



2025 CDBG Section 106 Training with SHPO

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Iowa Economic Development Authority - SHPO

Overview

- What is Section 106
- Four Step Process
 - Initiate
 - Identify/Evaluate
 - Assess Effects
 - Resolve Adverse Effects
- Section 106 Consultation
- Submitting Documentation
- Questions



What is Section 106?

- A process that all federal undertakings must follow to consider the effect of the project on cultural resources. (36 CFR Part 800)
- A way for members of the public to have a voice when federal actions may affect properties that qualify for the National Register of Historic Places.
- Does not mandate preservation; mandates *conversation*.

“The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, *prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register.*”

National Historic Preservation Act of 1966

- In response to the Urban Renewal and Interstate Highway Act, which had fundamentally changed the way our cities looked and functioned, Congress established the NHPA of 1966 to preserve the historical and cultural foundations of the nation as a part of community life.
- Established:
 - State Historic Preservation Offices (SHPOs)
 - Tribal Historic Preservation Offices (THPOs)
 - Advisory Council on Historic Preservation (ACHP)
 - Certified Local Governments
 - National Register of Historic Places
 - Section 106 (36 CFR Part 800)



Key Terms

○ Undertaking

- A project, activity or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including activities carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.

○ 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](#).

○ Area of Potential Effect

- The geographic area within which an undertaking has the potential to cause effects to historic properties, if such properties exist. This includes direct or indirect effects along both horizontal and vertical planes

○ Finding

- No Historic Properties Affected
- No Adverse Effect
- Adverse Effect

SOI Qualified Staff

- Architectural Historian
- Architect
- Historic Architect
- Archaeologist

More information available at: [Professional Qualifications Standards \(U.S. National Park Service\)](#)

Section 106 Process – Four Steps

1. **Initiate Section 106 Review Process**
 - Determine if the undertaking has the potential to affect cultural resources.
2. **Identify and Evaluate Historic Properties**
 - Identify the Area of Potential Effects (APE).
 - Identify and evaluate resources within the APE to determine eligibility status for the National Register of Historic Places (NRHP).
3. **Assess Effects**
 - Determine how the project will affect any eligible or listed resources.
4. **Resolve Adverse Effects**
 - If the project will result in an Adverse Effect, steps shall be taken to avoid, minimize, or mitigate the Adverse Effect

Step 1: Initiate Section 106 Review Process

Determine if the undertaking has the potential to affect cultural resources

Step 1 – Initiate Section 106

○ Initiating the Section 106 Review Process

- Does the project qualify as an undertaking?
 - If there is federal funding or interest involved, then yes, it is an undertaking and therefore needs to go through the Section 106 process.
- Does the project have the potential to affect cultural resources?
 - Look at the whole project – undertakings cannot be segmented to exclude activities.
 - **If YES – the project must go through a full Section 106 review.**

○ Iowa:

- There is a current Programmatic Agreement (PA) in Iowa between the SHPO and IEDA that allows for the exemption of full Section 106 reviews when CDBG projects are limited to excluded activities.

Step 2: Identify and Evaluate Historic Properties

Identify the Area of Potential Effects (APE) – the area in which the undertaking has the potential to directly or indirectly affect any historical and/or archaeological resources

Identify and evaluate resources within the APE to determine if they are listed or eligible for listing on the NRHP

Step 2 – Identify/Evaluate Historic Properties

○ Identification

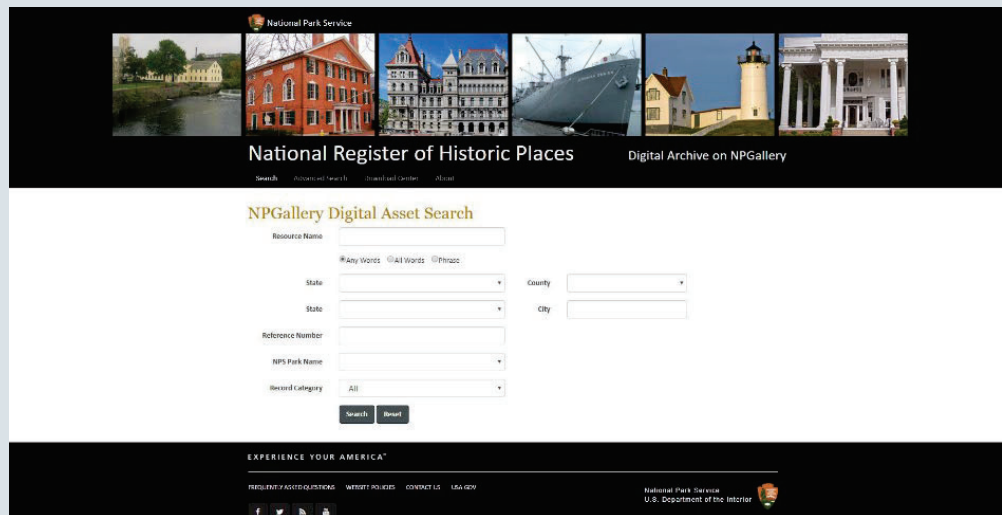
- What are historic properties?
 - Resources that are listed or are eligible for listing in the National Register of Historic Places (NRHP), including:
 - Buildings
 - Districts
 - Structures
 - Objects
 - Sites (including archaeological sites)



Step 2 – Identify/Evaluate Historic Properties

○ Identification

- Steps to identify historic properties:
 - Develop an **Area of Potential Effects (APE)** and see what resources are within
 - Identify **previously evaluated** properties from the State Inventory in the APE
 - Iowa Historic Property Inventory Database (<https://shporecords.opportunityiowa.gov/>)
 - Identify **National Register of Historic Places (NRHP)**-listed properties in the APE
 - Identify all other **unevaluated** resources in the APE
 - **Evaluate** to determine if resources are eligible for the National Register



The screenshot displays the National Park Service National Register of Historic Places Digital Archive on NPGallery search interface. At the top, there is a banner with the National Park Service logo and a row of six images: a historic house, a red brick building, a historic town square, a large ship, a lighthouse, and a classical building. Below the banner, the text "National Register of Historic Places" and "Digital Archive on NPGallery" is visible. The main section is titled "NPGallery Digital Asset Search" and contains a search form with the following fields: "Resource Name" (text input), "Any Words" (radio button), "All Words" (radio button), "Phrases" (radio button), "State" (dropdown menu), "County" (dropdown menu), "City" (text input), "Reference Number" (text input), "NPS Park Name" (dropdown menu), and "Record Category" (dropdown menu). At the bottom of the form are "Search" and "Reset" buttons. The footer includes the text "EXPERIENCE YOUR AMERICA™", "FREQUENTLY ASKED QUESTIONS", "ABOUT POLICIES", "CONTACT US", and "USA.GOV", along with the National Park Service logo and the text "National Park Service U.S. Department of the Interior".

