

## **South Carolina State Historic Preservation Office (SHPO)**

### **Guidance for Reviews of Anticipatory and Due Diligence Projects**

#### **Background Information:**

**Anticipatory projects:** Our office receives information from potential applicants for federal assistance, developers in anticipation of federal permits or state permits, or consultants in advance of an official federal undertaking under Section 106 of the National Historic Preservation Act; a permit under the South Carolina Mining Act; or a permit certification needed under the South Carolina Coastal Zone Management Act. Often, federal grant applications require applicants to consult with the SHPO as part of the grant application process and include comments as a supplement to the grant application.

**“Anticipatory” projects must have a federal or a state agency identified that will most likely become involved in the project; otherwise they will be logged in and treated as Due Diligence requests by SHPO.** Projects submitted in anticipation of U.S. Army Corps of Engineers (Corps) permitting that do not contain a Corps Permit Number will also be treated as Due Diligence.

**Due Diligence requests:** Our office also receives requests for the identification of historic properties, requests for reviews of historic property/cultural resources surveys and requests for review of parcels of land for a variety of reasons. Some projects are submitted to us for “good corporate stewardship,” prior to the sale or purchase of a piece of property. **All requests without a federal or state agency identified in project review submittals, or with Due Diligence checked on the Section 106 Project Review Form, are considered and logged in as “due diligence” requests.**

**The information received for anticipatory projects and due diligence requests can include:** cover letters with attached maps and/or photographs; SHPO’s Section 106 Project Review Form; requests for reviews of reconnaissance or intensive historic property/cultural resources surveys; copies of grant applications; or other information.

Our office recommends providing an ArchSite (the state’s cultural resource GIS) map with all project review requests. We encourage subscribing to ArchSite and providing Subscriber View maps.

More information regarding known, documented historic properties (i.e., ArchSite, National Register and Survey records) is available through the Online Research links on our website at <http://shpo.sc.gov/research/Pages/default.aspx>.

Please consult the *South Carolina Standards and Guidelines for Archaeological Investigations* and the *Statewide Survey of Historic Properties Survey Manual* for further guidance regarding historic property/cultural resource surveys. Both publications are available on our website at <http://shpo.sc.gov/programs/revcomp/Pages/guidance.aspx>. See also our Survey program webpage at <http://shpo.sc.gov/programs/Pages/Survey.aspx> for additional Survey guidance and links to the Survey records finding aid.

You will need to enlist the services of a cultural resource professional to conduct identification surveys. Our office maintains lists of qualified preservation professionals on our website at <http://shpo.sc.gov/pubs/Pages/profs.aspx>.

## **SHPO Comments:**

**Anticipatory projects:** If an applicable state or federal agency or Corps Permit Number is identified in project review submittals then the submitter will receive comments pursuant to Section 106 of the National Historic Preservation Act or to the applicable state law. Ideally, the project review request should come from the applicable federal or state agency. Our office will **NOT** comment on any project effects **UNLESS** we have sufficient documentation, in order to concur with the identification/evaluation of historic properties and with the determination of effect, **IF** a determination is made in the submitted anticipatory materials (completed Project Review Form, or equivalent, or survey reports). Alternatively, like established federal Section 106 undertakings, we may state that we “believe” the project will have such and such effect, if we do not agree with the No Historic Properties Affected (NHPA) or No Adverse Effect (NAE) determination provided (for example, the submittal finds NHPA but we believe NAE to be more appropriate, or vice versa).

**Due Diligence requests:** The SHPO will respond to due diligence submittals, but the response will be considered preliminary and for informational purposes only. Our preliminary response could change once a federal or state agency initiates consultation and final, complete documentation is received for review.

**Identification & Evaluation:** The SHPO will **ONLY** comment on the identification phase of historic property/cultural resources surveys and/or review documentation that is submitted as due diligence **IF** we receive sufficient information to concur with the National Register of Historic Places (NRHP) evaluation/eligibility recommendation in the report and/or documentation provided. If additional information is needed to determine NRHP eligibility, or if the SHPO does not concur, then we will state this recommendation or opinion in the response letter.

If our office knows of no documented historic properties that are eligible for listing or listed in the NRHP in the proposed project area and/or if the project area has not been previously surveyed for historic properties/cultural resources then we will state this in our response letter.

Additional recommendations may include that a historic property/cultural resources identification survey be conducted, or if the project area has been surveyed for historic properties/cultural resources, that additional identification survey is or is not needed.

**Project Effects:** **Our office will not comment on effect determinations or make a determination of effect for the requester for due diligence projects.** Without an agency identified we do not know which regulations or guidance to apply. Ultimately the federal agency makes determinations regarding the identification and evaluation of historic properties and the effect of the proposed undertaking upon them and SCDHEC-OCRM determines if sites are Geographic Areas of Particular Concern (GAPCs) or significant sites.

The federal or state agency or agencies will take our recommendation(s) into consideration when evaluating the project and will determine what will be required.

## **SHPO Review Timeframes:**

The SHPO examines and responds to the documentation of compliance-related submittals, including anticipatory projects, within 30 days of receipt. The SHPO attempts to respond to due diligence requests

within 30 days of receipt, but priority is given to compliance-related submittals, that is, those with clear evidence of federal or state agency involvement. Due diligence projects will be responded to within 45 days. The response will be addressed to the person from whom the submittal was received unless the SHPO is directed otherwise.

**Note:** If archaeological data recovery plans, draft Memoranda of Agreement, architectural plans and specifications, or other information are sent to the SHPO **prior** to any federal or state agency involvement, we will log in the receipt of the information and file until the appropriate agency is involved and official consultation with the SHPO has commenced. SHPO reviewers may contact the appropriate agency or contact, if known, to discuss and provide guidance.

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