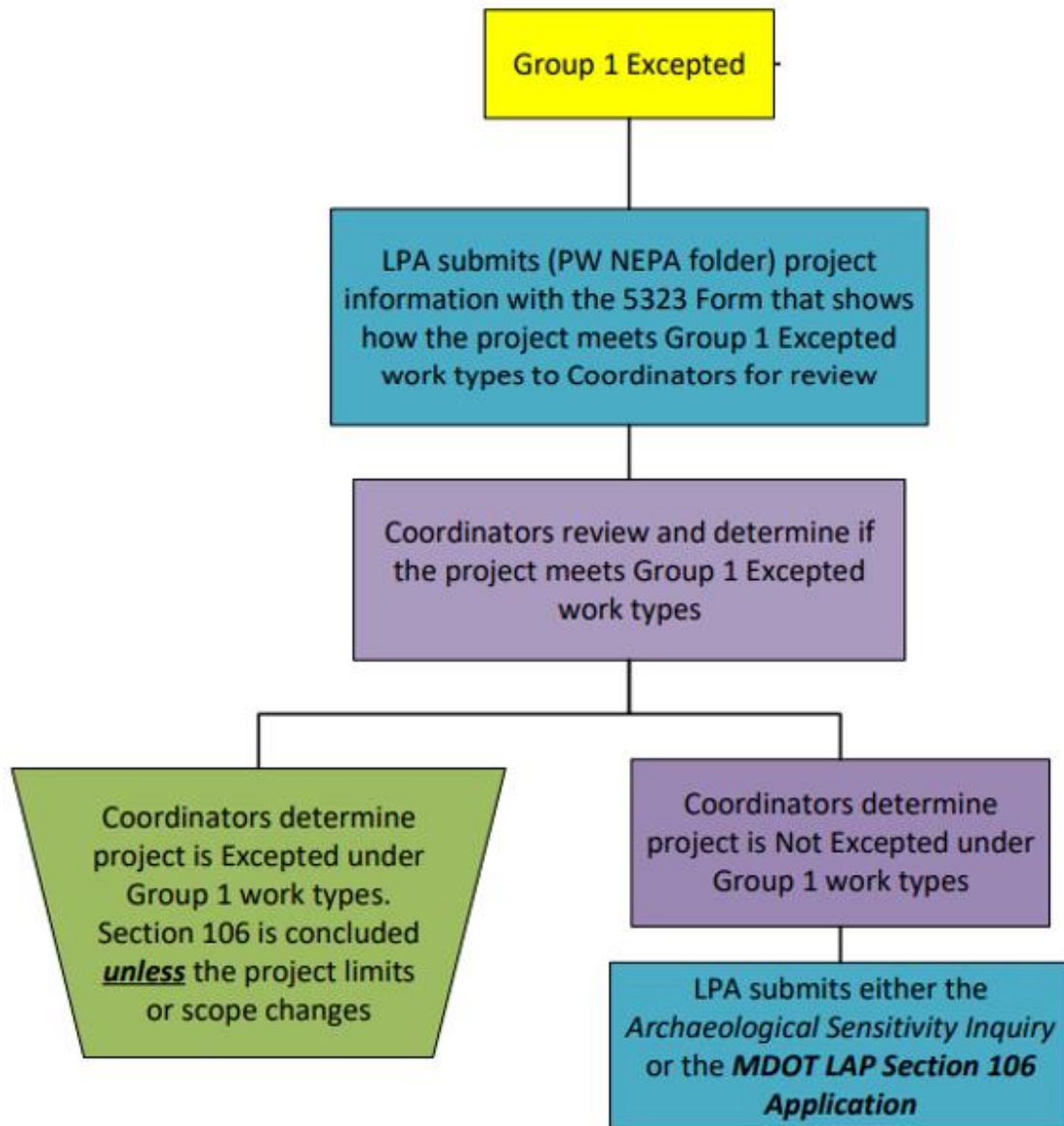
2. Explanation of how the project meets the exception:

It should also discuss if the project is within the road footprint, and if soil disturbance will occur, or explain work activities.

All of the work types are activities that fall within the Group 1 exceptions. All activities will occur within the existing road footprint. Ditch clean out will occur with machinery on the existing pavement and will not leave the pavement. Posts will be driven for signage within the previously disturbed soils and there will be no new ground disturbance.

For a full list of Excepted (Group 1) project types refer to the MDOT LAP Quick Activity Guide on the website: [MDOT LAP Quick Activity Guide](#)

EXCEPTED (GROUP 1) FLOW CHART



Excepted Project Guidance (Group 1):

MDOT LAP Excepted Projects that fall within Appendix B (Group 1) have no conditions attached. These projects consist of work types/actions that by their nature and definition constitute activities that pose little/minimal potential to affect historic properties. Your project can only consist of the following work types, with no other work included.

Rehabilitating*, crushing/shaping, resurfacing, milling, and profiling pavement, pavement joint repair, ditch or culvert cleanout, **culvert liners***, pavement marking, signing with driven posts, all within the road footprint (see Images F and G for rural and urban road footprints).

*Rehabilitating = work on existing paved surfaces.

*Any culvert liners where the heavy machinery stays on the existing pavement and/or shoulders can be excepted under Group 1.

*Any culvert liners that includes the use of heavy machinery outside of the edge of the pavement and/or shoulders including bank excavation, water course or drainage/ditch excavation, equipment staging, temporary access, or grading permits would not meet Group 1 exceptions. You must follow the guidance to determine if Group 2 exceptions apply or if the work is not excepted.

How do I know if my project meets the Group 1 excepted work types on the **5323 Form**?

The project can only include the following activities which must be in the road footprint:

- Rehabilitating*
- crushing/shaping
- resurfacing
- milling
- profiling pavement
- pavement joint repair
- ditch or culvert cleanout
- culvert liners*
- pavement marking
- signing with driven posts

For a full list of Excepted (Group 1) project types and activities refer to the MDOT LAP Quick Activity Guide on the website: [MDOT LAP Quick Activity Guide](#)

RURAL RIGHT-OF-WAY

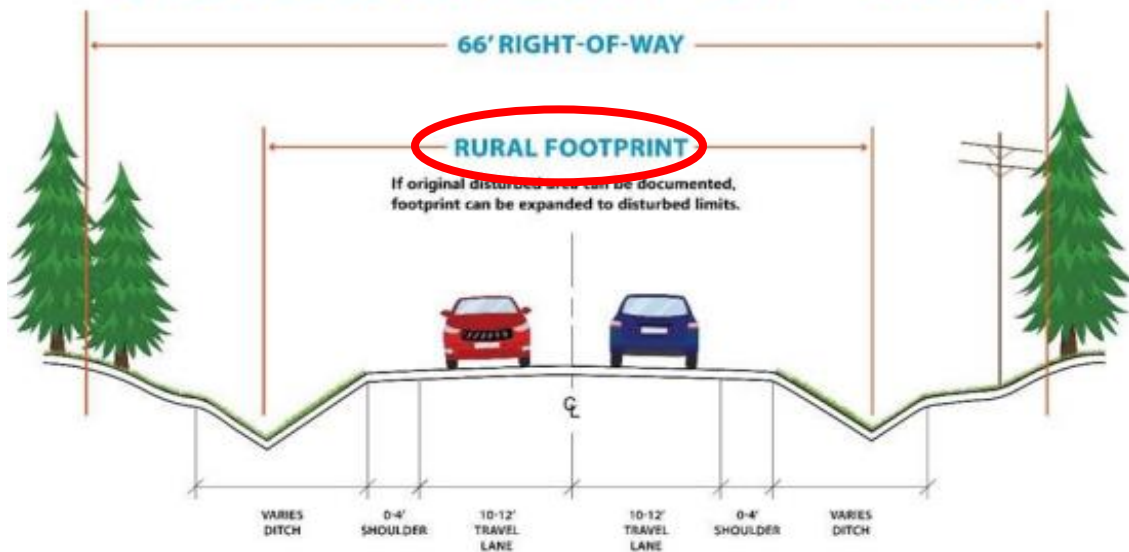


Image F

URBAN RIGHT-OF-WAY

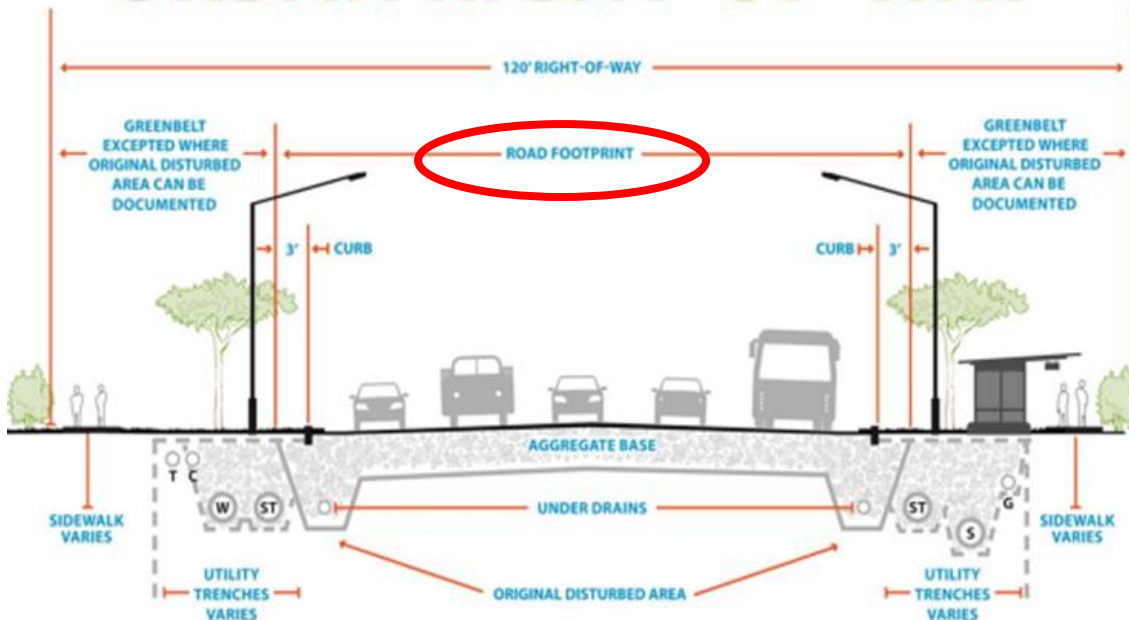
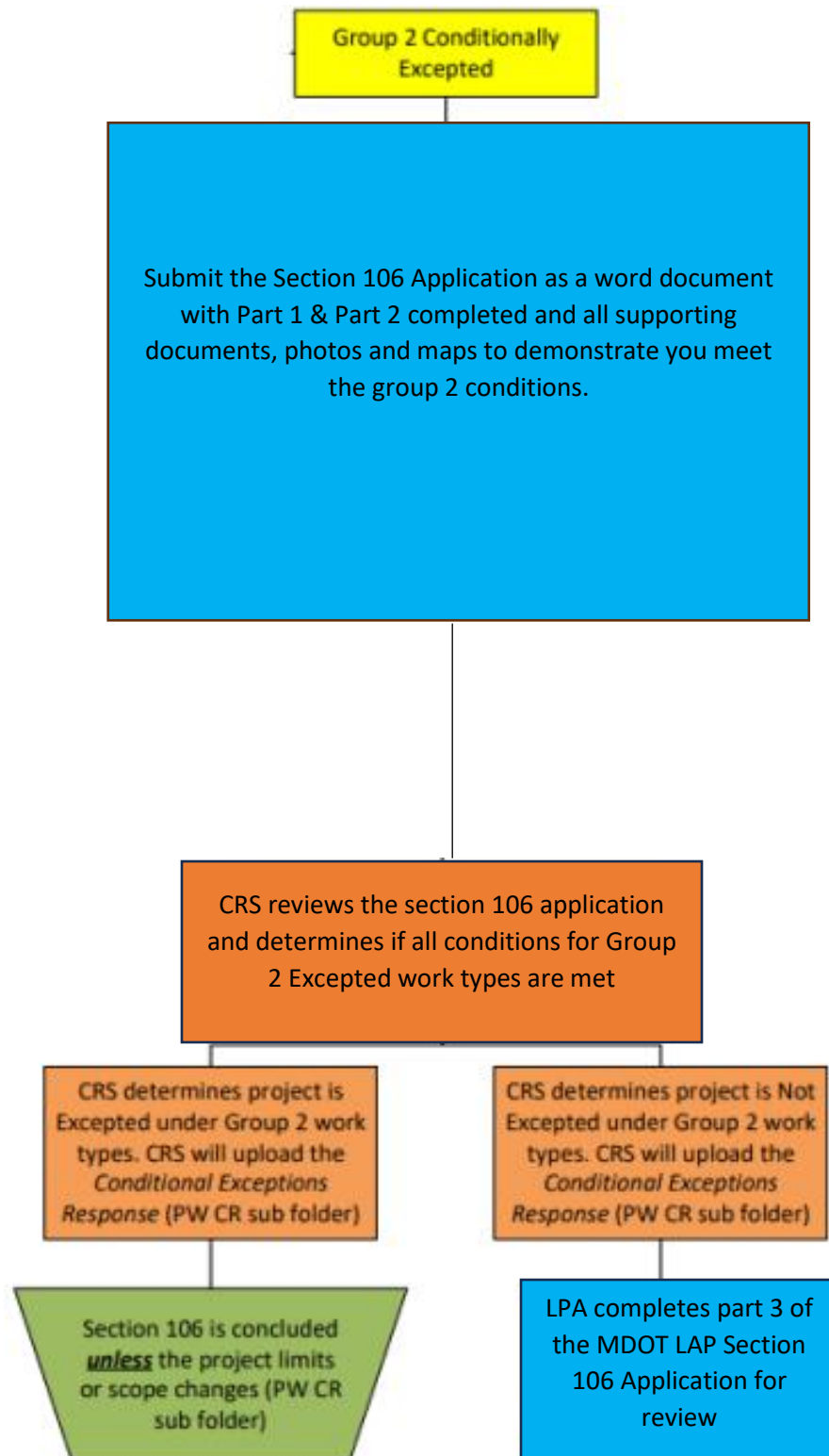


Image G

CONDITIONALLY EXCEPTED (GROUP 2) FLOW CHART



Conditionally Excepted Project Guidance (Group 2):

Conditional Excepted Projects that fall within Group 2 have specific conditions attached. These projects consist of work types/actions that by their nature and definition constitute activities that have a greater potential, under various circumstances, to affect historic properties.