Step 2 – Identify/Evaluate Historic Properties

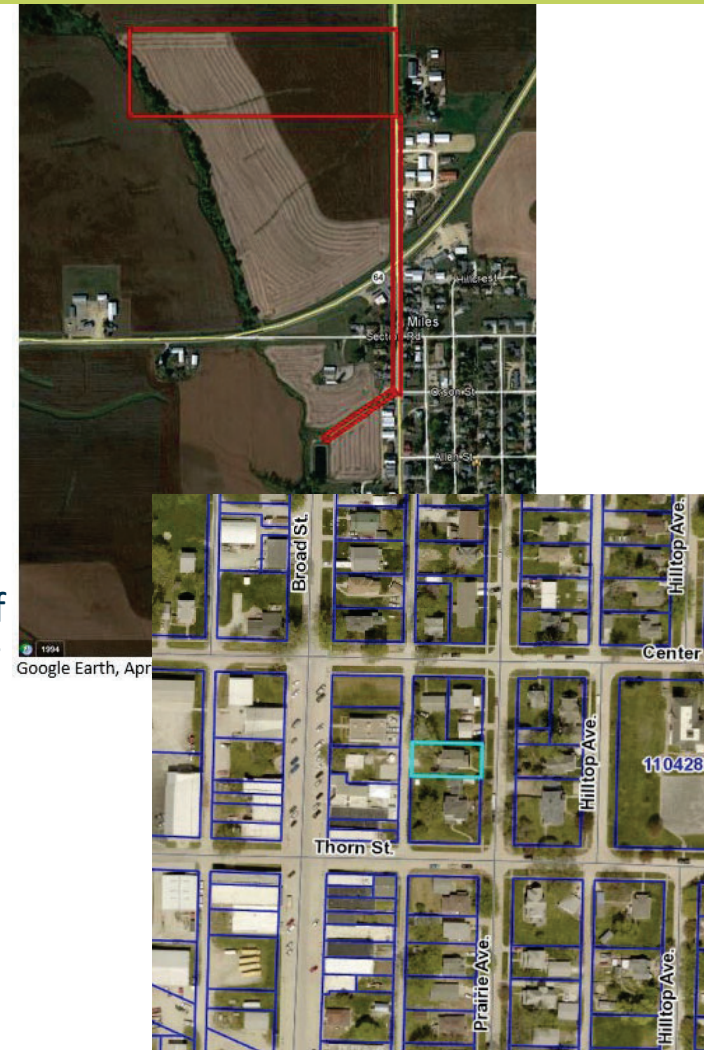
Area of Potential Effects (APE)

- What is an APE?
 - *"...the geographic area or areas within which an undertaking may directly or indirectly cause alteration in the character or use of historic properties, if any such properties exists. The area of potential effects is influenced by the scale and nature of an undertaking and may be different or different kinds of effects caused by undertakings (36CFR800.16(d))."*
- All projects **must** have a defined APE that is unique to the project.
 - Consider the horizontal *and* vertical footprint of the undertaking
- The Responsible Entity (RE)/Designee will determine the APE based on the nature of the undertaking.
 - The APE will not necessarily be limited to the resources receiving federal funds and may also encompass adjacent properties depending on what the potential effects of the project are.

Step 2 – Identify/Evaluate Historic Properties

Area of Potential Effects (APE)

- How to determine the project APE:
 - Consider the entire project, not just what the CDBG/federal funds will be used for.
 - Consider all possible effects of your project:
 - Direct – physical changes
 - Indirect – viewshed, setting, etc.
 - Immediate – occur at the time of the undertaking
 - Further Removed in Time – activities that take place because of the undertaking but may take weeks, months, or years to occur
- Once the project's APE has been delineated, consider all resources in the APE as you move forward with the identification and evaluation of historic properties.



Step 2 – Identify/Evaluate Historic Properties

Identify Evaluated, Listed, and Unevaluated Resources

- Identify previously evaluated resources in the APE:
 - Check the Iowa Historic Property Inventory Database (<https://shporecords.opportunityiowa.gov/>)
- Identify NRHP-listed resources in the APE:
 - Check the NRHP Database listed properties and/or copies of National Register Nominations: <https://npgallery.nps.gov/nrhp>
- Identify unevaluated potential historic properties in the APE:
 - Is the property over 50 years old or of exceptional significance? If yes – take a closer look and continue with evaluation

Storm Lake			
11-00310 - Buena Vista Memorial Park Cemetery .5 miles NW of Storm Lake SHPO - 2013	Not Evaluated		
11-00112 - Chicago, Milwaukee, St. Paul and Pacific Railroad moved west of town SHPO - 1978 NPS - 1978	Opinion of Eligibility Determination of Eligibility		
11-00115 - House 220 E 10th St SHPO - 1987 Agency - 1987	Not Eligible Not Eligible		
11-00113 - Storm Lake Public Library 200 E 5th St - SE corner of E 5th and Erie Streets Consultant - 1989 SHPO - 1981 NPS - 1983	Opinion of Eligibility Opinion of Eligibility Listed on NRHP		
11-00239 - Belts, Abner, Building 210 E 5th St SHPO - 2005 Agency - 2005	Not Eligible Not Eligible		
11-00133 - Steffen House 830 E 5th St SHPO - 1998 Agency - 1998	Not Eligible Not Eligible		
11-00288 - Foley House 610 W 6th St SHPO - 2010 Agency - 2010	Not Eligible Not Eligible		
11-00295 - Ocequoda House 611 W 6th St SHPO - 2011 Agency - 2011	Not Eligible Not Eligible		
11-00182 - West Elementary School 1001 W 6th St Consultant - 2001	Not Evaluated		
11-00183 - North Elementary School 301 E 7th St Consultant - 2001	Not Evaluated		
11-00184 - Storm Lake High School 310 Cayuga St SHPO - 2016 SHPO - 2016 Consultant - 2016 NPS - 2017	Not Evaluated Opinion of Eligibility Opinion of Eligibility Listed on NRHP		
11-00232 - Flynn House 517 Cayuga St Agency - 2004 SHPO - 2005	Not Eligible Not Eligible		
11-00228 - Karstens House 718 Cayuga St SHPO - 2004 Agency - 2004	Not Eligible Not Eligible		
11-00298 - Huss House 611 College St SHPO - 2013 Agency - 2013	Not Eligible Not Eligible		
11-00290 - Villa House 712 College St SHPO - 2011 Agency - 2011	Not Eligible Not Eligible		
11-00117 - Buena Vista County Courthouse Courthouse Sq Non-Existant 1968			
11-00116 - Buena Vista County Courthouse Courthouse Sq			
11-00296 - Holmes, David A., House 713 Genesee St SHPO - 2012 Agency - 2012	Not Eligible Not Eligible		
11-00293 - Baker, Howard R. and Elmore R., House 715 Genesee St SHPO - 2011 Agency - 2011	Not Eligible Not Eligible		
11-00241 - Naughton House 121 Hudson St SHPO - 2008 Agency - 2008	Not Eligible Not Eligible		
11-00236 - Harrington House 201 Hudson St SHPO - 2008 Agency - 2008	Not Eligible Not Eligible		
11-00237 - Schreier House 221 Hudson St SHPO - 2008 Agency - 2008	Not Eligible Not Eligible		
11-00118 - Elrich, Jennie, House 700 Hudson St SHPO - 1988 Agency - 1988	Not Eligible Not Eligible		
11-00242 - Schulte House 220 Keney St SHPO - 2008 Agency - 2008	Not Eligible Not Eligible		

Step 2 – Identify/Evaluate Historic Properties

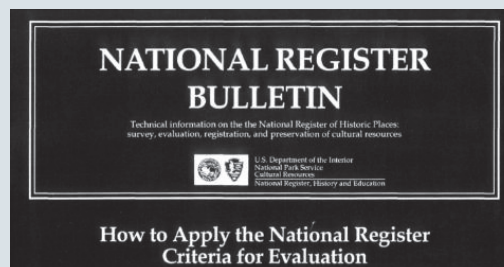
Evaluation: Can Old ISIFs Be Used for Section 106?

