

Memorandum

CDBG Policy Guidance

Date: April 24, 2012

Policy: 12-02

SC Department of Commerce, Grants Administration, 1201 Main Street, Suite 1600, Columbia, SC 29201
www.cdbgSC.com

Subject: Environmental RROF Form, 106 Form and Contact Changes
Resource: *SC CDBG Implementation Manual*

Based on recent information from HUD, we have revised our Request for Release of Funds and Certification document. The form has been modified to include a statement regarding compliance with Section 106 of the National Historic Preservation Act and its implementing regulations at 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes, Native Hawaiian organizations and the public. **Use of the new form is required, effective immediately,** and is available on our website.

The SHPO has issued a new version of the Section 106 Project Review Form. Please use this updated form in your consultation with SHPO's office. The form is PDF-fillable and can be downloaded from our website, www.cdbgSC.com, and is also available at SHPO's website at: <http://shpo.sc.gov/programs/revcomp/Documents/106Form.pdf>

Also, SHPO's new contact for all HUD programs is:

John Sylvest
Project Review Coordinator
(803) 896-6129
sylvest@scdah.state.sc.us

If you have any questions about these changes, please contact Dick Scott or Lisa Kalsbeck at 803-734-0429. Forms and links are available at www.cdbgSC.com.

This policy memorandum updates the Community Development Block Grant Program and becomes effective immediately unless otherwise stated. The program documents located on the SC Department of Commerce website have the most up to date policies of the CDBG program.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 and 24 CFR Part 58.6 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decisionmaking and actions that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
	Date signed
Address of Certifying Officer	

Warning: False claims and statements may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)



South Carolina Department of Archives & History
State Historic Preservation Office
SECTION 106 PROJECT REVIEW FORM

Section 106 of the National Historic Preservation Act requires the South Carolina State Historic Preservation Office (SHPO) to review all projects that federally funded, licensed, or assisted. The SHPO is only one consulting party under Section 106. Refer to 36 CFR 800.2 for information about other participants who are entitled to comment on the Section 106 process, including Native American tribes, interested parties, and the public. Consultation with the SHPO is NOT a substitution for consultation with appropriate Native American tribes.

HELPFUL TIPS:

- Please consult the FAQs at the end of this document. Visit our website for more information on the Section 106 Process and for a list of Staff Project Review Contacts <http://shpo.sc.gov/programs/revcomp/Pages/default.aspx>.
- When planning to submit a project for review, please remember that our office has 30 days to review federal projects and 45 days to review due diligence projects. Due to the volume of phone calls and e-mails we receive, we are unable answer inquiries regarding a project's status until 30 days has elapsed.
- Please **DO NOT** send project review forms by e-mail or fax; we recommend that you use certified mail, FedEx, or UPS to determine if your project has been delivered. Due to the volume of phone calls and e-mails we receive, we are unable to confirm if your project has been received.
- Please send this completed form along with supporting documentation (maps, photographs, plans, survey results, etc.) to: SC Department of Archives & History, Attn: Review & Compliance, 8301 Parklane Road, Columbia, SC 29223. You must include all of the supporting documentation in your package. If we do not receive the requested documentation, we are unable to review your project until these materials are received.

STATUS OF PROJECT (check one)

- FEDERAL UNDERTAKING ANTICIPATED (You are applying for Federal assistance)
 FEDERAL UNDERTAKING ESTABLISHED (You have received Federal assistance)
 DUE DILIGENCE PROJECT (You are anticipating Federal assistance)
 ADDITIONAL INFORMATION FOR PREVIOUS SUBMISSION (SHPO #: _____)

GENERAL INFORMATION

1. Project Name: _____
2. City: _____ 3. County _____
4. Federal Agency (providing funding, license, permit, or assistance): _____
Agency Contact Name: _____
Address: _____
Phone: _____ E-mail: _____
5. Federal Agency Authorized Applicant: _____
Applicant Contact Name: _____
Address: _____
Phone: _____ E-mail: _____
6. Consultant for the Applicant or Agency: _____
Consultant Contact Name: _____
Address: _____
Phone: _____ E-mail: _____

INFORMATION REQUIRED FOR NEW PROJECTS

NOTE: If the project involves the rehabilitation of a building eligible for or listed in the National Register of Historic Places, **complete and submit the Historic Building Supplement** in addition to this form.