Group 2 Conditions

All of the following conditions must apply to the project types below for a project to be excepted:

- There are no objects (like statues or monuments), buildings, historic districts, or structures (like bridges, stone curbs, or brick streets), cemeteries, or intentional/designed landscapes (a landscape is a collection of organized features that can range from something as small as a bird bath to large fields or orchards) that are 50 years old or older within 100 feet of the proposed work and the area is neither archaeologically sensitive nor contains TCPs (Traditional Cultural Properties). **(MDOT CRS will determine archaeological sensitivity and potential for impacts to Traditional Cultural Properties).**
- Construction will take place within the vertical and horizontal limits of previous construction (previously disturbed soils as documented via as-built plans or other construction documentation) or within 2 feet of existing features such as foundations, curbs/gutters, or culverts. **(If there are no existing plans and your work is not within 2 feet of existing features, in previously disturbed soil, it does not meet this condition).**
- Work will take place within the existing right-of-way, permanent easement or with temporary grading permits (a grading permit is permission from a property owner to perform work on their property during construction) for private driveways and side roads. **(The existing right-of-way or permanent easement must have been in place prior to the beginning design of this project. Any temporary grading permit other than for private driveways and side roads does not meet this condition).**

***For Group 2 exceptions to apply, all of the following work types or other work types must be associated with existing roadways, railroad crossings, bridges, culverts, drainage features, sidewalks, and/or curb ramps within existing Right of way (ROW) & within previously disturbed soils.**

For a full list of Conditionally Excepted (Group 2) project types and activities, refer to the MDOT LAP Quick Activity Guide on the website: [MDOT LAP Quick Activity Guide](#)

The following list of Group 2 work types and actions are excepted if the *conditions* above are met:

Project Types and Actions:

- New curb and gutter installation
- Replacement, upgrade, installation of guardrail
- Bridge Preventive Maintenance Work on all bridges (including historic bridges):
 - Hot mix asphalt (HMA) overlay with waterproofing membrane
 - Epoxy deck overlay (Concrete)
 - Shallow or deep deck overlay (removing and replacing concrete surface above or below the top mat of steel reinforcement)
 - Slope paving repair (erosion prevention under bridge)
 - Drainage system repair (bridge deck drains and bridge approach downspouts)
 - Concrete crack sealing
 - Concrete deck patching and repair
 - Approach pavement relief joint installation
 - Temporary supports
 - Expansion or construction joint repair
 - Scarifying and hydro-demolition for decks only
 - Water repellent treatment on deck surfaces
- Bridge Preventive Maintenance for bridges less than 50 years old:
 - Painting only (full, zone, or spot painting)
 - Pin and hanger replacement
 - Joint replacement and repair
 - Substructure Patching

Other Work Types:

- Railroad (RR) crossing upgrades, provided no runarounds are used to reroute vehicular or RR traffic, all work is within the road footprint, all work is within the RR right-of-way and any signals are replaced in kind.
 - Replacement, repair, or extension of culverts and other drainage structures that do not exhibit wood, stone or brick structures or parts therein. A culvert is a closed conduit under a roadway or embankment used to maintain flow from a natural channel or drainage ditch. The FHWA definition of a culvert requires that it have a span of 20 feet or less beneath the roadway, otherwise it is considered a bridge.
- Replacement or modifications of Americans with Disabilities Act compliant ramps, sidewalk transitions or bus loading pads.
 - Culvert and bridge scour and erosion countermeasures within 25 feet of top of bank and 100 feet upstream and downstream, see Image A.
- Modification of existing signs, signals, markings, illumination, other warning devices and their supports, or poles.
 - Temporary grading permits for work outside the right of way to match existing driveway or private road extensions, see Image B and C.
- Embankment material which includes processed granular materials placed in the -or in a permanent easement with no excavation, see Image D and E.



Image A

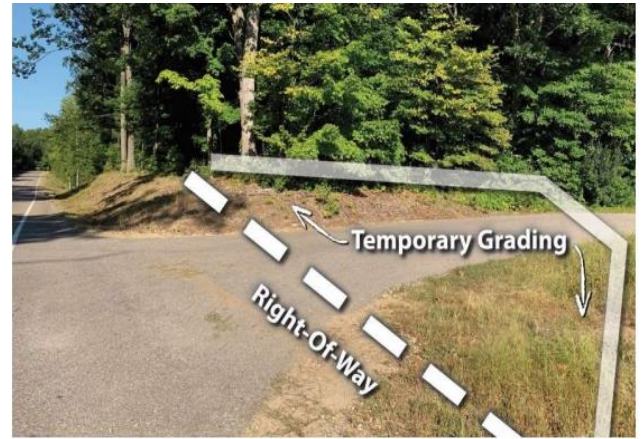


Image B



Image C



Image D

ROADWAY CROSS SECTION

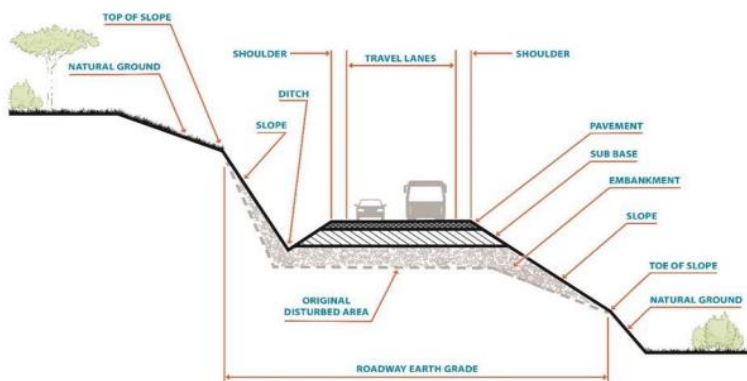


Image E

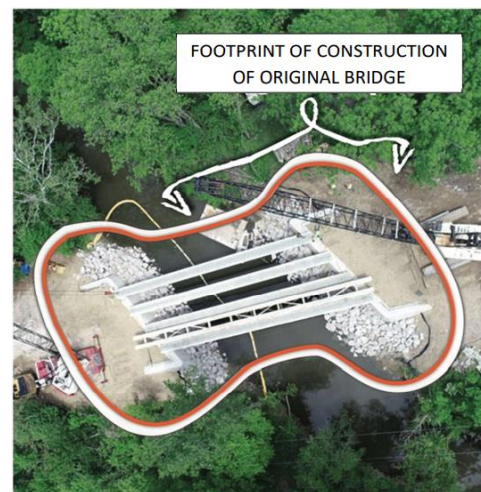


Image F

If you checked NO ☒, for the Excepted Projects Group 1 portion of the **5323 Form** ([5323 Form](#)), then you must fill out the **MDOT LAP Section 106 Application** ([Section 106](#)) as a **Word document** and provide supporting documentation/maps. Place the completed form into the ProjectWise Cultural Resources folder. You must complete part one for all project submissions.

Your project submission must include a detailed written statement explaining how your project and all its components meet the exceptions and conditions. You must also upload supporting documentation demonstrating how these conditions are met (maps, photographs, aerial views, assessor's records, plans, as-built plans, or other construction documents) to support your explanation to the ProjectWise CR Supporting Documents folder for review.

The MDOT LAP archaeologist and historian will review the submission and provide a response indicating whether or not the project area is conditionally excepted. Once the Cultural Resources staff review is completed, the MDOT LAP archaeologist and historian will upload a copy of the **Conditional Exception Response** to the ProjectWise Cultural Resources folder and notify the applicant by email. If your project is conditionally excepted, Section 106 is concluded unless the project limits or scope changes.

If your project area is archaeologically sensitive or does not meet the other Group 2 conditions the project will not be excepted. If the MDOT LAP archaeologist and historian determine that the project does not meet the conditional exception criteria, you must complete Part 3 of the **MDOT LAP Section 106 Application**.

Once the Cultural Resources staff review is completed, the MDOT LAP archaeologist and historian will upload a copy of the **MDOT LAP Determination of Effects** to the ProjectWise Cultural Resources folder and notify the applicant by email. If you receive the formal **MDOT LAP Determination of Effects** Section 106 is concluded unless the project limits or scope changes. If there are adverse effects, the MDOT cultural resources staff will coordinate with the SHPO to resolve adverse effects.

SECTION 106 COMBINED APPLICATION

Please submit as a word document.

Part 1: Must be completed for all project submissions.

Type of Submission: ☐ Group 2 ☐ Full Review

Date of Submission: [REDACTED]

Amended Date: [REDACTED]

MDOT Job Number (JN) #: [REDACTED]

Complete Bid Package Due Date Month, Day, Year: [REDACTED]

Local Agency Contact Name: [REDACTED]

Local Agency: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Preparer Name (if different): [REDACTED]

Company/Agency: [REDACTED]

Phone: [REDACTED]

Email: [REDACTED]

Project Location (Street/Road/Route/Crossing): [REDACTED]

Project Municipality (city, village, township): [REDACTED]

County: [REDACTED]

USGS 7.5' series topographic map(s):

QUAD NAME	SECTION(S)	TOWNSHIP	RANGE

☐ **Required:** General project location map (aerial) showing all project locations within the local agency (Google Earth or Google Maps).

☐ **Required:** Project area limits map showing cross street/roads/intersections, river/stream crossings/drainage ditches. The map should specify locations/limits of the work activities within the project limits including bridges, culverts, non-motorized pathways/trails, ditching, utility relocation/installation, tree removal, streetscape items, new water retention/detention areas, access, or staging areas. Please show all work activities and associated activities proposed, with a legend showing the work activity type. This includes any other item not described which could have potential environmental impacts.

☐ **Required:** USGS 7.5' series topographic map(s) with Quad Name or Private Claim numbers (Free USGS Topographic Maps Online - [Topo Zone](#) & [TopoView](#) | USGS).

- ☐ Required for projects with more than two locations: Shapefile (polygon) showing the project limits (Google Earth (KMZ) or GIS shapefile (polygon) (<https://home-mdot.hub.arcgis.com/>).
- ☐ As needed to show previously disturbed soils and/or age of structures: Historical as-built plans (show the project location).

TAP Grant #: [REDACTED]

Please upload the TAP Grant application and any comments received from MDOT or the SHPO to the CR Support folder in ProjectWise.

Will there be right-of-way (ROW) acquisition or land acquisition as part of this project?

☐ Yes ☐ No

Project Work Description: Describe in detail all work to be undertaken as part of the project. Provide a detailed description of all work activities that will be undertaken as part of the project including both federally funded and non-federally funded. Include information about the project work activities and/or (ROW) acquisition, including but not limited to building or structure removals, rehabilitation, new construction, relocations, landscape alteration, excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment and materials storage/staging, street/sidewalk/curb removal, repair, replacement, installation, or any other item not described which could have potential environmental impacts. Specify if there are any mature tree removal (more than 50 years old) or vegetation removal requiring ground disturbance as part of the project. Will there be any ADA curb ramp upgrades that will require curbs greater 6 inches at the back of the sidewalk? Discuss the activities and depth of disturbance in the project area. The length (beginning (POB) & ending (POE) and the width (existing and proposed ROW) of the project area. Please show all work activities on the project area map!

[REDACTED]

Part 2: SUBMISSION FOR GROUP 2: Skip to part 3 if you do not meet the group 2 conditions.

All Excepted Project Types with Conditions under Appendix B:

- Will be reviewed in their entirety
- Will be limited to the activity(ies) and conditions specified in Appendix B
- Will not be part of a larger undertaking
- Will be on an existing transportation facility
- Will not be segmented by activity or subject to differential review procedures

Please check all work types below that are part of your project:

- ☐ New curb and gutter installation
- ☐ Replacement, upgrade, installation of guardrail
- ☐ Bridge Preventive Maintenance Work on all bridges (including historic bridges):
 - Hot mix asphalt (HMA) overlay with waterproofing membrane
 - Epoxy deck overlay (Concrete)
 - Shallow or deep deck overlay (removing and replacing concrete surface above or below the top mat of steel reinforcement)
 - Slope paving repair (erosion prevention under bridge)
 - Drainage system repair (bridge deck drains and bridge approach downspouts)
 - Concrete crack sealing
 - Concrete deck patching and repair
 - Approach pavement relief joint installation
 - Temporary supports
 - Expansion or construction joint repair
 - Scarifying and hydro-demolition for decks only
 - *Water repellant treatment on deck surfaces*
- ☐ Bridge Preventive Maintenance for bridges less than 50 years old:
 - Painting only (full, zone, or spot painting)
 - Pin and hanger replacement
 - Joint replacement and repair
 - Substructure patching

Other Work Types:


- ☐ Railroad (RR) crossing upgrades, provided no runarounds are used to reroute vehicular or RR traffic, all work is within the road footprint, all work is within the RR right-of-way and any signals are replaced in kind.
- ☐ Replacement, repair, or extension of culverts and other drainage structures that do not exhibit wood, stone or brick structures or parts therein. A culvert is a closed conduit under a roadway or embankment used to maintain flow from a natural channel or drainage ditch. The FHWA definition of a culvert requires that it have a span of 20 feet or less beneath the roadway, otherwise it is considered a bridge.
- ☐ Replacement or modifications of Americans with Disabilities Act (ADA) compliant ramps, sidewalk transitions or bus loading pads.
- ☐ Culvert and bridge scour and erosion countermeasures within 25 feet of top of bank and 100 feet upstream and downstream.

- ☐ Modification of existing signs, signals, markings, illumination, other warning devices and their supports, or poles.
- ☐ Temporary grading permits for work outside the right of way to match existing driveway or private road extensions.
- ☐ Embankment material which includes processed granular materials placed in the right of way or in a permanent easement with no excavation.

All of the following conditions must be met for all of the work types checked above for the project to be excepted. Please check the appropriate boxes to verify that your project meets the conditional exceptions.

- ☐ There are no objects (like statues or monuments), buildings, historic districts, or structures (like bridges, stone curbs, or brick streets), or intentional/designed landscapes (a landscape is a collection of organized features that can range from something as small as a bird bath to large fields or orchards) that are 50 years old or older within 100 feet of the proposed work. The project is not within 100 feet of a cemetery. **(Provide aerial images, assessor/property records, and photos to support your claim).**
- ☐ Construction will take place within the vertical and horizontal limits of previous construction (previously disturbed soils as documented via historical as-built plans or other construction documentation) or within 2 feet of existing features such as foundations, curbs/gutters, or culverts. **(If there are no existing plans and your work is not within 2 feet of existing features, in previously disturbed soil, it does not meet this condition. Keep in mind ROW is not always disturbed).**
- ☐ Work will take place within the existing right-of-way, permanent easement or with temporary grading permits (a grading permit is permission from a property owner to perform work on their property during construction) for private driveways and side roads. **(The existing right-of-way or permanent easement must be in place prior to the beginning of the design for the project. Any temporary grading permit other than for private driveways and side roads does not meet this condition).**

The project area is neither archaeologically sensitive nor contains (Traditional Cultural Properties) TCP's or takes place within or adjacent to Tribal Reservation lands as determined by the MDOT LAP Archaeologist.

Provide a detailed written explanation of how this project and all of its related work activities meet **each of these** exceptions and conditions. Upload any/all specific documentation (maps, as built plans, photos, assessor records, etc.) exhibiting how these conditions are met to the Cultural Resources Supporting Documentation sub-folder in ProjectWise. For instruction on the level of documentation needed, please see the *Section 106 Guidance Document*. 

