

**ACHP Electronic Section 106 Documentation Submittal System**

**Instructions for completing the ACHP *e*106 form (attached)**

In order to comply with the Advisory Council for Historic Preservation’s (ACHP’s) electronic submittal process and prevent duplication of effort, the Wisconsin Department of Transportation (WisDOT) Cultural Resources Team (CRT) and the State Historic Preservation Office (SHPO) have incorporated the ACHP’s e106 Form into Wisconsin’s adverse effect process. Content in black is guidance from the ACHP; content in blue is additional WisDOT CRT guidance (related to historic structures). If you have any questions, contact WisDOT CRT.

**When to Use:** Use the *Electronic Section 106 Documentation Submittal System* (e106) *Form* to meet the regulatory requirement (36 C.F.R. 800.6(a)(1)) to formally notify the ACHP when federal agencies:

* notify the ACHP of a finding that an undertaking may adversely affect historic properties, and/or
* invite the ACHP to participate in a Section 106 consultation, and/or
* propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

The documentation required to accompany such a notification is listed at section 800.11(e) of the regulations implementing Section 106. Use of this form will help ensure federal agencies provide the ACHP with the information needed to review agency adverse effect findings.

The form does not require any additional documentation beyond what is required in section 800.11(e). The ACHP is offering this as a tool to better assist agencies to meet their responsibilities under the regulations, improve consistency and completeness in submissions, and expedite the compliance process. Additional information as suggested in Section III can help expedite the ACHP’s review of an agency’s submission. Use of this form and electronic submittal of project information is optional, though federal agencies are strongly encouraged to use e106 instead of hard copy submissions.

A federal agency may also use the system to:

* File an executed Memorandum of Agreement (MOA) or Programmatic Agreement (PA) with the ACHP in accordance with 36 C.F.R. 800.6(b)(iv), where the ACHP did not participate in consultation, along with the documentation specified in section 800.11(f).
* Supply additional documentation for a case already entered into the ACHP record system.

**How to Use:** The regulations (at 800.6(a)(1)) require the “federal agency official” to notify the ACHP. The email to the ACHP could come from this official or his/her office. The form should be filled out, saved as an MS Word document, and **sent as an email attachment to** **e106@achp.gov****.** Federal agencies should copy the SHPO/THPO or other consulting parties when using this system to submit information. Reference additional attached material in the appropriate space on the form. Once the form is received, the 15-day clock for ACHP response begins. The ACHP will transmit a confirmation message to the sender acknowledging receipt of the submission.

**Please do not send the form to ACHP.** Submit a digital copy to your Regional Environmental Coordinator (REC) and/or Program Manager (PM). WisDOT CRT will work with the lead federal agency to transmit the electronic copy to the ACHP.

**How to fill out the form:**

**I. Basic Information**

1. Check the box corresponding to what the federal agency is notifying the ACHP of or supplying through this submission. Questions about whether to use the e106 form or other Section 106 concerns should be directed to the [assigned ACHP staff](https://www.achp.gov/about/offices/ofap/agencies) member in the Office of Federal Agency Programs.

Please include *one* of the following:

* If properties are determined eligible or listed in the National Register, please include “Notify the ACHP of a finding that an undertaking may adversely affect historic properties.”
* If one or more of the properties is a National Historic Landmark (NHL), please include “Invite the ACHP to participate in the consultation to resolve adverse effects.”

2. ACHP Project Number

This field should be left blank unless an ACHP project number has already been assigned.

3. Indicate the federal agency carrying out the Section 106 review. (For some HUD projects this could be the “Responsible Entity” pursuant to 24 CFR Part 58.) If there are multiple federal agencies involved, please indicate whether the agencies have designated a lead agency for the Section 106 review process for this undertaking. If so, please note whether the non-lead agencies will continue to have any Section 106 responsibilities for the undertaking.

For WisDOT projects this will most commonly be the FHWA; however, the U.S. Army Corps of Engineers (USACE) or the Federal Rail Administration (FRA) may also be the lead agency.

4. State the name of the undertaking. This is often the project name on your NEPA document. If the agency also uses a permit, grant, or application number, please provide that.

