



Section 106 National Historic Preservation Act Evaluation Form

Project Description (brief description of project—continue on additional sheets if needed)

Project Name/Type: _____

County/State: _____ On USFWS Land?: _____

Service Activity (WSFR, NAWCA, etc) _____

Project Location: Township(s) _____ N or S Range(s) _____ E or W Section(s): _____

Total Project Area (in Acres): _____

USFWS Project Leader/Station: _____ Phone #: _____

If there is a Non-Governmental Partner (NGO) please name: _____

_____ **Check here if your project is not proposing to alter buildings or disturb ground that is likely to contain archaeological sites (e.g. replacing carpeting, digging in the middle of a wetland, working in an already impacted area) or the sites/buildings we are proposing to disturb/alter cannot be historic properties (see FAQs for additional information and consult with your RHPO).**

Mandatory Attachments (on separate sheets)

1. USGS Topographical map and aerial photo, ensuring that the project boundaries are **exact**.
2. Details of anticipated project activities i.e. ground/building disturbance (add maps as necessary)
3. Only relevant sections of design drawings showing disturbance (e.g. plan views)
4. Land use history and environmental setting of the project area (add maps as necessary)

_____ **Check here if there has been a field survey done in the project area already.** (If not, ignore this section) If so, who conducted it and when? Did they find any buildings/sites? If so, please see the next section. **Please attach any information you have regarding any previous field survey(s).**

_____ **Check here if there are known buildings/sites* in the project area** (If not, ignore this section)
*Sites are such places as artifact scatters, mounds or earthworks, cemeteries, privy pits, old foundations, ruins, bridges, water control structures, historic roads/trails and trash pits/piles.

Elements needed to be furnished to the Regional Historic Preservation officer if there are known buildings/sites in the project area:

1. Age of building(s)/site(s) or date(s) built: _____ RPI #(s) _____
2. Attach ground level photographs of both inside and outside of buildings/sites
3. Attach close-up aerial photo or sketch map illustrating the placement of the buildings/sites in the project area, key the ground photos to the aerial photo/sketch map
4. Attach detailed descriptions of the buildings/sites with emphasis on their size, floor plans and architectural elements. Individually, what kind of physical shape are they in (good, fair, poor)?

Submitted by: _____ Date: _____ Phone Nbr: _____

Section 106 FAQ

Does my proposed project need to comply with historic preservation laws?

Any individual project conducted, funded, licensed, permitted or approved by any program within the federal government (called an ‘undertaking’) needs to be reviewed under Section 106 of the National Historic Preservation Act (NHPA) to see if it might have the potential to affect sites/buildings eligible for listing to the National Register of Historic Places. This law applies to projects both on and off federal lands.

I don’t think my project will affect historic properties, how do I know?

Initial review focuses on the “potential” to affect a “historic property” (a site/building eligible for the National Register). Some projects have little to no potential to affect historic properties for two main reasons: (1) they are not proposing to alter buildings or disturb ground that is likely to contain archaeological sites (e.g. replacing carpeting, digging in the middle of a wetland, working in an already impacted area) or (2) the sites/buildings we are proposing to disturb/alter cannot be historic properties. In order to be a potential historic property, the law says that a site/building generally must be at least 50 years old and have “integrity” (the physical ability to convey a strong sense of time and place). Heavily remodeled/rotted buildings and sparse archaeological sites confined within plowzones of agricultural fields, while possibly old enough, are generally regarded as having little integrity.

Are their exemptions for certain projects under NHPA?

There are no exemptions allowed under NHPA.

Can I delegate my compliance with NHPA to someone else?

The review noted on this form is done by the Regional Director via their representative the Regional Historic Preservation Officer (RHPO). However significant portions of the actual NHPA review can be delegated by USFWS to state, local or tribal governmental agencies who have **qualified**, meaning they must meet the Secretary of the Interior standards for archaeological and historic preservation http://www.cr.nps.gov/local-law/arch_stnds_0.htm, historic preservation staff. **But** we can **only legally** delegate inherently governmental responsibilities to non-federal government agencies if we have a signed Programmatic Agreement in place. We cannot under **any** circumstance delegate these responsibilities to a non-governmental organization or even to the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO).

Who in USFWS is responsible to see that we are in compliance with Section 106 of NHPA for our projects?

According to USFWS policy (FW 614) it is the ultimate responsibility of the Regional Director. Practically however, day-to-day compliance with these and other preservation laws fall to you the Project Leader. To help you, each Region maintains a technical subject matter expert, the RHPO.

What if the project does have the potential to affect historic properties?

To facilitate a timely review of these kinds of projects, the Project Leader needs to send the RHPO sufficient information to enable him/her to assess the degree to which the project may affect historic properties (and whether any known site/building within the project area is, in fact, a historic property). This information will likely need to be augmented in many instances with a field survey of some kind. The RHPO can help with preparing a Scope of Work for such services that will need to be paid for out of your project dollars. Once sufficient information is collected the RHPO will consult with outside parties that partner with federal agencies under NHPA (e.g. SHPOs, THPOs etc). The law provides these outside parties with a reasonable amount of time to comment on the findings of the field survey and the RHPO’s opinion (at least 30 calendar days from their receipt of the information). No objections within the 30 days is generally accepted as equaling concurrence. Any clarifications/disagreements however, will certainly elongate this comment period—sometimes significantly.