Part 3: SUBMISSION FOR FULL REVIEW

Site Photographs: Provide clear photographs that illustrate the general project area(s), as well as any buildings and structures that are 50 years of age or more located along the project corridor. If the project covers a large area, or multiple locations, provide several views. If the removal of mature trees is required, include photos of those locations. Submitting grainy, dark, washed out, or blurry photographs will delay review of your project. Aerial photographs are not a substitute for ground-level photographs, although they may be useful as supplemental to those photographs. Provide clear photographs of all buildings and structures located along the project corridor. All photos must be numbered and keyed to a project photo map.

- ☐ Project Photo Map
- ☐ Project Photos

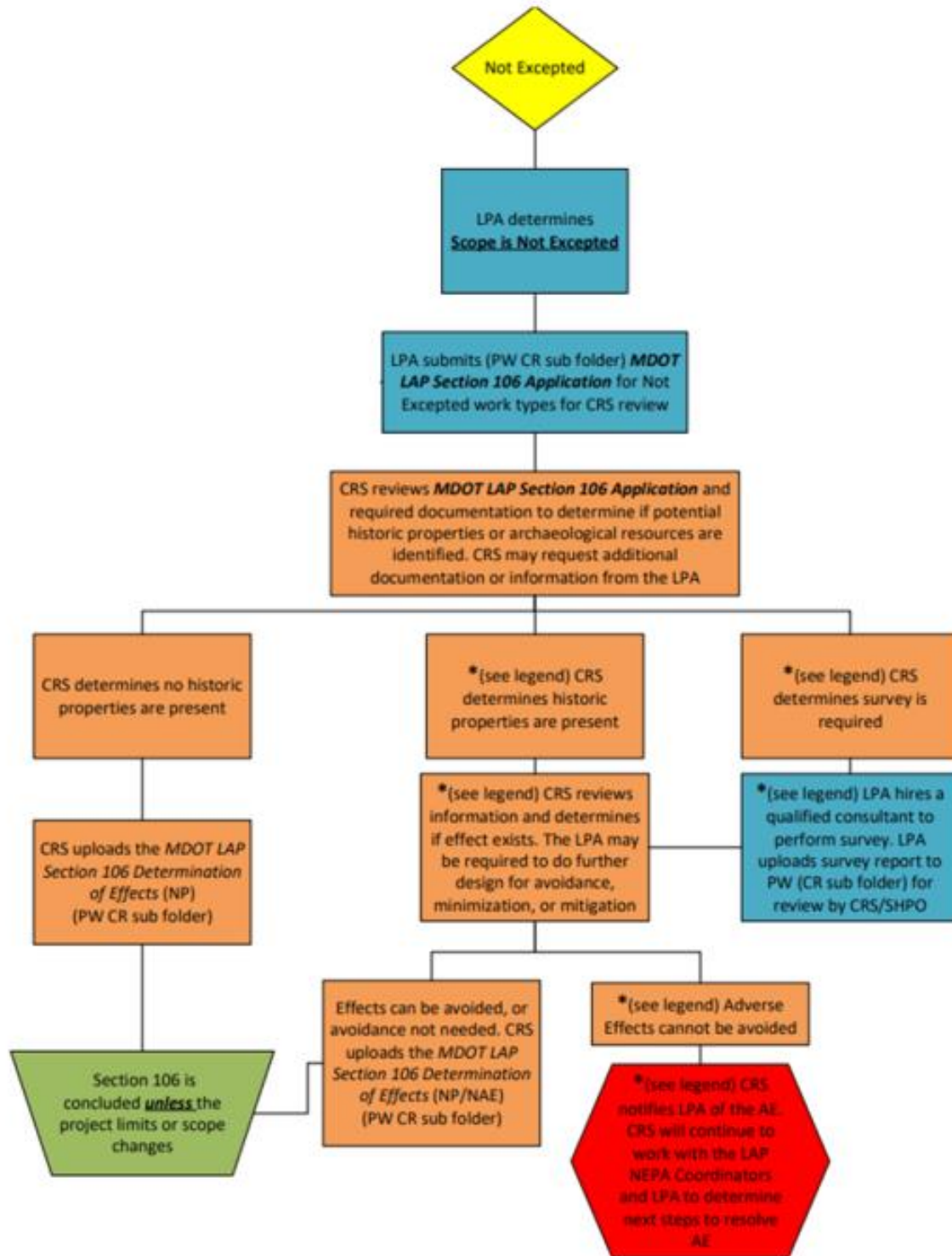
If ROW acquisition or land acquisition was checked in part one, please check all that apply and demonstrate the ROW/land acquisition on the project map and highlight/callout on project plans.

- ☐ Permanent (easement and/or fee)
- ☐ Temporary (consent to construct or consent to grade)
- ☐ Land Acquisition

Check all of the following documents that have been provided to show the project location, previous disturbance, project boundaries, all work types and associated work types. You must also highlight or call out the ROW acquisition/easements/staging/access areas in project plans.

- ☐ Current Project Plans as available
- ☐ Historical (as-built) Plans as available

NOT EXCEPTED FLOW CHART



Not Excepted Project Guidance (Full Review):

Not excepted projects do not meet the exceptions of Group 1, nor the conditional exceptions of Group 2, as defined in Appendix B of the Programmatic Agreement. These projects consist of work types/actions that by their nature and definition constitute activities that have the greatest potential to affect historic properties. Not excepted projects require full Section 106 review by MDOT Cultural Resources Specialists.

If your project is not excepted (Group 1) or conditionally excepted (Group 2) you must complete Part 3 of the **MDOT LAP Section 106 Application** ([Section 106](#)). Upload the completed application to the ProjectWise [Cultural Resources](#) folder for review. You must also upload supporting documentation (maps, photographs, aerial views, assessor's records, and as-built plans, design plans or other construction documentation) to the ProjectWise [CR Supporting Documents](#) folder for review.

To see if your project type is excepted under Group 1 or conditionally excepted under Group 2, refer to the MDOT LAP Quick Activity Guide on the website: [MDOT LAP Quick Activity Guide](#)

Following the review of the application and supporting documentation with the MDOT LAP Section 106 Application, MDOT Cultural Resource Specialists will:

- Identify any known historic or archaeological resources in the project area
- Determine if a field investigation/survey is needed to collect more information
- If needed, provide RFP (request for proposal) language to the LPA to assist the LPA in hiring a qualified consultant for field investigation/survey
- The MDOT LAP historian and archaeologist will review the submission and provide a **Section 106 Determination of Effect** Response
- If there is an effect, work with the LPA to avoid or minimize effects
- MDOT will consult with the SHPO and Native American Tribes when necessary, including all Adverse Effects
- Provide guidance on mitigation for Adverse Effects

Supplemental Documents:

Plans and specifications and/or other exhibits/graphics should be included as needed to adequately depict the project scope and its specific impact on historic properties, but these cannot be substituted for an adequate written description. If the project includes special plan sheets, notes, provisions, or specifications related to historic properties, include these items. Include additional diagrams, as needed, to show the impact of the project on historic properties, such as a diagram or plan sheet showing the existing versus proposed ROW, when there are takings from historic properties. If you submit project plans, ensure that the project limits are shown. If possible, highlight or call out any proposed ROW acquisition, staging areas, and access areas on the plans. Otherwise, when preparing supplemental documentation, you may use colors or highlights on separate copies of project plans to show these areas.

Mapping:

Project maps must be included to show the location of the project area. Maps allow a reviewer who is not familiar with the project to understand the exact location where the project will take place. In some cases, depending on the size of the project and scope of the work, more than one map may be needed. Maps must include the job number, north arrow, scale bar, and have either the location description or the topo map name (if topo). Ensure that you depict the entire project area in every map that you submit. The project area (The existing and proposed ROW that encompasses a given LPA project from its POB to its POE) is outlined in blue throughout the guidance document. Clearly depict the entire footprint of the project area. The length (beginning (POB) & ending (POE) and the width (existing and proposed ROW) of the project area. Highlight or draw a box around your project area's worst-case scenario of ground disturbance if unknown. The project area must be to scale.

At a minimum the following maps must be included:

- **A general project location map showing the project location(s) within the local agency (if more than one location)**
- **A USGS 7.5' series topographic quad map showing the project area(s)**
- **A project area map depicting the project right-of-way, limits and depict work activities which could have potential environmental impacts.**
- **Photo Map (Only needed for the 106 Application)**

Shapefiles:

If available, provide shapefiles (polygon) that depict the project area. They can be either ([Google Earth](#)) files (KMZ) or ArcMap GIS shapefile ([Department of Transportation \(arcgis.com\)](#)). Please note, that GIS shapefiles should be sent as a polygon, not a line or a point.

Work Description:

The work description on the section 106 application must match page 2 of the 5323 form. Provide a detailed description of all work activities that will be undertaken as part of the project including both federally funded and non-federally funded. Include information about the project work activities and/or (ROW) acquisition, including but not limited to building or structure 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/staging, street/sidewalk/curb removal, repair, replacement, installation or any other item not described which could have potential environmental impacts. Discuss the activities and depth of disturbance in the project area. The length (beginning (POB) & ending (POE) and the width (existing and proposed ROW) of the project area.

Work Description Urban Example:

BAD Example: Street Repaving, Pedestrian Facility Replacement in Downtown Lansing.

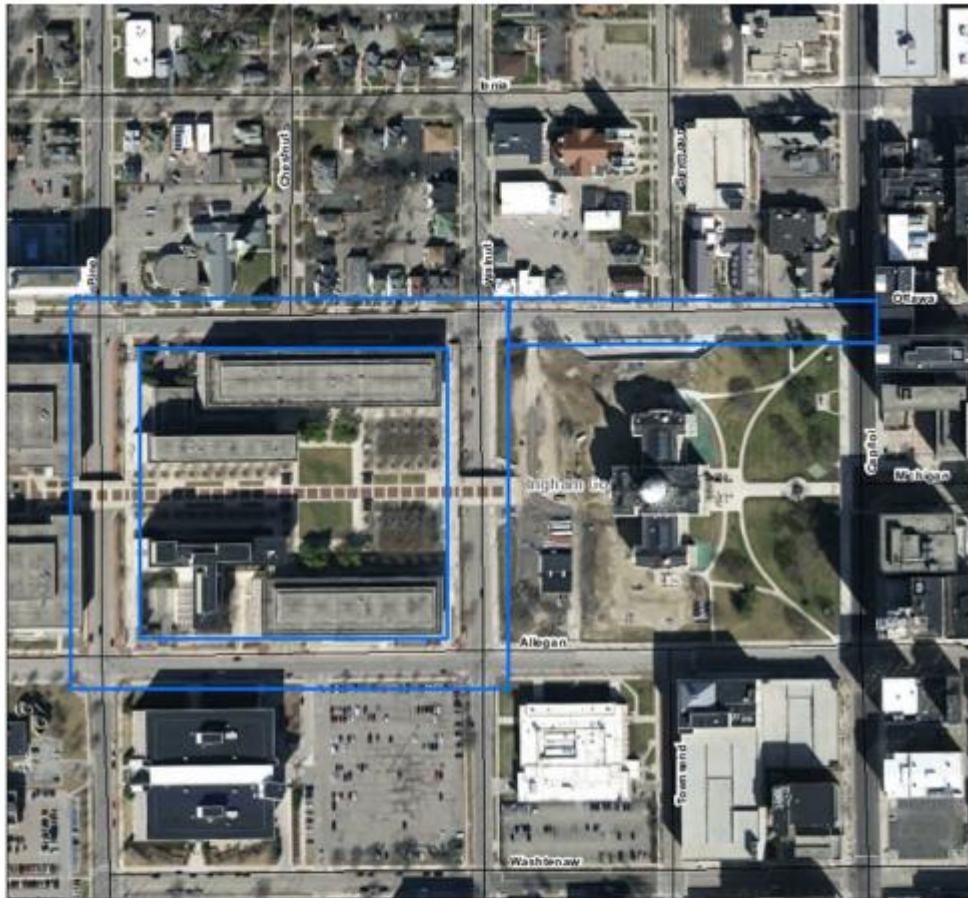
GOOD Example: (2 inch) HMA Overlay (0.9 miles) on W. Ottawa St, Allegan St. Pine St. and Walnut St. in Lansing, Ingham County. The work will include signal replacements, ADA compliant curb ramp replacements, curb and sidewalk replacements at each intersection. The depth of replacement is 1 foot. Associated work activities include utility relocation on W. Ottawa St. from Pine St. to Capitol Ave. There will also be restriping and two possible tree removals. All of the work will occur within the existing ROW and no ROW acquisition is anticipated for this project.

Project Work Description: Describe in detail all work to be undertaken as part of the project. Provide a detailed description of all work activities that will be undertaken as part of the project including both federally funded and non-federally funded. Include information about the project work activities and/or (ROW) acquisition, including but not limited to building or structure removals, rehabilitation, new construction, relocations, landscape alteration, excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment and materials storage/staging, street/sidewalk/curb removal, repair, replacement, installation, or any other item not described which could have potential environmental impacts. Specify if there are any mature tree removal (more than 50 years old) or vegetation removal requiring ground disturbance as part of the project. Will there be any ADA curb ramp upgrades that will require curbs greater 6 inches at the back of the sidewalk? Discuss the activities and depth of disturbance in the project area. The length (beginning (POB) & ending (POE) and the width (existing and proposed ROW) of the project area. Please show all work activities on the project area map!

Urban Project Mapping Example:

Project Location Aerial Map:

You must include all project location(s) within the local agency ([Google Maps](#)). The map must show the project area(s) and street names. This map should be cropped and zoomed to show the project area(s). This map is only needed if there is more than one project area within the local agency.



HMA overlay, sidewalk, curb, and curb ramp replacement:
W. Ottawa St. from N. Pine St. to Capitol St.
W. Allegan St. from N. Pine St. to N. Walnut St.
N. Pine St. from W. Ottawa St. to W. Allegan St.
N. Walnut St. from W. Ottawa St. to W. Allegan St.



