

**Historic Preservation / Archeological Review**

Section 106 of the National Historic Preservation Act requires that the effects of CDBG projects on properties included in or eligible for the National Register of Historic Places be taken into account. The Advisory Council on Historic Preservation seeks, through the Section 106 process, to accommodate historic preservation concerns with the needs of federally funded projects. Such accommodation is encouraged through consultation among the Agency Official, the State Historic Preservation Officer (SHPO), and other interested persons during the planning stage.

Consulting parties for the Historic Preservation/Archeological Review are defined as follows:

- Agency Official. The official with legal jurisdiction and responsibility for the project. Under the CDBG Program, the Agency Official is the designated certifying official of the Grantee who accepts the jurisdiction of federal courts for enforcement purposes. Normally, this official is the Chief Executive Officer of the locality.
- State Historic Preservation Officer (SHPO). The SHPO coordinates State participation in the Section 106 process. Their role is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects.
- Advisory Council. The Council is responsible for commenting to the Agency Official when historic properties are affected.
- Interested Persons. Organizations or individuals that are concerned with the effects of a project on historic properties.

The Consultation Process (Agency Official's Responsibilities) for the Historic Preservation/Archeological Review is as follows:

1. Prior to notifying the SHPO, the Agency Official **MUST** review existing information on historic properties potentially affected by the project, including

any data concerning the likelihood that unidentified historic properties exist in the project area.

2. Request the views of the SHPO on further actions to identify historic properties that may be affected. The SHPO must be contacted in writing (see SAMPLE H). Technically, a Grantee cannot certify that its project has NO SIGNIFICANT IMPACT ON THE ENVIRONMENT until the project is cleared by the SHPO.

SAMPLE H is the type of letter that must be sent to the State Historic Preservation Officer (SHPO), as required by 36 CFR 800.4. The key is to clearly identify the project, its location, existing conditions, past construction activity, current land use, and construction methods. In addition, your letter should contain:

- Any significant observations from your site inspections;
- Photographs;
- Your review of the National Register of Historic Places, including the periodic supplements; and your determination that there will be no effect on historic properties;
- A review of any local historic reports; and
- U.S.G.S. Quadrangle Map specifically locating the structure(s).

The letter should be sent to:

Director  
Virginia Department of Historic Resources  
Attn: Review and Compliance Officer  
2801 Kensington Avenue  
Richmond, Virginia 23221  
804-367-2323

with a copy to:

Supervisor, Project Review Section  
Virginia Research Center for Archeology  
c/o Department of Historic Resources  
2801 Kensington Avenue  
Richmond, Virginia 23221

The RE can either submit hard copy applications and correspondence through USPS, FedEx, etc. or electronically through ePIX (DHR's Electronic Project Information Exchange) which can be located on DHR's website at <https://solutions.virginia.gov/ePIX>

## LETTER TO STATE HISTORICAL PRESERVATION OFFICER

MAY BE EMAILED

June 1, 20\*\*

Ms. Laura Lavernia  
Historic Preservationist  
Office of Review and Compliance  
Virginia Department of Historic Resources  
2801 Kensington Avenue  
Richmond, Virginia 23221

Dear Ms. Lavernia:

The City of Grantsville is applying to the Virginia Department of Housing and Community Development for funding to extend water and sewer lines in various sections of the City. Enclosed are **copies of maps from a DHR archives search which identify any historical or cultural resources** and neighborhood photographs illustrating the three (3) project service areas.

These areas are geographically bounded by State Route 683 on the South, the Grantsville limits on the East and West, and Norfolk-Western Railroad on the North. Physical improvements to the area will include the extension of lateral water lines and the extension of sewer lines throughout the City.

