

The most comprehensive national policy on historic preservation was established by Congress with the passage of the National Historic Preservation Act (NHPA) of 1966. In this act, historic preservation is defined to include "the protection, rehabilitation, restoration, and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, or culture." The act led to the creation of the National Register of Historic Places (NRHP), a listing of cultural resources of national, regional, state, and local significance.

The major provisions of the NHPA that affect FEMA are Sections 106 and 110. Both sections aim to ensure that historic properties are appropriately considered in planning federal initiatives and actions. Section 106 is a specific mandate to which federal agencies must adhere when carrying out their programs and activities. Section 110, in contrast, sets out broad federal agency responsibilities with respect to historic properties and emphasizes ongoing management of historic properties.

Section 106 requires that any federal agency having direct or indirect jurisdiction over a proposed federal or federally assisted undertaking in any state "take into account" the effect of the undertaking on historic and archaeological properties. Historic properties may include any district, building, structure, site, or object, typically 50 years in age or older. These properties may be eligible for listing in the NRHP if they possess significance at the national, tribal, state, or local level in American history, architecture, archeology, engineering, or culture. Section 106 also mandates consultation during such federal actions. Consultation agencies could include among others; a State Historic Preservation Office (SHPO), an appropriate Tribal Historic Preservation Office (THPO), local and national preservation organizations, and the general public.

B.-1 Determining if your project disturbs ground

Ground disturbance is defined as any activity that compacts or disturbs the ground within a project area. The project area is defined as all areas where project activities will occur, including: the actual construction activities, permanent easements, temporary construction easements, staging areas for supplies and equipment, and borrow pits. Ground disturbance can also be caused by the use of hand tools (shovels, pick axe, posthole digger, etc.), heavy equipment (excavators, backhoes, bulldozers, trenching and earthmoving equipment, etc.), and heavy trucks (large four wheel drive trucks, dump trucks and tractor trailers, etc.).

Trenching, bulldozing, excavating, scraping, and plowing are typical examples of ground disturbance activities.

Project types that usually involve ground disturbance include acquisition/demolition/relocation of structures; vegetation management; landslide stabilization; and infrastructure projects such as utilities, storm water management, and flood control. However, any projects that include the installation of utilities, culverts, temporary roads or structures, permanent roads, foundations and footers all typically involve ground disturbance activities.

B.-2 How to Gather Additional Information

If your project involves any ground disturbance, you should request guidance from the State Historic Preservation Office (SHPO) on the potential for the project to affect historic properties, including archeological sites. If the Applicant is a Tribal government, if the project will occur on Tribal land, or if the project may be near properties of religious or cultural significance to a tribal group, contact the relevant Tribal Historic Preservation Officer (THPO), or other appropriate cultural resource contact in the tribe. These offices can be found on the web (<http://www2.cr.nps.gov/tribal/thpo.htm>). This information should be collected at the same time as information about historic buildings and structures from Section A of the PDM Environmental and Historic Preservation Questions.

In your communication with the SHPO, THPO or local agency/organization, you should:

- indicate that you are applying for federal aid, and you are requesting information about the presence or potential for the presence of historic properties, including archeological sites, near your project area [click here to see an example letter]
- include in your communication, include the name of the nearest city and the names of the county and state where the project will occur
- include a detailed description of the proposed project and extent of ground disturbance, and past land uses
- include a 1:24, 000 scale USGS map [click here to see an example map] showing the project boundaries and the limits of ground disturbance for the project area, and photos of the project area, if available
- Include photographs of the project site

You should also make clear in your communication with the SHPO, THPO, or local agency/organization that you are **NOT** initiating consultation with their agency; the formal consultation process must be initiated by FEMA. Instead, indicate that you are only collecting information about the project site, and that formal consultation will be initiated by FEMA if the project is selected for award

SHPOs and THPOs typically take at least 30 days to respond, so it is important to initiate this correspondence early, especially if your project involves the disturbance of previously undisturbed ground. If you have not received an agency response as you are finalizing your application, it is a good idea to follow up with them to find out when you might expect a response. Indicate the status of this correspondence with the SHPO or THPO in your project application, and scan and attach any letters or emails you receive in response to your contact.

