



Indiana Department of Natural Resources

Frank O'Bannon, Governor
Larry D. Macklin, Director

Division of Historic Preservation
and Archaeology
402 W. Washington Street, W274
Indianapolis, IN 46204-2748
PH: 317/232-1646
FAX: 317/232-0693
dhpa@dnr.state.in.us

204433

November 26, 2001

Vernon A. Williams
Secretary
Surface Transportation Board
1925 "K" Street, Northwest, Suite 5344
Washington, DC 20423-0001

Part 2
Public Record



Federal Agency: Surface Transportation Board

Re: Discontinuance of service under a lease from Norfolk Southern Railway Company of a 5.22 mile line of railroad between milepost TS-152.22 near Marion and milepost TS-157.44 near West Marion Belt (Docket #AB-511[SUB #2X])

Dear Mr. Williams:

Pursuant to Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and 36 C.F.R. Part 800, the Indiana State Historic Preservation Officer ("Indiana SHPO") is conducting an analysis of the materials dated October 23, 2001, and received by the Indiana SHPO on October 29, 2001, for the above indicated project in Grant County, Indiana.

A complete analysis of the submitted project is not possible, as the information provided is incomplete.

Please provide the indicated information to facilitate the identification and analysis of historic properties in the project area:

- 1) Provide an overall description of the project and its location.
 - Include address, city, township, and county.
- 2) Define the area of potential effects¹ and provide a map or a good quality photocopy of a map containing the following:
 - The boundaries of the area of potential effects and the precise location of the project area within those boundaries clearly outlined in dark ink on a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map.
 - The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes).
- 3) Give the precise location of any buildings, structures, and objects *within the area of potential effects* (e.g., addresses and a site map with properties keyed to it).

¹ Area of potential effects means 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 (see 36 C.F.R. § 800. 16[d]).

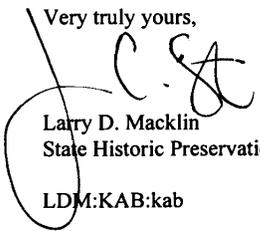
Vernon A. Williams
November 26, 2001
Page 2

- 4) Give the known or approximate date of construction for buildings, structures, objects, and districts *within the area of potential effects*.
- 5) Submit historical documentation for buildings, structures, objects, and districts *within the area of potential effects*.
- 6) List all sources checked for your historical research of the *area of potential effects*.
- 7) Provide recent, clear photographs or good quality computer-generated images (not photocopies), keyed to a site plan, showing the exterior (and interior, if feasible) of any buildings, structures, objects, or land *that could be affected in any way by the project*.

Once the indicated information is received, the Indiana SHPO will resume identification and evaluation procedures for this project.

A copy of the revised 36 C.F.R. Part 800 that went into effect on January 11, 2001, may be found on the Internet at www.achp.gov for your reference. If you have questions, please contact Karie Brudis of our office at (317) 232-1646.

Very truly yours,


Larry D. Macklin
State Historic Preservation Officer

LDM:KAB:kab

Enclosures

Introduction to Section

106

Review

Participant's Course Book

A two-day training course jointly sponsored by the

Advisory Council on Historic Preservation

1100 Pennsylvania Ave., NW, Room 809

Washington, DC 20004

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JANUARY 2000

Determining an undertaking's area of potential effects

The agency's first step in establishing the scope of needed identification efforts is to determine the undertaking's area of potential effects. This is done in consultation with the SHPO/THPO. [36 CFR §800.4(a)(1)] The area of potential effects (APE) is defined as:

... 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 CFR § 800.16(d)]

If there is disagreement concerning the extent of the APE, the consulting parties may seek guidance and assistance from the Council. Also, the Council can elect to issue an advisory comment to the agency on its APE determination. [36 CFR § 800.9(a)] If this occurs, the agency has to consider the views of the Council in reaching a final decision regarding the boundaries of the APE.

