

CONSULTANT SUBMITTAL GUIDE AND CHECKLIST HISTORY COMPLIANCE



OVERVIEW:

This document provides basic guidance and a checklist to assist consultants and historians performing Section 106 of the National Historic Preservation Act of 1966 ([36 CFR §800](#)) and Colorado State Historic Register Act ([CRS 24-80.1](#) and [8 CCR 1504-5](#)) Compliance work in partnership with CDOT. This document is meant as a tool to assist you with planning and performing Section 106 and Colorado State Historic Register Act for CDOT (acting on behalf of the FHWA).

TABLE OF CONTENTS:

THINGS TO KNOW BEFORE USING THIS GUIDE.....	2
PROJECT CHECKLIST FOR HISTORY COMPLIANCE.....	2
A. Initial Assessment of Project Requirements and Scope.....	2
B. Historic Property Identification and Evaluation.....	4
C. Completing the History Clearance Process.....	9
D. Brief Section 4(f) Overview.....	10
ROLES.....	11
SUPPLEMENTAL INFORMATION: DOCUMENTATION, DELIVERY AND SCHEDULE.....	13
ACRONYMNS.....	19



THINGS TO KNOW BEFORE USING THIS GUIDE:

- This guidance applies ONLY to the built environment (standing structures and linear properties such as roads, ditches, etc.).
- Proceed step-by-step (A.-D.) through this guide, coordinating with CDOT historians as you navigate the tasks in each step, and documenting progress on the checklist. We highly recommend that you request Region 1 History input on the checklist as it is completed, starting at step A.1.
- Historic property identification and effect evaluations are conducted consistent with CDOT’s Section 106 [Programmatic Agreement \(PA\)](#) with the FHWA and the SHPO.
- CDOT Historians provides guidance and is the lead/final decision-maker on state and federal history compliance for CDOT projects and actions.
- Limited guidance regarding [Section 4\(f\) of the Department of Transportation Act of 1966](#) for historic properties is provided below.
- Review the CDOT [Archaeology and History Analysis and Documentation Procedures](#) (History Procedures) for additional guidance.
- Identification of the built environment should be performed by those meeting [Professional Qualification Standards](#) for Architectural History or History.
- A checklist of “who” typically does what – i.e. CDOT staff or consultant – in the history compliance process is provided [HERE](#). This can vary by project.
- Acronyms used in this document are provided [HERE](#)

PROJECT CHECKLIST FOR HISTORY COMPLIANCE

Use this checklist to help you navigate the major steps (A-D) in the history compliance process

Project Name/No.: [CLICK TO ADD PROJECT INFO. HERE](#)

A. INITIAL ASSESSMENT OF PROJECT REQUIREMENTS AND SCOPE	Task Completed?	Summary/Status of CDOT Coordination on Item:
<p>1. Decide which Laws and Regulations Apply in Coordination with CDOT Historians:</p> <ul style="list-style-type: none"> - Section 106 applies when there is a federal nexus, such as federal permits and/or funding. <ul style="list-style-type: none"> ■ Typically, Federal Highway Administration funding will trigger Section 106. ■ If additional federal agencies are involved, coordinate with CDOT early to determine which federal agency will be the Section 106 lead. - Colorado State Historic Register Act applies if there is a state but no federal nexus (state ownership of land, state funds, etc.). If another federal agency (such as the U.S. Army Corps of Engineers) is involved, early coordination may be needed to discuss roles and timing. - Section 4(f) only applies if there are federal transportation funds and use of a historic property. You may not know if Section 4(f) applies until later in project development. <p> TIP: An early conversation with CDOT historians can help to identify red flags and historic properties of concern. Identifying potential issues early is important when many design options may be available to satisfy project purpose and need.</p>	<p style="text-align: center;"><input type="checkbox"/></p> <p>Click or tap to enter a date.</p>	<p><i>Example: Given that the project has state funding only, the project is subject to the Colorado State Historic Register Act, and Section 4(f) does not apply.</i></p>

<p>2. Determine Approval Type:</p> <p>a. Can project can be administratively cleared per Attachment 2 or 6 of the Section 106 PA? Yes/No If Yes, coordinate with CDOT historians regarding the level of documentation needed to support an administrative clearance.</p> <p>b. Is SHPO coordination required? (Answer is yes, if answer to 2.a. above was no) Yes/No</p> <ul style="list-style-type: none"> If SHPO/Consulting Party coordination is needed, how many SHPO submittals are anticipated? # Submittals <p>- NOTE: CDOT historians make final decisions on whether administrative clearance applies or not. Coordinate early with CDOT historians to verify whether SHPO coordination will be required.</p> <p> TIP: For larger projects with multiple historic properties, CDOT may request that the project team consider two SHPO submittals: one for APE and NRHP eligibility, and a second for effects. Early determinations of NRHP eligibility can help inform project design and potential effects on historic properties.</p>	<input data-bbox="1430 164 1472 207" type="checkbox"/> Click or tap to enter a date.	For example: In phone conversation of 3/23/20, John Doe, CDOT Region 1 historian determined that SHPO coordination was required.
<p>3. Identify Consulting Parties and Public Outreach Requirements:</p> <ul style="list-style-type: none"> CDOT will identify the Section 106 consulting parties (local governments and local historic preservation programs) for a project, and will be the lead on communication with these parties. CDOT will also coordinate with the project applicant to identify other parties that may have an interest in historic properties affected by the project. CDOT may recommend early contact with these entities. <p>a. To determine if additional stakeholder or public outreach is needed, do you anticipate that one or more of the following circumstances will apply to this project? Yes/No</p> <ol style="list-style-type: none"> Is this an EA/EIS level project and there are multiple historic properties within the APE? Are there known stakeholders with an interest in historic properties? Does the project involve full takings of any properties 45 years of age or more? Are adverse effects to historic properties anticipated? <p>If you answered yes to one or more of these bullets, then coordinate with CDOT History on an appropriate proactive public outreach and input plan for the project.</p> <p> TIP: For EA/EIS level projects, coordinate early with CDOT historians on plans to involve the public, such as displaying "history boards" at NEPA public meetings or scheduling dedicated meetings on history issues.</p>	<input data-bbox="1430 657 1472 701" type="checkbox"/> Click or tap to enter a date.	For example: CDOT has identified Adams County and Aurora Historic Preservation Commission as the only consulting parties. CDOT will send a letter to the commission simultaneous with SHPO coordination, providing a 30-day review period. No other public outreach is required.
<p>4. Confirm Roles and Schedule:</p> <p><u>Roles in the Section 106 Process:</u></p> <ul style="list-style-type: none"> The Who Does What Table delineates the typical roles that Consultants and CDOT historians play in the history compliance process. For questions or to modify roles, please coordinate with CDOT historians. <p><u>History Compliance Schedule:</u></p>	<input data-bbox="1430 1274 1472 1318" type="checkbox"/> Click or tap to enter a date.	For example: Consultant is requesting to complete the anticipated Section 4(f) Net Benefit for this project. Project schedule has incorporated history reviews, and was reviewed by CDOT history via 3/20/20 email.