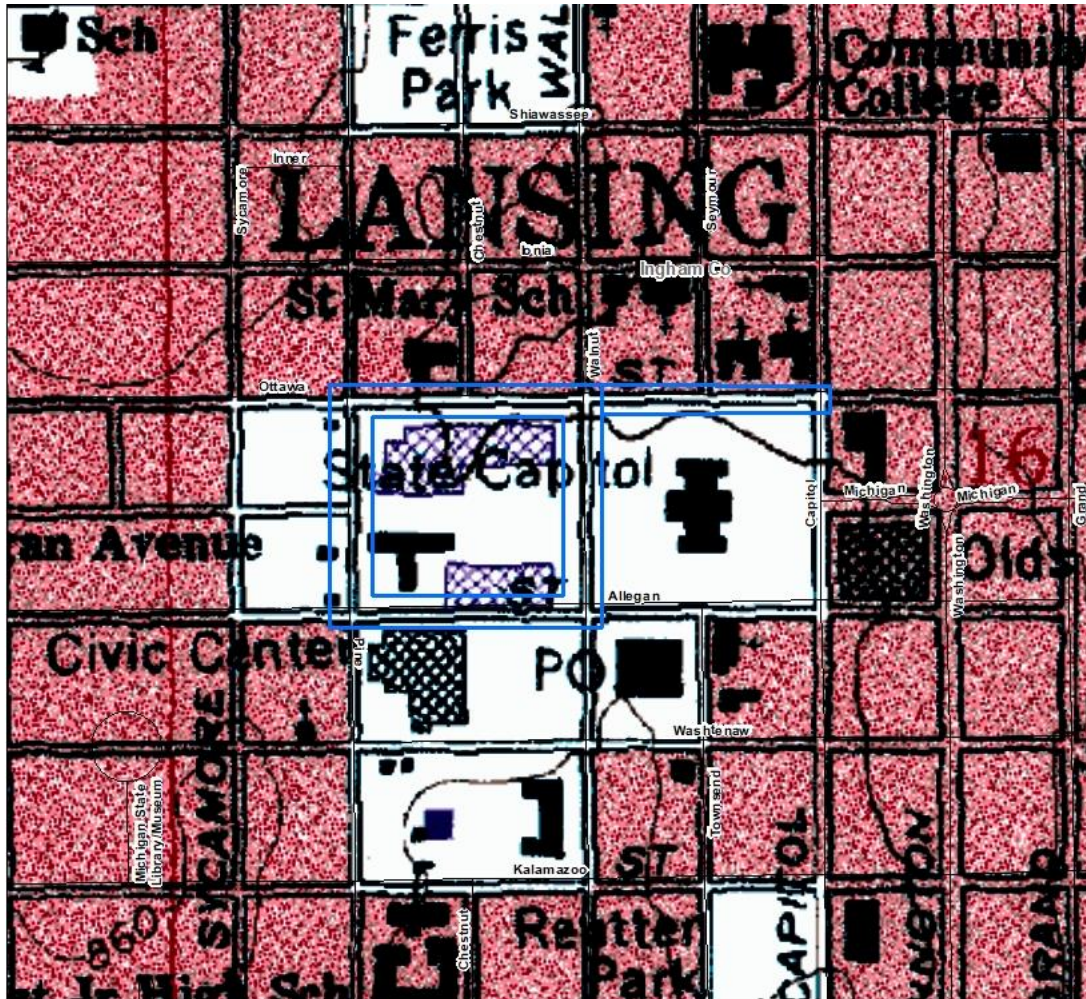
Job Number 12345

100 50 0 Meters



USGS 7.5' Series Topographic Quad Map:

You must include the USGS 7.5' series topographic map(s) ([Free USGS Topographic Maps Online - Topo Zone](#)). The maps can also be downloaded for free at the USGS Topo View website ([topoView | USGS](#)). Label this graphic with the official USGS Quad map name, Section, Township, and Range information. This map should be cropped and zoomed to show the project area.



Lansing South, MI Topo Quad Map
Sec 16, Township 4N, Range 2W



Job Number 12345

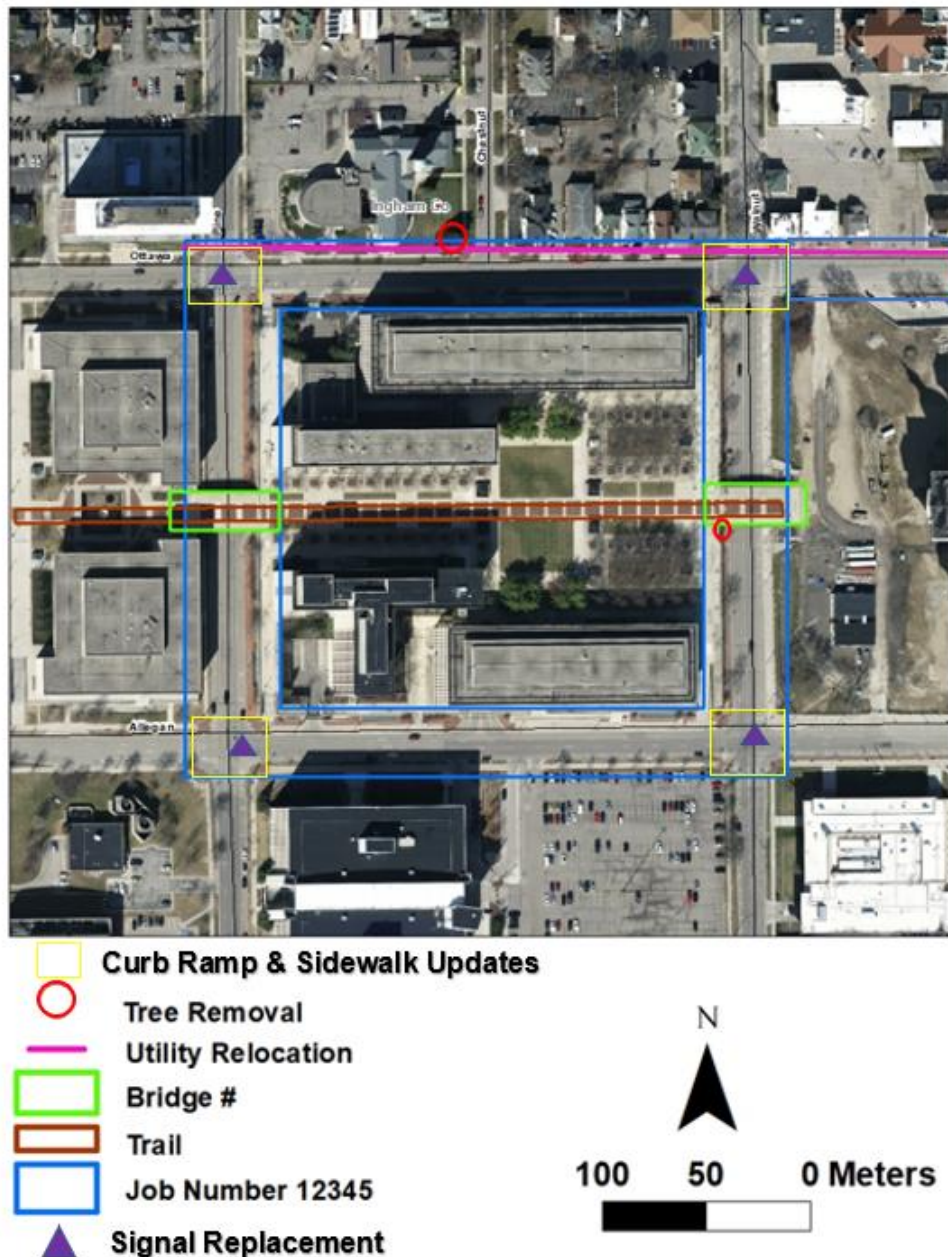


200 100 0 Meters

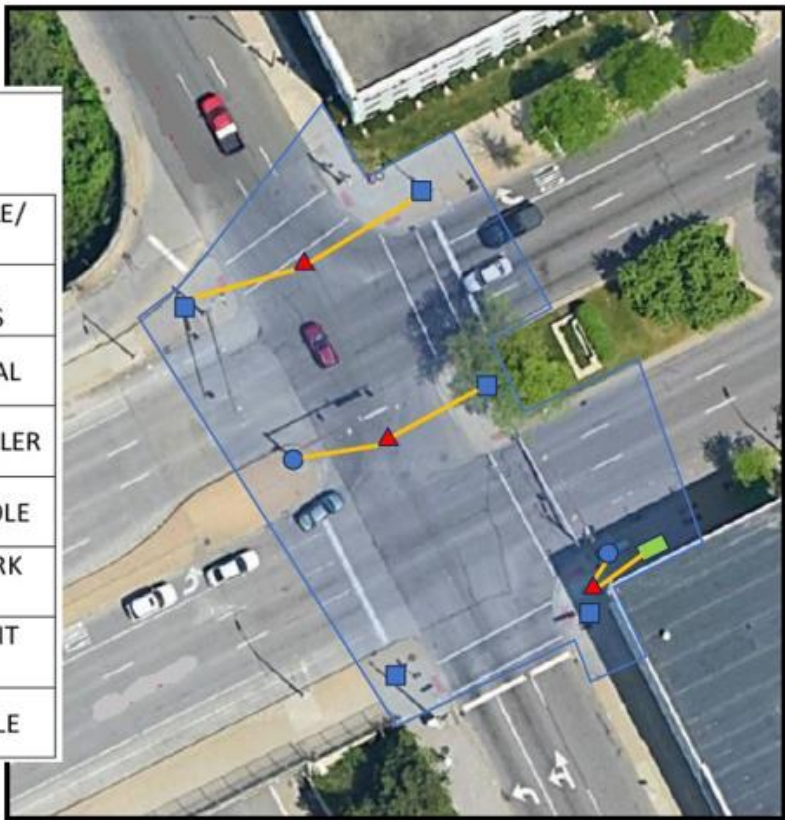
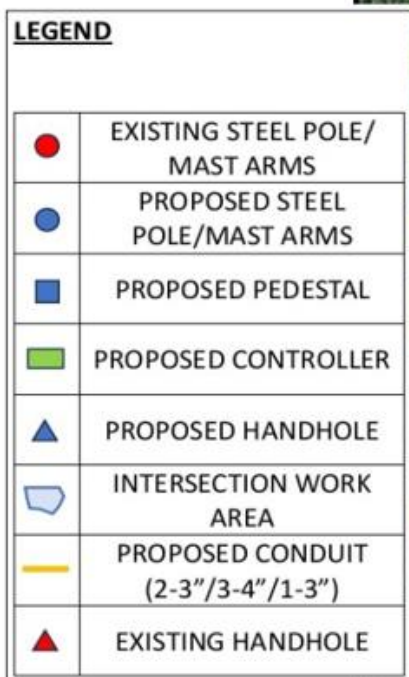
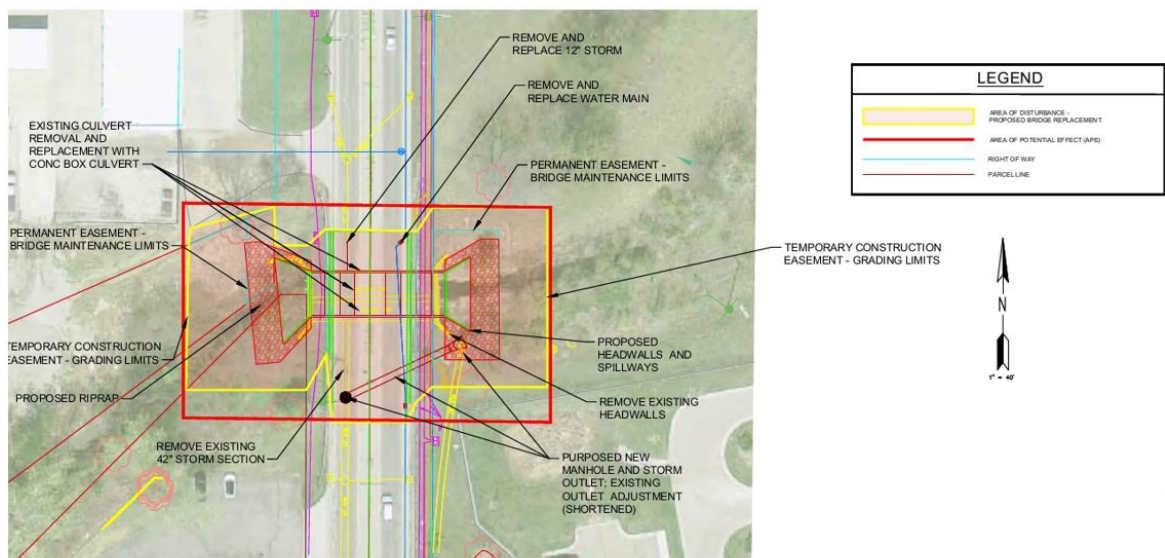


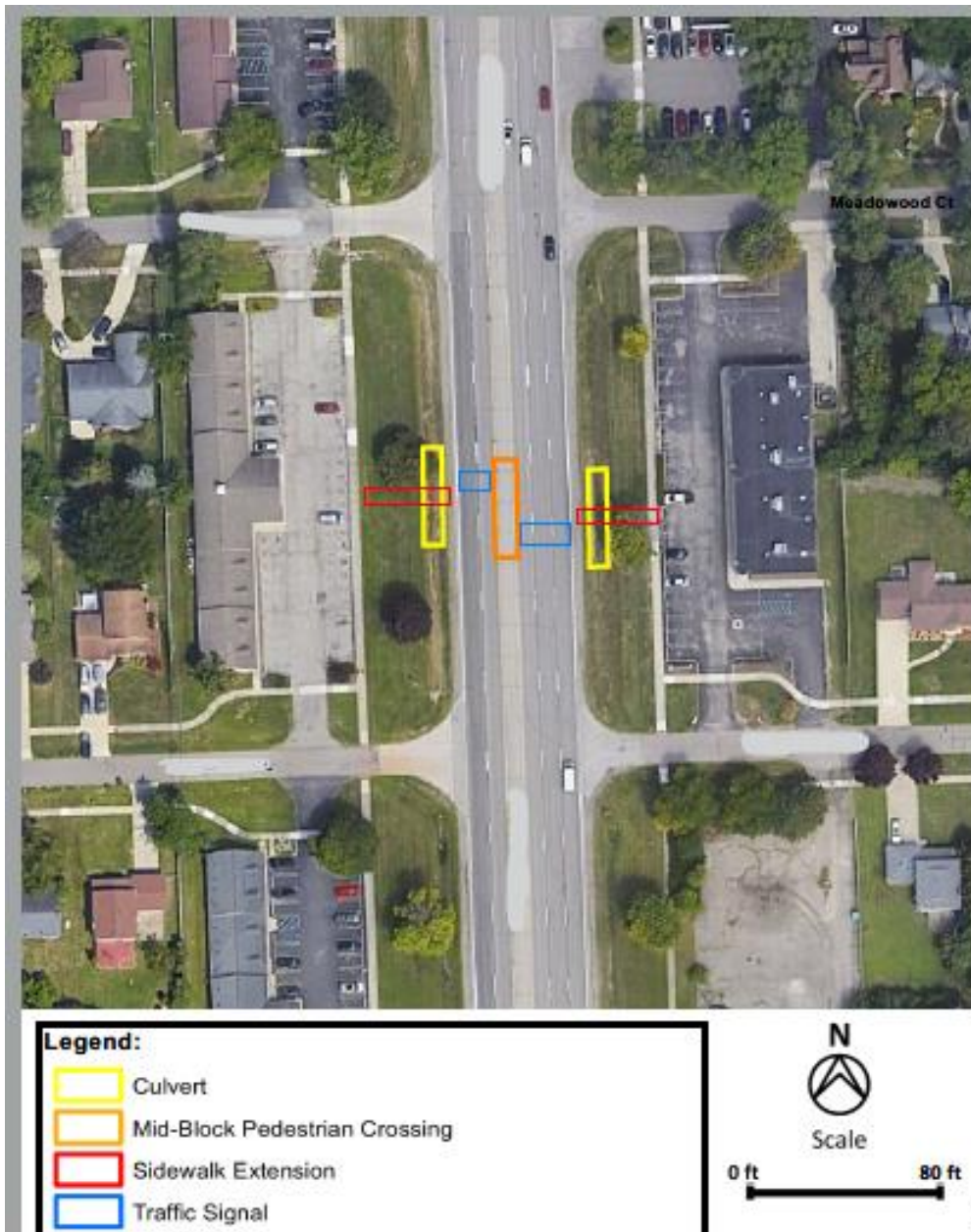
Project Area Activity Map:

You must include a map showing the project area, street/roads/intersections, right of way, and the locations of the work activities within the project limits. Your map should have a legend which depicts any bridges, culverts, tree removals, non-motorized pathways/trails, utility relocation/installations, streetscape items, new water retention/detention areas, access or staging areas, or any other item not described which could have potential environmental impacts. This map should be cropped and zoomed to show the project area.



