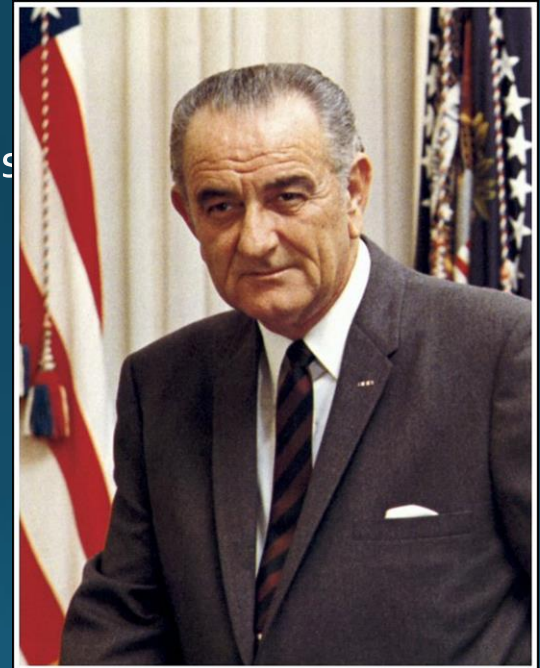




Working with the State Historic Preservation Office  
**Section 106 Consultation**

# National Historic Preservation Act (NHPA)

- Enacted 1966
- Established NRHP
  - Formal process for identifying/recognizing his
  - Specific criteria
  - Primarily honorific
- Established ACHP
- Established SHPO / THPO network
  - Appointed
  - All states, territories, protectorates
  - THPO – tribal counterpart
- Section 106
  - Triggered by Federal Undertaking
  - Consultative



Source: [sitemaker.umich.edu](http://sitemaker.umich.edu)

# Federal Undertaking

...a project, activity, or program either funded, permitted, licensed, or approved by a Federal Agency. Undertakings may take place either on or off federally controlled property and include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106.

# Section 4(f)



- Distinct from but bolsters Section 106
- Is specific to transportation agencies
- Is triggered by federal undertaking
- Is proscriptive

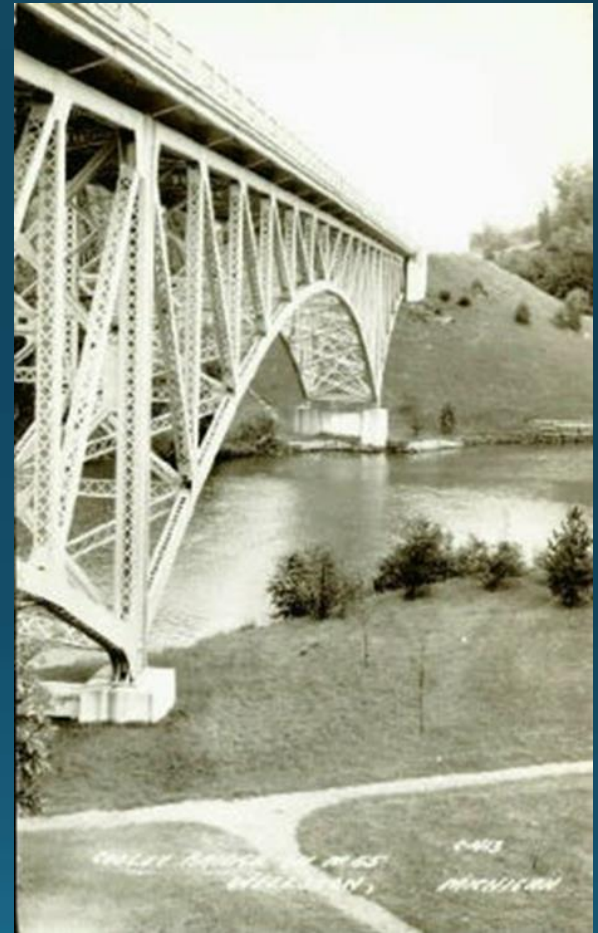
# Identify

## Project:

- Project limits
- Scope of work
- Area of Potential Effect

## Historic Resources:

- Research to identify known historic resources
- Reconnaissance Level survey
- Intensive Level survey





# Scope of Work

- Bridge – rehab, reconstruct, replace?
- Approach work?
- Associated roadwork?
- Sidewalks/non-motorized?
  - ADA compliance
  - Complete Streets policy
- Tree removal?
- ROW acquisition?