This should include the WisDOT I.D. number, WHS Case #, project corridor, and termini.

EXAMPLE:

STH 89/Main Street

WisDOT I.D. 1234-56-78

WHS Case # 20-1234

South First Street – South Sixth Street

5. Indicate the location of the undertaking—state(s), city(ies), county(ies) (or other locational information if relevant), and whether it will take place on, or affect historic properties located on, federal and/or tribal and/or state and/or private lands. If the undertaking is on, or affects historic properties on, tribal lands, list the relevant Indian tribe(s).

Please complete as such:

**Location:** City/Village/Town, County, Wisconsin

“Ownership is a mix of” and choose one or more of the following: *existing right-of-way, land to be acquired from public entities, and/or land to be acquired from private entities.*

The project *will/will not* occur on or affect historic properties located on tribal land.

6. Indicate the federal agency official (per section 800.2(a)) for this undertaking, and the agency contact person(s) and their phone number and email address, with whom the ACHP should correspond if it has questions about the undertaking, the documentation provided, and/or the status of the Section 106 review.

For WisDOT projects include the following:

Bethaney Bacher-Gresock

Environmental Manager

Wisconsin Division, FHWA

bethaney.bacher-gresock@dot.gov

608-662-2119

**II. Information on the Undertaking**

7. Briefly describe the undertaking subject to section 106 review, and the nature of federal involvement. Explain whether this project will:

* + be funded in whole or in part by a federal agency or under the direct or indirect jurisdiction of a federal agency;
	+ be carried out by or on behalf of a federal agency;
	+ be carried out with federal financial assistance, or
	+ require a federal permit, license, or approval.

In addition to identifying the nature of the federal involvement, clearly explain overall project activities and the Area of Potential Effects (APE). Use the most current project information to provide a concise but thorough summary of proposed project activities, including:

* Type of project (e.g., realignment, reconstruction, bridge replacement, etc.)
* Project location (name of city or town, county)
* Project corridor and termini
* Project length
* APE
* Existing and proposed alignment details (e.g, number of lanes; width of lanes, sidewalk, terrace, and right-of-way, etc.)

Make sure the summary is complete enough so those unfamiliar with the project can understand it. Keep it simple and avoid acronyms and engineering terms. The information in this summary also needs to set up your explanations in the required Project Alternatives Appendix. Coordinate with the Project Manager to determine that the most current project details and plan sheets are included. Project activities and their location in relation to historic properties should also be illustrated on maps and plan sheets in an appendix.

**Although this is not a Purpose and Need Statement, this section must clearly convey why the preferred alternative was chosen and how it meets the project Purpose and Need.**

8. Describe the area of potential effects (APE) for this undertaking. According to section 800.16(d), the APE is *“the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.”* Maps, photographs and/or drawings may be included to aid in describing the APE.

9. Describe the steps taken to identify historic properties within the APE, including who was consulted in developing the “reasonable and good faith” identification strategy.

Summarize the reconnaissance and intensive surveys for both historical and archeological resources, including survey dates and results. If a survey was not required, clearly explain why. If a particular property was already listed in or determined eligible for the National Register, provide the date it was listed or determined eligible. Include screening list approval dates as appropriate. Signed DOE cover pages may be included in the appendices.

EXAMPLE: An archaeology field survey was not required because the project was placed on the screening list for archaeology on January 2, 2020. An architecture/history reconnaissance survey was conducted in 2020 and one property in the APE, the Smith House, was determined eligible for the National Register on July 28, 2020. A copy of the Determination of Eligibility (DOE) cover page is included in the appendices.

If there are listed or eligible properties located within the APE that will not be affected directly or indirectly by proposed activities included in project alternatives, explain why there will be no effect(s). Please note that there is no need to discuss these properties in the remaining sections of the document.

10. Describe the historic property(ies) that may be affected by the undertaking, including photographs, maps, and drawings as necessary. Are there any National Historic Landmarks (NHLs) within the APE? This description should include information on the applicable National Register criteria of significance (e.g., A-D), character-defining features, integrity, boundaries, and environmental setting and geographic location if they contribute to the property’s significance. Please note that a more detailed description of the affected historic properties may be attached. If this information is already on a current National Register or state register form, attach that form.