<ul style="list-style-type: none"> - Confirm with CDOT the anticipated history submittal date, # and types of meetings that may be needed, # of CDOT reviews anticipated, and review turnaround times. - Plan for at least one round of review on all CDOT history submittals. - For more information on typical turnaround times for history compliance GO HERE. 		
<p>5. Determine Report Format:</p> <ul style="list-style-type: none"> - For guidance on the appropriate report format, and supporting materials to include, please GO HERE. In coordination with CDOT, determine which of the following applies (check one): <ul style="list-style-type: none"> <input type="checkbox"/> Memo of Findings (or Clearance Memo). For simple projects where no SHPO coordination is required per the PA, a memo to CDOT historians is appropriate, summarizing relevant laws/regulations, the APE, identification results, as well as effect determinations. Typically, Section 4(f) would not apply. CDOT historians use this information to clear the project for history. <input type="checkbox"/> SHPO Letter Report. For small or finite projects requiring SHPO review, a letter report is usually appropriate. The SHPO letter is all inclusive in this case, containing all relevant information and analysis in the letter, and its attached exhibits. SHPO notification is required if there is a Section 4(f) use and a De Minimis or Net Benefit application, or if one of the Section 4(f) exceptions apply. <input type="checkbox"/> Technical Report with SHPO Cover Letter. For more complex projects requiring SHPO review, a cover letter and technical report combination is often preferred. The technical report should be accompanied by a brief SHPO letter, summarizing the key determinations and requests; the letter should then refer to the attached report for more information. <p> TIP: Contact CDOT historians for letter and report templates, and example submittals.</p>	<input type="checkbox"/> Click or tap to enter a date.	<i>For example: In phone conversation of 3/23/20, CDOT Region 1 historian, agreed to a SHPO letter report to address NRHP eligibility and effects. Section 4(f) does not apply to this project.</i>
B. HISTORIC PROPERTY IDENTIFICATION, EVALUATION AND EFFECTS	Task Completed?	Comments:
<p>1. Define APE (or APA) for Project:</p> <ul style="list-style-type: none"> - Coordinate early with CDOT historians to define a project’s APE/APA. CDOT historians ultimately determine the APE/APA. - The APE /APA should incorporate areas where direct and indirect effects to historic properties are likely, such as: project limits, parcels required for right-of-way/easements, adjacent areas where noise walls are anticipated, locations of water quality ponds, etc. (refer to Attachment 1 of Section 106 PA). <p> TIP: In cases where noise walls or water quality ponds are anticipated, include relevant study areas within the APE to avoid amending the APE later. Generally, a larger APE is preferred over a smaller APE.</p>	<input type="checkbox"/> Click or tap to enter a date.	<i>Example: CDOT historian John Doe reviewed and approved draft APE map via 3/22/20 email.</i>
<p>2. Determine Level of Effort for Research and Survey: <u>Records Search:</u></p>	<input type="checkbox"/>	<i>Example: CDOT approved identification, research and survey</i>

- a. **Have you reviewed the [Colorado Cultural Resources Survey Manual](#)?**
(Consultants should assume surveys are “intensive” unless otherwise determined by CDOT.)
- b. **Have you reviewed History Colorado’s [Compass](#) database of previously recorded sites?**
- c. **Have you checked with CDOT for other records, e.g. previously recorded sites not yet in the [Compass](#) database or historic plans for state highways that may be affected by the project?**
- d. **Have you checked CDOT’s “Archaeology & History” website for the latest guidance, research and surveys, such as past Historic Bridge Surveys, the 2016 Historic Highway Inventory, and the Historic Streetcar Study/GIS Viewer?**



TIP: If a project is within the City and County of Denver, check the [Denver Landmark Database](#). Other counties, such as [Douglas County](#) and [Jefferson County](#), also have information on historic properties, as do communities with [local CLG programs](#).