Points to remember. When defining an area of potential effects (APE), agencies need to remember that:

1. The APE is defined before identification begins, when it may not yet be known whether any historic properties actually are within the APE. To determine an APE, it is not necessary to know whether any historic properties exist in the area.
2. An APE is not determined on the basis of land ownership.
3. The APE should include:
 - all alternative locations for all elements of the undertaking;
 - all locations where the undertaking may result in disturbance of the ground;
 - all locations from which elements of the undertaking (e.g., structures or land disturbance) may be visible or audible;
 - all locations where the activity may result in changes in traffic patterns, land use, public access, etc.; and
 - all areas where there may be indirect as well as direct effects.
4. An APE need not be a single area and need not always have hard and fast boundaries. There may be different APEs for

different effects of an undertaking. Revising project plans may also lead to revising APE boundaries.

5. Determining an APE does not mean that any historic properties within its boundaries must be preserved. They will, however, have to be taken into account during the review process.

The agency is required to document its determination of the APE. [36 CFR §800.4(a)(1)] The general standard for documenting determinations, including the APE, is that the determination be "supported by sufficient documentation to enable any reviewing parties to understand its basis." [36 CFR §800.11(a)] The agency should use appropriate graphic materials to illustrate the APE, so that the Council, the SHPO/THPO, another consulting party or a member of the public could readily comprehend its scope.

Gathering existing information

The agency should next ascertain what information is already known about properties in the APE. This should include both reviewing known information and conferring with consulting parties and members of the public who might have knowledge of resources in the area and concerns regarding the undertaking's potential impacts on historic properties. [36 CFR §800.4(a)(2-3)]

The regulations specifically require that the agency seek information from Indian tribes and Native Hawaiian organizations about properties that may be of religious and cultural significance to them. However, because of the nature of the properties in question, these groups may not wish to divulge information about such properties. Such properties may have spiritual or sacred values for those who ascribe significance to them, or may be used in ongoing cultural activities that may not be readily shared with outsiders. Thus, it may be strongly desired that both the nature and the precise location of the property be kept secret. Agencies should work with Indian tribes and Native Hawaiian organizations to address such confidentiality concerns. [36 CFR §800.4(a)(4)]



SUMMARY OF THE KEY STEPS FOR CARRYING OUT THE SECTION 106 REVIEW PROCESS IN INDIANA (UPDATED AS OF 06/19/00 i:\enreview\newregul\106step)

INTRODUCTION

Section 106 of the National Historic Preservation Act (16 U.S.C. § 470f) and the Section 106 regulations (36 C.F.R. § 800 as revised effective June 17, 1999) require that any Federal agency or its delegatee having jurisdiction over a project that will be funded or licensed by that Federal agency or its delegatee take into account the project's effect on historic properties and give the Indiana State Historic Preservation Officer ("SHPO") and another Federal agency, the Advisory Council on Historic Preservation, a reasonable opportunity to comment on the project. An historic property is any district, building, structure, object, or site that is either listed in or eligible for the National Register of Historic Places.

Unlike all other Federal agencies, the U.S. Department of Housing and Urban Development ("HUD") has delegated its responsibility under Section 106 to local governments that receive Community Development Block Grant funds from HUD, either directly or through grant programs such as the Indiana Department of Commerce's Community Focus Fund ("CFF") or programs administered by the Indiana Housing Finance Authority ("IHFA"). Therefore, the local government that receives or hopes to receive such a grant bears the responsibility of ensuring that the Section 106 process is completed, usually before the project begins. Consequently, all references to the "delegatee" specifically refer to those local governments legally delegated by HUD for certain HUD programs. The following discussion refers to certain responsibilities of the Federal agency or its delegatee.

STEP 1: INITIATING THE SECTION 106 REVIEW PROCESS

The Federal agency or its delegatee must determine whether the proposed action is an undertaking as defined in 36 C.F.R. 800.16(y), and, if so, whether it is a type of activity that has the potential to cause effects on historic properties 36 C.F.R. § 800.3. If the Federal agency or its delegatee has determined that the undertaking is the type of activity that has the potential to cause effects on historic properties, then the Federal agency or its delegatee needs take steps to involve the public and identify the appropriate officers who need to be involved in the process.

