



Housing and Revitalization  
Department

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# INSTRUCTIONS FOR THE CITY OF DETROIT HOUSING & REVITALIZATION DEPARTMENT *APPLICATION FOR SECTION 106* *REVIEW FORM*



## If your project utilizes federal funds or requires a federal license or permit, it will likely require Section 106 consultation to determine if it has the potential to affect historic resources.

**Section 106 of the National Historic Preservation Act (NHPA) of 1966**, Section 106 review applies to any project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including: those carried out by or on behalf of the agency; those carried out with Federal financial assistance; those requiring a Federal permit, license, or approval; and those subject to State or local regulation administered pursuant to a delegation or approval by a Federal agency.

These activities or projects may affect historically- or culturally-significant buildings, properties or sites. The City of Detroit (the City), as the Responsible Entity, is responsible for ensuring that the activities or projects supported by these funds comply with all applicable laws and regulations, one of them being Section 106 of the National Historic Preservation Act of 1966 (NHPA). The City ensures compliance through coordination and consultation with the appropriate regulatory authority.

For HUD-funded activities or projects within the City of Detroit, this authority is the Michigan State Historic Preservation Office (SHPO). However, the SHPO has delegated certain aspects of its authority to the City through the use of a Programmatic Agreement (PA). The PA is the legal document that allows the City of Detroit to expedite the review of its HUD-funded activities or projects. This review process is facilitated and managed by the Preservation Specialist (PS) who is housed in the Environmental Review Section of the Housing & Revitalization Department (HRD). The *Application for Section 106 Review* form and instructions have been adapted from the 2020 *SHPO 106 Consultation Form* to meet the City's PA reporting requirements.

### To Learn More About the Section 106 Process...

More information can be found on the Michigan State Historic Preservation Office's website: [www.michigan.gov/shposection106](http://www.michigan.gov/shposection106).

Additionally, the Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our nation's historic resources and advises the President and Congress on national historic preservation policy. The ACHP's Federal Agency Programs administer the National Preservation Act's Section 106 review process and provide guidance on the process:

<http://www.achp.gov/work106.html>.



## BEFORE YOU GET STARTED

Submission of a completed **Application for Section 106 Review** form with adequate information and attachments constitutes a request pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). Submit one application for each project for which a review is requested.

- **The application form is required.** Compliance reports and other documentation submitted for review without an application form will not be reviewed.
- **Answer every question thoroughly.** Sufficient information must be provided to allow HRD to make an informed decision about a project's potential to affect historic properties. If sufficient information is not provided, review will be delayed until HRD receives the required information.
- **Applications and supporting documentation must be complete for review to begin.** HRD cannot concur with projects submitted with incomplete or missing information. Supplemental materials submitted for review will not be returned. Review of the project will begin only after all missing information has been received.
- **The form is a fillable Word document.** The check boxes are clickable. To enter text into the form, click on the appropriate area with blue text. As you type, the boxes will expand. The font is set differently in those text boxes to allow the reviewer to more easily distinguish the questions from the responses, allowing for a more efficient review. If you have text that is too long to fit in the form, or will be cumbersome to insert – such as a table or graphics – indicate in the text box that the information will be provided as an attachment and note the attachment on the Attachment Checklist at the end of the form.
- **To initiate Section 106 consultation with the City of Detroit Housing & Revitalization Department please attach the Section 106 Application, along with any supporting attachments (up to 250MB), through the following link:**  
<https://app.smartsheet.com/b/form/1faa296eedac476a9fbf2ef1916ddb99> .



## PREPARING THE APPLICATION FOR SECTION 106 REVIEW

### I. GENERAL INFORMATION

The Application for Section 106 Review requests applicants to indicate whether this project is a new submittal or more information on an existing project.

#### a. PROJECT NAME

The project name should be something that briefly, but clearly, provides a summary of the project.

#### b. PROJECT ADDRESS

If you do not have a single address for the project (for example, streetscapes, utility improvements, new industrial parks, etc.), list the streets where the project will be located or provide clear verbal boundaries for the project location.

##### Examples:

- Streetscapes, utility improvements, street repaving/reconstruction, etc.: Michigan Ave between 1<sup>st</sup> and 10 Streets. Union St and Townsend Ave between Main St and Liberty Rd.
- Rural projects without addresses and or extremely large project: 14 blocks roughly bounded by Dunkley to the north, Edwards to the east, Paterson to the south, and Church to the west.

### II. FEDERAL AGENCY INVOLVEMENT AND RESPONSE CONTACT INFORMATION

This section will provide HRD with the names of any other agencies that should receive a copy of our determination, as well as the contacts to whom the copies should be directed and mailing addresses. We cannot guarantee a copy will go to anyone for whom we are lacking a correct and complete mailing address.