Survey Level of Effort (Determined in Coordination with CDOT Historians):

- a. **What is the date-cut off for properties to be surveyed (generally 45 years)?** Enter date, i.e., 1975
- b. **Can some properties be treated NRHP/SRHP eligible for project purposes (no survey) due to very limited impacts such as a small temporary easement for an ADA curb ramp?** Yes/No Coordinate with CDOT historians prior to answering yes given that this situation would only apply in very specific situations.
- c. **Are there properties that are officially NRHP eligible, and if so, are these determinations less than 5 years old?** (If yes, the NRHP eligible determination can typically stand. If no, then a reevaluation survey form is usually required) Yes/No List out here or in survey column
- d. **Are there properties previously determined officially NRHP not eligible/not supporting?** (These can typically remain not eligible without survey, consistent with the PA.) Yes/No If yes, list here or in summary column
- e. **Are there properties that were previously determined officially NRHP not eligible or not supporting but were not 50 years of age at time of evaluation?** (If so, these will require resurvey.) Yes/No If yes, list here or in summary column
- f. **Are there properties that are last classified as “field eligible” in [Compass](#)?** (These typically require survey) Yes/No If yes, list here or in summary column
- g. **Are there potential historic districts or cultural landscapes that should be considered:** Yes/No
- h. **Will the project impact [linear properties](#) such as historically significant highways (per 2016 highway inventory), roads or ditches where a segment has not been previously recorded, and if so has a logical segment been identified for recordation?** Yes/No Click here to explain answer. If yes, provide information here or in summary column
- i. **Which properties require formal survey, and which [survey forms](#) apply?** Please confirm with CDOT historians before finalizing this list.

Historic Context and Research (Determined in Coordination with CDOT historians):

- a. **Is a historic context needed and if yes what are the key themes, date and geographic limits to be researched?** Yes/No Explain. If yes, identify themes, dates and geographic limits here or in summary column.

Click or tap to enter a date.

plan for project, via 3/22/20 email. CDOT has agreed to treat the two properties with easements as NRHP eligible for this project (no survey work required). No context or historic research required.

<p>b. What level of primary and secondary source research is planned? (Typically, when a historic context and survey of historic properties is required, research should be performed at local historical societies/museums, libraries, local property assessors, building permit offices, clerk and recorder office, etc. <i>Enter information here, or in summary column.</i>)</p> <p>c. Have you contacted local government entities for information on historic properties? <input type="checkbox"/></p> <p>d. Have you checked for published local histories or relevant historic contexts? <input type="checkbox"/></p> <p> TIP: Increasingly, more information is available online to assist historic research efforts. Some county assessor or clerk sites provide deed history information online. Many communities feature lists of local landmarks and local surveys of historic properties on their websites.</p>		
<p>3. Complete Evaluation of Historic Properties:</p> <ul style="list-style-type: none"> - Determine which of the following applies: <ul style="list-style-type: none"> <input type="checkbox"/> If the project is subject to Section 106, evaluate the NRHP eligibility of individual properties. <input type="checkbox"/> If project is subject to State Historic Register Act, use state nomination criteria to evaluate properties. In this case, CDOT recommends you also evaluate properties' NRHP eligibility. - For properties CDOT historians have approved as “treated as eligible,” assemble and provide basic information, such as an overview photograph, brief physical description of property, and construction date(s). - CDOT (not consultants) makes all final decisions on NRHP eligibility. - CDOT make determinations of NRHP/SRHP eligibility, not recommendations. This should be reflected in SHPO letters/reports. - Please complete all fields of historic property site forms. Explain how each criterion is met or not met. - For all properties determined NRHP/SRHP eligible, clearly delineate the character-defining features and address all seven aspects of integrity on the survey forms and in the SHPO letter/report. - If a property does not meet NRHP/SRHP criteria and is not significant, then there is no need to complete the integrity section of the survey form. - Consultants should contact CDOT historians for guidance and input if questions arise during the research, survey and evaluation process. - For more information on what to include regarding NRHP/SRHP eligibility of historic properties, GO HERE. <p> TIP: Properties can be NRHP eligible at the local, state or national level. A schoolhouse in a rural community which had siding and windows replaced may still be eligible under NRHP Criterion A based on the strength of its local historic associations and rarity.</p>	<div style="text-align: center;"><input type="checkbox"/></div> <p>Click or tap to enter a date.</p>	<p><i>For example: Submitted SHPO letter report with NRHP eligibility evaluations to CDOT on 4/14/20.</i></p>

4. Assessing Effects

- **Have you applied the criteria of adverse effect found in [CFR 800.5](#) to each age-eligible property within the APE?** CDOT uses these criteria for projects subject to both the Section 106 process and the Colorado State Historic Register Act.
 - **Adverse Effect:** This applies when an undertaking “may” alter, directly or indirectly, any character-defining qualities of a NRHP eligible property in a manner that would compromise the property’s 7 aspects of integrity, particularly those aspects that are most critical to the property’s NRHP eligibility. This can include changes in use, significant aspects of the property’s setting, new atmospheric or audible elements, etc.
 - **No Adverse Effect:** This applies to NRHP eligible properties within the APE where there is an effect but the effect is not adverse.
 - **No Historic Properties Affected:** This applies to properties which are NRHP/SRHP not eligible or to projects where there were no age-eligible properties present. This finding typically does not apply to NRHP eligible properties within the APE.
- Consultants should contact CDOT historians early in the project development phase for guidance and input regarding the level of project design and details/exhibits that will be required to evaluate effects.
- CDOT makes determinations (not recommendations) of effect.
- CDOT historians typically need information on easements and right-of-way in order to assess effects on NRHP eligible properties.
- For each NRHP/SRHP eligible resource, there should be sufficient project information, plans, and details to assess effects on historic properties. For more information on what to include in the SHPO submittal regarding effects [GO HERE](#).
- Effect evaluations should be based on at least FIR level plans (in most cases). Consultants who are preparing effect documentation should clarify to CDOT historians what level of plans were reviewed.
- CDOT historians should clear any proposals for consultants to perform effect reviews on preliminary design information (i.e., less than FIR level plans) in advance.
- For more clarification on direct and indirect effects [GO HERE](#).
- If a project may have adverse effects to a NRHP eligible property, consult with CDOT historians early to discuss potential alternatives, and measures to minimize adverse impacts.