"Consulting parties," where appropriate, must be invited by the Federal agency or its delegatee to participate in the consultation process. It is the Federal agency or its delegatee's responsibility, in consultation with the SHPO, to identify consulting parties and formally grant specific parties the ability to participate in consultation at the beginning of the review process. The SHPO automatically participates in consultation and special invitation is not needed.

An initial submission to the SHPO should include a letter from the Federal agency or its delegatee identify the contact names and addresses of consulting parties, if any, who have been invited and authorized by the Federal agency or its delegatee to participate in consultation. If no additional consulting parties will be participating, then provide a brief explanation of why (i.e. the nature or scope of the project, a written or lack of reply to an invitation by a designated time, etc.) Be advised that the naming of consulting parties at the beginning of the review process *does not preclude* the invitation of additional consulting parties once the review process has been initiated. Applicants for Federal assistance, permits, licenses or other approvals are entitled to participate as consulting parties as long as they are invited to do so. Ultimately, the Federal agency or its delegatee has the role of deciding who may participate as consulting parties. *Moreover, the SHPO may consult with an applicant other than a formal delegatee acting in the place of the Federal agency, only where the applicant has received express, written authorization from the Federal agency or delegatee and a copy of the authorization document has been provided to the SHPO.*

STEP 2: IDENTIFYING HISTORIC RESOURCES

The current regulations set forth that the Federal agency or its delegatee "shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey" (36 C.F.R. § 800.4 [b][1]). Although this step remains largely unchanged from the former regulations, recent modifications include a greater emphasis upon the documentation of the steps that must be followed by the Federal agency or its delegatee to identify historic resources and specific flexibility measures for the Federal agency or its delegatee to carry out the identification process. It is important to gather information for the evaluation of all resources within the area of potential effects (see definition below), especially those resources that will be affected. The Federal agency or its delegatee is entitled to enlist the services of consultant to assist with the identification process. However, a consultant must have received express, written authorization from the Federal agency or its delegatee to act on its behalf to gather historic information and a copy of the authorization document must have been submitted to the SHPO prior to or at the commencement of consultation.

Determining the scope of identification efforts through the area of potential effects

The Federal agency or its delegatee also needs to determine the *area of potential effects*, which means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist. The *scale and nature of an undertaking* help to determine the appropriate boundaries of the *area of potential effects*. It is especially important to note that the area of potential effects *is not influenced by the pre-existing awareness of historic or non-historic resources*. Defining the area of potential effects is the first step for determining the scope of identification efforts, and needs to be established before one begins to seek information to assess the potential historic properties. Although defining the area of potential effects was part of the former review process, it often went unspoken or unwritten unless a memorandum of agreement was prepared. To define the area of potential effects, one must take into account effects that are *direct or indirect, cumulative, later in time, or at a distance*. Once a good faith effort has been made to define the area of potential effects, then it is necessary to consult with the Indiana SHPO. The Federal agency or its delegatee is also entitled to enlist the services of an authorized consultant to assist in this step.

Evaluating historic resources

Below, we have listed some of the most heavily used sources to help the Federal agency, its delegatee, or the authorized consulting parties evaluate historic resources:

- a) The National Park Service (NPS) maintains a database list of all those properties that are currently listed in the National Register of Historic Places. This information is accessible through the NPS website (www2.cr.nps.gov/nr/).
- b) 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 are found in the publication entitled *National Register Bulletin 15*, which may be obtained by writing to the National Register of Historic Places, National Park Service, U.S. Department of Interior, Post Office Box 37127, Washington D.C. 20013-7121.
- c) About two-thirds of the counties in Indiana have been surveyed to identify potential historic buildings, structures, objects, and districts. Furthermore, the results of the most of the surveys have been published in *Interim Reports*. Although some of the Interim Reports are available for purchase through the Historic Landmarks Foundation of Indiana at (317) 639-4534, others are out of circulation. However, all of them can be found at the Indiana State Library. Also, many of the Interim Reports can be found at local libraries and historical organizations.
- d) 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 website of the Indiana Historical Society (www.indianahistory.org).
- e) 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.