#### Tribal Consultation

The Preservation Specialist may be required to facilitate Government-to-Government consultation with local Tribes. This will be based on the project information submitted in the application, and should only be conducted through a federal, state, or local government agency.

The City recognizes that the Bay Mills Indian Community, the Grand Traverse Bay Band of Ottawa and Chippewa Indians, the Hannahville Indian Community, the Ketegitigaaning Ojibwe Nation THPO / Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians, the Little River Band of Ottawa Indians, the Little Traverse Bay Bands of Odawa Indians, the Mish-e-be-nash-she-wish Band of Potawatomi Indians of Michigan, the Nottawaseppi Huron Band of the Potawatomi, the Pokagon Band of Potawatomi Indians, the Saginaw Chippewa Indian Tribe, and the Sault Ste. Marie Tribe of Chippewa Indians (Tribes) may have sites of religious and cultural significance off Tribal lands, and therefore the City has invited the



Tribes to engage in government-to-government consultation and, pursuant to 36 C.F.R. § 800.2(c)(2)(ii)(E), invited the Tribes to enter into the PA to specify how the City and the Tribes will carry out Section 106 responsibilities.

The Bay Mills Indian Community, the Grand Traverse Bay Band of Ottawa and Chippewa Indians, the Hannahville Indian Community, the Keweenaw Bay Indian Community of the Lake Superior Band of Chippewa Indians, the Mish-e-be-nash-she-wish Band of Potawatomi Indians of Michigan, the Nottawaseppi Huron Band of the Potawatomi, and the Saginaw Chippewa Indian Tribe did not respond to the City's invitation to engage in government-to-government consultation on this Agreement.

The Little Traverse Bay Bands of Odawa Indians have declined the City's invitation to engage in government-to-government consultation, but elected to consult on the Agreement as a consulting party and to enter into this Agreement as a concurring party.

The Ketegitigaaning Ojibwe Nation THPO / Lac Vieux Desert Band of Lake Superior Chippewa Indians, the Little River Band of Ottawa Indians, the Pokagon Band of Potawatomi Indians, and the Sault Ste. Marie Tribe of Chippewa Indians have accepted the City's invitation to engage in government-to-government consultation on the Agreement and have entered into the Programmatic Agreement as a concurring party.

#### **a. STATE AGENCY**

If the federal funding is being passed through a state agency, identify the agency and provide the name(s) of the contact person(s) and contact information for the state agency. If there is no state agency involved in your project, simply leave this section blank.

#### **b. APPLICANT**

The applicant is the party applying for federal funding, not a consultant. Complete this section by providing contact information for the party receiving federal funding.

#### **c. CONSULTANTS**

If a consultant prepared the information for Section 106 review, please provide the consultant's information. If a consultant was not involved in the preparation of this information, simply leave this section blank **SHPO and HRD requires that applications for Section 106 consultation and all supporting material be prepared by or under the supervision of a 36 CFR Part 61 federally qualified professional.** If qualifications have not previously been provided to HRD, please include them with your Section 106 application packet.



### III. PROJECT INFORMATION

#### a. PROJECT LOCATION AND AREA OF POTENTIAL EFFECTS (APE)

##### i. MAPS

All projects must provide a minimum of one map to identify the project location. In many cases, more than one map may be necessary to adequately convey both the project footprint and the Area of Potential Effects (APE). Maps need to allow a reviewer who is not familiar with either your project or its location to clearly understand the exact location where the project will take place as well as the extent of the APE. Maps must have your project footprint/direct effects as well as the extent of indirect effects APE clearly marked and labeled. Street names at the cross streets nearest your project must be visible. If necessary for clarity, separate maps may be submitted for project location and APE, but these must be clearly labeled.

Maps must include a scale, a north arrow, the city and county contained on the map, and any streets or geographic features that are labeled must be legible.

Projects that have a ground-disturbing component **must** also include a 7.5' USGS topographic quadrangle map graphic marked with the project footprint and APE. These maps can be downloaded for free at the USGS Topo View website (<https://ngmdb.usgs.gov/topoview/>). This map should be appropriately cropped and zoomed to clearly show the relevant area(s) and project information. Label this graphic with the official USGS map name. See Section IV Archaeology.

Photographs (see below) must also be marked on a map, with the number of the photograph, and an arrow indicating the direction the camera was facing when the photo was taken.