- Once all previously evaluated resources have been identified, consider if they will need to be re-evaluated.
 - Previous evaluations and ISIFs are good for 5 years.
- If the property was evaluated within the last 5 years and has not been altered since the previous evaluation:
 - Use the ISIF in your consultation
- If the property was evaluated more than 5 years ago or has been altered since the previous evaluation:
 - An updated ISIF and evaluation must be completed.
 - In the ISIF, state that the previous evaluation was completed and note what the determination was.
 - Make an updated determination of NRHP eligibility.
 - Many things can result in a change in NRHP evaluation – age, integrity, etc., so never assume that an old evaluation is set in stone

Step 2 – Identify/Evaluate Historic Properties

Evaluation: National Register Criteria

- Once all potential historic properties that need to be evaluated or re-evaluated have been identified, apply the National Register Criteria for Evaluation:
 - **Criterion A: History/Historical Event** – is the resource associated with an event that made a significant contribution to our history? Can be important locally, such as an historic downtown being the center of the area's commercial history.
 - **Criterion B: Significant Person** – is the resource associated with the lives of significant persons? Will rarely be used.
 - **Criterion C: Architecture** – does the resource embody the distinctive characteristics of a significant type, period, style, or method of construction/architecture? Can be used in conjunction with A in downtowns, historic districts, etc.
 - **Criterion D: Potential to Yield Information (Archaeology)** - does the resource yield or is it likely to yield important information about our nation's history or pre-history



Step 2 – Identify/Evaluate Historic Properties

Evaluating Districts

- Districts can be small (one building) - they do not need to have 15 different buildings to be historic.
 - Having a few new infills or rehabbed buildings does not mean that a potential district is no longer eligible.
- Most areas will have notable architectural similarities, but local history is also important in discerning eligibility.
 - Downtowns tend to be eligible as they were likely the commercial and social hub
- Things to keep in mind:
 - Mid-century alterations may/can be historic
 - For residential areas, do not just look at the immediately adjacent buildings
 - Incorporate local history into evaluations; history of the area, the town and about potential districts
 - Incorrect district surveys: Surveys stating "lost integrity" dated around 2009 should be assumed as wrong and need to be reviewed for accuracy.

Step 2 – Identify/Evaluate Historic Properties

Evaluation: Integrity

- If an NR criteria is met, determine if it retains sufficient integrity
- Seven aspects of integrity:
 - Location: where a property was built or where a historic event occurred.
 - Design: elements that create the form, plan space, structure, and style of a property.
 - Setting: the physical environment of a historic property.
 - Materials: physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
 - Workmanship: evidence of the crafts of a particular culture or people during a given period in history or pre-history.
 - Feeling: a property's extension of the aesthetic or historic sense of a particular period of time.
 - Association: the direct link between an important historic event or persons and a historic property.

Step 2 – Identify/Evaluate Historic Properties

Evaluation: Integrity

- Things that could diminish a property's integrity:
 - Overlay or replacement siding material (vinyl siding, metal siding, slipcovers, etc.)
 - Replacement of several windows and/or doors
 - Non-sympathetic replacement roof – single seam metal roof on house
 - Significant additions – enclosed porch, removal of porch, large front addition
- Things that are unlikely to diminish integrity:
 - Painting a different color (unless painting previously un-painted surface such as brick)
 - Storm doors and windows that can be removed without damaging the original
 - Deterioration or deferred maintenance (chipped/peeling paint, old roof, cracked window glass)



Step 2 – Identify/Evaluate Historic Properties

Evaluation: Period of Significance

- If a property is NRHP-eligible, determine the date or date range for when it achieved significance.
- Properties eligible under **Criterion A: History:**
 - The Period of Significance is usually the time of the event. This can be a single event like a speech, rally, tragic event, etc. Usually 1-3 days, or it can be a longer period such as the development and growth of a commercial corridor, 20-50+ years.
- Properties eligible under **Criterion B: Significant Person:**
 - The Period of Significance is usually the date(s) the significant person used the property.
- Properties eligible under **Criterion C: Architecture:**
 - The Period of Significance is usually the date of construction.
- Properties eligible under **Criterion D: Potential to Yield Information:**
 - The Period of Significance is the archaeological component that is likely to contain significant information if excavated (ex: a **Woodland village** *under* a mid-20th century farm midden)

Step 2 – Identify/Evaluate Historic Properties

Evaluation: Statement of Significance

- With all this information gathered, you should be able to make a Statement of Significance.
- A Statement of Significance is a discussion about a property's, or district's, integrity and eligibility.
- It should be concise but well thought out.
- The statement should highlight specific associations and characteristics and the specific ways the property meets, or does not meet, the National Register criteria.
- It should be grounded in the National Register Criteria to justify the proposed eligibility determination and project determination.

Step 2 – Identify/Evaluate Historic Properties

Remember: Evaluation is needed for all resources in your APE

- **Buildings**
- **Districts**
- **Objects**
- **Structures**
- **Sites**

Step 2 – Identify/Evaluate Historic Properties

Evaluation: Historic Districts

- If a project will take place within a potential historic district, then the potential historic district is within the APE and must be evaluated.
- When to consider historic district evaluations:
 - When the structure you are using federal funds on is in an area of similarly constructed resources:
 - Built at the same time
 - Similar design
 - Same plat development
 - Commercial corridor
 - Connected use (industrial plant, campus, etc.)
 - When the structure you are using federal funds on is in an area of connected context to its surroundings.
- Applies to all projects, not just DTR



Step 2 – Identify/Evaluate Historic Properties

Evaluation: Historic Districts

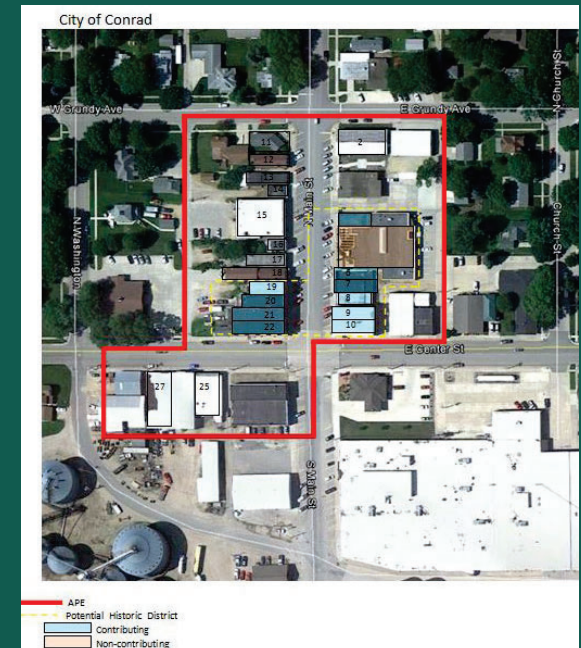
- Is the district eligible under any of the NR Criteria?
 - Especially A or C?
- Does the district retain sufficient integrity?
 - Compare historic photographs to current conditions of the district.
 - Consider the window openings, storefronts, cornices, and other architectural details, building setback, overall feel of the district, etc.
 - Review historic maps (Sanborn maps, historic aerials, etc.) to get a sense of what developed around the same time and to determine what is new infill.
- Things to keep in mind:
 - Period of Significance may/can go all the way up to 1975.
 - Mid-century alterations may not affect integrity if done within POS.



