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**THE STATE HISTORIC PRESERVATION OFFICE**

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**CRAIG A. POTTS**  
EXECUTIVE DIRECTOR &  
STATE HISTORIC  
PRESERVATION OFFICER

**Notice of Policy - May 11, 2022**

Re: Statewide Programmatic Approach to Section 106 Submissions for Projects Submitted by the Area Development Districts and reviewed by the Kentucky Heritage Council - State Historic Preservation Office

The purpose of this Policy Document is to present a streamlined submission and review processes for compliance with Section 106 of the National Historic Preservation Act for small-scale projects proposed under the Cleaner Water Grant Program, administered by the Kentucky Infrastructure Authority. The goal of this programmatic approach is to accommodate the increased workload for state projects with federal funding.

Any projects falling outside the specific parameters presented in the categories described in this document shall follow all submission and review processes laid out in the Kentucky Heritage Council's (KHC) review and compliance guidance (<https://heritage.ky.gov/compliance/Pages/general-application.aspx>). Site Protection Staff shall make every effort to expedite response to these submissions, regardless of category, but may continue to require 30 days to respond dependent upon level of workload and staff availability. Any reference to ground disturbance shall include and consider access and staging areas for the proposed activity.

This Policy shall be in place for two calendar years or until a fully executed Programmatic Agreement is agreed upon and put in place. Should there be more than one criterion presented for any category, all criteria listed must be met to qualify for that category.

Category 1 consists of all projects that continue to require submission of all documentation requested on the Section 106 Coversheet (Attachment 1) in order for KHC to provide comment. These projects include, but are not limited to, the following project types. Please note that all modifications to properties 50 years of age or older, require submission of all requested Section 106 documentation.

**Table 1. Category 1. ALL SECTION 106 DOCUMENTATION REQUIRED.**

Project Type	Criteria
New Construction	All
Bank Stabilization	Unless limited to replacement of an existing stabilization system
New Placement	Any and all placement of above and/or below ground system elements
New Installation	Any and all placement of above and/or below ground system elements

Category 2 consists of all projects that continue to require submission of all documentation requested on the Section 106 Coversheet except the preliminary records results from the Site Identification Division of the KHC.

**Table 2.** Category 2. REQUIRES ALL DOCUMENTATION EXCEPT KHC PRELIMINARY RECORDS RESULTS.

Project Type	Criteria
Line Installation	With vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Line Extension	With vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Relocation of below ground elements	All
Fence Installation	All
Dredging	All
Debris Removal	Unless it is completed without heavy equipment

Category 3 consists of all projects that continue require submission of all documentation requested on the Section 106 Coversheet except the preliminary records results from the OSA.

**Table 3.** Category 3. REQUIRES ALL DOCUMENTATION EXCEPT OSA PRELIMINARY RECORDS RESULTS.

Project Type	Criteria
Bank stabilization	Without ground disturbance beyond severe erosion or slope failure
Elevated Water Tank	All modifications
Relocation of above ground elements	All
Modifications to existing WWTP	Interior modifications to non-historic structure that do not involve ground disturbance

Category 4 consists of all projects that meet all following stipulations and therefore, may be submitted to KHC in table format at the beginning of each month. Criteria to be presented monthly includes, but is not limited to: Applicant, County, Grantee, Project Title, Project Type, Brief Description, and Project Location (latitude/longitude or street address). For these Category 4 proposed projects, we would concur with a finding of *No Historic Properties Affected* (Table 4.)

**Table 4.** Category 4. SHPO WOULD CONCUR WITH FINDING OF NO HISTORIC PROPERTIES AFFECTED.

Project Type	Criterion that must be met for finding of <i>No Historic Properties Affected</i>
Line Replacement	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Line Rehabilitation	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Meter Replacement	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project In place and in kind
Line Evaluation	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Planning/Design	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Upgrades to Existing Systems	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project. In place and In kind
Maintenance of Existing Systems	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project In place and in kind
Installation of interior components	When no modifications are required to existing structure or framework No vertical or horizontal ground disturbance beyond prior project footprint
Manhole rehab	In place and in kind
Meter/Valve Placement	No modification to historic structure When no ground disturbance is required
Pump Station Replacement	When no modifications are made to historic structure When no ground disturbance is required
Software acquisition	All
Septic tank Replacement	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Replacement of Fencing	No vertical or horizontal ground disturbance beyond prior project footprint Ground surface/landscape is returned to conditions prior to project
Planting of Vegetation	As long as no ground disturbance occurs beyond 2 inches below ground surface

Debris Removal	Completed by hand without the use of heavy machinery

The State Historic Preservation Office is happy to work with our federal, state, and local partners. We look forward to continued conversations and the development of future agreements and processes that serve to protect significant cultural resources throughout the Commonwealth. Should you have questions or concerns please contact our Site Protection Program by emailing [nicole.konkol@ky.gov](mailto:nicole.konkol@ky.gov).