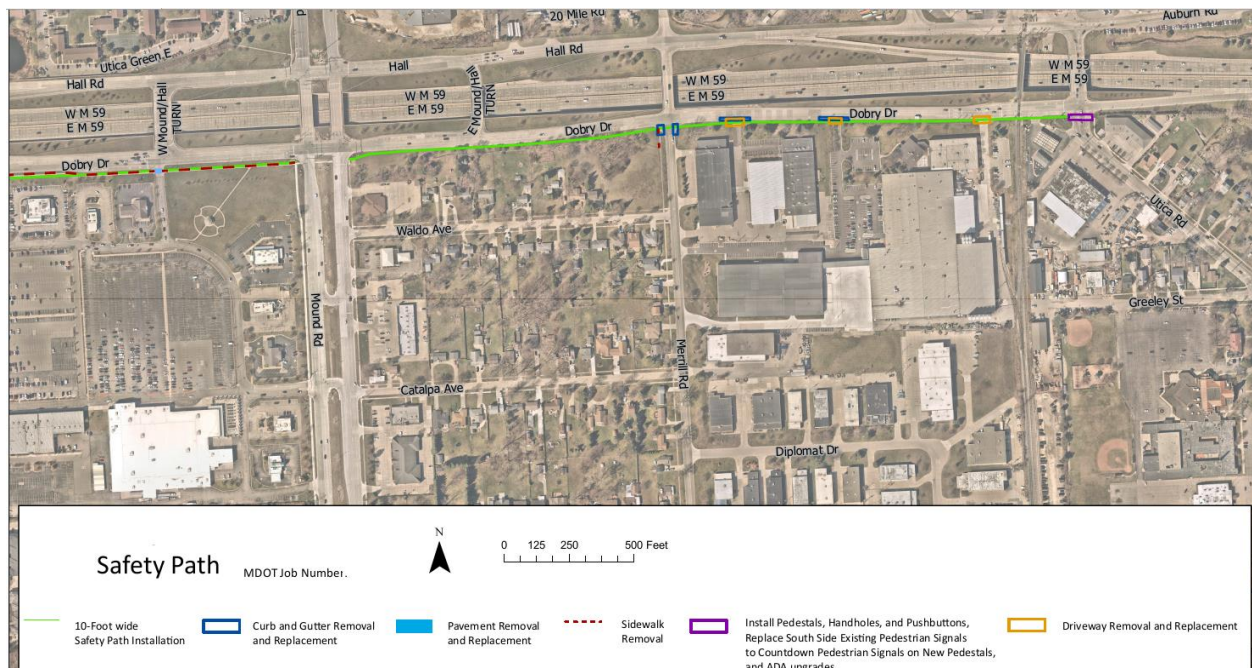
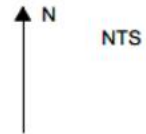
Good Examples of Project Area Activity Maps



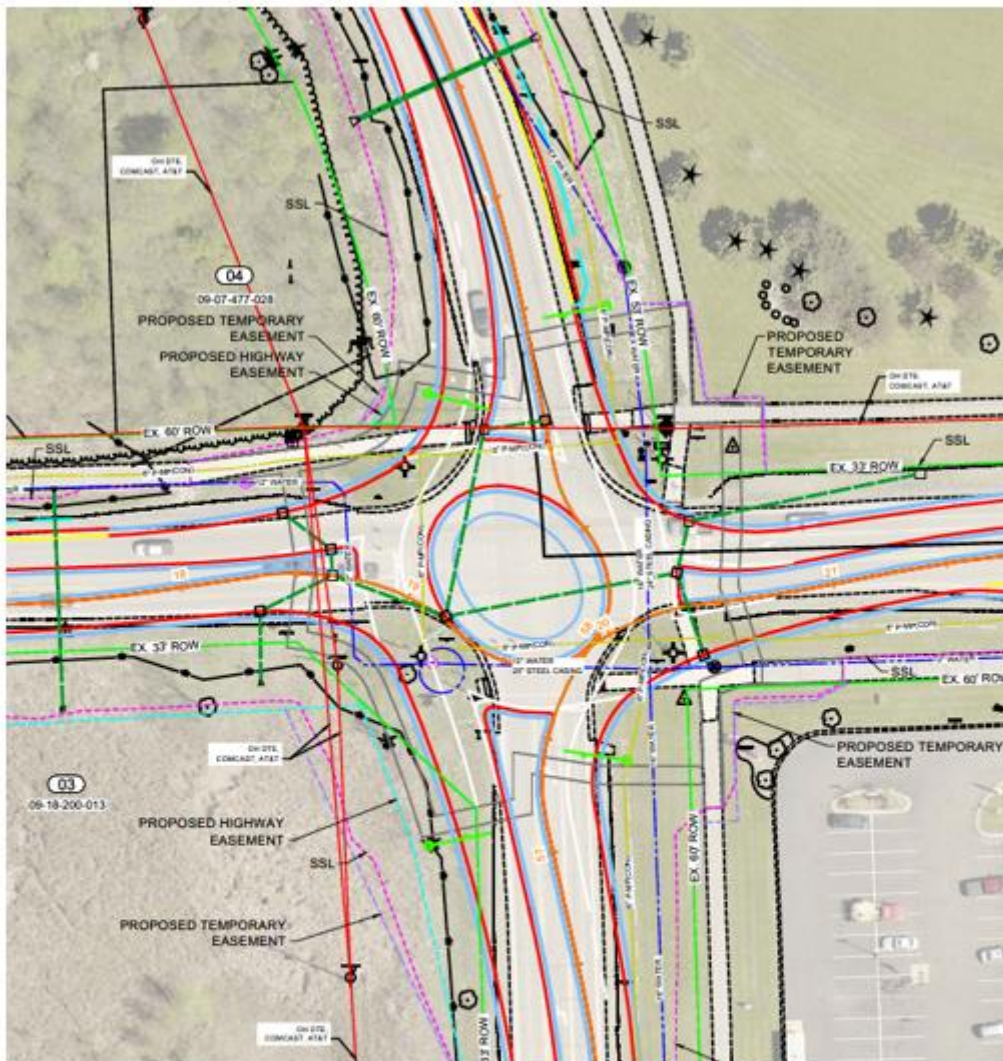




- | | |
|---|--|
| JN | Riprap, Heavy |
| Bridge | Joint Repair/Resealing |
| Guardrail Remove and Replace, | Utilities and Buildings - No Relocation Required |
| Slope repair, saw cut and replace curbs | |
| HMA Removal, Mill and Paving, Waterproof Membrane replacement, chip and patch | |







- PROPOSED BACK OF CURB
- PROPOSED EDGE OF HMA PAVEMENT
- PROPOSED GRAVEL SHOULDER
- PROPOSED SIDEWALK
- PROPOSED PAVEMENT MARKING
- PROPOSED PAVEMENT MARKING
- EXISTING RIGHT OF WAY

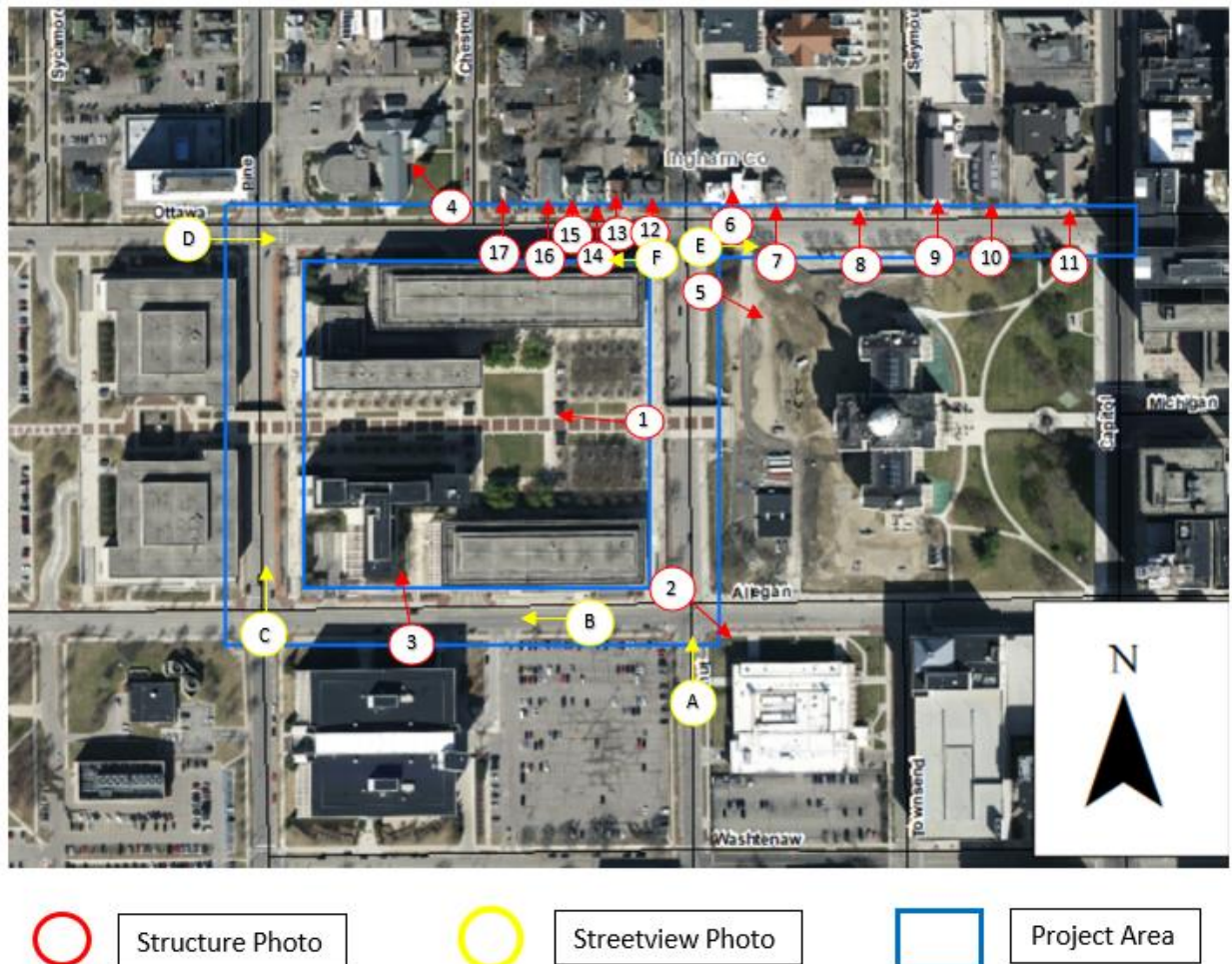
LEGEND



SCALE: 1" = 30'
07/10/2023

Photo Map:

You must include a photo map with your submission. Photos should not be uploaded as individual files but should be combined within a Microsoft Word or PDF document as a photo document. Each photo should be numbered/identified and keyed to a photo map, with the number of the photograph, and an arrow indicating the cardinal direction the camera was pointed at when the photo was taken.



Site Photographs:

Provide clear photographs that illustrate the general project area(s), as well as any buildings and structures that are 50 years of age or more located along the project corridor. If the project covers a large area, or multiple locations, provide several views. If the removal of mature trees is required, include photos of those locations, and key them to the map. Submitting grainy, dark, washed out, or blurry photographs will delay reviewing your project. Photos where features are covered in snow or leaves will not be accepted. Aerial photographs are not a substitute for ground-level photographs, although they may be useful as supplemental to those photographs.



Figure A. Walnut St. view North



Figure B. Allegan St. view West

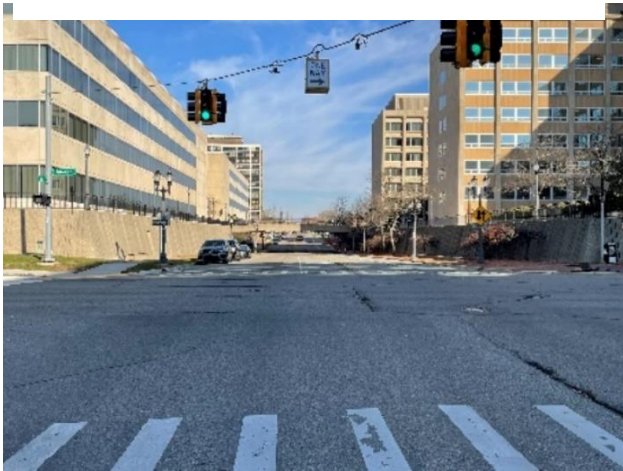


Figure C. Pine St. view North from Allegan St.



Figure D. W. Ottawa St. view East from Pine St.



Figure E. W. Ottawa St. view East from Walnut St.

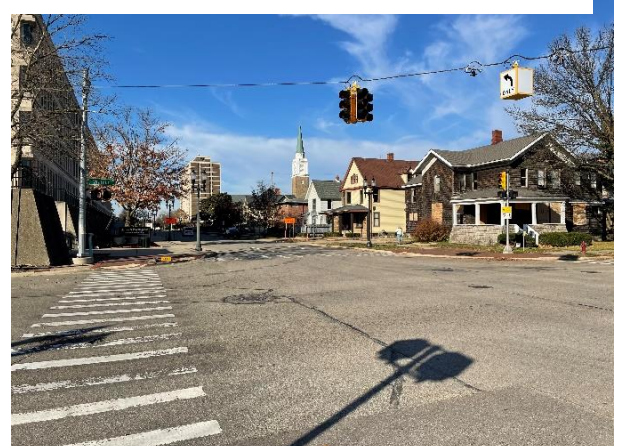


Figure F. W. Ottawa St. view West from Walnut St.



