



Historic Review User's Manual

For

Community Focus Fund Applications
and
Community Economic Development Fund Applications

Indiana Office of Community and Rural Affairs

One North Capitol, Suite 600
Indianapolis, IN 46204-2027

Phone: 317.233.3762
Toll Free: 800.824.2476
Fax: 317.233.3597

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Overview

Federal [Section 106] Historic Review

The *National Historic Preservation Act* [16 USC 470] requires that federal agencies assume responsibility for the preservation of all historic properties under their jurisdiction. Under section 106 of the act, all federally assisted undertakings must take into account their effect on historic properties included in, or eligible for, the National Register of Historic Places and, prior to approval of an undertaking, to allow the National Advisory Council on Historic Preservation an opportunity to comment. [36 CFR § 800.1 (a)].

Process of Section 106 Historic Review: Consultation occurs between the State Historic Preservation Office and [Federal] Agencies and the recipients of federal assistance to understand the impact of developments on cultural resources.

Responsibility: under HUD regulations [24 CFR 58] the local unit of government (LUG) becomes the responsible entity for environmental reviews; therefore the applicant for the Community Focus Fund grant assumes the role of the Federal agency in the 106 process.

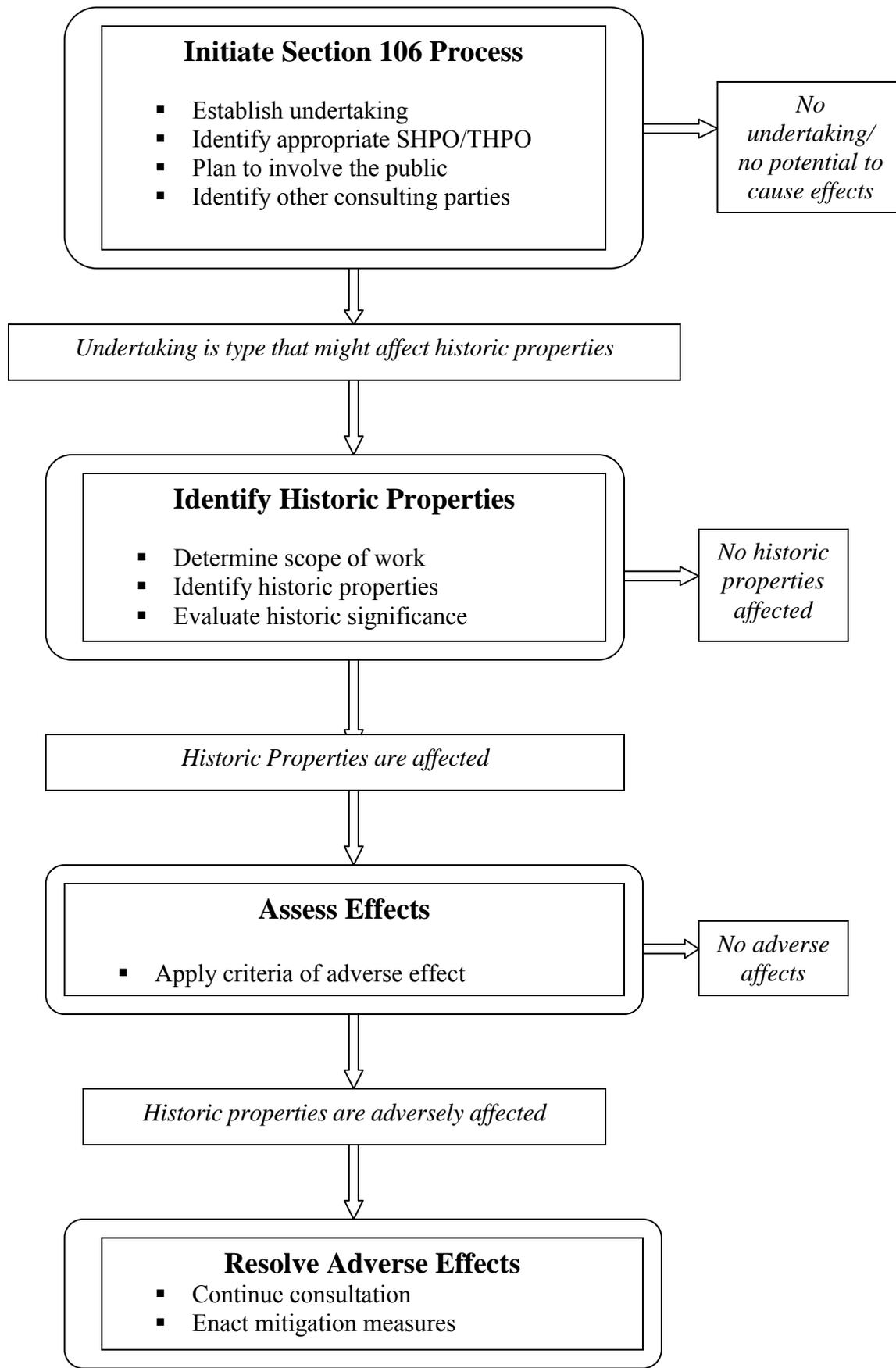
Timing: the Community Focus Fund (CFF) application requires that the applicant must show written correspondence from State Historic Preservation Office or the National Advisory Council on Historic Preservation stating that the Section 106 review is completed and any issues raised during the review are resolved **prior** to submission of application. In order to complete the review and resolve (as necessary) any potential effects, the applicant should begin the review process **NO LESS** than 90 days* prior to the date of application.