This section should include a brief physical description of the affected historic property and an explanation of why it is eligible for, or listed in, the National Register. This information can be obtained from the Wisconsin Historical Society DOE form or National Register Nomination form; please include sections of the National Register and DOE forms that are relevant to the D for C in the appendices, such as the signed cover page, the verbal boundary description and justification, and the boundary map. The historic boundary should also be described as well as a brief discussion of the setting and any contributing and noncontributing features related to the property, such as fences, bollards, and landscaping elements that may be impacted by the project. Discuss each eligible or listed historic property in a separate paragraph. Include a historic boundary map and representative photographs in the appendices.

EXAMPLE: The Smith House, located at 123 Main Street, is recommended eligible for the National Register under *Criterion C: Architecture* as a highly intact example of the Queen Anne style. It was constructed in 1906 and features clapboard sheathing, complex massing, a wraparound porch, and corner turret. A contributing carriage house is located at the rear of the property and a contributing iron fence is located at the front of the property, set back 2 feet from the back edge of the sidewalk. The historic boundary along Main Street coincides with the back edge of the sidewalk and the current right-of-way line.

11. Describe the undertaking’s effects to the historic property or properties. An effect is defined in section 800.16(i)) as any *“alternation to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.”*

This section should focus on the project’s effects to the historic property’s setting and the characteristics that qualify each property for listing in the National Register. Link each project activity that has the potential to directly or indirectly impact the historic property and/or its related features to the applicable criteria of adverse effect and examples of adverse effect listed at 36 CFR § 800.5 in your discussion. Do not step the reader through each of the examples of adverse effect, only those that apply given the historic property, proposed activities, and potential effects. Each eligible or listed property should be discussed in a separate paragraph under headings tied to the applicable examples of adverse effect. This detailed description must be tied to supplemental materials (included in the appendices) and should include all construction activities that impact the property, such as:

* Current and proposed right-of-way, including acquisition details
* Current and proposed traffic lanes and shoulders
* Changes to the shoulder and/or curb and gutter
* Changes to the sidewalk and/or terrace
* Proposed tree removal
* Proposed alterations to access (e.g., relocated driveways, road closings, etc.)
* Proposed removal of contributing and/or noncontributing features
* Relation of project activities to the historic boundary

Supplemental materials should include:

* Plan sheet(s) with the APE, historic property, historic boundary, existing and proposed right-of-way, easements, and other project activities clearly labeled
* Photographs showing the existing roadway and landscape features adjacent to the historic property(s)
* Photographs that have been labeled to depict the proposed back-of-curb, sidewalk, terrace, or other project details

Consider and describe both direct and indirect effects. Direct effects are construction activities that physically impact a property. Generally, they demolish existing parts of the property or add highway-related elements to the property. Indirect effects generally do not physically impact the property itself but introduce visible or audible changes to the wider area around a historic property. Indirect effects may include the removal of parking in a business district or closing of access and redirection of traffic patterns.

EXAMPLES:

1. *Physical destruction of or damage to all or part of the property.*

The Smith House is located 7 feet from the back edge of the adjacent sidewalk along STH 32. The preferred alternative would shift the alignment of STH 32 and require the new right-of-way to be approximately 30 feet west of its current location, requiring the purchase of the Smith House parcel and removal of the residence. The removal of the Smith House will constitute an adverse effect on the historic property. Please see the photos and plan sheets in the appendices.

*(iv) Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance.*

WisDOT proposes to widen and reconstruct STH 32 in front of the Smith House. The roadway will expand from two, 11-foot lanes to three, 12-foot lanes. To accommodate this increase, the 6-foot terrace will be removed and the existing sidewalk will shift 4 feet closer to the house. Approximately 10 feet of right-of-way acquisition will be necessary on each side of the roadway, including 10 feet from within the historic boundary of the Smith House. The removal of the terrace and sidewalk relocation will result in the removal of several mature trees from in front of the Smith House and a strip of the front lawn. A contributing fence will also be removed as a result of the project. These changes will alter physical features within the setting that contribute to the residential character of the property and will constitute an adverse effect. Please see the photos and plan sheets in the appendices.