Step 2 – Identify/Evaluate Historic Properties

Evaluation: Historic Districts

- A historic district can be recorded and evaluated using an Iowa State Inventory Form
- Include:
 - Narrative description
 - Statement of Significance with historic context
 - Historic district boundary map
 - Table of addresses with date of construction, property type, and NRHP eligibility (contributing/noncontributing)
 - Streetscape and photos of buildings
 - Historic photographs and historic maps (Sanborn maps, historic aerials, etc.)



Step 2 – Identify/Evaluate Historic Properties

Tips for a Successful Evaluation

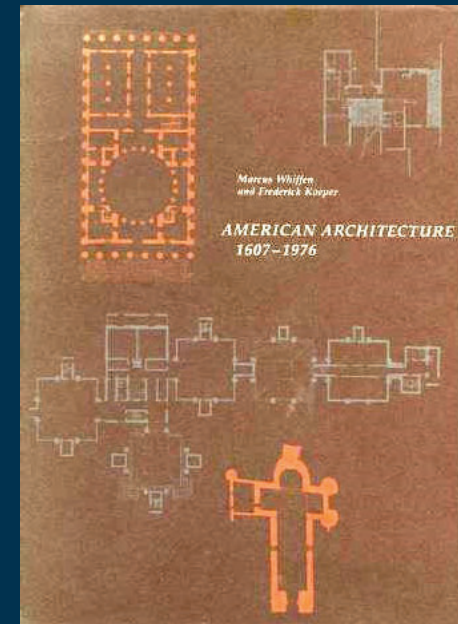
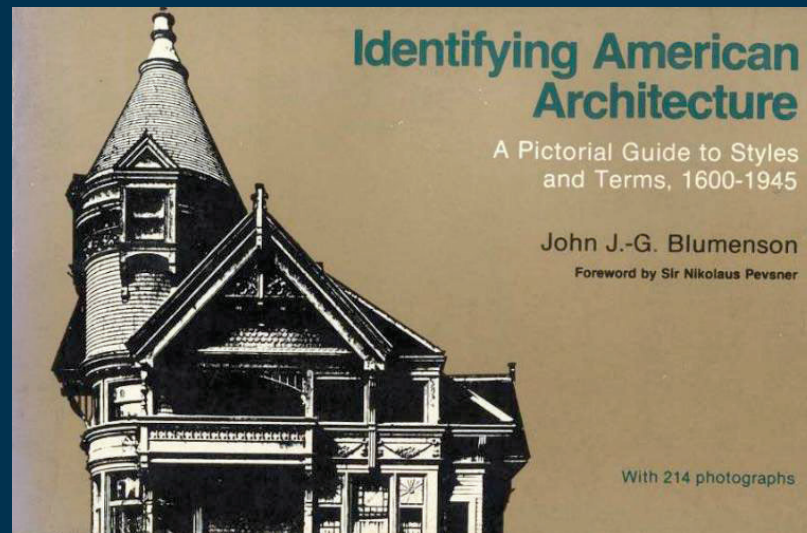
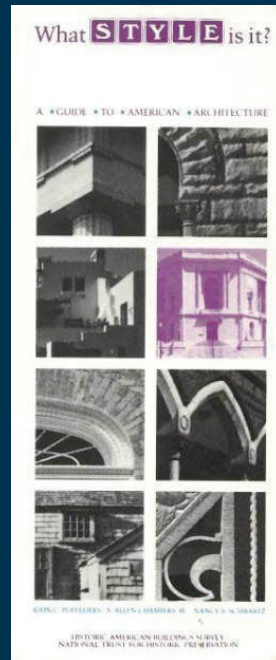
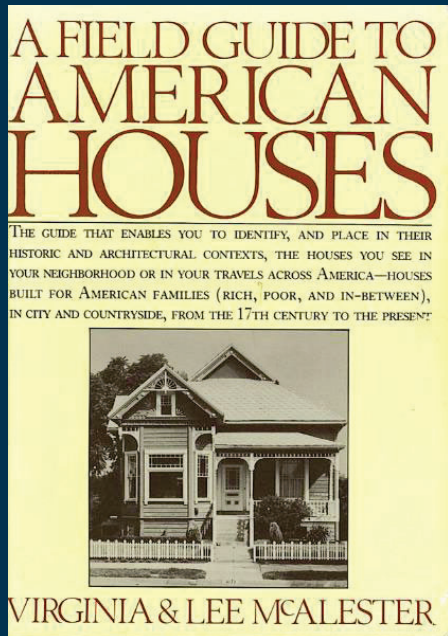
- Begin to consider all potential properties and sites within the APE as early as possible.
- Review the "National Register Bulletin on How to Apply the National Register Criteria for Evaluation":
 - Provides information on identification, evaluation, and integrity
 - https://www.nps.gov/subjects/nationalregister/upload/NRB-15_web508.pdf
- If the property *may* be National Register-eligible:
 - Gather additional information, such as interior photographs or history of ownership, to help make final determinations
- If, based on initial review, the National Register eligibility determination is not clear:
 - Seek professional assistance from a qualified consultant



Step 2 – Identify/Evaluate Historic Properties

Tips for a Successful Evaluation

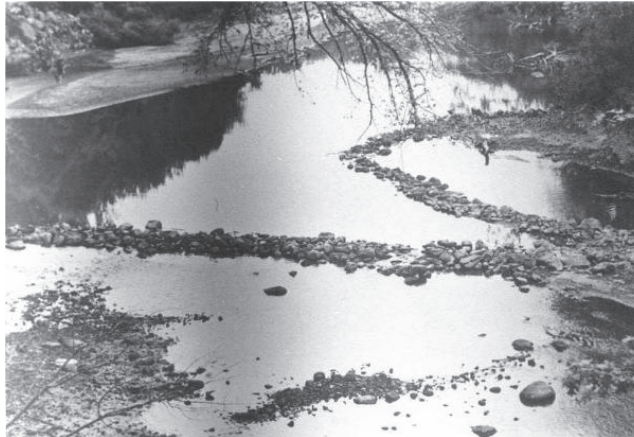
- Look at field guides to better identify building features and architectural styles.
- Become familiar with building elements and terminology.