DETERMINING THE PROJECT AREA OF EFFECT (APE)

1. Describe **in detail** all aspects of the project. Include a detailed description of any proposed ground disturbance and any proposed building rehabilitation or repairs.

2. Will this project involve phases of construction? If so, please describe the work to be conducted under each phase.

3. How many acres are in the project area? For building rehabilitation projects, list the building's square footage.

4. Describe the current land use within and immediately adjacent to the project area (e.g. farmland, forest, developed, etc.).

5. Describe prior land use or previous modification within and immediately adjacent to the project area (e.g. grading, plowing, mining, draining, etc.).

6. Will the project involve (check all that apply):

- new construction
- rehabilitation of any structures
- relocation of any structures
- demolition of any structures

7. Provide a written description of the Area of Potential Effect (APE). The APE is the geographic area or areas within which a project/undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist.

IDENTIFICATION OF HISTORIC PROPERTIES

A historic property can be defined as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

1. **ATTACH** a copy of the pertinent ArchSite GIS map to this submission. Please see <http://archsite.cas.sc.edu/archsite> for information on registering for and using the database.
2. **ATTACH** a copy of a map and clearly mark the project site. If your project involves ground disturbance, a USGS topographic map is **required**. You can obtain topographic maps from <http://www.mytopo.com/> or <http://nationalmap.gov/ustopo/>.
3. **ATTACH original** photographs of the project area. **Be sure to include any structures within and immediately adjacent to the project area.**
4. **ATTACH** a site plan or sketch of the project area (existing and proposed).
5. List all historical societies, local governments, members of the public, Indian tribes, and any other sources consulted in addition to the SHPO to identify known and potential historic properties and note any comments received.

6. Are there any structures in the project area? (houses, barns, old garages, sheds, commercial buildings, churches, etc.) YES NO _____ Approximate age?
7. Does the landowner know of any archaeological resources? YES NO
If yes, please describe:

8. Has a cultural resources assessment or a historic resources survey been conducted in the area?
 YES NO DO NOT KNOW
9. Based on the information contained in questions 1 – 8, please check one:
 Historic Properties are present in the APE
 Historic Properties are not present in the APE

ASSESSMENT OF PROJECT EFFECT

PLEASE CHOOSE ONE DETERMINATION:

- No historic properties affected**
- No adverse effect on historic properties**
- Adverse effect on historic properties**
- Due Diligence Project (Does not apply)**

Please explain the basis for your determination:

SECTION 106 FREQUENTLY ASKED QUESTIONS (FAQs)

1. What is Section 106 of the National Historic Preservation Act (NHPA)?

Section 106 of NHPA requires each Federal agency to identify and assess the effects of its actions on historic properties. The responsible Federal agency must consult with appropriate State and local officials, Indian tribes, applicants for Federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions. The regulations that implement Section 106 are 36 CFR 800, available online at <http://www.achp.gov/regs-rev04.pdf>.

2. What is the Area of Potential Effect (APE)?

As defined in 36 CFR 800.16(d), the APE is the geographic area or areas within which a project/undertaking may directly or indirectly cause changes in the character or use of historic properties, if such properties exist. The APE is influenced by the scale and nature of the project/undertaking and may be different for different kind of projects/undertakings. **Every project/undertaking has an APE, which must be defined.**

3. What are historic properties?

Historic properties are those properties that are eligible for inclusion in or listed in the National Register of Historic Places. In order to be eligible, a property must be at least 50 years old and meet one of the following criteria: associated with events that have made a significant contribution to the broad patterns of history; associated with the lives of significant persons in our past; embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or that have yielded, or may be likely to yield, information important in prehistory or history.