*As all projects (and consequently the potential effects) are different, the time necessary to complete the review cannot be predicted. While the State Historic Preservation Office has thirty (30) days to respond to correspondence, every effort will be made to respond as quickly as possible.

The best way to reduce the time needed for Section 106 review is for recipients to plan their developments to avoid adverse effects on historic properties. This can be done if the recipient identifies all historic properties or important archaeological sites at the **beginning of project planning, uses *The Secretary of the Interior's Standards for the Treatment of Historic Properties* as a guide to designing projects that will affect historic properties, and begins consultation with the State Historic Preservation Office **before** reaching any final decisions on project design.

The recipient is responsible for completing the Section 106 Historic Review Process BEFORE:

1. Submitting an application to the Office of Community and Rural Affairs. Applicant must not enter into any contracts or any other commitments prior to receiving Release of Funds from OCRA.,
2. Initiating demolition, rehabilitation, purchasing or construction activities (regardless of the funding source for the activity), this includes all site preparations and ground disturbing activities; infrastructure, grading, etc.



Section 106 Process

Step 1 Identify project: including the **precise** development area (street address, city/town/township, and county) and the **complete** scope of work

Step 2 Submit consultant authorization letter *if applicable* (Exhibit A) - send to State Historic Preservation Office

Step 3 Identification

A. On a legible map, clearly outline and label:

- Precise location of the development area
- Area of Potential Effects (APE)
- Any potentially historic properties within the APE

* Maps should be readable, with names of nearby landmarks (e.g. major streets, roads, highways, railroads, rivers and lakes) and cardinal directions labeled

** While aerial photographs may be useful for the archaeological review in cases where the project will involve land disturbance, aerial photographs are not a suitable substitute for maps

B. Gather and organize documentation on the history and possible significance of buildings, structures, and objects within the area of potential effects including the following:

- Clear and labeled photographs of all areas that may be affected by the project. (**No faxes or photocopies!** Digital photos on cd or dvd are acceptable but must be keyed to a site plan or otherwise referenced)
- Known or approximate dates of original construction
- Description of any known modifications to individual buildings, structures, objects, sites and districts. Be sure to include dates of the modifications, if known.
- Associations with significant events or persons
- Any other historical information known about the properties within the APE

* Be sure to reference the National Register of Historic Places for listed properties and the County Interim Report (if available) for potentially eligible sites. Any listed or surveyed sites within the APE should be identified. Surveyed sites should be assessed for their potential to be included in the National Register, by applying the National Register Criteria for Evaluation.

** If a property is noted in the interim report, this does not automatically indicate eligibility as an historic property. Likewise, if the property is *not* noted in the interim report it may still be eligible. The interim reports are just a starting point for identifying possible historic resources. The only true determining factor for identifying resources is by applying the National Register Criteria.

C. Assess Effects

If no listed or potentially eligible sites have been identified within the APE the appropriate determination would be that there are “no historic properties affected”

If there are historic properties within the APE, the project must be assessed on whether or not the identified property will be adversely affected.