TIP: *If new right-of-way or easements are required from NRHP eligible properties, try to obtain specific information on these acquisitions (size, dimensions, etc.) as early as possible to avoid delays in Section 106 submittals to the SHPO. This level of information is also necessary for Section 4(f) evaluations. Right-of-way exhibits superimposed on an aerial photo of the historic property are preferred.*



Click or tap to enter a date.

For example: Submitted SHPO letter report with effect determinations to CDOT on 4/14/20.

C. COMPLETING THE HISTORY CLEARANCE PROCESS	Task Completed?	Comments:
<p>1. Respond to SHPO/Consulting Party Concerns and Address Adverse Effects (when applicable)</p> <ul style="list-style-type: none"> - If there are SHPO/Consulting Party questions or disagreement with Eligibility and Effects determinations, additional efforts and coordination will be needed, consistent with CFR 800.4 and CFR 800.6. - CDOT will contact the consultant regarding any SHPO/Consulting Party concerns/disagreements. - For projects with federal transportation monies, CDOT will also coordinate with FHWA. - The project team may need to gather additional information, perform additional studies, and/or consider design alternatives that minimize or avoid adverse effects to historic properties. - Additional conversations will be needed regarding the project schedule to resolve effects, including any mitigation needed, to achieve history compliance. - CDOT history will coordinate with CDOT management, FHWA, the project advocate/sponsor, and consultant, to prepare mitigation documentation and develop a mitigation plan when adverse effects cannot be avoided. - The Consultant or CDOT will draft follow-up correspondence with the SHPO and Consulting Parties to answer questions/resolve adverse effects. CDOT formally transmits correspondence. - CDOT typically will take the lead to draft, process and execute a MOA if Section 106 applies. - For Colorado State Register Act projects, mitigation commitments are typically finalized in a letter agreement with the SHPO. <p> TIP: <i>When adverse effects to historic properties are likely, consider design options that reduce impacts to those properties, such as a reduction in width of a sidewalk buffer or median, and/or a reduced easement or right-of-way purchase. If a design modifications can achieve a “no adverse effect” determination, then the project can avoid additional mitigation requirements, such as a MOA, as well as individual Section 4(f) ramifications.</i></p>	<div style="text-align: center;"><input type="checkbox"/></div> <p>Click or tap to enter a date.</p>	<p><i>For example: 5/10/20 phone conversation with John Doe, Region 1 Historian, whereby the project team agreed to design changes to avoid adverse effects.</i></p>
<p>2. Complete the Section 106 or State Historic Property Register Act Process</p> <ul style="list-style-type: none"> - If the SHPO/Consulting Parties concur (or do not disagree) with CDOT findings within 30 days, and no adverse effects are anticipated, CDOT will complete Section 4(f) processes (if required), and transmit an internal history clearance memo to the CDOT environmental project manager. - Section 4(f) processes must be complete to obtain history clearance on a project. - If there are adverse effects, execution of a MOA or letter agreement with the SHPO is required to achieve CDOT history clearance. - When there is a MOA or letter agreement, CDOT will work with the project team to develop a plan, schedule and budget to complete mitigation commitments. 	<div style="text-align: center;"><input type="checkbox"/></div> <p>Click or tap to enter a date.</p>	<p><i>For example: CDOT historian indicated in 6/15/20 email that the Section 106 process was complete.</i></p>

D. BRIEF SECTION 4(F) OVERVIEW	Task Completed?	Comments:
<p>1. Complete Section 4(f) Process (49 U.S.C. §303 and 23 CFR Part 774)</p> <ul style="list-style-type: none"> - Section 4(f) only applies if there are federal transportation funds and use of a NRHP eligible property. - Consultants should talk to CDOT historians early when determining whether Section 4(f) applies, and if so, which Section 4(f) documentation type applies. - Section 106 correspondence should include the appropriate language regarding Section 4(f). - CDOT determines, in coordination with FHWA, which Section 4(f) process or processes applies to a project, and whether Section 4(f) approval of the project is likely. - CDOT historians prepare documentation for Section 4(f) exceptions and <i>de minimis</i> applications. - CDOT processes all Section 4(f) documentation through FHWA. - CDOT historians typically prepare Section 4(f) net benefit documentation, but in some cases will request that consultants prepare it, or provide CDOT historians with assistance. <p>- Please indicate all of the following Section 4(f) processes that may apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 4(f) Exceptions: <i>There is an exception when one or more of the following is true:</i> <ul style="list-style-type: none"> ▪ Use of a historic transportation facility (NRHP eligible) and there is a no adverse effect finding with SHPO concurrence, ▪ Use of an archaeological site that is chiefly important for data recovery and the SHPO has not disagreed with this finding, ▪ Temporary occupancies of land when duration is temporary and shorter than the construction period for the project, scope is minor, no permanent adverse physical impacts are anticipated, and the land must be fully restored at project end, and the SHPO is in agreement. <input type="checkbox"/> De Minimis Section 4(f): <i>This applies when there is a use of a historic property, the exceptions do not apply, and CDOT makes a finding of “no historic properties affected” or “no adverse effect” AND CDOT has received written concurrence of this finding from the SHPO and there is no disagreement with consulting parties.</i> <input type="checkbox"/> Programmatic Section 4(f): <i>Programmatic Section 4(f) evaluations are generally used in place of individual Section 4(f) evaluations for historic properties for Historic Bridges and when there are Net Benefits to a Section 4(f) Property.</i> <input type="checkbox"/> Individual Section 4(f): <i>Individual Section 4(f) evaluations require two findings: that there is no feasible and prudent alternative that completely avoids the use of the historic property AND that the project includes all possible planning to minimize harm to the historic property.</i> 	<div style="text-align: center;"> <input type="checkbox"/> </div> <p>Click or tap to enter a date.</p>	<p><i>For example: Based on 3/20/20 conversation with John Doe, Region 1 Historian, the Section 4(f) historic transportation facility exception applies to US 6.</i></p>