Figure 1. Walnut St. overpass view West



Figure 2. Corner of W. Allegan St. and Walnut St. view Southeast



Figure 3. 530 W. Allegan St. view North



Figure 4. 510 W. Ottawa St. and Chestnut St. view Northwest



Figure 5. Corner of W. Ottawa St. and Walnut St. view Southeast



Figure 6. W. Ottawa St. and Chestnut St. view North



Figure 7. 218 W. Ottawa St. view North



Figure 8. 318 W. Ottawa St. view North



Figure 9. 218 W. Ottawa St. view North



Figure 10. 218 1/2 W. Ottawa St. view North



Figure 11. 215 N. Capital Ave. view North



Figure 12. 201 N. Walnut St. view North



Figure 13. 406 W. Ottawa St. view North



Figure 14. 412 W. Ottawa St. view North



Figure 15. 416 W. Ottawa St. view North



Figure 16. 420 W. Ottawa St. view North

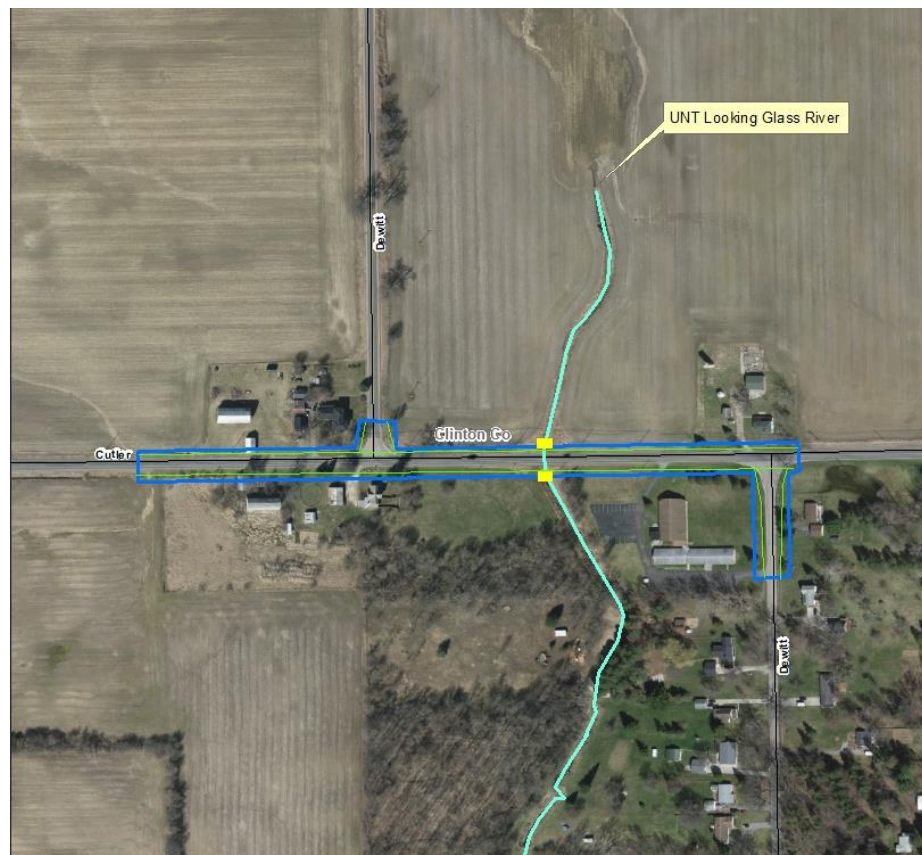


Figure 17. 426 W. Ottawa St. view North

Work Description Rural Example:

BAD Example: Repaving & Culvert Replacement on Cutler Rd. all work is within the ROW.

GOOD Example: HMA Overlay & Culvert Replacement on W. Cutler Rd in DeWitt Township, Clinton County. The project extends 963 feet west to 580 feet east of UNT Looking Glass River for a length of 1543 feet. The work will include a 30 ft concrete box culvert 'in kind' replacement, excavation to a depth of 2 feet, with erosion control measures (riprap), as well as approach work on both intersections of S. Dewitt Rd. Associated work activities include a (2 inch) HMA overlay, ditch clean out, site distance improvements at both intersections, restriping, and possible tree removal. All of the work will occur within the existing ROW and no additional ROW acquisition is anticipated for this project.



HMA overlay, culvert replacement, ditch clean out
and restriping W. Cutler Road & S. Dewitt Road



Culvert



Project Area Job Number 12345



Ditch Clean Out



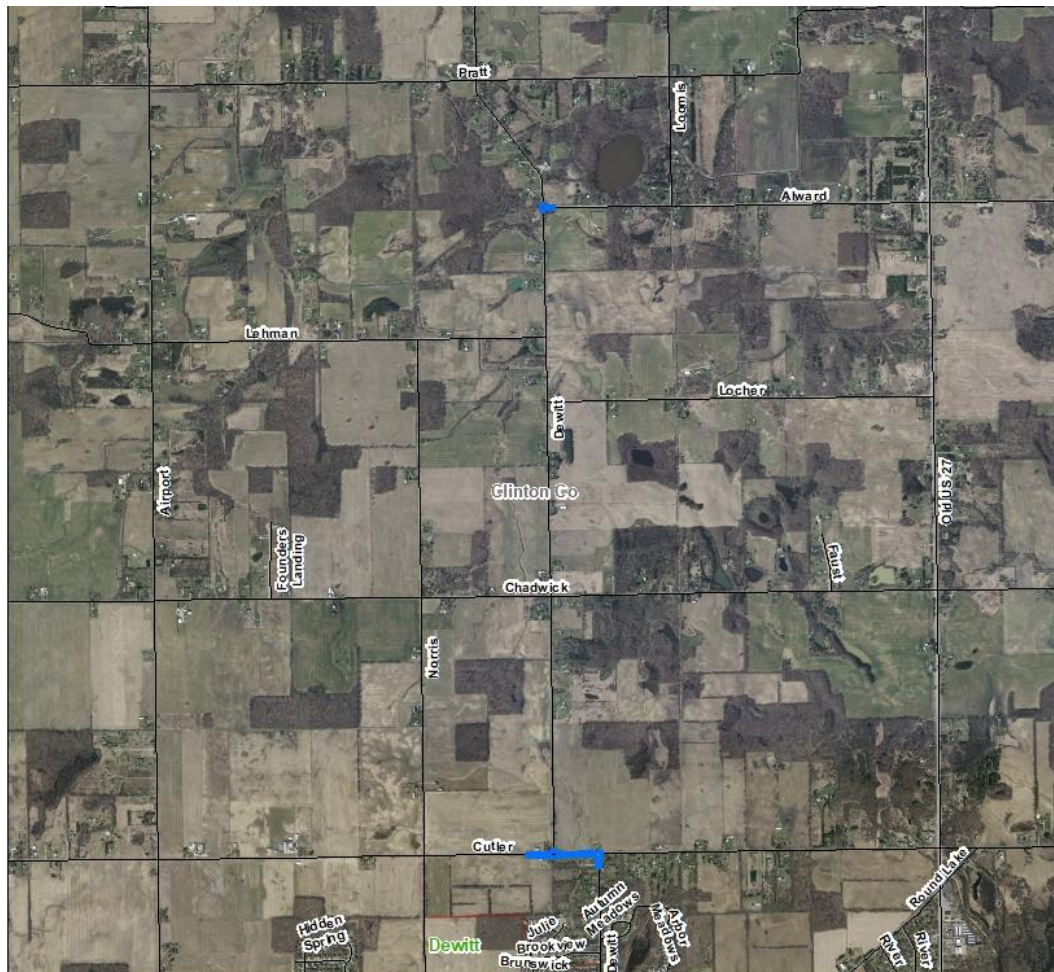
60 30 0 Meters



Rural Project Mapping Example:

Project Location Aerial Map (Showing Two Project Areas):

You must include all project location(s) within the local agency ([Google Maps](#)). The map must show the project area(s) and street names. This map should be cropped and zoomed to show the project area(s). This map is only needed if there is more than one project area within the local agency.



HMA overlay, ditch clean out and restriping
Alward St. and S. DeWitt Rd. Intersection
W. Cutler Road from S. DeWitt Road



Project Area Job Number 12345

1 0.5 0 Kilometers



USGS 7.5' Series Topographic Quad Map:

You must include the USGS 7.5' series topographic map(s) ([Free USGS Topographic Maps Online - Topo Zone](#)). The maps can also be downloaded for free at the USGS Topo View website (<https://ngmndb.usgs.gov/topoview/>). Label this graphic with the official USGS Quad map name, Section, Township, and Range information. This map should be cropped and zoomed to show the project area.



Saint Johns South, MI Topo Quad Map
Sec 20, Township 6N, Range 2W



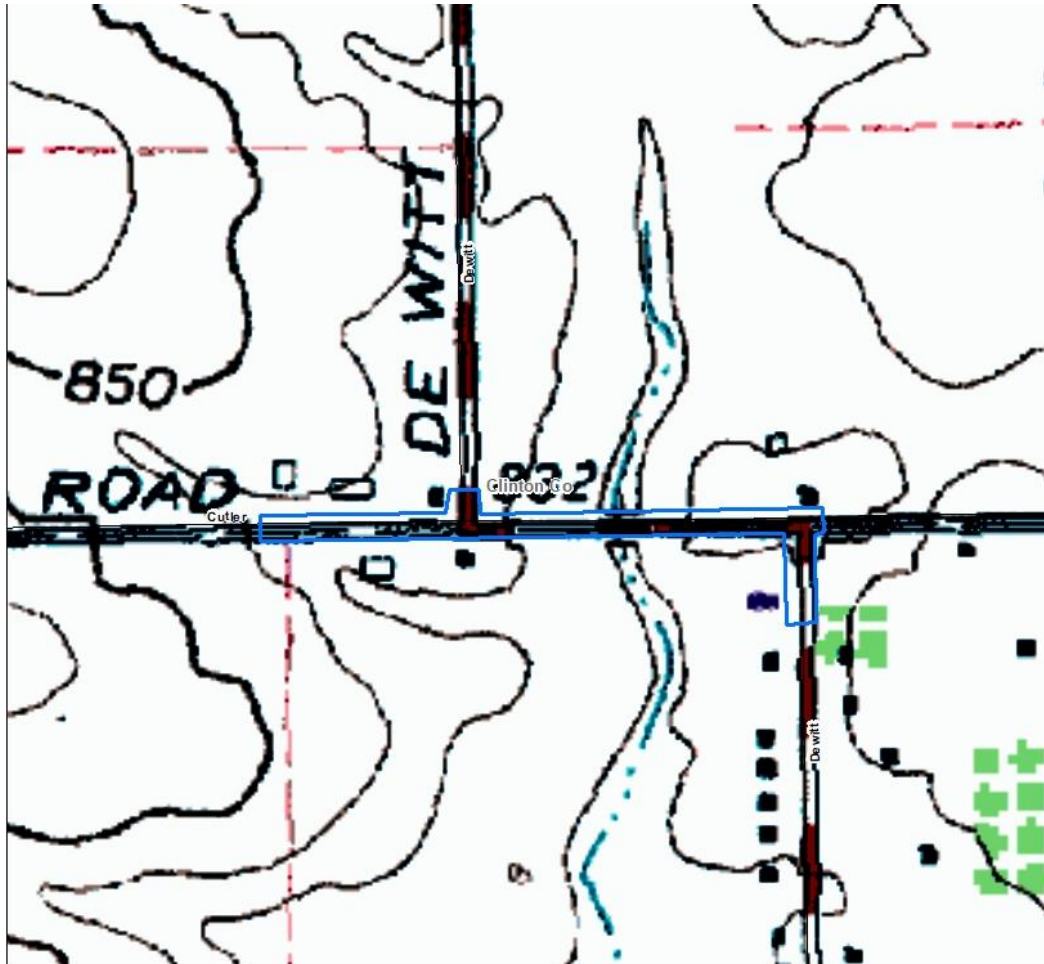
Project Area Job Number 12345



100 50 0 Meters



USGS 7.5' Series Topographic Quad Map:



**Lansing North, MI Topo Quad Map
Sec 5 & Sec 32, Township 6N, Range 2W**



Project Area Job Number 12345

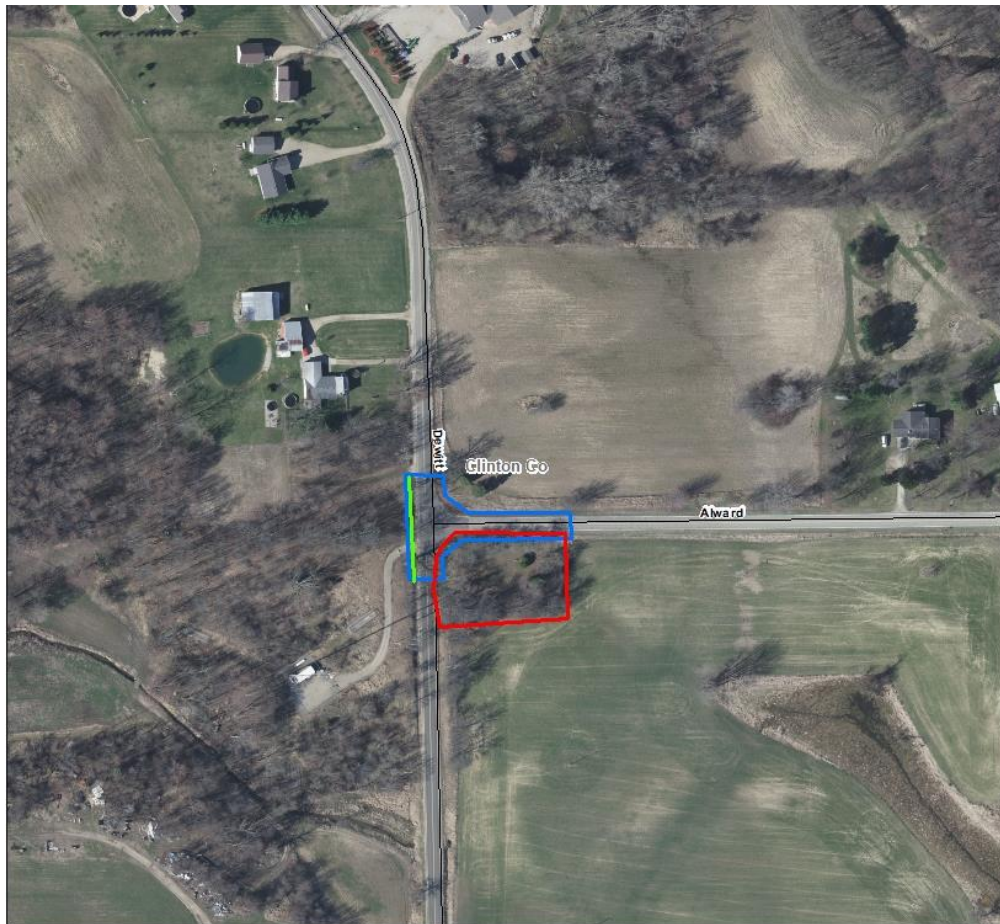


100 50 0 Meters



Project Area Map:

You must include a map showing the project area, street/roads/intersections, right of way, and the locations of the work activities within the project limits. Your map should have a legend which depicts any bridges, culverts, tree removals, non-motorized pathways/trails, utility relocation/installations, streetscape items, new water retention/detention areas, access or staging areas, or any other item not described which could have potential environmental impacts. This map should be cropped and zoomed to show the project area.