Step 2 – Identify/Evaluate Historic Properties

Archaeology Investigation

- Archaeological sites can be from many time periods or settings –
 - Pre-Contact
 - Post-Contact
 - Urban
 - Rural



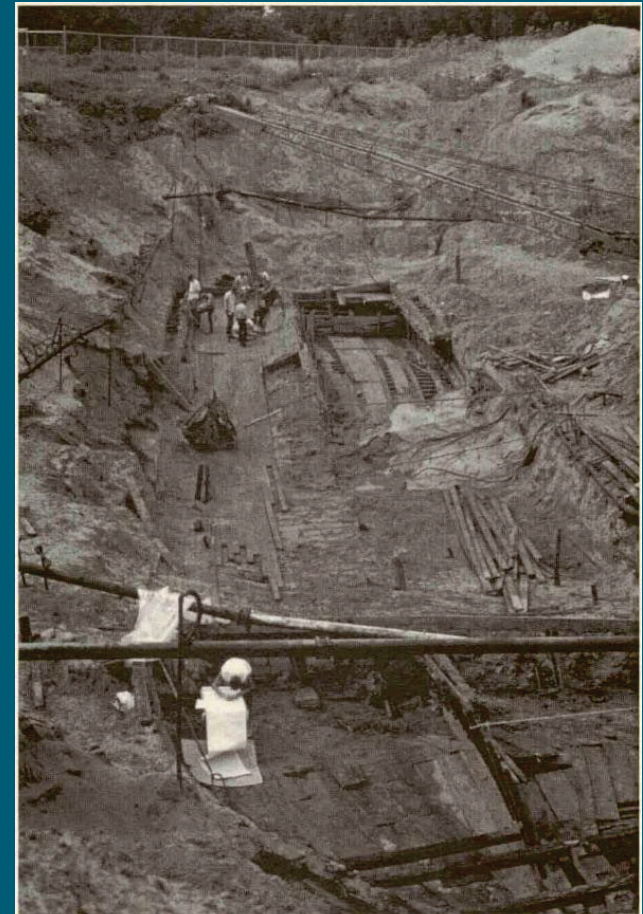


Step 2 – Identify/Evaluate Historic Properties

Archaeological Investigation: Archaeological Survey

Phases of Archaeological Survey

- Desktop Assessment
- Phase I
 - Are there any historic properties/archaeological sites?
- Phase II
 - Are these sites eligible for the National Register?
- Phase III
 - Does data recovery need to occur?

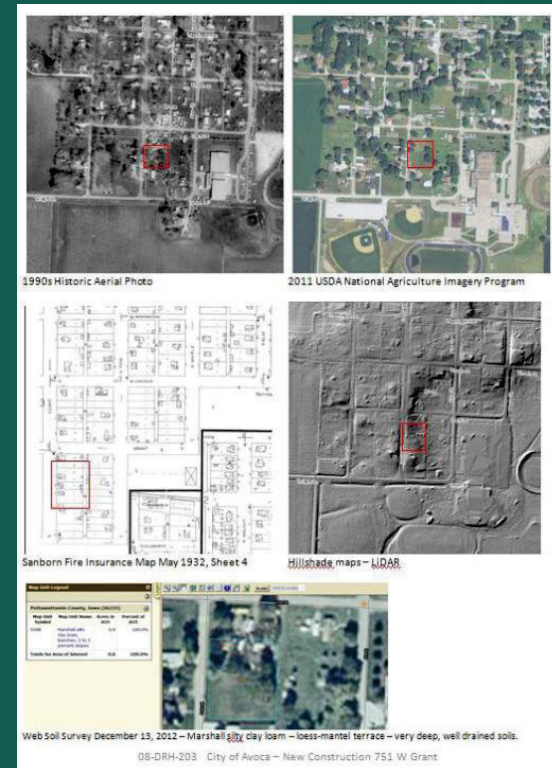


Step 2 – Identify/Evaluate Historic Properties

Archaeological Investigation: Supplemental Information

○ Resources

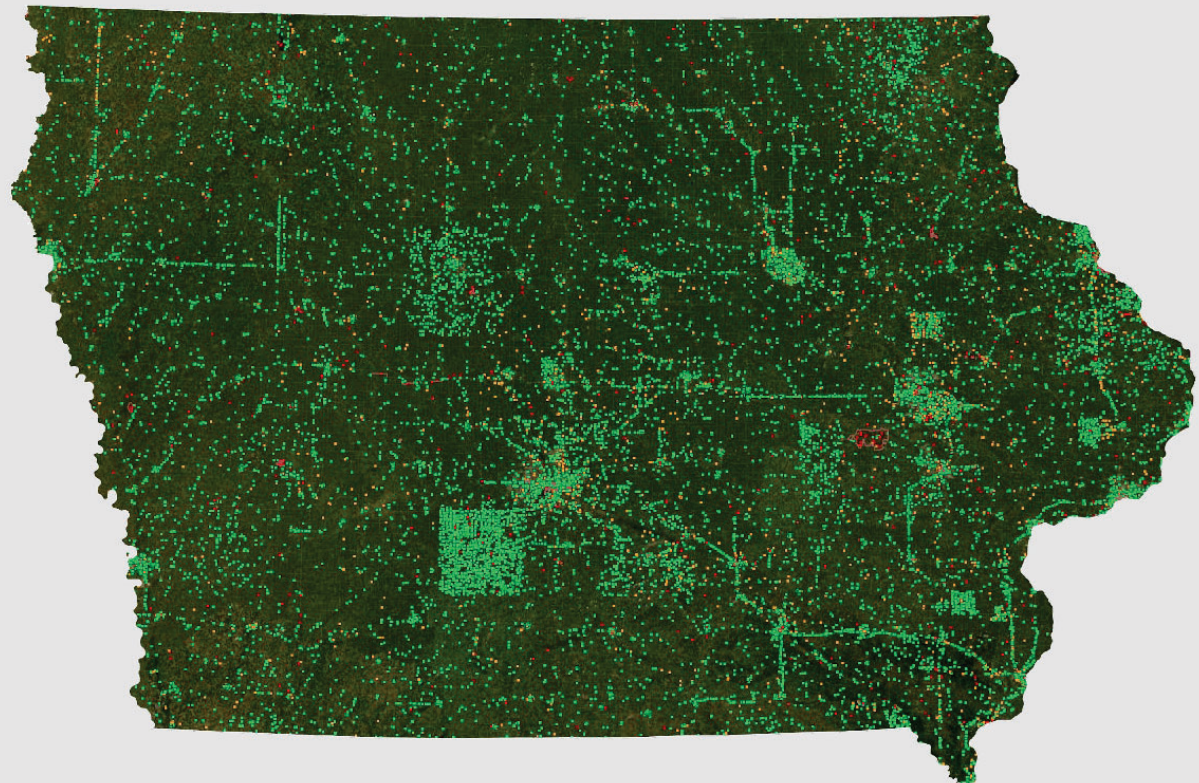
- Google Maps
- Historic Aerial Maps, General Land Office Survey Maps, Topographic Maps, Lidar:
 - <https://ortho.gis.iastate.edu/>
- Sanborn Fire Insurance Maps:
 - <https://www.statelibraryofiowa.gov/index.php/iowans/online-resources>
 - <https://www.loc.gov/collections/sanborn-maps/>
- Web Soil Survey:
 - <http://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>
- I-Sites Public and/or OSA Site File Search:
 - <https://isugisf.maps.arcgis.com/apps/Viewer/index.html?appid=3117ad0729b046a697ae5ba82c9b8cfa#!>



Step 2 – Identify/Evaluate Historic Properties

GIS

- Great, but incomplete.
 - There are always resources that are not on the map.
 - Site boundaries on a map can be artificial.
 - Eligibility assessments can be out of date.