# Stakeholders

- SHPO / THPO
- DOT (FHWA, FRA, FTA, FAA)
- MDOT
- Other state / fed agy's
- ACHP
- MHPN, other advocacy groups
- **Host Community**



# Public Involvement

**PROPOSED IMPROVEMENTS TO M-52 IN MANCHESTER**  
**COMMENT FORM**

Several improvements to M-52 in and near Manchester are proposed for the 2010 construction season. Besides reconstructing M-52 between Austin Road and Dutch Drive, RCDI and the Village are planning new waterways and storm sewers, sidewalks, curb and gutter, bridge work and a realignment of the M-52/57 street intersection. New brick pavers, decorative lighting, trees, benches and other amenities are planned. The intersection realignment and watermain/transformer sewer work requires the removal of the purchase of the Bank-Jennings Funeral Home.

**GET INVOLVED! Your comments are important.**

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
City: Manchester

**TELL US WHAT YOU THINK**

Please use the space below and use as much space as you need. If you wish, you may mail the form to:

Send to: STAFF CLERK  
Room 1000  
425 W. Collins, P.O. Box  
1000, Manchester, NH 03104  
Phone: 603-271-2222

Scan Down Traffic  
Let's Keep our History

Please return this form before \_\_\_\_\_  
Public Involvement Unit  
Manchester Department of Transportation  
425 W. Collins, P.O. Box 1000  
Manchester, NH 03104  
Phone: 603-271-2222





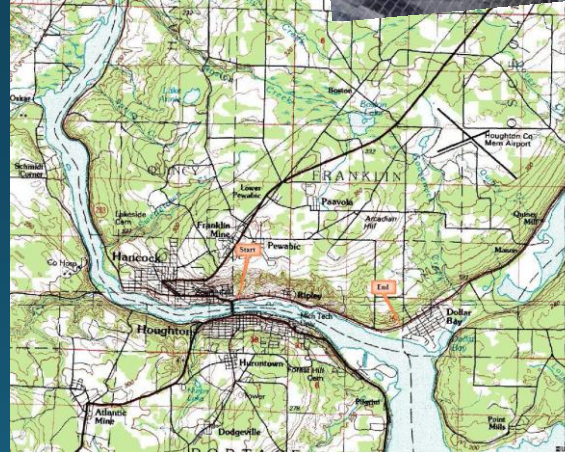
# Alternatives analysis

- No Build / No Action
  - Presumes routine maintenance
  - Establishes baseline for alternative analysis
  - Identifies consequences of inaction
- Practical Alternative(s)
- Preferred Alternative



# Opening Consultation

- SHPO Form
- Supporting documentation
  - Maps
  - Photographs
  - Plans
  - Photos



## HISTORIC PRESERVATION OFFICE Application for Section 106 Review

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# \_\_\_\_\_

- Project Name: \_\_\_\_\_
- Project Address (if available): \_\_\_\_\_
- Municipal Unit: \_\_\_\_\_ County: \_\_\_\_\_
- Federal Agency, Contact Name and Mailing Address (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.): \_\_\_\_\_
- State Agency (if applicable), Contact Name and Mailing Address: \_\_\_\_\_
- Consultant or Applicant Contact Information (if applicable) including mailing address: \_\_\_\_\_

# Determination(s) of Eligibility / Effect

- The agency will submit Determinations of Eligibility and Determinations of Effect to SHPO
- SHPO is required to respond, either concurring or not concurring with agency determinations.
- SHPO can request additional information or clarifications before making a decision.

# No Properties / No Effect



- Analysis determines no historic properties are effected:
  - There are no historic properties within the APE
  - Scope of work does not effect historic resources within APE
- If so, the Section 106 process is concluded.



# No Adverse Effect



- CE an option, unless
  - There are other substantial enviro issues
  - Controversy
- Applicable to EA or EIS
- A possible complication:
  - ROW (fee or permanent easement) from resource needed