12. Explain how this undertaking would adversely affect historic properties. State any currently known conditions or future actions to avoid, minimize, or mitigate adverse effects. As set forth in section 800.5(a)(1)) an adverse effect is found when *“an undertaking may alter, directly or indirectly, any of the characteristics of a 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. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.”*

(Note that if NHLs may be adversely affected by the undertaking, the regulations (at section 800.10(c)) require the federal agency to notify the NPS and invite their participation to resolve adverse effects.)

In addition to summarizing the adverse effect, describe avoidance and minimization efforts as well as specific mitigation items identified during the consultation process in separate paragraphs or in a bulleted list. If mitigation items have not yet been identified, indicate that options for minimizing or mitigating adverse effects will be identified in the future as the consultation process continues. Also describe any design changes that resulted in avoidance or minimization of impacts to historic properties.

See the *MOA Toolkit for the Development of Section 106 Memoranda of Agreement for Above-ground Resources* (*MOA Toolkit*) for guidance on developing appropriate mitigation items.

13. Provide copies or summaries of the views provided to date by any consulting parties or the public, including any correspondence from the State Historic Preservation Officer(s) and/or the Tribal Historic Preservation Officer(s).

This section documents consultation efforts, including coordination with the property owners, local historical societies, municipalities, Native American tribes, and any other stakeholders regarding minimization and mitigation efforts. Please refer to the *MOA Toolkit* for guidance on the consultation process. The property owner ***must*** be included in consultation efforts. Incorporate correspondence received, meeting minutes, and responses made to address concerns related to the historic resources in an appendix. On some projects your outgoing letter and a follow-up phone memo may have to suffice. All concerns regarding the historic resources expressed during consultation must be addressed/acknowledged and resolved.

If you have difficulty contacting the property owner or other key stakeholders, coordinate with the Project Manager. All attempts to contact the property owner and/or stakeholders must be documented in this section.

**III. Optional Information**

14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation. Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP’s review response.

If there are any outstanding issues regarding consultation, please list them here. If consultation is almost complete and no issues have occurred, please use: “Consultation is nearly complete. There are no outstanding or unresolved concerns or issues that would bear on the ACHP’s decision to participate in consultation.”

15. Can the interested public find out about this project from your agency website or another website? If so, please provide the link.

16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard (pemits.performance.gov)? If so, please provide the link or reference.

Check <https://www.permits.performance.gov/> to determine if your project is listed and/or consult with your project manager to determine if you project is either one of these.

**Additional Information: The following are attached to this form** (check all that apply):

All are required for a D for C submittal to be considered complete.

\_\_\_ Section 106 consultation correspondence

\_\_\_ Maps, photographs, drawings, and/or plans

\_\_\_ Additional historic property information

\_\_\_ Other: **Project Alternatives – FHWA,** WisDOT, and SHPO require a robust discussion of project alternatives as part of the D for C submittal. It is important to consult with the PM to gather this information, which may also be included in the environmental document; consult with your PM while writing the document. Project alternatives must be clearly written and include more than one alternative.

Please incorporate an appendix with a detailed discussion of all the project alternatives considered. Start by stating what each alternative proposes, including the cost and service life (if applicable). Then provide an explanation for each alternative that addresses the following questions:

* How the alternative does/does not meet the project purpose and need
* How the alternative does/does not avoid or minimize adverse effect(s) to the historic property
* Why the alternative was/was not chosen
* Why the alternative was chosen (for preferred alternative only)

The four general categories of alternatives typically include *no build*, *build within existing conditions*, *alternative alignments*, and *new construction at existing location*. Each project is unique and the number of alternatives will vary depending on the scope and type of the project proposed. Discuss each alternative in a separate paragraph. For more complicated projects, consider including a table or matrix in addition to the narrative to illustrate project alternatives and impacts and provide clarity (see Table 1 for an example).

