

Tips for Filling out a Section 106 Application

September 2021

Following are the current Federal Highway Administration (FHWA) and Michigan Department of Transportation (MDOT) contacts for you to include on your Section 106 application to the State Historic Preservation Office (SHPO). Listing other persons as contacts could potentially cause delays.

FHWA Contact Information:

Position is currently vacant.

For purposes of the SHPO application, the contact is Michigan.fhwa@dot.gov, until further notice

MDOT Contact Information – Local Agency Projects (LAP) only:

Monica Uribe, PE
LAP Bridge & Rural Unit
MDOT – LAP
425 West Ottawa Street
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Lansing, Michigan 48909
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A historic property is any one of the following:

- an individual building (e.g. house or commercial building)
- a cluster of related buildings (e.g. farmstead or industrial complex)
- a structure (e.g. bridge)
- object (e.g. statue)
- site (e.g. battlefield)
- archaeological site (e.g. Native American burial ground)
- historic district (e.g. a cluster of downtown buildings or related farmsteads)
- traditional cultural property (e.g. wild rice gathering location used by an Indian Tribe in the past and today)

Specific Information on how to address archaeological resources for all Section 106 applications:

- To determine if there are any previously recorded archaeological sites that may be impacted by your project, background research MUST be done. Background research for archaeological resources means having a qualified person (e.g. an archaeologist) make an appointment/request to view the archaeological site files at the SHPO office in Lansing.

- Background research **MUST** be done to identify any previously recorded archaeological sites within the worst-case estimate of ALL ground disturbing activities (before, during, and after construction). This includes utilities, water main, storm sewer, culverts, outlets, tree removals, ditching, guardrail work, signal poles, signage, and everything else associated with the road/bridge/trail/etc. project.
- The end-product will be a map depicting archaeological sites that are within or adjacent to the areas where the ground will be disturbed by project activities. Include this map as an attachment when submitting the Section 106 application.
- Be aware that even if there are no recorded sites, the SHPO may require an archaeological survey if your project is in an area where archaeological sites are likely present and ground disturbance will take place.

Please understand that less than 10% of the State of Michigan has ever been surveyed for historic properties. Therefore, the information you provide is often the first time the SHPO has ever reviewed data for your area. The [bracketed] items below correspond to the SHPO Section 106 application.

Follow these tips:

- [III. a.] A detailed written work description **MUST** include all proposed work items. For example, ADA ramps, water main replacement, guardrail extensions, new signal poles, streetscape work including specific activities, etc.
- [III. c.] The Area of Potential Effects (APE) is the geographic area(s) where your project may impact historic properties. The APE does not automatically correspond to the physical footprint of the project or the ROW. Most of the time, the APE will include the properties within and immediately adjacent to the road/project and extend beyond the ROW. The APE needs to account for all ground disturbances **PLUS** changes to the visual character surrounding a historic property, increased noise, changes in public access, alterations to traffic patterns, and/or changes to land use(s). As just one example, installing a turn lane may be within the ROW, but if adjacent to a historic property it will have effects like moving traffic closer, increasing the pavement width, removing a line of trees significant to a historic property, closing driveways, etc. A turn lane could also have effects to other historic properties if traffic will be increased or rerouted, so the APE would extend beyond the adjacent properties.
- [IV. a.] List all properties older than 50 years. This is not an option. You **MUST** list and provide photographs of all properties older than 50 years in the submittal.
- [IV. c.] The majority of the time you will not be able to mark “No historic properties present in the APE” due to a variety of factors. The only time you can mark this box with confidence is if
 - (i) no buildings, structures, sites, objects in the APE are 50 years or older; and
 - (ii) after completing steps A-D above, there are no known archaeological sites in the APE.
- [VI.] Your project will have one of three types of Effects; choose **ONLY ONE**. When you choose the type of Effect, you must provide an explanation and justification describing how the Determination of Effect was made. Write your explanation and justification and attach it to the Section 106 Application.

The justification should describe the project impacts answering questions such as:

- are the impacts minimal or extensive?
- Is the road/bridge/trail/etc. staying within its existing footprint or not?
- Why there is no negative impact?
- Why is there is a negative impact?
- Are you impacting one property or multiple properties?

These are only some of the questions to address when providing the explanation and justification.

- Check the “no historic properties affected” box if you can demonstrate that there are no historic properties in the APE or the work is so limited in the vicinity of the historic property or properties it will not have any effect on any historic properties. While the exemption letter does cover a number of situations, there are many work items that may be included in a project that do not meet the exemption. Those additional work items may still have a minimal effect on historic properties.
- Check the “no adverse effect” box if your project has very minor impacts.
- Check the “adverse effect” box if your project has major impacts.

Tribal Governments

Please remember that the Section 106 process also includes consideration of Native American resources and features. The SHPO review and concurrence DOES NOT extend to such features. Each local agency is responsible for contacting each of the 12 recognized tribal governments in the State of Michigan and receiving concurrence from those governments. Please refer to https://www.michigan.gov/mdot/0,4616,7-151-9625_55003---,00.html and https://www.michigan.gov/documents/mdot/Tribal_Consultation_for_Categorical_Exclusions_07.18.2019_665118_7.pdf for additional information.