Aerial images may be included as supplemental documents but will not be accepted in place of the maps required above. Hand-drawn maps are not acceptable, unless they are to scale and used to supplement other maps. An example of an acceptable hand-drawn map would be a site map indicating the location of buildings on a rural property. Hand-drawn maps cannot be substituted for required maps.

##### ii. SITE PHOTOGRAPHS

Photographs must provide clear views (i.e., subject of the photograph should not be obscured by shadows, trees, cars, or any other type of obstruction) of the site of the project and the Area of Potential Effects. If the project covers a large area, provide several views. Aerial photographs are not a substitute for ground-level photographs, although they may be submitted as supplemental to those photographs. Key all photographs to your localized map.

Historic photographs of your APE may be required in certain instances. If your project involves the rehabilitation of a historic property, especially a commercial property, historic photographs should be submitted. Submissions for streetscape projects should also include historic photographs, especially those that show historic lights and street furniture.



Photographs may be color or black and white and may be printed on regular paper. It is not necessary to use photographic paper when printing digital photos. The printed photos must have a high dpi and clear resolution and should be printed at an appropriate scale to see the content of the photo. Photographs may be printed no more than two per page. Submitting grainy, dark, washed out, or blurry photographs will delay review of your project until the HRD receives clear photographs. Faxed or photocopied photographs are not acceptable.

### **AREA OF POTENTIAL EFFECTS (APE)**

The APE is defined as the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. It is critically important to note that the APE is not simply the project's physical boundaries or right-of-way. In defining the APE, you must consider not only the potential for physical effects but also the potential for visual, auditory, vibratory, and sociocultural (i.e. land use, traffic patterns, public access) effects.

As the APE is influenced by the scale and nature of an undertaking, it will be different for different types of projects. For example, the APE for a new bypass will be larger than the APE for a single site development project.

#### **iii. DESCRIBE THE APE**

Provide a brief verbal description of the APE as it exists now, what types of effects are expected to be caused by the project, and what changes may result from those effects. Verbally identify the boundaries of the APE. If the APE for direct impacts differs from the APE for indirect impacts, identify the boundaries of each.

#### **iv. DESCRIBE THE STEPS TAKEN TO DEFINE THE APE BOUNDARIES CHOSEN**

Provide a written narrative describing the steps that were taken to identify the APE and justify the boundaries chosen.

#### **b. PROJECT WORK DESCRIPTION**

Provide a detailed description of all work that will be undertaken as part of the project including both federally funded and non-federally funded activities. Include any information about the scope of the work, building removals, rehabilitation, and landscape alterations such as sidewalk or tree removals.

Plans and specifications or other materials cannot be substituted for this project work description; however, it may be necessary to include them to fully illustrate the scope and nature of the project. If there are historic properties in your APE, HRD will require more detailed project information, including project plans and specifications, to fully assess the effects your project may have on those historic properties.

The work description should include all actions that may impact above or below ground components of the project area or its area of potential effect. Include information about the project support work, including but not limited to building removals, rehabilitation, new construction, relocations, landscape alteration, tree/vegetation removals, excavations, temporary workspaces, access roads, work site parking, work trailer locations, equipment



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and materials storage areas, staging, street or sidewalk removal, repair replacement, and the like.

The economic benefits of a project which do not impact historic properties, either architectural, cultural, or archaeological, while important to the project itself, may not be relevant to the section 106 review. If the economic benefit is such that it will result in a change of land use, traffic patterns, public access, etc., that is something that could have an indirect impact on historic properties and should be included. If the economic benefits will be limited and not have an impact, either directly or indirectly, on the physical environment, then it is not necessary to discuss those economic benefits.



## IV. IDENTIFICATION OF HISTORIC PROPERTIES

Historic properties are defined as any prehistoric or historic district, site, building, structure, object, or landscape listed in, or *eligible* for inclusion in, the National Register of Historic Places. It is **the federal agency's** responsibility to make a reasonable and good faith effort to carry out appropriate identification efforts, which could include background research, consultation, oral history interviews, sample field investigation, and field survey. Failure to identify historic properties may result in HRD requesting additional information and could delay the review of your project.

**SHPO and HRD require that identification and evaluation of historic properties be done by professionals who meet the Secretary of the Interior's Professional Standards in the appropriate field.** For projects involving ground disturbance, agencies must utilize a federally qualified archaeologist; for projects that have the potential to directly or indirectly affect above-ground historic properties, agencies must utilize a federally qualified architectural historian. For agencies that do not have qualified professionals on staff, SHPO maintains lists of consultants meeting the federal qualifications on their website at

<https://www.miplace.org/historic-preservation/research-resources/consultant-resources/>

36 CFR Part 800.11(a) requires that any determinations under Section 106 be supported by sufficient documentation to enable any reviewing parties to understand its basis. Include copies of any pertinent resources used to identify historic properties. These could include excerpts from survey reports, copies of Sanborn maps, copies of information found in county histories, etc.