ROLES - WHO TYPICALLY DOES WHAT IN THE HISTORY COMPLIANCE PROCESS

The below table delineates the various tasks required to complete history compliance per the checklist above and the typical assignment of roles for these tasks. See the note at the bottom of the table for more explanation on what the columns represent. If a project team wishes to discuss changes in roles from what is delineated below, please contact CDOT Historians for further discussion. Please note that FHWA (lead federal agency) has delegated most Section 106 responsibilities to CDOT. For projects subject only to the State Register Act, CDOT is the lead agency.

MAJOR STEPS IN THE COMPLIANCE PROCESS	TASK	CDOT	CONSULTANT (CDOT REVIEW / APPROVAL)	CDOT WITH CONSULTANT
A. INITIAL ASSESSMENT OF PROJECT REQUIREMENTS AND SCOPE	1. Decide which Laws and Regulations Apply	X		
	2. Determine Approval Type <i>including whether project can be administratively cleared per the Section 106 PA or whether SHPO coordination is required.</i>	X		
	3. Identify Consulting Parties & Develop Public Outreach Plan			X
	4. Confirm Roles and Schedules <i>including roles of Consultant and CDOT, anticipated submittal dates, number of reviews, and review turnaround times.</i>			X
	5. Determine Report Format <i>which is one of the following, Memo of Findings (Clearance Memo), SHPO Letter Report or Technical Report with SHPO Cover Letter.</i>			X
B. Historic Property Identification, Evaluation and Effects	1. Define APE (APA) for Project			X
	2. Determine Level of Effort for Research and Survey <i>such as deciding whether historic contexts are needed, the level of research required, which survey forms apply, etc.</i>			X
	3. Evaluate Significance of Historic Properties <i>including conducting research and surveys, and evaluating NRHP eligibility of properties.</i>		X	
	4. Assess Effects <i>including assembling project information, project plans, and details sufficient to assess effects on historic properties, and ensuring the design minimizes and avoids adverse effects to historic properties</i>		X	
	5. Prepare, Submit and Complete SHPO Coordination	X CDOT submits to SHPO	X Consultant Prepares	

MAJOR STEPS IN THE COMPLIANCE PROCESS	TASK	CDOT	CONSULTANT (CDOT REVIEW / APPROVAL)	CDOT WITH CONSULTANT
C. Completing History Clearance Process	1. Respond to SHPO/Consulting Party Concerns and Address Adverse Effects (when applicable) which may involve re-visiting the project design to consider alternatives that minimize effects, additional coordination with SHPO, developing mitigation measures, and executing a MOA.	X CDOT prepares and executes MOA	X Consultant may prepare correspondence, develop alternatives, and recommend mitigation measures	
	2. Complete the Section 106 or State Historic Property Register Act Process which involves involve developing a plan to complete any mitigation commitments, such as recordation of historic properties, surveys, historical interpretation, etc.	X CDOT coordinates mitigation plan, and clears project for history	X Consultant may be assigned to implement mitigation measures	
D. Section 4(f)	3. Complete Section 4(f) Process - 4(f) Exception - Programmatic Section 4(f) and De Minimis Section 4(f) - Individual Section 4(f)	X X	X	

Note: The “CDOT” column represents tasks that are performed unilaterally by CDOT staff. The “Consultant (CDOT Review/Approval)” column identifies tasks that consultants routinely perform independently but which are subject to CDOT review and approval. “The CDOT with Consultant” column largely pertains to cooperative items that occur on the front end of the project, such as determining the appropriate SHPO report format, level of effort for surveys, etc.

HISTORY COMPLIANCE

SUPPLEMENTAL INFORMATION – DOCUMENTATION, DELIVERY AND SCHEDULE

A. SHPO SUBMITTALS: LETTER REPORTS OR TECHNICAL REPORTS WITH COVER LETTER

1. What is the Difference Between the Two Formats for SHPO Correspondence?

- a. For small or finite projects requiring SHPO review, a Letter Report (Letter Format) is usually appropriate. The SHPO letter is all inclusive in this case, containing all relevant information and analysis (project introduction and description, APE, methodology, eligibility, effects and Section 4(f) and attached exhibits/plans).
- b. For more complex projects requiring SHPO review, a SHPO cover letter and technical report combination (report format) is typically preferred. The SHPO cover letter is brief (typically a few pages at most), highlighting major findings and recommendations, with the attached report providing the primary content and analysis, including the project introduction and description, APE, methodology, NRHP eligibility and effect determinations, Section 4(f), etc. Exhibits (maps, diagrams, etc.) and photos are integrated into the report to facilitate the readability and accessibility of the submittal package to the SHPO, Consulting and Interested Parties, and the General Public.
- c. As noted in the checklist above, a memo of findings (or clearance memo) to CDOT historians is appropriate for simple projects where SHPO coordination is not required per the PA (because Attachment 1 applies) and 4(f) is not triggered. This memo should assemble all of the information delineated above in a memo format to CDOT historians, who will then use this information to provide history clearance for the project.
- d. Coordinate with CDOT historians to determine the appropriate format for your project, and for template and example letters and reports.