Step 4 Involve the Public

- Publish your information for public knowledge/comment.

Step 5 Send (Exhibit B) and all supporting documentation to:

Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room 274W
Indianapolis, Indiana 46204

* The finding/determination of effect **must** come from the **Local Unit of Government**; findings from consultants are not valid

****Concurrence from the State Historic Preservation Office will be recognized for a period of up to three years provided the project remains the same. If any factors of the project change (scope of work, source of funds, etc.) a new review by the State Historic Preservation Office may be necessary.**

[Exhibit A - Consultant Authorization Letter]

Date

Indiana Department of Natural Resources
Division of Historic Preservation and Archaeology
402 West Washington Street, Room 274W
Indianapolis, Indiana 46204

State Historic Preservation Office:

Local Unit of Government is initiating contact for Section 106 Historic Review for our **program description at project address, city, township, county.**

Due to the Federal Regulations governing the environmental review requirements, **Local Unit of Government** is authorizing the following party to consult with the State Historic Preservation Office on behalf of the **Local Unit of Government** for the above referenced project: **Name, Organization, Address, City, State.**

Sincerely,

Name, Title
Local Unit of Government

[Exhibit B - Letter for Documentation and Finding of Effect]

Date

Indiana Department of Natural Resources
Division of Historic Preservation & Archaeology
402 West Washington Street, W274
Indianapolis, IN 46204-2748

Re: Section 106 Historic Review: **Project Address, City, Township, County**

State Historic Preservation Office:

Local Unit of Government plans to use Community Focus Funds from the Indiana Office of Community and Rural Affairs to conduct (**project activity**) at **Address**.

- Federal involvement: **Insert what funding program is being used; include any federal or state funding in addition to the CFF**
- Description of the undertaking: **Insert location and complete scope of work, detail all work items and provide drawings, product information, etc. as applicable**
- Steps used to identify historic properties and information pursuant to Sec. 800.4(b): **Insert what resources have been used, what historic properties have been identified; why they are considered historic**
- Determination of effect (36 CFR 800.5): **Insert how historic properties will/will not be affected**

We have enclosed the following documents to support this finding.

- Map with area of potential effect and development site clearly identified
- Clear photographs of all areas that will be affected by the project

Please send all responses and direct any inquiries to:

Name
Local Unit of Government
Address
Phone Number

Sincerely,

Name, title

[Appendix I – Definitions]

Area of Potential Effects (APE): “The area of potential effects is the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” [36 C.F.R. § 800.16(d)]

The APE should take the scope of work into account to determine what areas surrounding the project may be directly or indirectly affected by the undertaking. The APE should always include those areas that are at least within visual range, but may be larger depending upon the scope of work

** There is *always* an APE, on *every* project.

Consulting Party: “Individuals and organizations with a demonstrated interest in the project due to the nature of their legal and economic relation to the undertaking or affected properties, or their concern with the undertaking’s effect on historic properties” [36 CFR § 800.2] Consulting parties generally include: applicants, professional consultants, and government agencies with jurisdiction over the project.

County Interim Reports: Published surveys of potential resources within the counties. Interims include maps, site information, identification of possible historic districts and cataloging of potentially eligible properties and ratings of their qualities that may make them eligible: Non-Contributing, Contributing, Notable and Outstanding. A list of counties with interim reports can be found at <http://www.in.gov/dnr/historic/2811.htm>

Development Site: where work will occur; street address, City or Town, Township and County of the project area;

Findings/ Determination of Effect: the outcome of proposed project; what *effect* the project will have on historic properties:

No Historic Properties Affected- No resources can be found within the area of potential effect.

No Adverse Effect- used if there are historic properties within the APE boundaries that will not be altered in such a manner that it will diminish the integrity of the properties’ characteristics qualifying it for inclusion in the National Register

Adverse Effect- used if there are historic properties in the APE that will be altered in such a manner that it will diminish the integrity of the properties’ characteristics qualifying it for inclusion in the National Register

** Adverse effects may include: physical destruction of, or damage to a property, alterations that are not consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties, removal of the property from its historic location, change in the use or character of physical features or setting, introduction of visual, atmospheric or audible elements, neglect which causes deterioration.