Sincerely,



Craig A. Potts,  
Executive Director and  
State Historic Preservation Officer

## KENTUCKY HERITAGE COUNCIL COVER SHEET FOR SECTION 106 REVIEW AND COMPLIANCE

*When federal (and some state) funds, permits or approvals are needed for a project, regulations such as 36 CFR Part 800 require these agencies or their delegates to consult with the Kentucky Heritage Council/State Historic Preservation Office regarding the project's potential effects on historic properties. To facilitate our review, please provide the following information and applicable attachments. Our office will generate a response within 30 days of receipt. Incomplete submissions may be returned for more information.*

<b>SECTION 1: APPLICANT INFORMATION</b>	
<b>Project Sponsor or Applicant:</b>	
<b>Contact Person</b> (name & position):	
<b>Return Address:</b>	
<b>Telephone:</b>	<b>Fax:</b>
<b>Project Title:</b>	
<b>SECTION 2: AGENCY INFORMATION</b>	
<b>Funding/Permitting Agency:</b>	
<b>Agency Contact Person</b> (name & position):	
<b>Telephone:</b>	<b>E-mail:</b>
<b>SECTION 3: PROJECT LOCATION</b>	
<b>E911 Street Address</b> (or other description):	
<b>City/Township:</b>	<b>County:</b>
<b>Latitude:</b>	<b>Longitude:</b>
<b>SECTION 4: PROJECT TYPE (please check all that apply)</b>	
<b>Proposed Activity:</b> <input type="checkbox"/> Demolition <input type="checkbox"/> Rehabilitation <input type="checkbox"/> Structural Relocation <input type="checkbox"/> Trails <input type="checkbox"/> New Construction <input type="checkbox"/> Land and/or Building Acquisition <input type="checkbox"/> Sewer/Water Lines <input type="checkbox"/> Roads/Bridges <input type="checkbox"/> Non-Construction Planning/Refinancing <input type="checkbox"/> Other (describe):	
<b>SECTION 5: IDENTIFICATION OF KNOWN HISTORIC PROPERTIES</b>	
<b>KHC Preliminary Site Check #:</b>	<b>OSA Preliminary Site Check #:</b>
<b><i>If your project involves ground disturbance, has the site been previously disturbed?</i></b> <input type="checkbox"/> Yes (describe in detail below) <input type="checkbox"/> No	
<b>Is there anything over 50 years of age in or visible from the project location?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No	
<b>SECTION 6: ATTACHMENTS - Attach all as applicable</b>	
<i>All documentation should be labeled with the project name or site address.</i>  <input type="checkbox"/> Clear, current photographs of the project site and anything over 50 years of age in or visible from it. <input type="checkbox"/> Site map/plan indicating the exact location and boundaries of the project area. <input type="checkbox"/> Detailed description of the project (may include plans, scope of work, and other available information.) <input type="checkbox"/> Documentation of prior ground disturbance (e.g. maps, photographs, underground utility plans, etc.) <input type="checkbox"/> Any known information about the history/use of the property and local significance.	
Submit all information to <b>Craig Potts, Executive Director/SHPO, Kentucky Heritage Council, 410 High Street, Frankfort, KY 40601.</b>	

## **INSTRUCTIONS for Completing the Kentucky Heritage Council Section 106 Review and Compliance Cover Sheet**

These instructions provide basic guidance for completing the *Kentucky Heritage Council Cover Sheet for Section 106 Review and Compliance*. While “Section 106” refers to requirements associated with federal funds or permits, this *Cover Sheet* should also be used if a state agency has required you to consult with our office. The Section 106 process outlined in regulations at 36 CFR Part 800 provides the parameters for our review of all projects, whether federal or state.

If you have questions about how to respond to any part of the *Cover Sheet*, please contact our office at (502) 564-7005 and ask to speak to one of the Section 106 reviewers. We will be glad to assist you. Please note: federal regulations allow our office 30 days from the time we receive a complete submission to issue comments. **Incomplete submissions may result in a request for additional information, requiring additional time beyond our prescribed 30 days.**

### **Section 1: Applicant Information**

***Project Sponsor or Applicant:*** Please list the name of the applicant or sponsor that is responsible for carrying the project out. This might be an agency, organization, unit of local government, business or individual.

***Contact Person:*** Please list the name and position of the person we can contact if we have questions about this submission. This should be the person best suited to answer questions and serve as a regular point of contact if additional consultation is needed.