2. Technical Report Format – Generally, use the report format when a project is complex and/or the submittal package will be large and multi-faceted. The report should be easy to read, include tables, and incorporate most photos and graphics into the main body of the report in order to readily convey necessary information. See B. below. Examples where a cover letter with report format may be preferred include:

- a. A project that includes various scope items and effect determinations for more than five NRHP eligible properties.
- b. Project requires survey forms for many historic properties (e.g. 15 or more).
- c. The project is complex, and a report format will help to better organize materials and illustrate the project's effects on historic properties.
- d. The project's impacts on historic properties is complicated, and a letter report would be very lengthy (over 10 pages without attachments).

3. Letter Format – Use a letter format (i.e., a letter report) if SHPO consultation is required (except as noted above), but the project is relatively simple in scope and complex. The letter format should include appropriate exhibits and attachments per B below.

B. INFORMATION TO INCLUDE IN SHPO SUBMITTALS

All SHPO submittal packages (whether Letter Format or Technical Report) should be laid out as delineated below. Additional information on what to include in a historical clearance request can be found in the CDOT History Analysis and Documentation Procedures (particularly page 9) [HERE](#).

- 1. Introduction** – Clarify the action requested (typically concurrence with eligibility and effects determinations); project name, sponsor, location and length; funding nexus (typically state/CDOT or federal/FHWA); CDOT’s role in the compliance process (typically lead); and applicable historic preservation laws (typically either State Register Act or Section 106). If the action falls under the State Register Act, please indicate that CDOT is generally following the Section 106 process, consistent with policies contained within CDOT’s *2017 Environmental Stewardship Guide*.
- 2. Project Description** – Delineate the project purpose and need; major project work items (typically bulleted out) based on information from applicant and a review of the plans and specifications, and description of any right-of-way purchases and/or permanent or temporary easements required by the project (include locations and square footage).
- 3. Area of Potential Effect (APE) / Area of Proposed Action (APA)** – Use APE terminology for Section 106 and APA for State Register Act. Clarify that this is the area where direct or indirect effects to historic resources may occur; describe the actual APE/APA boundaries and how they were determined.
- 4. Methodology** – This section typically includes:
 - a. Information on consultant who performed the identification/evaluation and effects work;
 - b. Records search results, including which properties in the APE are previously recorded in Compass, and their NRHP/SRHP eligibility status;
 - c. Date cut-off for historic property identification (typically 45 years);
 - d. Brief summary of historical research and due diligence performed;
 - e. Information regarding extent of survey work performed and NRHP eligibility determinations, such as (some examples provided below):
 - i. Which properties in the APE will be “treated as eligible” for project purposes, were previously determined officially not eligible and are not subject to survey, and/or are age-eligible and require survey;
 - ii. Information on linear properties, including any linear segments which will be recorded for this project. This should also address any highways within the APE and their treatment under the *2016 Colorado State Historic Highways Inventory*.
 - iii. Information on any other property types, such as bridges or resources on the interstate highway system, which may be included in prior inventories or which are exempt from Section 106 review.
 - f. If several properties within the APE were identified in the Compass database, this section typically includes a table of these properties, including their NRHP/SRHP status on Compass, property type and date of construction, and their survey status under the current project.
- 5. Eligibility Determinations** – This section typically includes:
 - a. A summary paragraph on each age-eligible property (both NRHP eligible and not eligible) within the APE, including building name, address, brief physical description, and construction date.
 - b. A snapshot photo of each property should be included in all technical reports. Ask CDOT historians if photos are needed for SHPO letter reports. For properties which CDOT has agreed to “treat as eligible” photos are typically included in the technical report or letter report.

- c. For each property surveyed and evaluated on a survey form, the summary paragraph should include an evaluation under each of the NRHP criteria, an assessment of the property per the seven aspects of NRHP integrity, delineation of key character-defining features, and concluding sentence that CDOT either determined property Eligible or Not Eligible. This information should largely be derived from the survey forms. If the project is subject to the State Register Act, please also clarify each property’s SRHP eligibility.
 - d. For each property that CDOT has agreed to “treat as eligible” provide basic information such as address, construction date, any known historical information, and a brief description if possible. This information should be brief and can be included in a table or narrative format.
 - e. If more than a few properties were evaluated, provide a table of surveyed properties, including their eligibility determination for this project. The information in this table is sometimes combined with the Compass search results table under Methodology or the Effects Table in the next section.
- 6. Effects Determinations** – This section typically includes a summary paragraph on each eligible, treated as eligible property, and not eligible property in the eligibility determinations section. The summaries should include linear segments, even if found non-supporting, given that most linear properties are assumed to be overall NRHP eligible (an exception to this would be overall linear properties determined NRHP eligible for an entire county or statewide). The discussion on not eligible properties can be brief and does not need to address items a.-c. below. These paragraphs should cover:
- a. The specific improvements occurring at each resource, and the direct/indirect impacts of improvements to that resource. The discussion should clarify how the project is introducing a change to the property, i.e., the roadway edge is currently 40’ from the historic building, and after the new travel lane is added, the roadway edge will be 25’ from the building. This section should also address right-of-way and easement acquisitions, if applicable.
 - b. A brief description of how these changes will affect the property’s character-defining features, and the property’s ability to convey the 7 aspects of integrity.
 - c. All measures the project has taken to minimize and avoid adverse effects to the property (i.e., any special provisions, protection fencing, etc.)
 - d. A concluding statement regarding CDOT’s finding of effect, typically Adverse Effect or No Adverse Effect.
 - e. If more than a few properties were evaluated, provide a table delineating the effect determinations for each property. The information in this table is sometimes combined with the NRHP eligibility table discussed in the prior section. This table should include age-eligible properties determined Not Eligible (either previously in Compass or by this project), providing an effects determination of “No Historic Properties Affected.”
- 7. Section 4(f)** – This section applies only to projects with federal transportation dollars. Typically, the [type of Section 4\(f\)](#) that FHWA “may apply” is identified here, the appropriate regulations are referenced, and the reasons that a specific Section 4(f) type or exception applies is explained. If agreement by the SHPO is required, then it is requested. Otherwise, the letter is notifying the SHPO and Consulting Parties that FHWA may make a certain type of Section 4(f) finding.
- 8. Other Information** – Other information should be included, as relevant, such as historic context, a summary of public outreach activities, etc.