Historic Property: Any prehistoric or historic district, site, building, structure, or object *included in, or eligible for inclusion in*, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties. The National Register criteria should be applied to determine the eligibility of a property. For purposes of the State review historic property also refers to those resources that are listed on the Indiana Register of Historic Sites and Structures.

Memorandum of Agreement (MoA): Legal contract outlining mitigation measures to be carried out. On the occasion where the project will result in an Adverse Effect, a Memorandum of Agreement will be drawn to minimize or mitigate those adverse effects.

SHPO: State **H**istoric **P**reservation **O**ffice. In Indiana the State Historic Preservation Office is the Department of Natural Resources (DNR), Division of Historic Preservation and Archaeology (DHPA)

[Appendix II - Resources for Historic Reviews]

Below is a list of several sources that can be used in evaluating historic resources:

- a. The National Park Service (NPS) maintains a database list of all properties that are currently listed in the National Register of Historic Places. The information is available through the NPS web site, www.cr.nps.gov/nr/.
- b. The Indiana State Historic Preservation Office (DNR-DHPA) also maintains a database of all properties that are currently listed on the State *and* National Registers of Historic Places. The information is available through the DHPA website, <http://www.in.gov/dnr/historic/2811.htm>.
- c. The NPS's National Register Criteria for Evaluation are used for considering whether a property is eligible for inclusion in the National Register. The criteria found in the publication entitled *National Register Bulletin 15*, which may be obtained by writing the National Register of Historic Places, National Park Service, US Department of Interior, Post Office Box 37127, Washington D.C. 20013-7121, or through the NPS website, <http://www.nps.gov/nr/publications/bulletins/nrb15/>
- d. Many counties in Indiana have been surveyed to identify potential historic buildings, structures, objects, and districts. The results of these surveys have been published in *Interim Reports*. Most *Interim Reports* are available for purchase from the Historic Landmarks Foundation of Indiana at (317) 639-4534; however, some *Interim Reports* are out of circulation. All *Interim Reports* are available at the Indiana State Library, and many are available at local libraries and historical organizations. You may also schedule time with the State Historic Preservation Office to research surveyed counties by contacting the Records Check Coordinator at (317) 232-1646 or www.indianalandmarks.org.
- e. Historic preservation organizations and county historians may also have historical information on a particular resource or area. For a list of contact names, addresses, and telephone numbers, please check the Indiana Historical Society website at www.indianahistory.org/.
- f. Other sources that might be useful for identifying potential historic or archaeological resources include: Sanborn maps (available for reference at the main library of Ball State University or the Geography Library at Indiana University), U.S. Geological Survey maps, old atlases, census information, local, county, or regional histories and prehistories, and other records indicating previous land use.
- g. Additional information regarding the State Review and Certificate of Approval process may be found through the State Historic Preservation Office website at <http://www.in.gov/dnr/historic/4306.htm>

[Appendix III; the Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995]

The Secretary of the Interior has standards for several levels of treatment to historic resources (preservation, rehabilitation, restoration, and reconstruction). Most often applicable are the rehabilitation standards.

Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.

Rehabilitation is defined as *the act or process of making possible a compatible use for a property through repair, alterations, and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.*

Standards for Rehabilitation

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials,

features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

The Secretary of the Interior's Standards for the Treatment of Historic Properties; with Guidelines for Rehabilitation of Historic Buildings is published by the National Park Service and can be found through their website <http://www.nps.gov/history/hps/tps/standguide/>. The *Guidelines* provide specific examples of treatment activities; what is encouraged and what is not recommended.

[Appendix IV; National Register of Historic Places Criteria for Evaluation]

Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B.** That are associated with the lives of significant persons in or past; or
- C.** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D.** That has yielded or may be likely to yield, information important in history or prehistory.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties *will qualify* if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- a.** A religious property deriving primary significance from architectural or artistic distinction or historical importance;
- b.** A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event;
- c.** A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life;
- d.** A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events;
- e.** A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived;

f. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance;

g. A property achieving significance within the last 50 years if it is of exceptional importance.

Further information on National Register eligibility and evaluation can be found in the National Park Service Bulletin #15 *How to apply the National Register Criteria for Evaluation*

<http://www.nps.gov/history/nr/publications/bulletins/nrb15/>



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