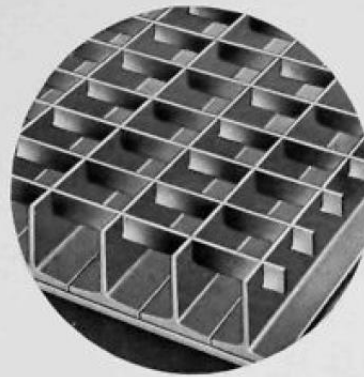
*(De minimis Impact)*



# Project example – M-72 Bridge

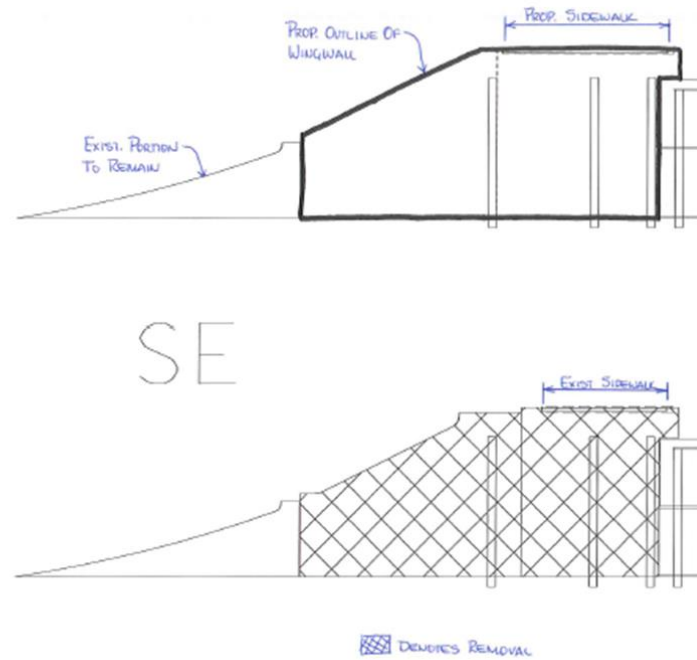
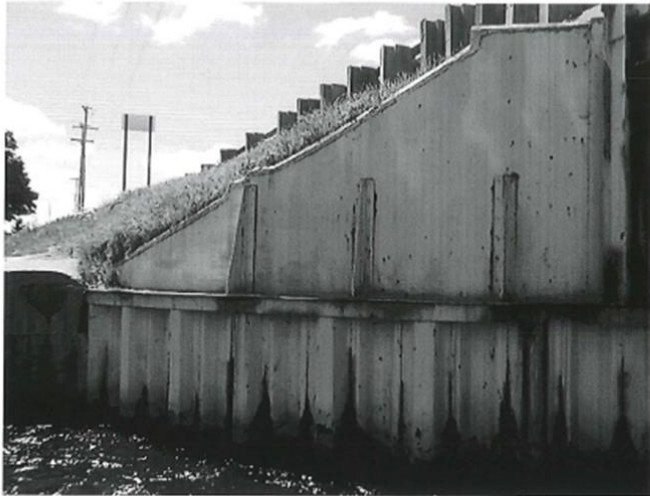


# M-72 Bridge



**T•TRI•LOK**  
**BRIDGE FLOOR CONSTRUCTION**

# M-72 Bridge



# *De minimis* Impact (Section 4(f))

- Requires notification of SHPO, THPO, and ACHP, if participating, of DOT intent to make a de minimis impact determination
- Requires No Adverse Effect or No Properties concurrence by SHPO, THPO, and ACHP if participating
- Agency Coordination
- Public Involvement