| **Table 1. Impacts Matrix – example only** |
| --- |
| **Alternatives** | **No Build** | **New alignment** | **Widen existing alignment to east**  | **Widen existing alignment to west (Preferred)** |
| **Fee Acquisition (Acres)** | 0 | 40.0 | 14.5 | 8.2 |
| **Relocations** | 0 | Ten houses | Gas StationHouseCommercial Building  | Smith House |
| **Historical Impacts** | None | None | None | Smith House |
| **Lane Widths and Pedestrian Accommodations?**  | No | 6 lanes @ 11 feet with bicycle accommodations | 4 lanes @ 11 feet with bicycle accommodations | 4 lanes @ 11 feet with bicycle accommodations |
| **Meets Capacity Needs?** | No | Yes | Yes | Yes |
| **Total Estimated R/W and Relocation Cost**  | $0 | $2.6 million | $1.4 million | $700,000 |
| **Estimated Construction Cost** | $0  | $4.6 million | $3.6 million | $2 million |
| **Total Estimated Cost (R/W and Construction)** | $0  | $7.2 million | $5 million | $2.7 million |

**Advisory Council on Historic Preservation**

**Electronic Section 106 Documentation Submittal System (*e*106) Form**

***MS Word* format**

Send to: *e106@achp.gov*

**I. Basic information**

**1.** **Purpose of notification.** Indicate whether this documentation is to:

[ ]  Notify the ACHP of a finding that an undertaking may adversely affect historic properties

[ ]  Invite the ACHP to participate in a Section 106 consultation

[ ]  Propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3)

[ ]  Supply additional documentation for a case already entered into the ACHP record system

[ ]  File an executed MOA or PA with the ACHP in accordance with 800.6(b)(iv) (where the ACHP did not participate in consultation)

[ ]  Other, please describe

 Click here to enter text.

**2. ACHP Project Number** (If the ACHP was previously notified of the undertaking and an ACHP Project Number has been provided, enter project number here and skip to Item 7 below): Click here to enter text.

**3. Name of federal agency** (If multiple agencies, list them all and indicate whether one is the lead agency):

**4. Name of undertaking/project** (Include project/permit/application number if applicable):

**5. Location of undertaking** (Indicate city(s), county(s), state(s), land ownership, and whether it would occur on or affect historic properties located on tribal lands):

**6. Name and title of federal agency official and contact person for this undertaking**, including email address and phone number:

**II. Information on the Undertaking\***

**7. Describe the undertaking and nature of federal involvement** (if multiple federal agencies are involved, specify involvement of each):

**8. Describe the Area of Potential Effects (APE)**:

**9. Describe steps taken to identify historic properties**:

**10. Describe the historic property** (or properties) and any National Historic Landmarks within the APE (or attach documentation or provide specific link to this information):

**11. Describe the undertaking’s effects on historic properties**:

**12. Explain how this undertaking would adversely affect historic properties** (include information on any conditions or future actions known to date to avoid, minimize, or mitigate adverse effects):

**13. Provide copies or summaries of the views provided to date by any consulting parties, Indian tribes or Native Hawai’ian organizations, or the public**, including any correspondence from the SHPO and/or THPO.

\* see *Instructions for Completing the ACHP* e*106 Form*

**III. Additional Information**

**14. Please indicate the status of any consultation that has occurred to date, including whether there are any unresolved concerns or issues the ACHP should know about in deciding whether to participate in consultation.** Providing a list of consulting parties, including email addresses and phone numbers if known, can facilitate the ACHP’s review response.

**15 Does your agency have a website or website link where the interested public can find out about this project and/or provide comments?** Please provide relevant links:

**16. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard?** If so, please provide the link:

**The following are attached to this form** (check all that apply):

[ ]  Section 106 consultation correspondence

[ ]  Maps, photographs, drawings, and/or plans

[ ]  Additional historic property information

[ ]  Consulting party list with known contact information

[ ]  Other: Click here to enter text.

**Prepared By:**

|  |  |
| --- | --- |
| Name & Company: |  |
| Address: |  | Phone: |  |
| City: |  | State: |  | Zip: |  |
| Email: |  | Date: |  |
|  |  |  |  |  |  |
| Sub-contracting to: |  |
| Address: |  | Phone: |  |
| City: |  | State: |  | Zip: |  |
| Email: |  | Date: |  |