***Telephone/ Email:*** Please provide the preferred contact information for the person named above.

***Project Title:*** Please provide a simple project title that reflects the primary objective of the undertaking. If the project has any identifying number that has already been assigned (e- Clearinghouse SAI number, Corps of Engineers permit application number, FEMA disaster designation, etc.), you can include it here.

### **Section 2: Agency Information**

***Funding/Permitting Agency:*** Please list the federal or state agency or the funding or permit program that requires you to consult with our office. If there is more than one, identify the primary agency or program on the cover sheet, and provide information on additional agencies and programs as an attachment.

***Contact Person:*** Please provide the name of your primary contact person at the agency/program listed above. (This will generally be the person you must supply with a comment letter from our office.)

***Telephone/E-mail:*** Please provide the telephone number and/or email of the contact person listed above.

### **Section 3: Project Location**

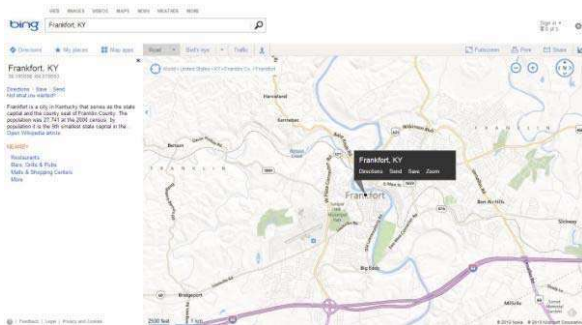
**Street Address:** Please list the E911 street address of the project location. If no street address has been assigned to the site, or if the project involves multiple properties or a linear project area, please provide a simple description of the location if possible and ensure maps you attach as part of Section 6 clearly show all places where project work will take place.

**City/Township:** Please list the nearest city or township to the project location.

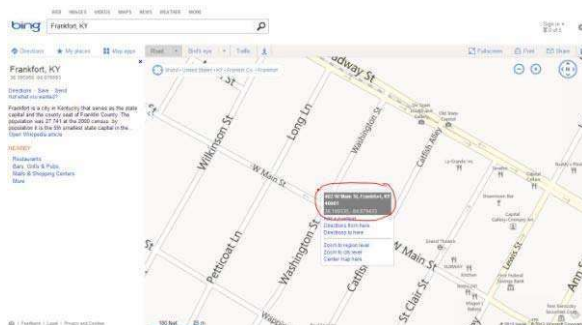
**County:** Please list the county/counties where the project will take place.

**Latitude/Longitude:** Please provide the latitude and longitude coordinates for the center point of your project area. Coordinates can be either decimal or degree/minute/second format. We recommend confirming the coordinates you provide to make sure they properly identify the project site. If your project is scattered site, please include coordinates for individual properties as an attachment. If your project is linear, please provide coordinates for the center point and be sure you include a map attachment which clearly shows the full project area.

To locate coordinates online using Bing Maps, go to <http://maps.bing.com> and type in the project address to get started. (If your project does not have an address, type a general location such as the nearest city.)

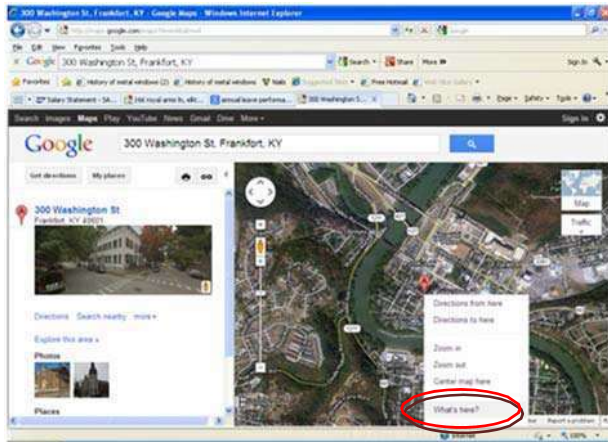


Next, zoom into your project area and right click your mouse to get the latitude and longitude.

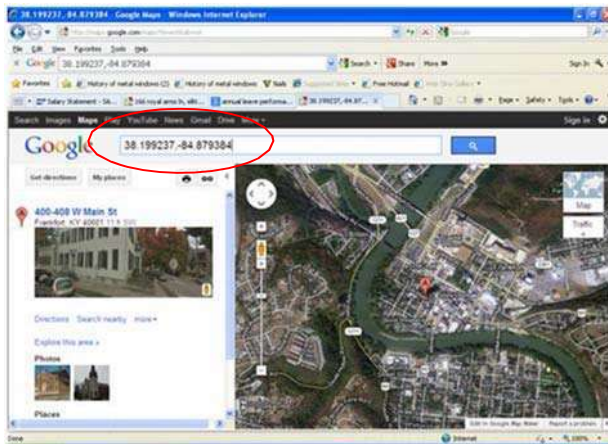


For more remote projects, you can still use Bing maps, but turn on the aerial layer to locate landmarks that help you accurately place your project.