Documenting findings

After evaluating the historical significance of the properties within the area of potential effects, the Federal agency or its delegatee is supposed to provide documentation of its determination and findings to parties specified in the Federal regulations *and* ensure that a determination, finding or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis pursuant to 36 C.F.R. § 800.11(a).

No historic properties affected

In the event that the Federal agency or its delegatee finds that *no historic properties will be affected*, then the Federal agency or its delegatee shall:

- a) Notify SHPO of its findings and provide SHPO with *required* documentation pursuant to 36 C.F.R. § 800.11(d).
 - 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
 - 2) A description of the steps taken to identify historic properties, including as appropriate, efforts to seek information; and
 - 3) The basis for determining that no historic properties are present or affected.
- b) Notify all consulting parties of the finding and make the above documentation available for public inspection.

Historic properties affected

In the event that the Federal agency or its delegatee finds that there are *historic properties which may be affected* by the undertaking, or the SHPO disagrees with a finding that no historic properties will be affected, then the Federal agency or its delegatee shall:

- a) Notify all consulting parties and invite their views on the effects
- b) Proceed with the assessment of adverse effects

STEP 3: ASSESSING EFFECTS ON HISTORIC RESOURCES

If the Federal agency or its delegatee finds that there are historic resources within the area of potential effects that *may be affected*, then the Federal agency or its delegatee is responsible for applying the criteria of adverse effect for those properties in consultation with the SHPO and other consulting parties. The Federal regulations state that an adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of an 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. Examples of adverse effects are found at 36 C.F.R. § 800.5(a)(2).

Finding of no adverse effect

If the Federal agency or its delegatee proposes a finding of no adverse effect and there is agreement, then it shall notify the SHPO, all consulting parties, and the general public of its findings, provide the SHPO and all consulting parties with supporting documentation pursuant to 36 C.F.R. § 800.11(e), make supporting documentation on the finding available to the general public upon request, and maintain a record of the finding. The supporting documentation is recorded below:

Summary of documentation requirements for historic properties affected:

- 1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;
- 2) A description of the steps taken to identify historic properties;
- 3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- 4) A description of the undertaking's effects on historic properties;
- 5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize, or mitigate adverse effects; and
- 6) Copies of summaries of any views provided by consulting parties and the public.

Finding of Adverse Effect

If the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall proceed to resolve the adverse effects.

STEP 4: RESOLVING ADVERSE EFFECTS

When the Federal agency or its delegatee proposes a finding of adverse effect, then the Federal agency or its delegatee shall:

- a) Continue consultation to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties pursuant to 36 C.F.R. § 800.6.
- b) Notify the Council of the finding, provide the Council with documentation specified under 36 C.F.R. § 800.11(e), and, where applicable, invite the Council to participate in consultation.
- c) Assuming there is agreement, execute a memorandum of agreement (MOA) that establishes how the adverse effects will be resolved, and ask the SHPO, and any invited signatories or concurring parties to sign the MOA.
- d) Provide a copy of the executed MOA to the Council.

SUMMARY

The best way to reduce the time needed for Section 106 review is for the Federal agency or its delegatee and the applicants for funding or licensing to plan their projects so as to avoid adverse effects on historic properties. This can be done if the Federal agency or its delegatee its applicant identify all historic properties or important archaeological sites at the beginning of project planning, use The Secretary of the Interior's Standards for Historic Preservation Projects as a guide to designing project that will affect historic properties, and contact the SHPO before reaching any final decisions on project design.

Questions should be directed to the Division of Historic Preservation and Archaeology ("DHPA") at (317) 232-1646 or by writing to the DHPA at the Indiana Department of Natural Resources, 402 West Washington Street, Room W274, Indianapolis, Indiana 46204.