Any documentation submitted in support of recommendations of eligibility for the National Register must clearly identify the source of the materials.

### a. SCOPE OF EFFORT APPLIED

Provide a list of sources consulted for information on historic properties in the project area (including but not limited to the SHPO office and/or other locations of inventory data). Additional repositories of data could include local historical societies, local libraries, the Library of Michigan, and universities.

The SHPO maintains an inventory of previously identified architectural properties and districts that have been determined to be eligible for listing in the National Register. The SHPO's State Archaeological Site File is the only comprehensive listing of previously reported archaeological sites and surveys in the state. These resources are not yet available online. Access to these resources is limited to review in the SHPO office and is by appointment only. Appointments can be made by federally qualified professionals by contacting the research appointment email [SHPOresearch@michigan.gov](mailto:SHPOresearch@michigan.gov). Note that the SHPO and HRD do not conduct file reviews for historic resources. A preliminary research request must be submitted by the qualified individual following the steps outlined on the SHPO website, <https://www.miplace.org/historicpreservation/research-resources/consultant-resources/schedule-a-research-appointment/>.

Federally qualified archaeologists may submit requests for architectural information as this is publicly available information, but our expectation is that federally qualified architectural historians will make recommendations regarding eligibility for architectural resources. If your



project requires both archaeological and architectural records, please coordinate and reduce the number of requests when possible.

Provide information on previously identified historic properties located within your APE using maps and the appropriate Michigan SHPO Identification Form. The map should show the relationships between the direct and indirect APEs and the previously identified historic properties. Include photographs and indicate whether there will be direct or indirect impacts to each of these historic properties.

## **b. IDENTIFICATION RESULTS**

### **i. ABOVE-GROUND HISTORIC PROPERTIES**

The scope of identification efforts should be based on the scope and size of the project. If you are unsure of the level of identification required for your project, please contact HRD staff to discuss. Depending on the scope and nature of the project, additional identification efforts may be required after preliminary materials are reviewed by HRD.

As part of your application package, complete the appropriate [Michigan SHPO Identification Form](#) for each resource over 50 years of age. This includes at a minimum the following information: address, municipality, county, property type, photograph, architectural information (when available for buildings), eligibility recommendation, integrity, survey date/recorder, architectural description, and statement of significance. The architectural description should be a brief description of the building, structure, or object. Provide information on existing materials outbuildings, building form and style, as applicable. The Statement of Significance should include a description of the reasons the property is or is not eligible for inclusion in the National Register, based on the National Register criteria.

If the APE contains an eligible historic district complete a *Michigan SHPO Architectural District/Complex Identification Form* including a description of the district, map or aerial photograph with boundaries, district type, eligibility, integrity, survey date/recorder, statement of significance, and list of historic resources. In this case, do not complete an individual form for each property.

If your APE contains a landscape, use the *Michigan SHPO Cultural Landscape Identification Form* to assess the significance of the landscape and associated features.

If your APE has a large (more than 25) number of previously unidentified resources consult with HRD staff prior to completing identification forms to develop a plan appropriate to the scope of work.

### **APPLYING THE NATIONAL REGISTER CRITERIA**

For each identified resource, include a recommendation for eligibility by applying the National Register Criteria for Evaluation found in *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* on the National Park Service website.

(<https://www.nps.gov/subjects/nationalregister/index.htm>) All identification forms must include a brief statement from the qualified professional recommending the whether the property is

eligible or not for the National Register, including which of the criteria have been met or not and how they are applicable or not.



## ii. ARCHAEOLOGY

The City maintains an inventory of previously identified architectural properties and districts that have been determined to be eligible for listing in the National Register. The SHPO's State Archaeological Site File is the only comprehensive listing of previously reported archaeological sites and surveys in the state. Therefore, HRD and SHPO have outlined requirements for archeological investigations within the City of Detroit under their Programmatic Agreement. Please include the information requested for HRD to determine if further archaeological investigation is required.

Projects that involve temporary or permanent ground disturbance and the total project area is equal to, or greater than a .5-acre in size, must complete this section with the assistance of a federally qualified archaeologist. Sites less than .5 acres do not require a federally qualified archaeologist, unless otherwise noted. Provide as much information as possible for every site, regardless of size.