To locate coordinates online using Google Maps, go to <http://maps.google.com> and enter the project address or a general location near your project area. When you locate your project site, right click on it and select “What’s here?”



The coordinates for your project site will appear in the Google Maps search line.



Both Bing and Google give you the latitude and longitude in decimal format. If you need to use degree, minute, second format for other purposes, you can find various converters on the internet, such as <http://transition.fcc.gov/mb/audio/bickel/DDMMSS-decimal.html>. Remember the two formats are not the same, but KHC/SHPO can use either format.

#### **Section 4: Project Type**

***Proposed Activity:*** Please indicate all of the activities that will take place as part of your project.

#### **Section 5: Identification of Historic Properties**

In the Section 106 process, federal (and sometimes state) agencies or their delegates have



responsibility to identify historic properties. An important first step can be to perform a preliminary site check of records already on file with the State Historic Preservation Office. In Kentucky, these records are maintained by the Site Identification program at the Kentucky Heritage Council and the Office of State Archaeology at the University of Kentucky. Preliminary site checks provide information about any prehistoric or historic resources already known to exist in a project area.

For above-ground resources, you have the option of conducting a free self-check of the paper records in the Kentucky Heritage Council office at The Barstow House, 410 High Street, in Frankfort. To do this, please contact the data manager at 502-564-7005, ext. 4564, or [KHC-sitedata@ky.gov](mailto:KHC-sitedata@ky.gov) and ask to arrange a time to visit the Site Identification library and files. Alternatively, for a fee of \$40, this service can be performed on your behalf. Requests can be entered at the following link: <https://secure.kentucky.gov/formservices/Heritage/SiteID>.

A similar preliminary site check of known archaeological resources is available for projects that include ground disturbance. Office of State Archaeology records are not open to the public. However, a qualified professional archaeologist may complete a search of the paper records on your behalf (OSA does not charge qualified archaeologists to physically access records), or you may visit the Office of State Archaeology website at <http://anthropology.as.uky.edu/office-state-archaeology> for more information on how to have a preliminary site check completed for you by UK staff.

Please note: not every archaeological site or building over 50 years of age in Kentucky has been previously surveyed. Preliminary site checks only provide information on currently known resources. The results do not preclude the need for additional research or survey to ensure all historic properties have been identified.

***KHC Preliminary Site Check #:*** If you performed a self check of records at the Kentucky Heritage Council, please list the preliminary site check number provided by the staff from our Site Identification program. If you requested your preliminary site check online, please provide the transaction number you received.

***OSA Preliminary Site Check #:*** If you retained an archaeologist to check paper records at the Office of State Archaeology, please list the site check number provided by your consultant. If you requested your preliminary site check online, please provide the transaction number you received. If there is no ground disturbance, enter “N/A.”

***Ground Disturbance:*** If there has been previous ground disturbance at your project site, briefly describe the type and extent of the disturbance (more detail and supporting documentation including photographs should be submitted as an attachment.)

Ground disturbance that would preclude the need for an archaeological survey varies from project to project. Major earth disturbing activities such as strip mining nearly always preclude the need for survey. However other activities such as logging or plowing may not, depending on the types of resources that have been found in the area. In urban areas land that has been cleared for subdivisions or shopping centers may be disturbed, but parking lots often cap deposits, preserving them for archaeological study.

If you are working within the limits of a previous project (such as replacing outdated utility lines) make that clear in your submission, since this may count as ground disturbance, depending on the situation. Please note that agricultural activities and historic construction activities are not usually extensive enough to preclude an archaeological investigation if one is recommended.

**Section 6: Attachments:**

If there are any items on the cover sheet where you did not have sufficient space to enter the necessary information (multiple federal agencies/funding programs, coordinates for scattered site projects, etc.), please include these as part of the detailed description of your project.

The attachments listed represent the types of information most useful in completing our review. The more detail and documentation provided in attachments with your initial submission, the better the chances we will be able to provide comment within our 30-day review period. As a reminder, if we need to request an attachment or more detailed information that was not included in your initial submission, additional time beyond our normal 30-day review window will be required to prepare our comments.

**For questions or assistance related to the cover sheet, call 502-564-7005 and ask to speak with a Section 106 Reviewer.**