Step 3: Assess Effects

In consultation with interested parties, determine how the project will affect any eligible or listed resources: No Historic Properties Affected, No Adverse Effect, or Adverse Effect

Step 3 – Assess Effects

Effects Determinations

- Review the scope of work and make a determination on how it will affect the resource.
- Federal finding/effect determinations:
 - **No Historic Properties Affected:**
 - There are no eligible or listed resources in the APE.
 - **No Potential To Cause Effects:**
 - The project does not have the potential to cause effects regardless of the presence of resources in the APE (no construction, no ground disturbing).
 - **No Adverse Effect to Historic Properties:**
 - Eligible or listed resources are in the APE, but the project will have no adverse effects.
 - **Adverse Effect to Historic Properties:**
 - Eligible or listed resources are in the APE and the project will cause adverse effects.

Step 3 – Assess Effects

No Adverse Effect to Historic Properties

- What does "No Adverse Effect" mean?
 - The project does not diminish or alter the characteristics that make the property eligible for listing.
 - Consider the potential effects on integrity at the present, in the future, and cumulatively.
- Best practices:
 - **Retain** existing historic materials
 - **Repair** rather than replace
 - **Replace** only when retain or repair is not an option
 - If deteriorated beyond repair, documentation demonstrating such is required
 - Replacements should be in-kind and compatible



Step 3 – Assess Effects

Secretary of the Interior's (SOI) Standards

- Best practices for maintaining, repairing, and/or replacing historic material, new additions, and making alterations
 - <https://www.nps.gov/tps/standards.htm>
- Technical Preservation Services: Rehabilitation Standards and Guidelines
 - Additional guidance on how to following SOI
 - <https://www.nps.gov/tps/standards/rehabilitation/rehab/stand.htm>
- All projects must comply with the SOI Standards and avoid Adverse Effects

Standards for Rehabilitation

Please note: For the Historic Preservation Tax Incentives Program use the Standards for Rehabilitation that are codified separately in 36 CFR 67 and are regulatory for the review of rehabilitation work for that program.

The Standards will be applied taking into consideration the economic and technical feasibility of each project.

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.

Step 3 – Assess Effects

Effects Determinations: Historic Districts

- All projects in an eligible or listed historic district need a finding of **No Adverse Effect to Historic Properties**, contributing or non-contributing.
- Non-contributing resources must follow the SOI Standards on exterior to avoid adverse effects to the district.

Technical Preservation Services

Building Exterior **Storefronts**

Identify | Protect | Repair | Replace | Missing Feature | Alterations/Additions

< HOME >

- Standards Guidelines
- Masonry
- Wood
- Metals
- Roofs
- Windows
- Entrances/Porches
- Storefronts
- Structural Systems
- Spaces/Features/Finishes
- Mechanical Systems
- Site Setting
- Energy
- New Additions
- Accessibility
- Health/Safety

The storefront is usually the most prominent feature of a historic commercial building, playing a crucial role in a store's advertising and merchandising strategy. Although a storefront normally does not extend beyond the first story, the rest of the building is often related to it visually through a unity of form and detail. Planning should always consider the entire building; window patterns on the upper floors, cornice elements, and other decorative features should be carefully retained, in addition to the storefront itself.



1930s Moderne storefront that has gained significance over time.

The earliest extant storefronts in the U.S., dating from the late 18th and early 19th centuries, had bay or oriel windows and provided limited display space. The 19th century witnessed the progressive enlargement of display windows as plate glass became available in increasingly larger units. The use of cast iron columns and lintels at ground floor level permitted structural members to be reduced in size. Recessed entrances provided shelter for sidewalk patrons and further enlarged display areas.

In the 1920s and 1930s, aluminum, colored structural glass, stainless steel, glass block, neon, and other new materials were introduced to create Art Deco storefronts.

Step 3 – Assess Effects

How to Proceed with a Federal Finding

- No Historic Properties Affected or No Adverse Effect determinations, the review may end.
 - Documentation will be turned in to SHPO for review
- Adverse Effect determination:
 - If it cannot be avoided consultation to resolve the adverse effect must be completed.
 - Examples: bridge demolition

Step 4: Resolve Adverse Effects

If the project will result in an Adverse Effect, draft a Memorandum of Agreement (MOA), which outlines agreed-upon measures that will be taken to *avoid*, *minimize*, or *mitigate* the Adverse Effect resulting from the undertaking.

Step 4 – Resolve Adverse Effects

Memorandum of Agreement (MOA)

- Only way to resolve an Adverse Effect.
- Outlines agreed on measures between the SHPO, project entities, and other interested parties to avoid, minimize, or mitigate adverse effect findings.
- Can add time and cost to projects.

ACHP Template Agreement Documents

Included below are two agreement templates: a two-party Memorandum of Agreement (MOA) template (followed by instructions on how to turn it into a three-party MOA template), and a template to amend an MOA or a project Programmatic Agreement (project PA).

ACHP Model Two-Party MOA Template:

**MEMORANDUM OF AGREEMENT
BETWEEN [insert Agency]
AND THE
[insert name of State or Tribe] ["STATE" or "TRIBAL"] HISTORIC PRESERVATION
OFFICER
REGARDING THE [insert project name and location]**

WHEREAS, the [Agency] ([insert Agency abbreviation]) plans to ["carry out" or "fund" or "approve"/"license"/"permit" or other appropriate verb] the [insert project name] (undertaking) pursuant to the [insert name of the substantive statute authorizing the federal agency involvement in the undertaking], [insert legal cite for that statute]; and

WHEREAS, the undertaking consists of [insert a brief explanation of the undertaking]; and

WHEREAS, [Agency abbreviation] has defined the undertaking's area of potential effects (APE) as [insert written description and/or "described in Attachment XXX"]; and

WHEREAS, [Agency abbreviation] has determined that the undertaking may have an adverse effect on [insert name of historic property(ies)], which ["is" or "are"] ["listed in" or "eligible for listing in"] the National Register of Historic Places, and has consulted with the [insert name of State or Tribe] ["State" or "Tribal"] Historic Preservation Officer ("SHPO" or "THPO") pursuant to 36 CFR Part 800, the regulations implementing Section 106 of the National Historic Preservation Act (54 U.S.C. § 306108); and