If there are recognized Indian tribes present in your state, or if the SHPO, THPO or other sources indicate that there may be historic properties of significance to Indian Tribes present in your project area, please note this in the project application. If your project is selected for funding, FEMA will initiate contact with the appropriate Indian tribes to

determine if there are historic properties of religious or cultural significance to the tribe in your project area.

Determining past land uses of properties in your project area is important for evaluating the potential presence of, or impacts to, archeological resources on your site. There are many ways for obtaining such historical information, such as:

- Tax records and maps at your local tax assessor’s office;
- Sanborn Fire Insurance Maps available at the local public library (many have been scanned and are available online);
- Historical city cross-reference directories from the local public library;
- Genealogical information;
- Local historical society;
- Local title records at the Recorder of Deeds;
- Historical topographical maps from the U.S. Geological Survey;
- County soil survey maps from the local NRCS office;
- Historical aerial photographs from the USDA County Extension Service; and
- Books or other records from the local public library, or the city or county planning office

Sometimes interviewing local people familiar with the history of the project site (i.e., local government personnel, project site neighbors) may provide insight that might not otherwise be available.

B.-3 How to Address Adverse Effects

Adverse effects to archeological resources include the loss of integrity or intactness of archeological sites, as well as the damage, degradation, or loss of any archeological resource. If you anticipate that your project will have an adverse effect to an archeological resource or site, then you should consider ways to avoid those effects, minimize the effects, and if necessary, compensate for the effects. When possible, all projects should be designed to avoid adverse effects to archeological resources and sites. If adverse effects cannot be avoided, develop appropriate treatment measures into the scope of work so adverse effects are reduced and minimized. Lastly, if adverse effects cannot be avoided, compensate for the adverse effects through documentation or development of other treatment measures. Listed below are some of the possible adverse effects that your project may have, together with possible treatment measures that you may include in your project to avoid, reduce or minimize, or compensate for adverse effects. The list is illustrative, and does not include all adverse effects that a project may have or all of the ways to potentially treat those effects.

Adverse Effects	Treatment Measures
<ul style="list-style-type: none"> • Degradation of archeological material or its’ context • Ground compaction 	<ul style="list-style-type: none"> • Consider alternatives: relocate or realign the project to avoid archeological sites. • Minimize or eliminate adverse effects by

<ul style="list-style-type: none"> • Soil erosion • Contamination of ground with hazardous materials • Excavation of archeological material • Theft or removal of archeological resources from a site 	<p>constructing fencing around the site to prevent unintentional ground disturbance.</p> <ul style="list-style-type: none"> • Minimize adverse effects by conducting work when ground is frozen to minimize or prevent ground disturbance. • Compensate for adverse effect by conducting a Phase III archeological survey, including: photographic recordation, excavation, artifact analysis and curation, and archive research. • Minimize or avoid adverse effects by training equipment crews to recognize archeological resources • Compensate for adverse effect by conducting a Phase III archeological survey, including: photographic recordation, excavation, artifact analysis and curation, and archive research. • Minimize or avoid adverse effects by installing security fencing during archeological survey and/or project activities.
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B.-4 Providing Relevant and Helpful Support Documentation

If you answered “yes” to Section B, Question 1 of the PDM Environmental and Historic Preservation Questions, there are several important things items to attach to your application as support documentation.

First, include a detailed narrative describing the extent of ground disturbance both in the scope of work, and in the comments box in Section B of the Environmental and Historic Preservation questions. The narrative should include where the project is located, the boundaries of the project area, what kinds of activities will take place in the project area, and how much ground is going to be disturbed. For example:

The piping will be installed next to Johnson Road from Main Avenue north to 12th Street. All work and excavation will be performed from the hardtop surface of

Johnson Road, or within its 15 foot right-of-way. Excavated soils will be temporarily stored adjacent to the trench until the piping is installed. Excess excavated material will be taken to the county sand pit. The roadside will be excavated using a Cat 416 backhoe. The trench will be approximately 6-feet wide and 5-feet deep. The piping will be installed at the bottom of the trench, backfilled, and then roller compacted using an Ingersoll-Rand R-194 compactor.