4. Where can I find information on historic properties?

ArchSite <http://archsite.cas.sc.edu/archsite> is an online GIS based map that contains all of the *known* historic properties in the State of South Carolina. Please note: even if ArchSite does not list any historic properties in the your APE, that does not mean that there are not any historic properties present. Be particularly sure to notify us of any existing structures in the project area, regardless of age. Please visit our website for more historic property records and research resources <http://shpo.sc.gov/research/Pages/default.aspx>. You should also consult hard copy records at SHPO, SCIAA (SC Institute of Archaeology and Anthropology), or your local library or historic society.

5. What is an Adverse Effect?

Under Section 106, a project adversely affects a historic property if it alters the characteristics that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property. "Integrity" is the ability of a property to convey its significance, based on its location, design, setting, materials, workmanship, feeling, and association. Adverse effects can be direct or indirect. They include reasonably foreseeable impacts that may occur later in time, be farther removed in distance, or be cumulative. Examples of adverse effects include:

- physical destruction or damage;
- alteration inconsistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Visit <http://www.nps.gov/hps/tps/standguide/>);
- relocation of the property;
- change in the character of the property's use or setting;
- introduction of incompatible visual, atmospheric, or audible elements;
- neglect and deterioration;
- transfer, lease, or sale out of federal control without adequate preservation restrictions

6. What happens if construction is already under way when I receive federal funding or permits?

Under Section 110(k) of the National Historic Preservation Act, federal agencies are permitted to withhold grants, licenses, approvals, or other assistance to applicants who intentionally significantly and adversely affect historic properties. This provision, known as the "anticipatory demolition" section, is designed to prevent applicants from destroying historic properties prior to seeking federal assistance in an effort to avoid the Section 106 review process. If you have begun work, please stop and notify the Federal agency.

7. Should I consult with the Tribal Historic Preservation Officer (THPO)?

Yes. Consulting with the SHPO is not the same as consulting with the Tribes. You must consult with the Tribes as a part of the Section 106 process. For more information, please visit: <http://www.achp.gov/regs-tribes.html>.

8. Where can I find more information?

Please visit our website for more FAQs and information on the Section 106 process: <http://shpo.sc.gov/programs/revcomp/Pages/default.aspx>.

Agency Contact List

HISTORIC PRESERVATION

John Sylvest
Project Review Coordinator
State Historic Preservation Office
South Carolina Department of Archives and History
8301 Parklane Road
Columbia, SC 29223-4905
(803) 896-6129
sylvest@scdah.state.sc.us

Jodi Barnes
SHPO GIS Coordinator
(803) 896-6181
jbarnes@scdah.state.sc.us

TRIBAL HISTORIC PRESERVATION OFFICER CATAWBA INDIAN NATION

All Counties
Wenonah G. Haire
Tribal Historic Preservation Officer
Catawba Indian Nation
1536 Tom Stevens Road
Rock Hill, SC 29730
(803)-328-2427 ext. 224

TRIBAL HISTORIC PRESERVATION OFFICER EASTERN BAND OF CHEROKEE INDIANS

Abbeville, Aiken, Anderson, Calhoun, Cherokee, Chester, Edgefield, Fairfield, Greenwood, Greenville, Kershaw, Lancaster, Laurens, Lexington, McCormick, Newberry, Oconee, Orangeburg, Pickens, Richland, Saluda, Spartanburg, Union, York Counties

Tyler B. Howe
Historic Preservation Specialist
Eastern Band of Cherokee Indians
Qualla Boundary Reservation
P.O. Box 445
Cherokee, North Carolina 28719
(828)-554-6852
tylehowe@nc-chokeee.com

TUSCARORA NATION OF NEW YORK, NY

Beaufort County
Attention: Chief Leo Henry
2006 Mt. Hope Road
Lewiston, New York 14092
716-297-1148