WHEREAS, [Agency abbreviation] has consulted with the [insert name of Indian tribe(s) or Native Hawaiian organization(s)], for which [insert name of historic property(ies)] ["has" or "have"] religious and cultural significance, [Insert this whereas clause if appropriate]; and

WHEREAS, [Agency abbreviation] has consulted with [insert names of other consulting parties, if any] regarding the effects of the undertaking on historic properties and has invited them to sign this MOA as a ["invited signatory(ies)" or "concurring party(ies)"]; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), [Agency abbreviation] has notified the Advisory Council on Historic Preservation (ACHP) of its adverse effect determination with specified documentation, and the ACHP has chosen *not* to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii); and

Step 4 – Resolve Adverse Effects

MOA Timeline:

- Consult with SHPO/SHPO concurs with Adverse Effect
 - 30 days
- Notify the Advisory Council on Historic Preservation (ACHP) and invite them to participate in MOA drafting
 - 15 days
- Notify the public and interested parties
 - 30 days
- Consultation to identify and select mitigation measures, all parties must agree and draft MOA
 - 3+ months
- Reviews
- All signatories sign and execute MOA, submit to ACHP
- Complete all stipulations
 - up to 5 years

Resources

- MOA Guidance:
<https://www.achp.gov/initiatives/guidance-agreement-documents>
- e106 Form and Instructions:
<https://www.achp.gov/e106-email-form>
- Section 106 Agreement Checklist – Content:
<https://www.achp.gov/node/8396>
- MOA Template:
https://www.achp.gov/template_moa

Step 4 – Resolve Adverse Effects

Considerations for MOAs and Mitigation

- Time Frame:
 - Mitigation could take longer than the project, funding source will need to be kept open
- Mitigation Measure's Costs:
 - Will federal funds cover the cost?
- Measures should be beneficial to historic preservation and the public.
 - Stay away from private interests or isolated benefits
- Need resources and admin to implement mitigation measures



Section 106: Consultation

Interested Parties

- Who are they?
 - SHPOs
 - Tribes/Nations (THPOs)
 - Funding agency/designee
 - Local Historic Preservation Commissions
 - City/County Historical Societies
 - Any other party identified as having an interest
- When to consult:
 - When the full scope of work is known and after the APE is defined
 - After completing Step 2 and 3 of the Section 106 process
 - Before construction start date (at least 3 months)
- An open process

Section 106: Consultation

When to Consult with Tribes

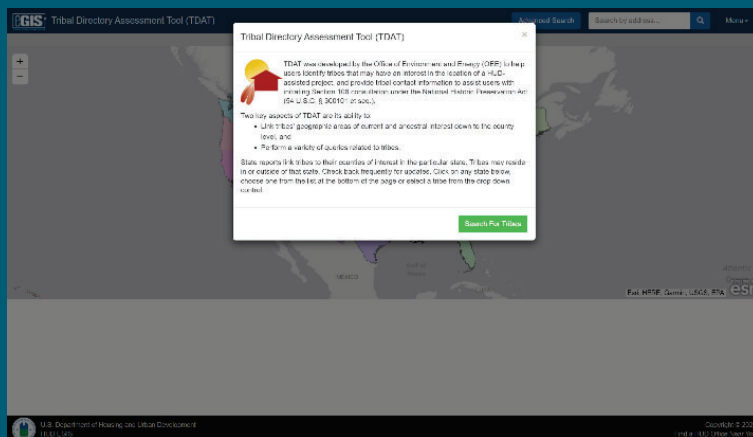
- Tribal consultation is required when an undertaking may impact a historic property that has religious or cultural significance to a Tribe/Nation.
- Only the federal agency, or a *delegated authority*, should initiate consultation.
- HUD: Consultation with Tribes is required for certain projects.
 - There is a worksheet to figure out if it is required for a project
 - Available on the HUD Exchange website:
<https://www.hudexchange.info/resource/3770/when-to-consult-with-tribes-under-section-106-checklist/>

When To Consult With Tribes Under Section 106	
<p>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.</p>	
<p>If a project includes any of the types of activities below, invite tribes to consult:</p>	
<input type="checkbox"/>	<p>significant ground disturbance (digging) Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads</p>
<input type="checkbox"/>	<p>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</p>
<input type="checkbox"/>	<p>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</p>
<input type="checkbox"/>	<p>incongruent audible changes Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience</p>
<input type="checkbox"/>	<p>incongruent atmospheric changes Examples: introduction of lights that create skyglow in an area with a dark night sky</p>
<input type="checkbox"/>	<p>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</p>
<input type="checkbox"/>	<p>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</p>
<input type="checkbox"/>	<p>None of the above apply</p>
<p>Project/ Date _____ Reviewed By _____</p>	

Section 106: Consultation

Tribal Consultation

- Projects on tribal land need to have the concurrence of the appropriate Tribal Historic Preservation Office (THPO)
- Every Tribe/Nation works different; communicate early to see how they would like information submitted for review.
- HUD Tribal Directory: <https://egis.hud.gov/tdat/>
 - To identify the current contact for tribes interested in a specific area



- TDAT not always the most appropriate means of identifying appropriate Tribes – can leave out important partners
- Reach out if you need to develop a more specific contact list for an undertaking

Section 106: Submitting Documents

Section 106 Submittals: Supporting Documents

- APE map
- Iowa Site Inventory Form (ISIF)
- Photos
 - Current and older if available
- Supplemental Archaeology Information or Archaeological Survey
- Scope of Work
- Optional but highly encouraged:
 - Architect renderings/drawings
 - Example/sample replacement material
 - New window details (product information)

Section 106: Submitting Documents

Photograph Tips



Avoid photos with trees blocking views.

Take photos that don't result in glare or hot spots.

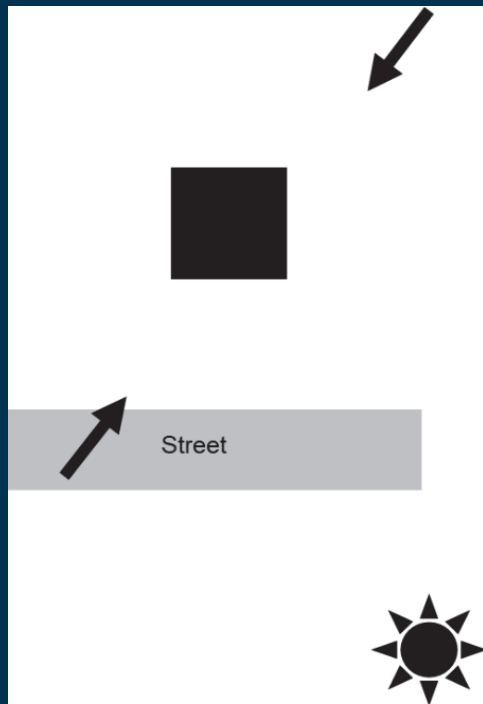


Get at least one photo showing the full front façade.