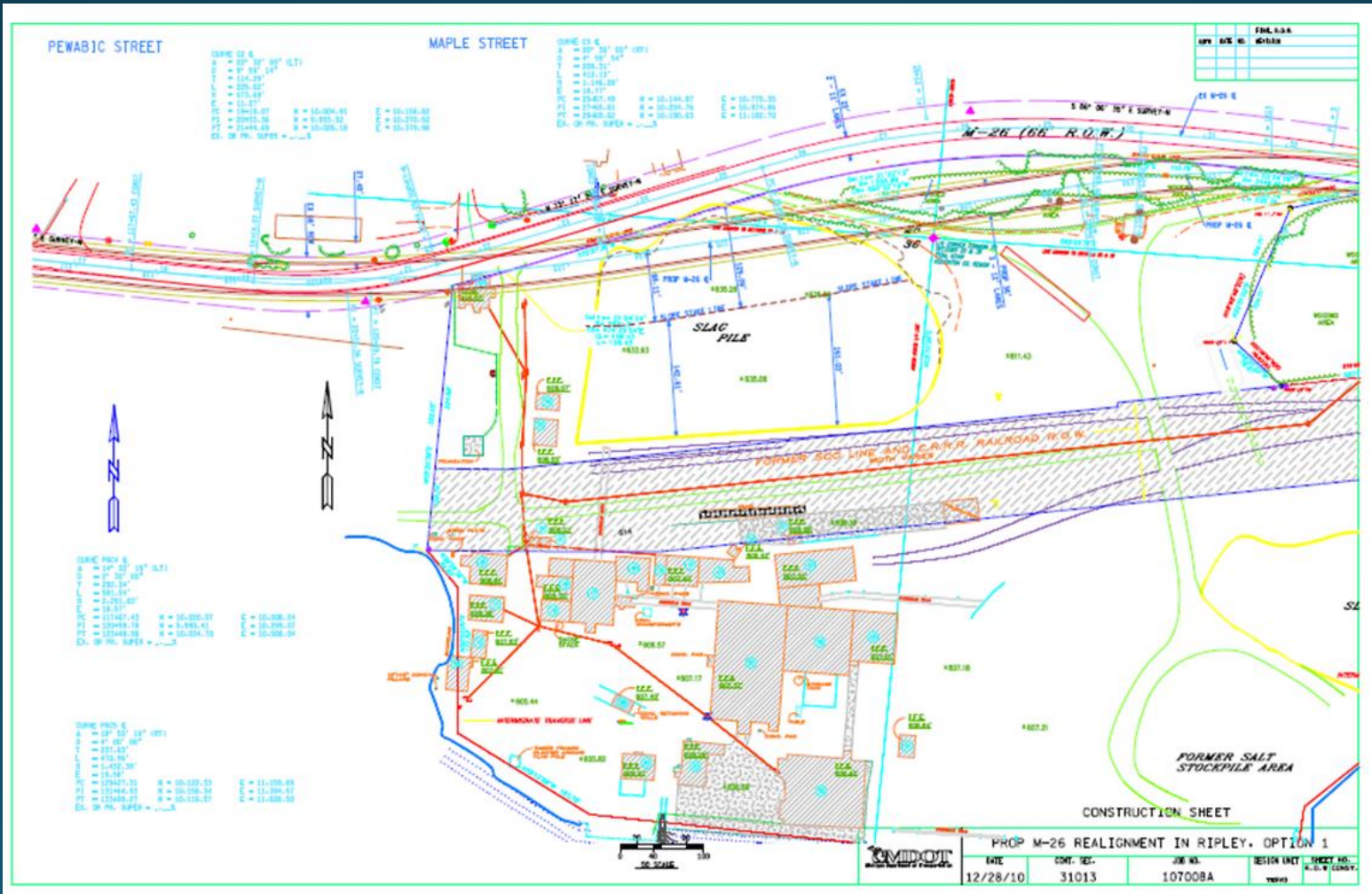
# Project example – M-26, Ripley

- Project scope:
  - Reconstruction
  - Add shared use shoulder
  - Correct substandard curve
- Multiple alternatives developed
- Quincy Mining Co H D
- NPS Keweenaw National Historical Park close by
- Historical corridor
- Recreation / Tourism





# M-26, Ripley



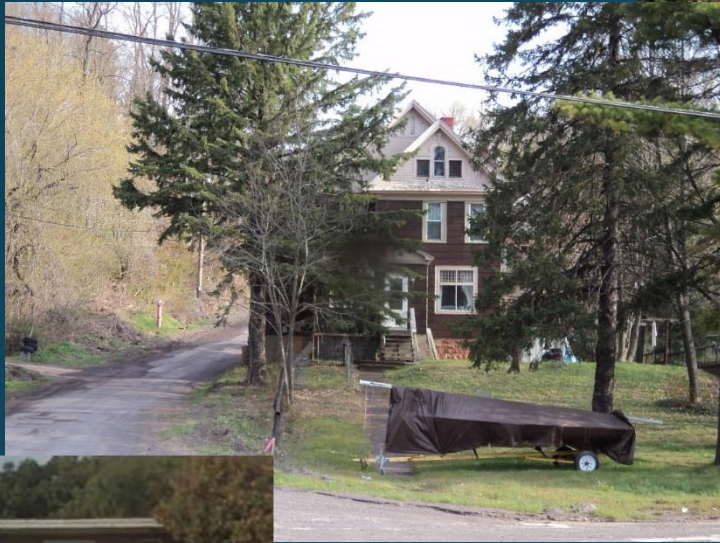
# M-26, Ripley







# M-26, Ripley



# M-26, Ripley



- Public Meeting
- Stakeholder support/concurrence
- Agency Concurrence
  - SHPO
  - DNR
- Project classified as CE



# Adverse Effect

- CE not an option
- Federal agency decides
  - EA
  - EIS
- ACHP invited to consult
- Stakeholder consultation
- Public Meeting(s) or Hearing