INFORMATION NEEDED TO BEGIN THE SECTION 106 REVIEW PROCESS
(Updated as of 09/27/99)

To begin the Section 106 historic preservation review process, the Federal agency or its delegate needs to establish whether there is an undertaking that has the potential to affect historic resources and, if so, identify listed or eligible historic properties or archaeological sites. Also, if desired, the Federal agency or its delegate may begin to evaluate the nature of the project's effect on any such properties or sites. Then, the Federal agency--or authorized consulting party, such as an applicant for funding or licensing--should submit the following items to the State Historic Preservation Officer (SHPO) at the Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology (DHPA), 402 West Washington Street, Room W274, Indianapolis, Indiana 46204 (telephone number 317-232-1646). The letter should provide the SHPO with sufficient information about the project, its location, and how it will affect historic properties to enable the SHPO to reach his own conclusions regarding whether historic properties are present and the nature of the project's effect on any such properties.

The SHPO or his staff at the DHPA will notify the Federal agency or its delegate if basic elements needed in the submission for SHPO review are missing. The SHPO will attempt to send such notifications within two to four weeks after the initial submission.

CHECKLIST: INITIAL ITEMS TO BE SUBMITTED TO THE SHPO FOR THE SECTION 106 REVIEW

Step 1: Initiating the Section 106 Review Process

- A) A letter or a copy of a letter from the Federal agency or its delegate (e.g., in the case of Community Development Block Grant [CDBG] or HOME funds from the U.S. Department of Housing and Urban Development [HUD], the local government delegate; except that where Indiana Housing Finance Authority [IHFA] is providing grant funds directly to a non-profit organization, IHFA will be the delegate) naming the undertaking (i.e., the project, program, or activity) and identifying the consulting parties (e.g., the applicant, local governments, local historical societies or other preservation organizations, or a county historian who have expressed, or may be expected to express, an interest in or concern about the undertaking), unless the Federal agency or its delegate has already provided authorization directly to the SHPO.
- B) Where applicable, if another person or organization is authorized to represent a consulting party named by the Federal agency or its delegate in the Section 106 review process, then a letter should be provided from the consulting party clearly indicating who that authorized representative is (e.g., a particular regional planning agency, grant administrator, architect, engineer, or consultant);
- C) The name of the Federal agency or its delegate, that has direct or indirect jurisdiction over the project, activity, or program, and, if applicable, the name of the program. For example, if grant funds will be used or a license, permit or other approval by a Federal agency or its delegate is required, then identify the source of the grant funds (e.g., federal CDBG money from the Indiana Department of Commerce's Community Focus Fund, or federal funds from Rural Development or the Federal Highway Administration) or simply the name of the agency issuing a license, permit or other approval (e.g., U.S. Army Corps of Engineers, Federal Deposit Insurance Corporation);
- D) An overall description of the undertaking (or project) and its location (including address, city, township, and county);

Step 2: Identifying Historic Resources

Determining the Scope of Identification

- A) Define the area of potential effects (the geographic area or areas within which an undertaking may cause changes in the use or character of historic properties, if any such properties exist; *includes effects that are direct or indirect, cumulative, later in time, or at a distance*); and provide a map or a good quality photocopy of a map containing the following:
 - i) The boundaries of the area of potential effects *and* the precise location of the project area within those boundaries clearly outlined in dark ink (highlighter and pencil do not photocopy well) on the a copy of the relevant portion of a town, city, county, or U.S. Geological Survey quadrangle map;

- ii) The names of nearby landmarks clearly labeled (e.g., major streets, roads, highways, railroads, rivers, lakes);

