

Effects Report

October 2021

Sample Format and Guidance

An Effects Report provides a recommendation of a project's effects on historic properties and can only be prepared by a Qualified Professional (QP).

Typically, the Effects Report is prepared for anticipated No Adverse Effect or Adverse Effect findings for above-ground resources. The Effects Report provides SHPO and other consulting parties an opportunity to provide input on a project's proposed effect finding prior to the release of the signed finding and supporting 800.11(e) documentation.

The content and format of an Effects Report shares similarities with the 800.11(e) documentation, but it is distinct and is not meant to document the entirety of the 106 consultation process. Nevertheless, the information contained in the Effects Report can be used as the foundation for the eventual 800.11 documentation. In many cases, the text prepared for the Effects Report can be re-used—as appropriate—for the 800.11 documentation.

Variations in the Effects Report content and format may be necessary based on the nature of the project and affected historic properties. Please check with the INDOT-CRO reviewer for any specific project guidance prior to preparation of the Effects Report.

Follow the template below. Bolded/numbered items are required elements. Guidance follows each required element.

1) PROJECT LOCATION

- Provide project location details. For consistency-use same details as included in the Early Coordination Letter (ECL) and subsequent correspondence and project documentation.
- Describe and reference the Area of Potential Effects (APE). For consistency-use same description as included in the historic property report (HPR). Include APE map in appendix and reference.

2) PROJECT DESCRIPTION

- Describe the undertaking. The project description should be consistent with that provided in previous documentation and correspondence, while including details that have developed over time and that are relevant to assessing effects. Make sure to include the most up-to-date design details including project limits, expected acquired right-of-way (temporary and permanent), and new elements being introduced by the project, plus any other relevant project details. If the project description has changed since the previous documentation and correspondence, for example due to a change in scope or change in purpose in need, clearly describe the changes.
- It is helpful to include a comparison of existing conditions with proposed-especially for projects on existing alignments. Illustrations showing contrast between existing and proposed are critical.
- If there are multiple alternatives-describe and label each.
- Reference maps, plan sheets, mark-ups as appropriate in appendix.

3) DESCRIBE AFFECTED HISTORIC PROPERTIES

- Describe each of the historic properties affected and include information on the characteristics that qualify them for the National Register of Historic Places. The Criterion or Criteria that qualify each property for the National Register should be identified.
- For properties already listed in the Register, include a brief property description, list the Criterion or Criteria under which the property is listed, and note the date it was listed in the National Register.
- For each historic property description include the following information:
 - Describe its boundaries. Reference map in appendix.
 - Describe its contributing features. If a large historic district, a summary/count/general description of resources is sufficient.
 - Describe its setting. Discuss whether it is in a rural or urban setting for instance. Compare and contrast its historic setting with its existing setting.
- Representative photos should be inserted in the narrative and/or appendix. Reference the location in Appendix.

4) DESCRIBE EFFECTS TO HISTORIC PROPERTIES

Describing effects is meant to be a neutral explanation of what changes are occurring to the historic property. This section is not meant to argue an effect finding, but to provide as much information as known about proposed changes to the property-both direct and indirect. Approach the description of effects as a hierarchy starting with direct, physical impacts then moving on to indirect effects.

Physical Effects

- Describe the physical impacts to the property, specifically those occurring within the historic property boundaries. Describe if any contributing features will be altered or removed. Contributing features may include, but not limited to:
 - Trees/landscaping
 - Brick/limestone sidewalks/curbs
 - Light poles, signage and other freestanding elements
 - Structures
- Specify and detail if any new elements will be introduced onto the property.
- Indicate whether any permanent or temporary right-of-way will be acquired, and specify amounts as appropriate, from the property.

Other Effects

- Describe other non-physical effects such as those that may cause visual, auditory, or atmospheric changes. Consider the following as potential indirect effects:
 - Will new roads/roadway elements/infrastructure elements be introduced where not previously existing?
 - Will existing elements, both historic and non-historic, be altered that would change the viewshed of the property?
 - Will the existing road be widened? How wide?

- Will the existing road be elevated, depressed? If so, how high, low? Will there be associated walls or barriers?
- Will traffic increase as result of project? New/different types of traffic such as heavy trucks?
- Will access to and from the property change?

Provide appropriate maps and graphics depicting the specific impacts to the property. Use shading and distinct line colors to draw distinctions between historic property boundary, existing and proposed right-of-way, limits of construction and other relevant design details. Provide approximate distances from property to undertaking.