HMA overlay, ditch clean out and restriping
Alward St. and S. DeWitt Rd. Intersection



Cemetery



Project Area Job Number 12345



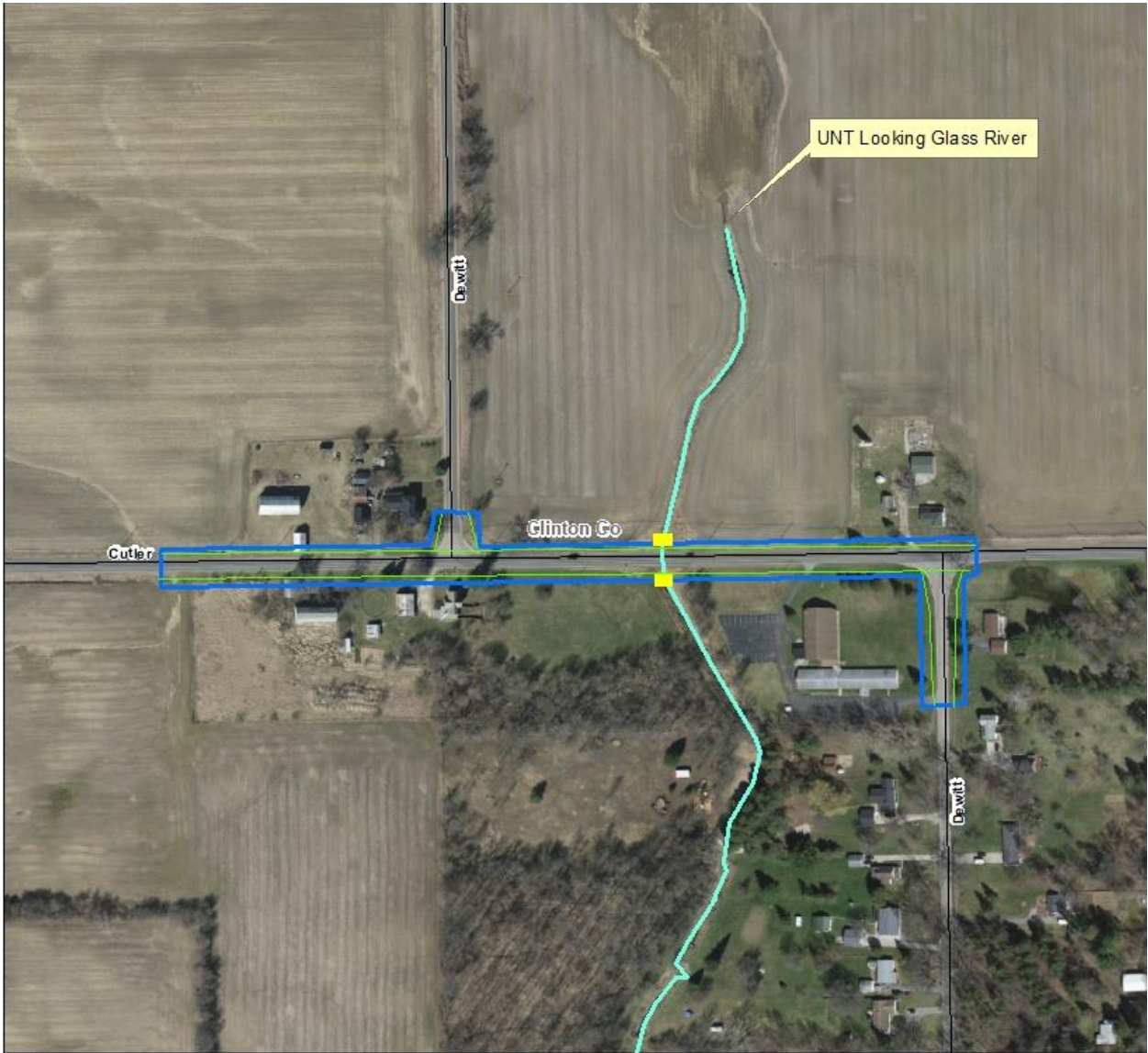
Ditch Clean Out



60 30 0 Meters



Project Area Map:



**HMA overlay, culvert replacement, ditch clean out
and restriping W. Cutler Road & S. Dewitt Road**

-  **Culvert**
-  **Project Area Job Number 12345**
-  **Ditch Clean Out**

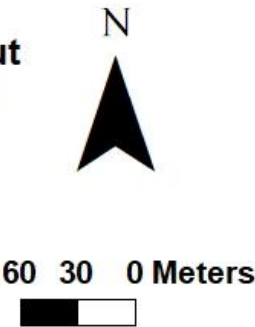


Photo Map:

You must include a photo map with your submission. Photos should not be uploaded as individual files but should be combined within a Microsoft Word or PDF document as a photo document. Each photo should be numbered/identified and keyed to a map, with the number of the photograph, and an arrow indicating the cardinal direction the camera was pointed at when the photo was taken.



Site Photographs:

Provide clear photographs that illustrate the general project area(s), as well as any buildings and structures that are 50 years of age or more located along the project corridor. If the project covers a large area, or multiple locations, provide several views. If the removal of mature trees is required, include photos of those locations, and key them to the map. Submitting grainy, dark, washed out, or blurry photographs will delay reviewing your project. Photos where features are covered by snow or leaves will not be accepted. Aerial photographs are not a substitute for ground-level photographs, although they may be useful as supplemental to those photographs.



Figure A. W. Alward Rd. view West



Figure B. W. Alward Rd. view East



Figure C. S Dewitt Rd. view North



Figure D. S Dewitt Rd. view South



Figure 1. Alward Lake Cemetery view East

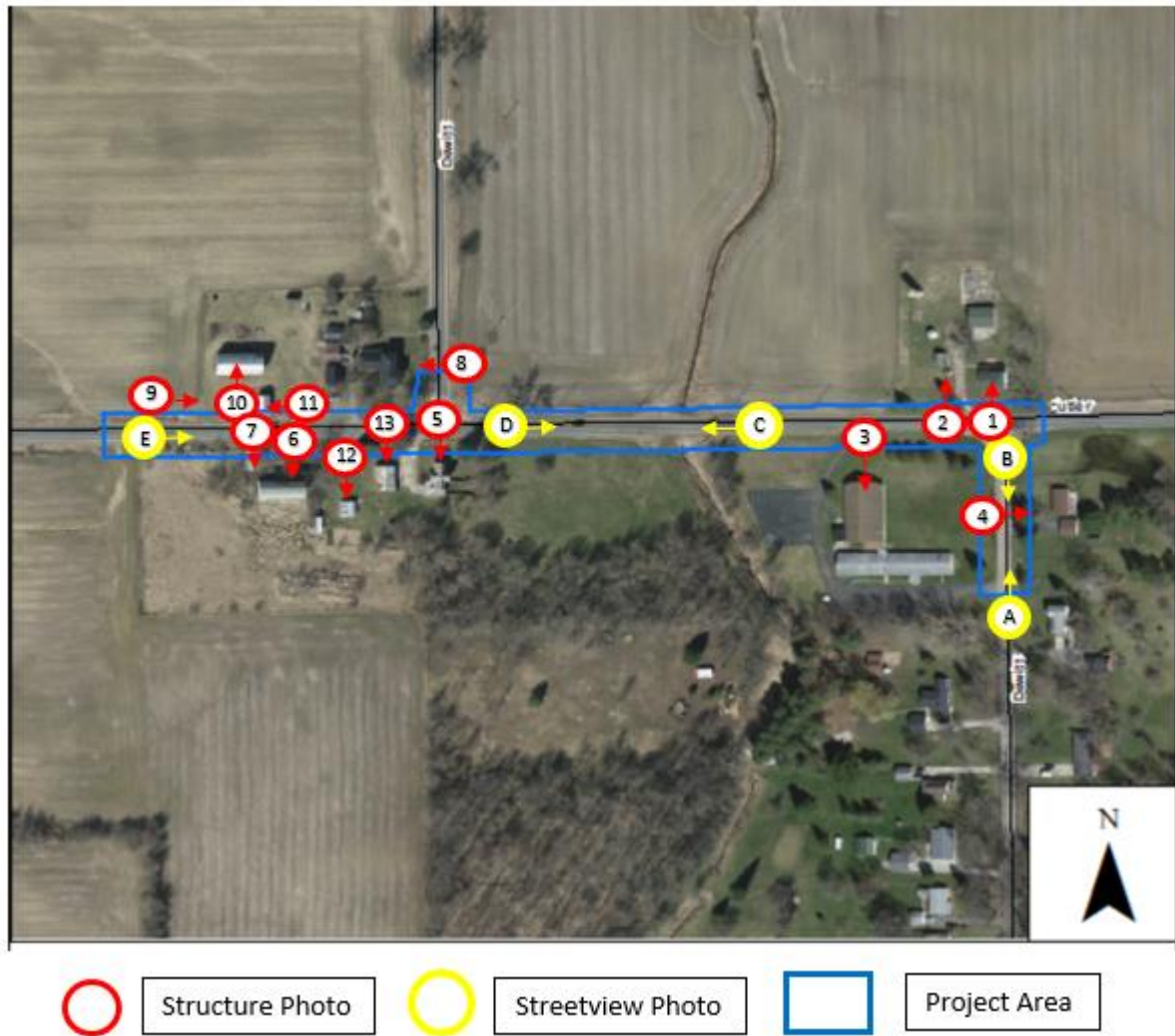


Figure A. S. Dewitt Rd. view North



Figure B. S. DeWitt Rd. view South



Figure C. W. Cutler Rd. view West



Figure D. W. Cutler Rd. view East from Dewitt Rd.



Figure E. W. Cutler Rd. view East towards Dewitt Rd.



Figure 1. 2219 W. Cutler Rd. view North



Figure 2. 2219 W. Cutler Rd. view North/ Northwest



Figure 3. 11068 S. DeWitt Rd., on W. Cutler Rd. view South



Figure 4. 11025 S. DeWitt Rd. view East



Figure 5. 2515 W. Cutler Rd. view South



Figure 6. 2515 W. Cutler Rd. view Southwest



Figure 7. 2515 W. Cutler Rd. view South



Figure 8. 10960 S. DeWitt Rd. view West



Figure 9. W. Cutler Rd. view East Northeast



Figure 10. W. Cutler Rd. view North



Figure 11. W. Cutler Rd. view West



Figure 12. W. Cutler Rd. view South



Figure 13. W. Cutler Rd. view South

Cemeteries:

Cemeteries do not always retain accurate maps of the location of interments in relation to the legal boundaries of the cemetery. Human remains could be inadvertently discovered during ground disturbing construction outside of the perceived boundaries (e.g., cemetery fencing, a line of trees or other ornamental vegetation, a consistent line of gravestones adjacent to the project, etc.). The inadvertent discovery of human remains can occur in older portions of a cemetery, when records or grave markers of the interments have been lost over the years. Sometimes the original boundaries of the cemetery are not known, or the interments were never recorded (prehistoric burials). Projects within or adjacent to a cemetery may have visual or ground-disturbing impacts and at worst may impact unmarked graves. Sometimes there are headstones, human remains and other burial features within the ROW. Full research of the cemetery may be required to determine National Register eligibility. Even if the cemetery is determined ineligible, there may still be concerns with unmarked graves.

50 Years:

One of the conditions from the Programmatic Agreement states: *"There are no objects (like statues or monuments), buildings, historic districts, or structures (like bridges, stone curbs, or brick streets), cemeteries, or intentional/designed landscapes (a landscape is a collection of organized features that can range from something as small as a bird bath to large fields or orchards) that are 50 years old or older within 100 feet of the proposed work and the area is not archaeologically sensitive or a Traditional Cultural Property."*

How do you determine the age of structure or buildings 50 years old or older that may be located within 100 feet of the project area?

You may find information to document the age of a building or structure through property titles or deeds, tax/assessor records, realtors' listings, city directories, plat books, Sanborn Fire Insurance Maps, city plans, newspapers, county archives, or by checking with a local historical society or even current property owners. Another good source is historic aerials, one helpful website is [Historic Aerials: Viewer](#).

Many of these resources are available online via the local library or the state library. Sanborn Maps can be found online on the Library of Congress website <https://www.loc.gov/collections/sanborn-maps/>

Other, more obvious visual indicators of age are the architectural style and/or building materials and construction methods, as older properties tend to have brick, stone or molded/rusticated concrete block foundations, wood siding, etc. If unsure, always include sufficient photographs. Please understand that if the age can't be adequately documented, the condition cannot be applied.

Please be aware there are many historic features aside from buildings that may be within your project area. Historic features can be buildings, objects, structures, or landscape and streetscape elements (including trees and vegetation) which, although not eligible on their own, contribute to the historical integrity of a larger overall historic property or district. A number of examples are included below to show what should be documented through photographs and provided to MDOT.

Examples of Historic Features:



Figure 1. Brick Pavers



Figure 2. Brick Pavers



Figure 3. Terrazzo Commercial Entry



Figure 4. Terrazzo Commercial Entry



Figure 5. Terrazzo Commercial Entry



Figure 6. Commercial Entry



Figure 7. Retaining Wall



Figure 8. Retaining Wall



Figure 9. Retaining Wall



Figure 10. Stone Fence



Figure 11. Cobble Stone Fence



Figure 12. Brick Fence



Figure 13. Wood Fence



Figure 14. Cast Iron Fence



Figure 15. Commercial Steps

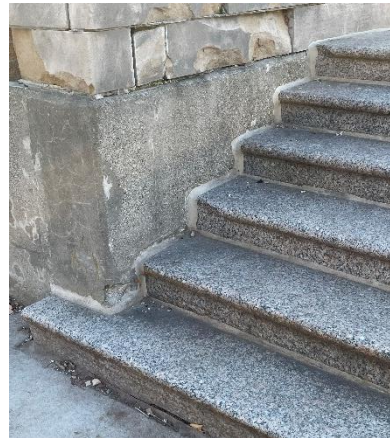


Figure 16. Granite Steps

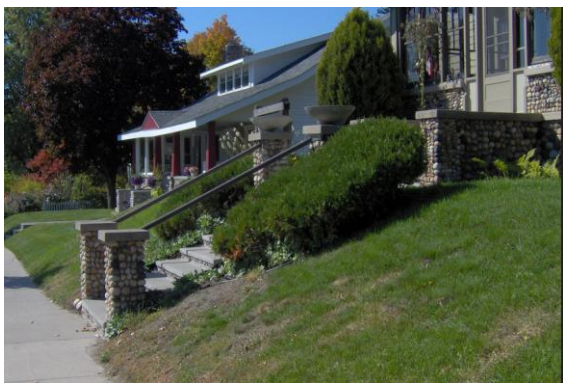


Figure 17. Steps



Figure 18. Steps



Figure 19. Sign



Figure 20. Sign



Figure 21. Park Gate Entrance



Figure 22. Entrance Posts



Figure 23. Gate Entrance



Figure 24. Gate Entrance



Figure 25. Designed Landscape



Figure 26. Designed Landscape



Figure 27. Cemetery Footer Stones in ROW



Figure 28. Cemetery Head Stones in ROW



Figure 29. Drinking Fountain



Figure 30. Water Fountain



Figure 31. Hitching Post



Figure 32. Hitching Post



Figure 33. Light Post



Figure 34. Mailbox



Figure 35. Sculpture



Figure 36. Veteran Monument



Figure 37. Monument



Figure 38. Sculpture

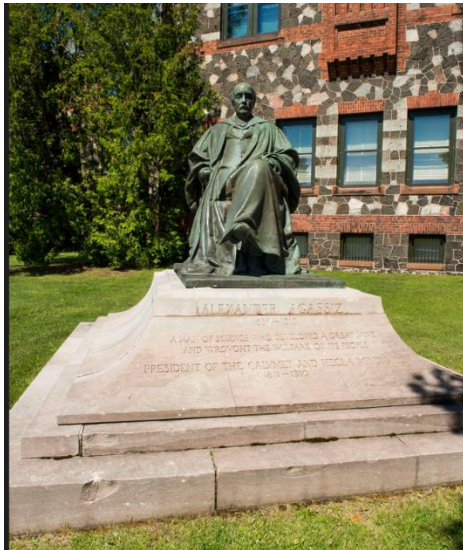


Figure 39. Monument



Figure 40. Highway Monument



Figure 41. Culvert



Figure 42. Culvert



Figure 43. Culvert



Figure 44. Culvert



Figure 45. Bridge



Figure 46. Bridge



Figure 47. Bridge



Figure 48. Bridge



Figure 49. Rural Trees



Figure 50. Rural Trees



Figure 51. Urban Trees



Figure 52. Urban Trees

Tribal Consultation/Coordination:

- Local Agencies are no longer responsible for Section 106 Tribal consultation/coordination
- All Section 106 Tribal coordination under the new PA must be overseen by qualified MDOT staff and all letters must be on MDOT letterhead.
- The MDOT LAP Archaeologist will inform the LPA when any Tribal consultation/coordination is required.
- In addition to Michigan's 12 Tribes, coordination is expanded to include (to date) 38 out-of-state federally recognized Tribes with ancestral ties to the state.