Second, include a narrative of current land use and all know historical uses of the project area in the comments box in Section B of the PDM Environmental and Historic Preservation Questions. For example:

The road has been at this location for approximately 60 years, and before that it was a dirt road primarily used by farmers in the area. Land use in the project area consists of residential housing that was built after WWII. In the project area, the right-of-way of the road also contains buried gas and electric line utilities.

Third, provide a narrative describing the extent of previously disturbed ground. Previously disturbed ground means that some type of ground disturbing activity has taken place in an area, and that this activity may have affected the integrity—or intactness—of archeological resources present at a site. For example, if a road has been graded and paved through a site, the right-of-way for the road is considered to have been previously disturbed. Previous disturbances, however, do not necessarily destroy the integrity of a site; the degree of disturbance depends on the context of the activity. For instance, a farm field that has been plowed for 50 years may have lost integrity in the top 2 or 3 feet of soil, but retains integrity below that depth.

Fourth, in addition to the comments you provide in the scope of work and Section B of the Environmental and Historic Preservation questions, attach a copy of a 1:24,000 USGS topographic map [[click here to see an example map](#)] to your application indicating:

- the project site
- the location of any ground disturbing activities, including excavation, the operation of equipment or staging or borrowing areas
- the location of any known archeological sites

Fifth, documentation of your contact with the relevant SHPO/THPO, including:

- scanned and attached copies of response letters, faxes, or emails
- summaries of relevant telephone conversations
- the status of any outstanding correspondence

Lastly, if it has been determined that that the project site contains archeological sites, or has a high potential for archeological resources, include with your application a discussion how adverse effects to these resources will be avoided, minimized or reduced, or compensated for.

Date

Name, Director
State Historic Preservation Office
Address
City State Zip

Subject: Request for information about proposed FEMA project; Pre-Disaster Mitigation Competitive (PDM-C) Program, in the Town of Blackrock, Seneca County, State

Dear Director:

The City of Blackrock has applied to the Federal Emergency Management Agency (FEMA) for a grant under FEMA's Pre-Disaster Mitigation-Competitive (PDM-C) program. PDM-C grants provide funding for measures designed to reduce or eliminate future disaster damage and disaster relief expenditures. The Town of Blackrock proposes to make stream improvements including channel straightening and stream bank armoring along Seneca Creek to alleviate flooding damage to Blackrock Road and the bridge over Seneca Creek. The project area is located next to Blackrock Road where it crosses Seneca Creek (see attached map).

One of the requirements for the FEMA PDM-C application is to identify the presence of any regulated resources in the project area. At this time, the city of Blackrock would like to inquire about the potential for nearby historic structures or archeological sites. Attached to this correspondence is a USGS map indicating the project area, pictures showing the project site and the nearby structures, and a narrative describing the proposed scope of work.

The proposed project involves straightening about 800 linear feet (lf) of the channel of Seneca Creek west of the bridge over Seneca Creek. This would require excavating the existing bank between 0 and 30 feet to the south to allow the stream to follow a straighter path. The excavated bank would be lined with rip-rap to protect it from future erosion. The second element of the project is upstream of the bridge over Seneca Creek, and involves the placement of rip-rap armor on about 400 lf of the north side of the stream (see photos).

Adjacent to the project site is Blackrock Mill. It is said that this structure was built in the 1820s, but it has been abandoned and out of use since the early 1900s. Since then it has fallen into serious disrepair; it no longer has any windows or doors, and it has been without a roof for over 50 years. The current landowner is repairing the mill for his personal use. The owner of the Mill lives about 200 feet up the hill in a house constructed in the 1850s. According to the owner, the 2-story house used to have clapboard siding, but has since been upgraded to vinyl siding. There are also new windows and additions on the building. The current owner constructed a new garage next to the house in 1995.

Your assistance in this matter is greatly appreciated. If you have any questions regarding this project, please contact me by phone (xxx) xxx-xxxx, fax (xxx) xxx-xxxx, by email (Blackrock.us.town.state), or by letter at the letterhead address.

Sincerely,

Topographic maps can be ordered from the USGS directly (<http://topomaps.usgs.gov/>), or can be obtained free of charge online from the United States Department of Agriculture (<http://datagateway.nrcs.usda.gov/>).