Evaluating Historic Resources

- ___ B) Give the precise location of any buildings, structures, and objects within the area of potential effects (e.g., addresses and a site map with properties keyed to it);
- ___ C) Gather and organize documentation on buildings, structures, and objects within the area of potential effects including: dates of construction, statement of any known modifications to individual buildings, structures, and objects, associations with significant events or persons, and any other historical information known about the land, buildings, and structures within the area of potential effects;
- ___ D) Describe the existing condition of any vacant land within the project area; in particular, state whether or not the ground is known to have been disturbed by construction, excavation, grading, or filling, and, if so, indicate the part or parts of the project area that have been disturbed; agricultural tilling generally does not have a serious enough impact on archaeological sites to constitute a disturbance of the ground for this purpose;
- ___ E) Document the sources checked (i.e., using correspondence, bibliographical citations [e.g., title, author, page number], or copies of relevant materials obtained from oral history interviews, sample field investigations, field surveys, background research, consultation with a county historian, a local historical or historic preservation organization, or reference materials such as the interim report of a local historic sites and structures inventory);
- ___ F) Provide recent, clear photographs or good quality computer-generated images (not photocopies) showing the exterior (and interior, if feasible) of any buildings, structures, or objects that could be affected in any way (such as by demolition, rehabilitation, expansion, taking of right-of-way, or visual modification or obscuration) by the project;

Documenting Findings

- ___ G) Summarize the Federal agency's or its delegate's findings regarding the existence of historic properties within the area of potential effects by providing a list of historic and non-historic resources ("historic" resources or properties are those that are listed in or eligible for inclusion in the National Register of Historic Places) and the reasons underlying those conclusions;

Step 3: Assessing Effects on Historic Resources:

- ___ A) Provide a detailed scope of work and describe how any land, buildings, structures, or objects, within the area of potential effects could be physically altered or visually modified or obscured as a result of the proposed work;
- ___ B) State whether or not any buildings, structures, or objects might be demolished or otherwise disposed of as a result of the acquisition or construction of a new facility, and, if so, be sure to proceed with the following:
 - ___ i) Provide a site plan for undertakings that will involve new construction, additions to existing buildings, changes in right-of way or earthmoving activities:
 - a) Showing the footprint of existing and/or proposed buildings or structures;
 - b) With the precise location of all construction, changes in right-of-way or earthmoving activities on a particular lot or lots clearly marked;
 - ___ ii) If applicable, describe whether or not the buildings, structures, or objects to be demolished or otherwise disposed of are currently owned or leased by a Federal agency.
- ___ C) Summarize the Federal agency's or its delegate's findings regarding the effects on historic properties within the area of potential effects by outlining the reasons for your conclusions.

Depending on the nature of the undertaking and the properties it could affect, the SHPO or his staff in the DHPA may request additional information, such as the report of an archaeological investigation of a vacant parcel of land, a structural report on a building to be demolished, or photographs of work areas and detailed plans and specifications of proposed rehabilitation work. This information usually need not be provided in the initial submission to the SHPO, however. For more information on the process refer to the Federal regulations at 36 C.F.R. Part 800, which are available on the Internet at www.achp.gov.

Useful Resources for Section 106 Reviews
(Last Updated November 20, 2001 - i:\enreview\administ\handouts)

WEBSITES:

- www.achp.gov** - Website for the Advisory Council on Historic Preservation. The Advisory Council on Historic Preservation is the major policy advisor to the Government in the field of Historic Preservation. They also oversee the implementation of the Section 106 regulations. The Section 106 regulations (36 C.F.R. Part 800) can also be referenced on this website.
- www.cr.nps.gov/nr/** - Website for the National Register of Historic Places. This website not only gives general information on the National Register program, but allows one to search the National Register database by state and county for a list of all resources listed in a particular county.
- www.indianahistory.org** - Website for the Indiana Historical Society. The Indiana Historical Society's website provides information on the programs and services of the organization. It also contains lists of many local preservation organizations in Indiana sorted by county as well as a list of the county historians.
- www2.cr.nps.gov/tps/briefs/presbhom.htm** - Website for the *Preservation Briefs*. The *Preservation Briefs* provide technical assistance on various aspects of building rehabilitation as well as other related preservation topics.
- www2.cr.nps.gov/tps/standards/** - Website for the *Secretary of Interior Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*.
- www2.cr.nps.gov/tps/care** - This new website, which is part of the National Park Service's Heritage Preservation Services, is devoted to all aspects of caring for historic buildings. One useful feature is a couple of interactive rehabilitation case studies that allow one to apply the *Secretary of the Interior's Standards for Rehabilitation*. The *Secretary's Standards* can be referenced at www2.cr.nps.gov/tps/tax/rehabstandards.htm.
- www.state.in.us/dnr/historic/index.htm** - Website for the Indiana Division of Historic Preservation and Archaeology. It gives information on the various programs offered by our office along with information on the various sections of the office. NOTE: The Section 106 information is currently out of date, but will hopefully be updated in the near future.
- terraserver.microsoft.com** - This website provides access to quad maps and aerial photographs for the United States. Some of the aerial maps on the website were taken as recently as 1998, which provides up to date information on where buildings exist in close proximity to project areas. NOTE: There is no "www" in this website address.
- www.historiclandmarks.org** - Website for Historic Landmarks Foundation of Indiana ("HLFI"). HLFI is the largest statewide non-profit preservation organization in Indiana. HLFI can provide information on interim reports, and the regional offices may be able to provide historical information for a particular area in their vicinity.