C. EXHIBITS AND ATTACHMENTS FOR LETTERS AND REPORTS:

- 1. Generally** – All attachments to letters should be titled– Attachment A, B, etc. with descriptors (i.e., Attachment A. Area of Potential Effects Map). Similarly, figures incorporated into reports should be titled Figure (or Exhibit) 1, 2, 3 with descriptors. All letters and reports should reference attachments and figures within the document text (i.e., See Figure 2). Please include a list of Attachments after signature line of SHPO letter (if

applicable). If a report format is being used, please integrate most or all of the below figures into the report, rather than use the attachment method. Generally speaking, attachments should be letter size. CDOT Historians can provide examples of exhibits upon request.

2. **General Labelling Requirements** – All figures and maps should include a north arrow, scale, date, source for map data, project name and number, and all other relevant identifying information.
3. **Exhibits/Attachments** – The following exhibits and attachments are generally required for projects (case by case exceptions apply when attachments don't apply to a project, OR where two figures can be combined/depicted into one graphic, without compromising the purpose/standards for each graphic):
 - a. **Project Location Map.** This should be at a large enough scale to clearly depict project limits and location relative to surrounding towns and highways/major arterials. Aerial photography is generally preferred, if available. For small projects, the project location map can be a call-out box in an APE map (see b. below) or it may not be necessary because the location is obvious.
 - b. **Project Area of Potential Effects (APE) Exhibit.** This figure or figures should specifically show the Area of Potential Effects for the project (see B.1.a. above), and should:
 - i. Include all temporary and permanent easements, and areas where work may be performed.
 - ii. Be larger scale than project location map, and ideally show any important features, districts, buildings, structures within the APE (unless this is shown on figure c. below instead). For a rural property, a scale of 1" = 150' may be an appropriate starting point for scale.
 - iii. Use Aerial photographs, if possible.
 - iv. Include previously recorded and newly recorded sites within the APE.
 - c. **Project Scope Exhibit(s).** Include exhibits that clearly and adequately depict the project scope.
 - i. For simple projects, FIR/FOR plan sheets may be adequate per g. below, and can just be attached to a letter report.
 - ii. When easements or new rights-of-way are involved, right-of-way sheets showing all temporary and permanent easements and new rights-of-way for age-eligible properties (typically 45 years of age or more), is needed (where applicable).
 - iii. In some cases, additional drawings may be needed to adequately depict the project limits and scope as it relates to historic properties (For example, if new traffic poles/arms are proposed include sheets showing the selected traffic poles/arms).
 - iv. If a Section 4(f) is triggered, additional diagrams may be needed to illustrate the area of the historic resource proposed for transportation use.
 - d. **Photographs.** Provide representative photos that illustrate the general project area if possible. Also, sometimes historians may want you to incorporate snapshots of age-eligible properties into the body of the letter or report (this particularly applies to properties which CDOT agrees can be treated as eligible, when there are no corresponding survey forms). Photographs labels should include direction labels and vantage point of photographer (e.g., View looking north at east side of bridge).
 - e. **Other Exhibits and Attachments.** Include other exhibits/graphics as needed to adequately depict the project scope and its specific impact on historic properties. If the project includes special plan sheets, notes, provisions or specifications related to historic properties, please include these items. Include additional diagrams, as needed, to show the impact of the project on historic properties, such as a diagram or plan sheet showing the existing versus proposed right-of-way when there are takings from historic properties.

- f. **History Colorado Survey Forms.** Please coordinate with the CDOT historians to determine whether survey forms are required, and which forms are needed. Good guidance on survey forms is available on the [SHPO website](#). Follow the form instructions to complete the form in entirety. Photos should be recent and meet the photographic requirements delineated above, including description of photo vantage point direction and photo key site map. Under the significance statement, please be as specific as possible as to why a property is or is not NRHP/SRHP eligible, applying each significance criteria one-by-one to the property. If a property is NRHP/SRHP eligible, please identify the character-defining features of the property on the site form. You do not need to evaluate integrity for properties determined NRHP/SRHP not eligible.
- g. **Project Plans.** Please include the most recent set of project plans as an attachment. These are typically FIR or FOR level plans, but in cases where this level of plans is not available please coordinate with the CDOT historian to determine what level and type of information is adequate. For projects with plans, the CDOT historian will decide whether to include the full plan set or whether to eliminate sheets from the set prior to SHPO/Consulting Party submittal. Please ensure the attached plan set corresponds with the project description and effect discussions in the letter/report. (If letter was drafted based on a FIR set of drawings, and drawings are now at FOR level, please update the letter to reflect the scope of work in the FOR set of drawings).