The MDOT LAP Archaeologist will inform the LPA when any Tribal consultation/coordination is required. Tribal Coordination is initiated when:

- Projects are identified by Tribes during Early Coordination as being of a concern, and/or
- MDOT's qualified archaeologists identifies the project area as being of concern during project review
- Presence of Native American burial grounds
- Projects requiring an archaeological survey or monitoring
- Projects within or adjacent to Tribal reservation lands
- Projects within or adjacent to known Traditional Cultural Properties (TCPs)
- In all instances in which Native American human remains are encountered

An Early Coordination Tribal Portal is in development by MDOT and should be in effect by 2025.

- Will incorporate the State Transportation Improvement Program (STIP)
 - [State Transportation Improvement Program \(STIP\) \(michigan.gov\)](https://www.michigan.gov/stip)
- Online, GIS-based portal for secure communication between MDOT and Tribal Nations
- Tribes will use the STIP map to locate projects of interest and send comments to MDOT
- Allows Tribes to notify MDOT of sensitive locations early in the planning process
- Very proactive approach to Tribal coordination

Pre-Scoping

MDOT LAP Section 106 now offers early scoping. To request an early scoping review you must fill out and upload the **Scoping Inquiry form** ([MDOT LAP Pre-Scoping](#)).

If you have a job number you should upload the document to the Cultural Resources folder in ProjectWise and send an email to the Section 106 cultural resources at (MDOT-LAP-Section106-Reviews@michigan.gov) with **SCOPING** in the subject line.

If you do not yet have a job number, send an email with the scoping form attached to the Section 106 cultural resources email at (MDOT-LAP-Section106-Reviews@michigan.gov) with **SCOPING** in the subject line.

MDOT LAP SECTION 106 SCOPING INQUIRY

Provide the following information to request a pre-scoping review. Return as a word document. Add SCOPING to the subject line.

Date of submission:

MDOT Job Number (JN) #:

Local Agency Contact Name:

Local Agency:

Phone:

Email:

Preparer Name (if different):

Company/Agency:

Phone:

Email:

Project Municipality (city, village and township):

County:

Project Location: In the location box below enter the Street/Road/Route/Intersection/Crossing:

Location 1:

USGS 7.5' Topographic Quad Name(s): Section: Township: Range:

Location 2:

USGS 7.5' Topographic Quad Name(s): Section: Township: Range:

Location 3:

USGS 7.5' Topographic Quad Name(s): Section: Township: Range:

Location 4:

USGS 7.5' Topographic Quad Name(s): Section: Township: Range:

Location 5:

USGS 7.5' Topographic Quad Name(s): Section: Township: Range:

Maps: All maps provided with this inquiry must be attached to this document or placed in the ProjectWise CR Supporting Documentation sub-folder if the project has been assigned a job number. Maps should be legible, cropped to provide location context, and include a north arrow, legend, and scale bar. At a minimum the following maps must be submitted:

- A General Project Location map that uses [Google Earth](#) or [Google Maps](#) as the base map and identifies the parameters of all project locations. *This map is only needed if there are two or more separate locations associated with the project.
- A Project Area Activity Limits map that uses [Google Earth](#) or [Google Maps](#) as the base map and outlines the entire project area with a point of beginning (POB) and point of ending (POE), individually identifies the parameters of work type(s), provides the width of existing and proposed ROW, and labels cross streets, roads, rivers, and drainage ditches. A separate Project Area Activities and Limits map should be submitted for each location if more than two ~~separate~~ areas are associated with the project.
- A USGS Quadrangle 7.5' Series Topographic map(s) identifying the project area(s). Base maps can be acquired at: ([Free USGS Topographic Maps Online - Topo Zone](#) & [topo/view | USGS](#)).

Work Description: Describe in detail all work to be undertaken as part of the project. This should discuss the location of the project, work activities and any associated activities if available. Please include the point of beginning and the point of ending as well as the width and depth of activities:

Section 106 Re-Evaluation

If your project has any change in the scope of work, project activities, or project limits then additional review of project impacts will be required after the *Section 106 Determination of Effects* approval letter is in place, you must complete a re-evaluation.

You must let us know if you need a re-evaluation and we will revert the original application back to pending to allow you to make updates. Send an email with **RE-EVALUATION** in the subject line or give us a call 517-582-3232 or 517-388-5838.

Re-evaluation: Please use **red font** to distinguish the revisions/updates.

Changes to the Section 106 Application work description since the original submission:

Will there be any additional mature tree removals, landscape alteration, grading and/or excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment and materials storage, staging areas, water retention areas, utility or infrastructure work? If yes was checked please show the activities on the project area activity map and describe in the project description below!

☐ Yes ☐ No

Describe in detail all work activities and associated activities that have changed since the original submission for both federally funded and non-federally funded. Discuss the activities and depth of disturbance in the project area. The length (beginning (POB) & ending (POE) and the width (existing and proposed ROW) of the project area. Please show all additional work activities, and limits on the revised project area activity map!

Revised Project Description:

Will there be any additional right-of-way (ROW) acquisition or Land Acquisition as part of this project?

☐ Yes ☐ No

If yes, demonstrate the ROW/Land Acquisition and show the location on the project map and highlight/callout on project plans.

If yes was checked above, please check all that apply:

- ☐ Permanent (easement and/or fee)
- ☐ Temporary (consent to construct or consent to grade)
- ☐ Land Acquisition

Your revised project description must match page 2 of the revised 5323. Please coordinate with your NEPA reviewer about your project changes.

Explanation of Frequently Used Terms:

AE – Adverse Effects: There will be Adverse Effects on historic properties.

APE: The Area of Potential Effects (APE) is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties. The area of potential effects is influenced by the scale and nature of the undertaking and may be different for different kinds of effects caused by the undertaking.” [36 CFR § 800.16(d)] It includes the Project Area and extends to the adjacent parcels surrounding it where physical, visual, noise, or vibrational effects could occur. An APE need not be a single contiguous area but may consist of more than one area, depending on the specific features of the undertaking. It should be envisioned in three dimensions and must include all areas of horizontal and vertical ground disturbance.

Archaeological APE: The area in which a project would have the potential to impact eligible or potentially eligible sites, if any were present. In areas with proposed ground disturbance or right-of-way acquisition, the archaeological APE consists of all apparent/existing and proposed ROW (the project footprint).

Construction Limits: The farthest limits of construction as measured perpendicular to a base line (e.g., toe of slope, top of ditch backslope). The construction limits are usually the farthest extent of ground disturbance at a project site. Do not use a project’s construction limits as your archaeological survey area because you will not cover all of the archaeological APE. The archaeological reconnaissance must extend to at least the existing or proposed ROW limits in which project impacts will occur.

Coordinator: MDOT LAP NEPA Coordinator

Criteria of Adverse Effects: Adverse effects on historic properties include but are not limited to those described below. There are many types of effects a project may have on a historic property. In applying the criteria of adverse effects, one must consider direct and indirect effects, as well as cumulative effects.

- 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 §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 a historic 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.

CRS: MDOT Section 106 LAP Cultural Resource Specialists (Archaeologist & Historian)

De Minimis: A de minimis impact involves the use of Section 4(f) property that is generally minor in nature. A de minimis impact is one that, after taking into account avoidance, minimization, mitigation and enhancement measures, results in no adverse effect to the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f). For historic properties, a de minimis impact can only be made if there is a Section 106 determination of "no adverse effect" or "no historic properties affected."

Group 1: MDOT LAP Excepted Projects that fall within Appendix B (Group 1) have no conditions attached. These consist of projects whose work types/actions that by their nature and definition constitute activities that pose little/minimal potential to affect historic properties.

Group 2: Conditional Excepted Projects that fall within Group 2 have specific conditions attached. These projects consist of work types/actions that by their nature and definition constitute activities that have a greater potential, under various circumstances, to affect historic properties.

Historic Feature: Historic features can be buildings, objects, structures, or landscape and streetscape elements (including trees and vegetation) which, although not eligible on their own, contribute to the historical integrity of a larger overall historic property or district.

Historic Property: A historic property is defined in the Sec. 106 regulations as, *"any prehistoric or historic district, site, building, structure, or object **included in, or eligible for inclusion in, the National Register of Historic Places.**"* Under Sec. 106, federal agencies, or federally delegated authorities must *"apply the National Register Criteria to properties identified within the area of potential effects."* Please note that only a small portion of Michigan has ever been surveyed for historic properties, so most historic properties have yet to be identified.

Integrity: Historic integrity is the ability of a property to convey its significance and is defined as the "authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's prehistoric or historic period." The seven aspects of integrity, as defined by the National Park Service, are location, design, setting, materials, workmanship, feeling and association.

LAP: MDOT's Local Agency Program Unit

LPA: Local Public Agency

MDOT: Michigan Department of Transportation

Mitigation: Is a way to offset or compensate for an adverse effect or a change in a historic property's qualifying characteristics in such a way as to diminish its integrity. A mitigation plan for the undertaking may contain several treatment plans, one for each property being adversely affected. Some examples of mitigation measures include redesign, relocation, archaeological data recovery, documentation, public education initiatives or interpretive measures.

NAE – No Adverse Effects: There will be no adverse effects on historic properties (there are historic properties affected, but not adversely).

National Register criteria: To be included in, or eligible for inclusion in the National Register, a property must be at least 50 years of age (from date of initial project submission), and retain its (historic) integrity, and must meet at least one of the four criteria below:

- a) association with events, activities that have contributed to the broad patterns of our history;
- b) association with the lives of persons significant in our past;
- c) embody distinctive characteristics of a type, period, or method of construction; has high artistic value; or
- d) potential to yield information important in history or prehistory.

NEPA – National Environmental Policy Act: It is an umbrella law for environmental concerns. It establishes national policy regarding the environment and effects on it by federal actions.

NHPA – National Historic Preservation Act of 1966: Legislation intended to preserve historic and archaeological sites in the United States of America. It is the nation's first environmental law, and it is the most comprehensive historic preservation legislation in U.S. Under **Section 106** of the Act, federal agencies are required to consider the impact of all federally funded or permitted projects on historic properties (buildings, archaeological sites, etc.).

Not Excepted: Projects that do not meet the exceptions and conditions criteria as defined in Appendix B are not excepted, and a full Section 106 review by MDOT Cultural Resources Specialists is required.

NP – No Historic Properties Affected: No historic properties exist, or no historic properties will be affected.

NRHP – National Register of Historic Places: Established in the NHPA, it is the United States federal government's official list of districts, sites, buildings, structures and objects deemed worthy of preservation for their historical significance or "great artistic value". The National Register is not a complete list of all historic properties – it is being added to continuously.

PA – Programmatic Agreement: A programmatic agreement is a legal agreement whereby a federal agency may create a Section 106 process that differs from the standard review process. For all undertakings under a particular program. A with similar or repetitive effects on historic properties, can avoid the need for individual reviews for each project. PA's can also formally delegate Section 106 decision making responsibilities to non-federal parties, such as state departments of transportation.

Project Area: The existing and proposed ROW that encompasses a given LPA project from its POB to its POE.

Project Limits: The extent of a project from its POB to POE.

Section 4(f): Section 4(f) refers to the section within the U.S. Department of Transportation Act of 1966 which provides consideration regarding the “use” (either actual take of land or a less-tangible “constructive use”) of park and recreation lands, wildlife and waterfowl refuges, and historic sites during transportation project development (the most common type of impact for LAP projects is purchase of permanent easement and/or fee ROW from a historic property). A Section 4(f) evaluation is required to demonstrate that there is no prudent and feasible alternative to the use, and that all possible planning has been done to minimize harm.

SHPO: State Historic Preservation Office

Significance: The historic significance of a property refers to its ability to meet one of the four National Register criteria.

Survey Area: The area subjected to archaeological evaluation. This evaluation may range from a determination that no field inspection is necessary because no ground-disturbing activities will take place, to visual inspection of disturbed areas, to archaeological survey of undisturbed existing and proposed ROW in areas where ground disturbance is proposed or anticipated. The survey area must encompass the entire archaeological APE and any additional areas examined or evaluated. Survey area is the preferred term to use whenever referring to the archaeological evaluation of an INDOT-reviewed project.

TCP – Traditional Cultural Property: A Traditional Cultural Property (TCP) is a property that is eligible for inclusion in the National Register of Historic Places (NRHP) based on its associations with the cultural practices, traditions, beliefs, lifeways, arts, crafts, or social institutions of a living community.

THPO: Tribal Historic Preservation Officer

Contacts:

E-mail: MDOT-LAP-Section106-Reviews@michigan.gov

Brian Grennell, (MDOT LAP Historian)

Phone: 517-388-5838

Patty Jo Korzeniewski, (MDOT LAP Archaeologist)

Phone: 517-582-3232

MDOT LAP NEPA Web page: [National Environmental Policy Act \(NEPA\) \(michigan.gov\)](#)