www.doi.gov/bia/tribes/entry.html - The Bureau of Indian Affairs can provide information on any Native American tribes that may have a vested interest in your project area. This website provides a list of federally recognized tribes. A list of Tribal Historic Preservation Officers (THPO's) can be found on the Advisory Council's website at www.achp.gov/thpo.html.

www.cr.nps.gov/nr/listing.htm - This website provides you with information on applying the National Register Criteria. By clicking on [How to Apply the National Register Criteria](#) text on the last page, you will find the information that is printed in *Bulletin 15, Applying the National Register Criteria for Evaluation*.

www.cast.uark.edu/other/nps/nacd/nacd.html - Website for the Native American Consultation Database. This website contains contact names and addresses of Native American groups.

OTHER USEFUL RESOURCES:

Interim Reports - The Interim Reports provide surveys of historic buildings, structures, districts, and objects for various Indiana counties. Copies of Interim Reports are usually available at local historical societies and public libraries. A complete set can also be found at the Indiana State Library in Indianapolis. Furthermore, copies of many Interim Reports can also be purchased from Historic Landmarks Foundation of Indiana [340 West Michigan Street, Indianapolis, Indiana 46202, (317) 639-4534, www.historiclandmarks.org]. Please refer to the attached list of counties that have been surveyed.

Historical Societies and County Historians - Local historical societies and county historians can provide additional information on the history of a particular area. Furthermore, they may possess county histories and historical atlases, which are good resources for historical documentation. NOTE: Most historical societies and county historians are not familiar with the Section 106 process and do not have the knowledge to make determinations of eligibility for potential historic resources or make determinations of effect.

National Register Bulletins - The National Register Bulletins provide information on various aspects of the National Register program. Of particular interest is *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation*, which is useful in helping to determine whether or not a property is eligible for inclusion in the National Register.

Contact Information for the Indiana Division of Historic Preservation and Archaeology:

Mailing Address: Division of Historic Preservation and Archaeology
Indiana Department of Natural Resources
402 West Washington Street, W274
Indianapolis, Indiana 46204

Phone Number: (317) 232-1646

E-mail: dhpa@dnr.state.in.us

Our Staff:

Jon Smith, Director
Shelia Griffin, Administrative Assistant

Archaeologists:

Dr. Rick Jones, State Archaeologist
Jim Mohow, Staff Archaeologist
William Mangold, Staff Archaeologist

Amy Johnson, Mining, Staff Archaeologist

Historic Structures Reviewers:

John Carr, Chief, Historic Structures Review
Michelle Daleiden-Fischer, Senior Structures Reviewer
Karie Brudis, Structures Reviewer
Beth Narayanan, Structures Review Assistant

Federal and State Tax Credits:

Dave Duvall, Historical Architect

Survey and Registration:

Frank Hurdis, Chief, Survey and Registration
Paul Diebold, Architectural Historian
Amy Walker, National Register Assistant

Grants:

Steve Kennedy, Grants Manager
Malia Savarino, Assistant Grants Manager

Clerical:

Sue Judy, Secretary

Other:

Jeannie Regan-Dinius, Cemetery Registry Coordinator

Counties surveyed by Historic Landmarks Foundation or other organizations

ALLEN (City of Fort Wayne)
BARTHOLOMEW
BOONE
BROWN
CARROLL
CASS
CLARK
CLAY
CLINTON
DAVISS
DEARBORN
DECATUR
DELAWARE
DUBOIS
ELKHART
FAYETTE
FLOYD
FOUNTAIN
FRANKLIN
FULTON
GIBSON
GRANT
GREENE
HAMILTON
HANCOCK
HARRISON
HENDRICKS
HENRY
HUNTINGTON
JACKSON
JAY
JEFFERSON
JENNINGS
JOHNSON
KNOX
KOSCIUSKO
LAKE
LAPORTE
LAWRENCE
MADISON
MARION

CENTER TOWNSHIP
DECATUR TOWNSHIP
FRANKLIN TOWNSHIP
LAWRENCE TOWNSHIP
PERRY TOWNSHIP
PIKE TOWNSHIP
WARREN TOWNSHIP
WASHINGTON TOWNSHIP
WAYNE TOWNSHIP
MARSHALL
MIAMI
MONROE
MONTGOMERY
MORGAN
NOBLE
OHIO
OWEN
PARKE
PERRY
PORTER
POSEY
PUTNAM
RANDOLPH
RIPLEY
RUSH
ST. JOSEPH
SHELBY
SPENCER
SWITZERLAND
TIPPECANOE
VANDERBURGH
VERMILLION
VIGO
WABASH
WARRICK
WAYNE
WELLS
WHITE

Advisory Council on Historic Preservation

**Section 106 Regulations Users Guide
Regulations Summary****Introduction**

Section 106 of the National Historic Preservation Act of 1966 (NHPA) requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by the Council. These regulations, "Protection of Historic Properties" (36 CFR Part 800), became effective June 17, 1999, and are summarized below.

Initiate Section 106 process

The responsible Federal agency first determines whether it has an undertaking that could affect historic properties, which are properties that are included in the National Register of Historic Places or that meet the criteria for the National Register. If so, it must identify the appropriate State Historic Preservation Officer/Tribal Historic Preservation Officer (SHPO/THPO) to consult with during the process. It should also plan to involve the public, and identify other potential consulting parties. If it determines that it has no undertaking, or that its undertaking has no potential to affect historic properties, the agency has no further Section 106 obligations.

Identify historic properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO/THPO and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures, and objects listed in the National Register are considered; unlisted properties are evaluated against the National Park Service's published criteria, in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the National Park Service. Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO and, barring any objection in 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

Assess adverse effects

The agency, in consultation with the SHPO/THPO, makes an assessment of adverse effects on the

identified historic properties based on criteria found in the Council's regulations.

If they agree that there will be no adverse effect, the agency proceeds with the undertaking and any agreed-upon conditions.

If the parties cannot agree or they find that there is an adverse effect, the agency begins consultation to identify ways to avoid, minimize, or mitigate adverse effects.

Resolve adverse effects

The agency consults with the SHPO/THPO and others, who may include Indian tribes and Native Hawaiian organizations, local governments, permit or license applicants, and members of the public. The Council may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or Native Hawaiian organizations.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Implementation

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

Failure to resolve adverse effects

If consultation proves unproductive, the agency or the SHPO/THPO, or the Council itself, may terminate consultation. If a SHPO terminates consultation, the agency and the Council may conclude an MOA without SHPO involvement. However, if a THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, the Council must provide its comments. The agency must submit appropriate documentation to the Council and request the Council's written comments. The agency head must take into account the Council's written comments in deciding how to proceed.

Tribes, Native Hawaiians, and the public

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

The regulations also place major emphasis on consultation with Indian tribes and Native Hawaiian organizations, in keeping with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the Federal Government and Indian tribes. Even if an Indian tribe has not been certified by NPS to have a THPO who can act for the SHPO on its lands, it must be consulted about undertakings on or affecting its lands on the same basis and in addition to the SHPO.