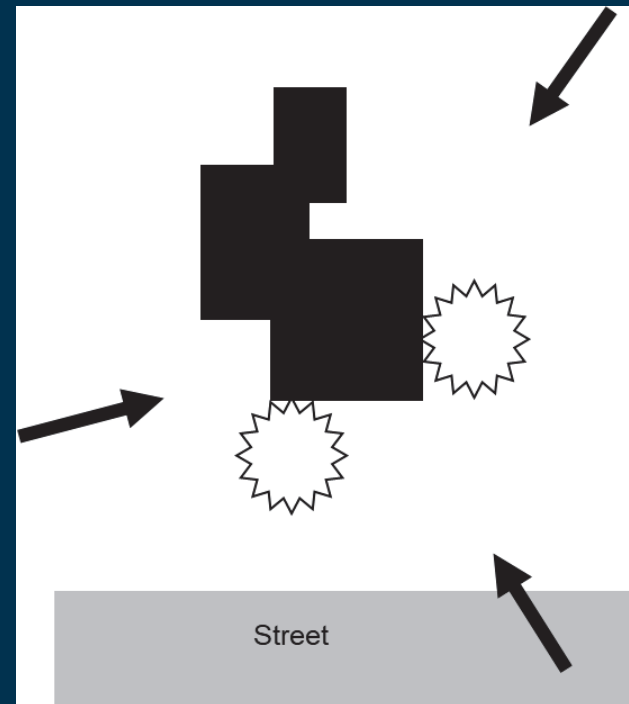


Section 106: Submitting Documents

Photograph Tips



Capture two elevations by taking photos from corners



Take photos from multiple angles to avoid obstructions

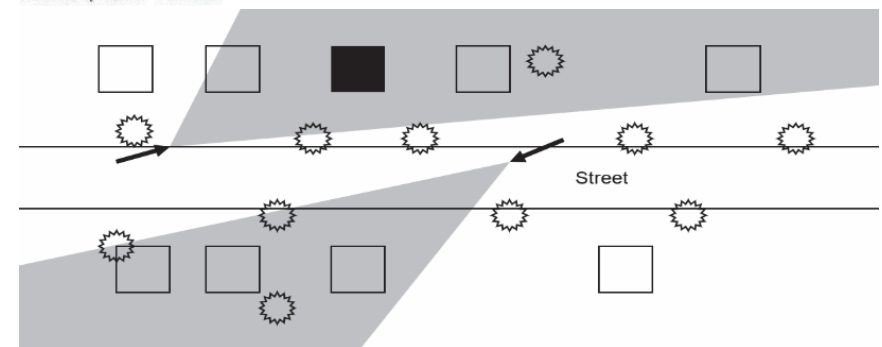
Section 106: Submitting Documents

Photograph Tips: Streetscapes

- Streetscapes help show if there is any potential for a historic district
- No Photos of Streets:
- We want photos of streetscapes:



Young's Hill/Kingston Neighborhood Historical and Architectural Survey, Cedar Rapids Housing Services
Svendsen Tyler, Inc. - June 2008



Section 106: Submitting Documents

Photograph Tips

- Justification: If replacing a material due to it being beyond repair, provide photos clearly showing the condition
 - Rotted/broken window sashes
 - Warped hardwood floors
 - Brick/stone damage
- Photos must be current, even if the property is listed
 - Can use old county assessor photos to show changes over time/what it looked like before trees/bushes blocked view
- Do not only use Google Street View and/or County assessor photos



Section 106: What happens when it goes wrong?

- Foreclosure
- Anticipatory Demolition
- Segmentation

Lake Delhi Conservation



Scan this QR
code for more
information.

Everyone has a role in on-going preservation through collaborative efforts with agencies and organizations, landowners with a stewardship ethic, supportive descendant groups, and a public that values historic preservation. Contact the OSA at 319-384-0732 or osa@uiowa.edu if you are interested in learning more about conservation easements.



PRESERVATION THROUGH CONSERVATION

This trail system winds through a 50-acre conservation easement that permanently protects four archaeological sites.

This property was originally included as part of the adjacent dredge containment facility related to deepening the channel of Lake Delhi. Extreme flooding in 2008 worsened the lake's siltation issues, and the Lake Delhi Recreation Association (LDRA) applied for FEMA assistance to mitigate the effects of this disaster.

Bureaucratic confusion and miscommunication resulted in the partial construction of this dredge containment facility prior to Section 106-required archaeological survey needed to comply with the National Historic Preservation Act. Archaeologists investigating the construction area identified four archaeological sites that represent an ancestral Native American presence. Three of these sites are potentially eligible for the National Register of Historic Places. To preserve these sites and prevent additional impacts, FEMA, the Combined Lake Delhi Recreational Facility and Water Quality District (District), and other preservation partners negotiated a creative mitigation solution to designate this area a conservation easement. A conservation easement has a perpetual enforcement provision that allows the landowner to care for the sites on their property, and it is a legal agreement recorded with the county and permanently attached to a parcel deed.

Without easements, there are few restrictions on what landowners may do with archaeological sites on their property. For this reason, conservation easements are a powerful preservation tool. With this easement, the District can guarantee the future preservation of these archaeological sites. The LDRA worked with the University of Iowa Office of the State Archaeologist to determine a sustainable recreational plan and land management practices that would best meet the District's needs while also protecting the sites.

TOP: aerial view of conservation area, facing northwest.
- University of Iowa Office of the State Archaeologist

BOTTOM RIGHT: Dredged area in 2009 adjacent to the conservation easement, facing southwest toward Lake Delhi (Maquoketa River).
- Maggie Burger

BOTTOM LEFT: Construction of new dam in 2015.
- General Contractors Inc.

This project was produced under the terms of a Memorandum of Agreement, pursuant to the 106 of the National Historic Preservation Act, among the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security, the State Historical Society of Iowa, Lake Delhi Recreation Association, Maquoketa County, Iowa, and the University of Iowa Office of the State Archaeologist. The project was funded by FEMA's National Flood Insurance Administration through FEMA's Public Assistance Program pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act for disaster declaration 170146-IL.

The slide features a background image of a river with a dam. The content is organized into several interconnected boxes:

- ABOUT**: A black box with white text, connected to a small image of three stones.
- CONSULTATION WITH TRIBAL NATIONS**: A black box with white text, connected to a small image of a person.
- UNDERSTANDING SECTION 106 ARCHAEOLOGY AND IMPROVING TRIBAL CONSULTATION**: A large white box with black text, connected to a small image of a river landscape.
- UNDERSTANDING SECTION 106**: A black box with white text, connected to a small image of a river landscape.
- LAKE DELHI PAST AND PRESENT**: A black box with white text, connected to a small image of a group of people.
- WHEN THE DAM BROKE**: A black box with white text, connected to a small image of a dam.
- A LAKE DELHI, IOWA CASE STUDY**: A white box with black text, connected to a small image of a person.
- How to use this website**: A yellow box with black text, connected to a small image of a person.

Link to PDF of all text content. Includes links. Screen-reader accessible.
<https://tinyurl.com/3uc887yr>

UNDERSTANDING SECTION 106 ARCHAEOLOGY

<https://prezi.com/view/3mBBBeOx0T7FWTyM3sth/>

QUESTIONS?

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THANK YOU

State Historic Preservation Office
Iowa Economic Development Authority