Project One involves the installation of approximately 1,000 linear feet of water line on Davis Boulevard, White Marsh Road, and Seminole Drive which are currently served by inadequate well systems. Project Two allows for the installation of approximately 2,900 linear feet of water line on Dill, Carolina and Benton Roads. Project Three will require the installation of fifty bathrooms and approximately 8,000 linear feet of gravity sewer line on Ashley Avenue, Mason Avenue, Kennedy Street, Causey Street, South Broad Street, Linden Avenue, First Street, and Second Street in the Philadelphia and Saratoga Place neighborhoods and on East Washington Street, Suburban Drive, Cross Terrace, Riddick Drive, Bailey Circle, Reid Street, and Bell Street in the Pierce Park neighborhood of the City.

I would note that the proposed projects are contained almost entirely within the existing right-of-way of the streets in the project areas. Very little physical work will be undertaken in locations not previously disturbed by extension construction or in areas

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routinely maintained, either by the City or the Virginia Department of Transportation. Absolutely no impact is anticipated on any historic or archeological sites.

The bathrooms will be constructed within the existing houses or added as additions. Specifications will require that the addition match the existing construction exterior as close as possible. All unsanitary pit privies will be removed to comply with Department of Health sanitation standards.

The City has reviewed the National Register of Historic Places of Block County prepared by I. M. Lookinhard and has determined that no historical person has lived within the project area and no historical structures exist within the project area that have a bearing on the history of Grantsville or Block County.

In the unlikely event any such sites are discovered during project construction activities, the City will be immediately informed by the on-site contractor, and your Office will be notified shortly thereafter. The City will undertake every effort to ensure that historic and archeological sites will in no way be disturbed by the proposed activities.

The City has determined that no effect or no adverse effect will occur to archeological sites or historic structures.

Your review of this project and a response within thirty (30) days would be greatly appreciated. Should you have any questions concerning this matter, please do not hesitate to contact me or Sally Smith of my staff.

Sincerely,

Tom Tyron  
Mayor

CR/kr

Enclosures [...INCLUDE PHOTOGRAPHS and TOPO MAPS...]

c: Supervisor, Project Review Section; Virginia Research Center for Archeology

## When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- ☐ **significant ground disturbance (digging)** Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- ☐ **new construction in undeveloped natural areas** Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- ☐ **incongruent visual changes** Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- ☐ **incongruent audible changes** Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- ☐ **incongruent atmospheric changes** Examples: introduction of lights that create skyglow in an area with a dark night sky
- ☐ **work on a building with significant tribal association** Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- ☐ transfer, lease or sale of a historic property of religious and cultural significance

Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

☐ None of the above apply

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Project

Reviewed By

Date

## **SAMPLE LETTER TO INDIAN TRIBES**

This is a sample letter for the Responsible Entity to contact Tribes that may have an interest in your project. The Responsible Entity must sign the letter to the tribe(s). The Responsible Entity is required to conduct government-to-government consultation. You may also invite non-federally recognized tribes with a demonstrated interest in the project to consult as additional consulting parties. The Tribal Directory Assessment Tool (TDAT) was designed to help users quickly identify tribes and provide appropriate tribal contact information to assist with initiating Section 106 consultation. The link to TDAT is <http://egis.hud.gov/tdat/Tribal.aspx>

SAMPLE

Date

«AddressBlock»

Re: Project Name

Address of project

CDBG Program

«GreetingLine»

The [name of Grantee] is considering funding the project listed above with Community Development Block Grant funds from the Virginia Department of Housing and Community Development through the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the [name of grantee] has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

[Name of Grantee] will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify

historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project consists of [insert project description].

More information on the Section 106 review process is available at [http://www.comcon.org/sites/default/files/historic\\_preservation/](http://www.comcon.org/sites/default/files/historic_preservation/) . HUD's process for tribal consultation under Section 106 is described in a Notice available at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/comm\\_planning/environment/atec](http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/environment/atec) .

If you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

Sincerely,

Name  
Title  
Phone  
E-mail  
FAX

Enclosure: Map of project area and Area of Potential Effect

cc: THPO

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