**“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.”**

# M-32, Hillman



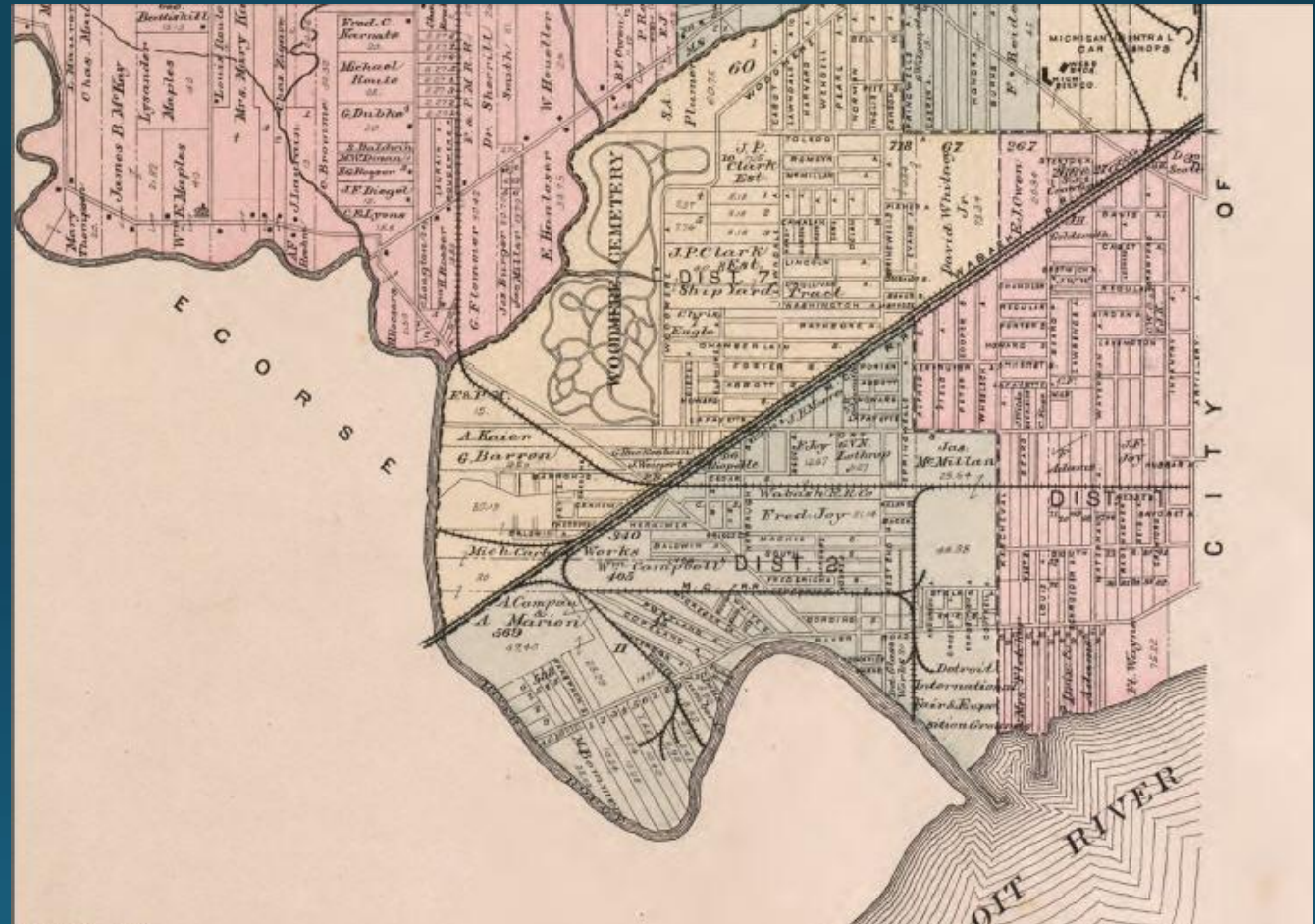
# Memorandum of Agreement (MOA)



- Identify project, location and involved agencies
- Identify scope and associated impacts
- Identify avoidance/minimization/mitigation commitments
- Dispute resolution
- Termination clause
- Signatories and Concurring Parties
- MUST be fully enacted before FONSI or ROD can be issued.



# A Few Last Comments...



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Staff Historian  
Project Development  
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baldwinll@michigan.gov