**A.** Attach a 7.5' USGS topographic quadrangle map showing both the direct and indirect effect APE boundaries, the contextual research radius employed, and the boundaries of any associated previously reported archaeological sites and surveys. Label the graphic Archaeological Sensitivity Map (Not for Public Distribution) and caption with the official quadrangle map name(s). Appropriate base maps can be downloaded free from the USGS topoView website; alternative base maps (e.g. street maps or aerials) may not be substituted but may be included as supplemental. This map should be appropriately cropped and zoomed to clearly show the relevant area(s). This map demonstrates the spatial relationships between the project, reported archaeological sites and surveys, and the larger environmental context, and is the main visual exhibit supporting the related determination of effect.

**B.** Summarize any previously reported archaeological sites and surveys in the project area; this information may be presented in a table.

**C.** List all Town/Range/Section or Private Claim numbers of the project area.

**D.** Describe width(s), length(s), and depth(s) of proposed ground disturbance(s). This may be presented in a table if multiple activities require varying disturbance. Include permanent, temporary (e.g. workspaces or staging areas), and minimal disturbance.

**E.** Will work impact previously undisturbed soils? If so, summarize new ground disturbance. This helps us assess the potential for impacting intact resources.

**F.** Briefly summarize the past and present land use of the project area (any relevant supporting documentation should be submitted as attachments). This research effort should be proportional to the scope of work. This helps us assess the potential for impacting historically referenced properties that could retain significant archaeological signatures and the horizontal and vertical extent of prior soil disturbance.

**G.** Considering the background research, the overall environmental context, and the proposed scope of work, assess the project's potential (low, moderate, or high) to adversely affect significant archaeological resources, both previously reported and yet undiscovered. This is your research-based opinion. For moderate and high assessments, briefly justify whether archaeological fieldwork is recommended. If fieldwork is recommended, briefly describe what is prescribed (e.g. pedestrian and/or shovel test survey, deep testing, or monitoring). Note that if an adequate survey is conducted, rarely do we support additional monitoring (an exception may be reported human remains in the immediate area).



**Note that archaeological fieldwork is not required for every project, nor is it appropriate for many projects. The need for fieldwork, typically survey, should be determined by HRD in consultation with the SHPO. The archaeological consultant contributing to this form will produce the baseline information to inform these decisions; the consultant cannot require survey.**

**H.** Sometimes a project area has been previously (and adequately) surveyed during an earlier research initiative. If this is the case, check **Yes** and refer to the part a. map and b. summary.

Sometimes fieldwork is conducted for a new project prior to the initiation of HRD or SHPO consultation (e.g. some telecommunications projects or when otherwise required by a federal agency). If this is the case, check **Yes**, provide the full report reference on the form, and attach both a standalone color hardcopy and a consolidated/single PDF (on USB drive or CD) of the new report for review and file.

**I.** Unless previously provided, attach archaeological qualifications and resume for the consultant.



## V. DETERMINATION OF EFFECT

Following a reasonable and good faith effort to identify historic properties within the project's APE (area of potential effects), the City is responsible for providing the SHPO with its finding of effect upon historic properties within the project's APE. While project effects can potentially be either positive or negative, the Section 106 process requires special attention to those impacts that could negatively affect historic resources.

### CRITERIA OF ADVERSE EFFECT

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the national Register. More specifically, the project's effect on the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, including those characteristics that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the project that may occur later in time, be farther removed in distance, or be cumulative.

#### Examples of adverse effects include, but are not limited to:

- 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 Part 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 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.

### DETERMINATIONS

After applying the criteria, select the appropriate determination and provide required justification or documentation.

- For a determination of no historic properties affected (36 CFR Part 800.4(d)(1)) in which there are either no historic properties present, or no historic properties affected, include the basis for this determination.
- For a determination of no adverse effect (36 CFR Part 800.5(b)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were not found applicable and include any conditions to avoid, minimize, or mitigate adverse effects.
- For a determination of adverse effect (36 CFR Part 800.5(d)(2)), explain why the criteria of adverse effect (36 CFR Part 800.5(a)(1)) were found applicable and include any conditions to avoid, minimize, or mitigate adverse effects.



**You must provide a statement explaining the basis for the determination of effect above. If your determination is No Adverse Effect or Adverse Effect, you must include copies or summaries of public comment on the affects to historic properties. Applications without this statement will be considered incomplete and cannot be reviewed until the statement is provided.**

The official responsible for the determinations must sign the form.

## **ATTACHMENT CHECKLIST**

The attachment checklist is provided as a quick reference to ensure that all of the expected attachments are included with the submission. It will also allow the Preservation Specialist to confirm that all intended maps, qualifications, reports, etc., have been received.

## **CONTACT INFORMATION**

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