When adverse effects are anticipated, multiple alternatives should be discussed including a no build and at least one avoidance alternative. If there is a 4f use, these alternatives will be explored and defined in more detail through the Section 106 process and later in a 4f Individual Evaluation, but the foundation of this analysis likely will start with the Effects Report. The description of effects should be included for each alternative.

5) EXPLAIN APPLICATION OF CRITERIA OF ADVERSE EFFECT

For each historic property identified, explain why the criteria of adverse effect do or do not apply pursuant to 36 CFR Section 800.5(a). To provide context for the application of adverse effects, include the following excerpt from the regulations at the beginning of this section:

36 CFR § 800.5(a)(1) states: "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 in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those 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 undertaking that may occur later in time, be farther removed in distance or be cumulative."

When assessing effects to properties, a straightforward approach is to list the examples of adverse effects, as listed in 36 CFR Section 800.5(a)(2):

- *Physical destruction of or damage to all or part of the property;*
- *Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous materials remediation, and provision of handicapped access, that is not consistent with the Secretary's standards for the treatment of historic properties (<https://www.nps.gov/tps/standards/four-treatments.htm>) 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.*

The examples can be used to organize the assessment, with a narrative following each example. For those examples that do not apply, a simple statement indicating such is appropriate. It is also advisable to include a statement that potential adverse effects are not limited to these examples.

With more complex projects with multiple alternatives and/or historic properties-it is not necessary to repeat each of those examples that do not reasonably apply. A brief statement can be included that indicates that only those examples that would reasonably apply will be assessed and that these examples (include examples as appropriate) are not applicable and therefore will not be discussed in the effects assessment. For instance, the last example pertaining to transfer, lease or sale out of federal ownership is almost exclusively not applicable to FWHA/INDOT projects.

When assessing effects for each alternative, a recommended effects finding should be provided. When there are multiple alternatives/properties creating a table is a useful tool to provide a convenient way to compare effects.

When applying the examples of adverse effects, be clear and specific on the defining characteristics and significant historic features of the property. Historic properties are affected differently based on these specific, unique qualities. For instance, new lighting may have little effect to a commercial historic district where abundant lighting is an existing feature, but may cause adverse effects to a farmstead where new lighting may be a significant intrusion to its setting and feeling.

Assessing adverse effects is subjective but having an understanding of the historic property's qualities and being able to articulate that and the nature of the effects will help ensure SHPO's agreement to the analysis.

Illustrations depicting existing and proposed conditions should be prepared and included to support the application of the criteria of adverse effect. The level and detail is dependent on the nature of the project and impacts. Typically, marked-up aerials, plan sheets, and/or photos are sufficient. In some cases, 3-D renderings are crucial to convey impacts and may be requested by INDOT-CRO and/or SHPO.

6) SUMMARY OF CONSULTING PARTIES AND PUBLIC VIEWS

Inclusion of this section is only necessary when SHPO or other consulting parties have provided comments regarding project effects in previous correspondence or meetings.

In cases where SHPO or other consulting parties have provided input on project effects, include a summary of the comment, the date the comment was provided, and how the comment was delivered (letter, email, phone call, meeting, etc). Any relevant correspondence received should be included in the appendix.

Summaries of any discussions regarding effects occurring during any previous meetings should be included. Corresponding meeting minutes should be included in appendix.

APPENDIX

The following items should be included in the Appendix:

- Maps that depict the following (the elements listed below should be depicted either as one comprehensive map or series of maps as necessary):
 - APE map with historic properties labeled
 - Historic property boundaries
 - Project area/limits
 - Alternatives (if multiple)
- Photographs that depict the following:
 - Façade of historic property
 - View of historic property from and to project undertaking
 - View of any contributing elements affected by the project undertaking
 - For historic districts, representative photographs of key properties and those that will be impacted
 - If appropriate, mark up photographs to show areas of proposed permanent and/or temporary ROW vs. existing ROW, construction limits, elements that will be removed, etc.
- Plan sheets (if available-if plan sheets have not been developed other graphic representation of the project should be provided on aerials)
 - For plan sheets-label/shade historic properties making sure to clearly delineate historic boundaries
 - Label areas of proposed permanent and/or temporary ROW vs. Existing ROW
 - Label construction limits
 - Label elements that will be removed (trees, walls, sidewalks, etc.)
 - Highlight new features that will be installed
- Any correspondence or meeting minutes referencing SHPO or consulting parties comments on project effects
- Other graphics/renderings (if applicable)