Copy to: Neil Patterson, Director
Environmental Program
2045 Upper Mountain Road
Sanborn, New York 14132
716-609-3810
Npatterson@hetf.org

COASTAL ZONE MANAGEMENT

Shannon Hicks, PE
Manager, Stormwater & State Certification Regulatory Programs Division
South Carolina Department of Health and Environmental Control
Office of Ocean and Coastal Resource Management Control
1362 McMillan Avenue, Suite 400
Charleston, SC 29405
(843) 747-4323, extension 133

WETLANDS PROTECTION

Charleston Office
Regulatory Division
Department of the Army
Corps of Engineers Charleston District
69-A Hagood Avenue
Charleston, SC 29403-5107
(843) 329-8044

Columbia Office
Regulatory Division
Strom Thurmond Federal Building
1835 Assembly Street, Rm 865B-1
Columbia, SC 29201
(803)-253-3444

Conway Office
Regulatory Division
1949 Industrial Park Road, Rm 140
Conway, SC 29526
(803)-365-4239

FLOODPLAIN MANAGEMENT

Sarah A. Brown, P.E.
Coastal, Hydrology & Hydraulics Team
Department of the Army
Corps of Engineers Charleston District
69-A Hagood Avenue
Charleston, SC 29403-5107
(843) 329-8150

MUSCOGEE (CREEK) NATION OF OKLAHOMA

All Counties

Ted Isham

Muscogee Creek Nation Cultural Preservation

P.O. Box 58,

Okmulgee, Oklahoma 74447

(918)-732-7731

tisham@muscogeenation-nsn.gov

ENDANGERED SPECIES

Melissa Bimbi

Endangered Species Biologist-*Section 7*

U.S. Fish and Wildlife Service

Charleston Field Office

176 Croghan Spur Road, Suite 200

Charleston, SC 29407

(843) 727-4707 ext. 217

melissa_bimbi@fws.gov

NATURAL RESOURCES

Projects in Beaufort, Berkeley, Charleston, Colleton, Dorchester, Georgetown, Hampton, Horry and Jasper counties should be addressed to:

Susan F. Davis

Coastal Environmental Coordinator

S.C. Department of Natural Resources

P.O. Box 12559

Charleston, SC 29422

(843) 953-9003

daviss@dnr.sc.gov*Projects in the remaining 37 counties should be addressed to:*

Greg Mixon

Inland Environmental Coordinator

S.C. Department of Natural Resources

P.O. Box 167

Columbia, SC 29202

(803)734-3282

mixong@dnr.sc.gov

ENVIRONMENTAL PROTECTION AGENCY

Heinz Mueller, Chief

Office of Environmental Assessment (OEA)

United States Environmental Protection Agency

Region IV

61 Forsyth Street

Atlanta, Georgia 30303-8960

(404) 562-9615

DEPARTMENT OF HOMELAND SECURITY

William Straw, Regional Environmental Officer

Department of Homeland Security

FEMA Regional Environmental Office

3003 Chamblee Tucker Road

Atlanta, GA 30341-4112

William.Straw@dhs.gov

(770) 220-5432

WATER QUALITY/STORMWATER

MANAGEMENT & SEDIMENT REDUCTION

Gina Kirkland

Bureau of Water

South Carolina Department of Health and

Environmental Control

2600 Bull Street

Columbia, SC 29201-1708

(803) 898-4330

KIRKLAGL@dhec.sc.gov

SOLID AND HAZARDOUS WASTE/UST

Alison M. Hathcock

Regulatory Compliance Division

Underground Storage Tank Program

Bureau of Land and Waste Management

South Carolina Department of Health and

Environmental Control

2600 Bull Street

Columbia, SC 29201-1708

(803) 896-6245

HATHCOAM@dhec.sc.gov

USDA-NCRS

Pam Thomas State Soil Scientist

USDA-NRCS

1835 Assembly Street, Room 950

Columbia, SC 29201

(803) 253-3896

Pam.thomas@sc.usda.gov