D. INFORMATION DELIVERY AND REVIEW:

1. **Format** – Please provide all information to CDOT historian in source software (i.e., a word document as a word document rather than a pdf). Exceptions to this would be attachments such as maps as figures; these can be provided as pdf files unless they are incorporated into a Word document. For more information on SHPO submittal requirements, [go here](#). Please also:
 - a. Provide each site form as both a complete word document and a pdf file.
 - b. Use conventional naming conventions for files, and if many files are to be conveyed, arrange files into folders, also with logical names. Site numbers should use the SHPO's required file naming conventions, i.e., 5DV_1234
 - c. If possible, provide GIS shapefiles for survey forms and APE maps using [SHPO templates](#). If you do not have the ability to provide GIS shapefiles, please contact CDOT historians for assistance.
 - d. When transferring multiple files to CDOT historians (such as survey forms, exhibits, draft letters, etc.), please use a shared drive (such as google drive or similar shared drive) or condense the files (i.e., zip files). Transfer of documents through multiple emails with attachments is strongly discouraged. Note that large attachments may bounce back or not be received by CDOT due to file size limitations of state government.
2. **Source Documents** – If the historian's work included retrieval of previously recorded COMPASS survey forms or documents, or other important records, please provide those materials to the CDOT historian (or provide a link if info is available on internet) as well, in case he/she would like to review these materials.
3. **Photographs and other Material/Contact Availability** – Digital photographic files and other source materials/contacts consulted should be made available to the CDOT Historian upon request.
4. **Miscellaneous** – Additional information and clarifications may be requested upon Historian's initial review of consultant's submittal.

E. HISTORY COMPLIANCE SCHEDULE:

1. **Generally** – Coordinate early with CDOT historians to develop a plan for history compliance time requirements. Plan for at least one round of review on all submittals to CDOT history, and anticipate up to 4 weeks for CDOT staff to complete an initial review, particularly on large submittals. Shorter review times may be possible, but should be negotiated on a case-by-case basis. Additional information on typical time frames for Section 106 clearances are found on p.2 of the [CDOT Historic Procedures](#).
2. **Submittal Timing** – In most cases, CDOT historians will only review complete submittals (letters, reports, and all attachments). When developing a schedule, keep in mind that information on right-of-way and easements, and a sufficient level of plans and details is needed to assess effects to NRHP/SRHP eligible properties. If you wish to submit information in phases (i.e., two submittal batches of survey forms if there are 10 or more survey forms anticipated), please coordinate in advance with CDOT history. For large projects, a phased submittal can make sense, particularly if the consultant would like early review of survey forms by CDOT historians to identify any format or content issues early in the review process.
3. **CDOT Review Turnarounds** – Plan for at least one round of review on all submittals to CDOT history, and anticipate up to 4 weeks for CDOT staff to complete an initial review, particularly on large submittals. Shorter review times may be possible, but should be negotiated on a case by case basis.
4. **SHPO/Consulting Party Turnarounds** – SHPO and consulting parties legally have 30 days to review submittals. In some cases, the SHPO or consulting parties may informally request additional information within the 30-day review period. CDOT historians may reach out to the history consultant to help respond to these requests. Alternately, the SHPO or consulting parties may formally request additional information or disagree with a finding in writing. In these cases, the 30-day review clock starts over again when CDOT transmits additional information to these parties.
5. **Section 4(f) Timing** – If a Section 4(f) *de minimis* is anticipated, allow 3 – 4 weeks after the SHPO and consulting party review time period expires for history clearance since FHWA approval is required. Section 4(f) exceptions are filed with FHWA, but do not require FHWA approval. As such, they can be completed more quickly. CDOT historians typically complete and file all Section 4(f) *de minimis* and exception documentation. If a Section 4(f) net benefit is anticipated, please coordinate with CDOT historians on timing and roles. Once a Section 4(f) net benefit is filed with FHWA, please allow 4-6 weeks for review and approval. For timing of processing individual Section 4(f)s, FHWA input will be needed, but typically allow anywhere from 12-24 months to navigate through an individual Section 4(f) process.
6. **Interested Party / Public Outreach** – Please note that for complicated projects or projects containing resources with known constituencies (neighborhood associations, historic preservation organizations, etc.) the schedule should incorporate early public outreach efforts to obtain early input on the project’s potential effects on historic properties. EA/EIS projects should incorporate information on identified historic properties and anticipated effects, and solicit comments on these findings from the general public as part of the NEPA public involvement process.

ACRONYMS

ACRONYM	STANDS FOR
ACHP	Advisory Council on Historic Preservation
APA	Area of Proposed Action, similar to Area of Potential Effects and applies to State Register Act
APE	Area of Potential Effects, applies to areas where direct or indirect effects to historic resources may occur, under the Section 106 process
CATEX	Categorical Exclusion – An action that does to individually or cumulatively have a significant environmental impact
CDOT	Colorado Department of Transportation
EA	Environmental Assessment – A document that is prepared when the significance of environmental impacts is uncertain or the project activities do not fit the Categorical Exclusion Categories
EIS	Environmental Impact Statement – A document that is prepared when the proposed action may significantly affect the quality of the human environment
FIR	Field Inspection Review Set of Drawings, typically a 30% schematic set of plans
FHWA	Federal Highway Administration
FOR	Final Office Review set of plans, typically 70% design development set of plans
CLG	Certified Local Government Historic Preservation Program
MOA	Memorandum of Agreement
NEPA	National Environmental Policy Act of 1970
NRHP	National Register of Historic Places
PA	The 2014 Programmatic Agreement for Section 106 Among FHWA, SHPO and the ACHP
SECTION 106	Section 106 of the National Historic Preservation Act of 1966 (regulations found in 36 CFR 800)
SECTION 4(f)	Section 4(f) of the Department of Transportation Act of 1966 (regulations found in 49 U.S.C. §303 and 23 CFR Part 774)
STATE REGISTER ACT	Colorado State Historic Register Act
SRHP	State Register of Historic Properties
SHPO	State Historic Preservation Office (housed in the Office of Archaeology and Historic Preservation at History Colorado)