



Section 106 Basics and Submitting Requests to the Alaska SHPO



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Role of Alaska SHPO

- ▶ Advise and assist Federal agencies in carrying out their Section 106 responsibilities.
- ▶ Advise and assist other consulting parties and the public in understanding their role in Section 106 consultation.
- ▶ Participate in consultation with all parties to ensure that historic properties are taken into consideration at all levels of project planning.
- ▶ The SHPO is an “automatic” consulting party, but NOT the only consulting party.

Role of Alaska SHPO

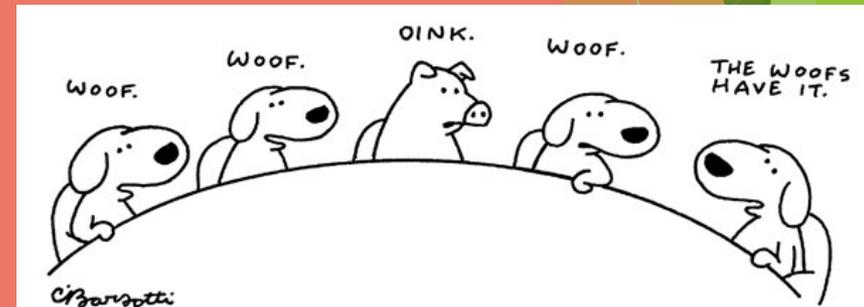
- The SHPO can recommend that the agency revise their proposed APE.
- The SHPO can remind the agency about their responsibilities to consult with others.
- The SHPO (or other consulting parties) concurs or objects to the lead agency's determinations of eligibility and effect.
- The SHPO (lead agency, or other consulting parties) can request that the ACHP become involved.

Brief History of NHPA

- ▶ Signed into law October 1966
- ▶ Most extensive preservation legislation ever enacted in the U.S.
- ▶ Established the following:
 - ▶ Advisory Council on Historic Preservation (ACHP)
 - ▶ National Register of Historic Places (NRHP)
 - ▶ State Historic Preservation Officer (SHPO)
 - ▶ Tribal Historic Preservation Officer (THPO)
 - ▶ Section 106 (now technically 306108)

Section 106 of NHPA

- ▶ Requires Federal agencies to **take into account** the effects of their undertakings on **historic properties** and afford the Council a reasonable opportunity to comment
- ▶ Seeks to **balance** historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other interested parties
- ▶ **CONSULTATION** is key



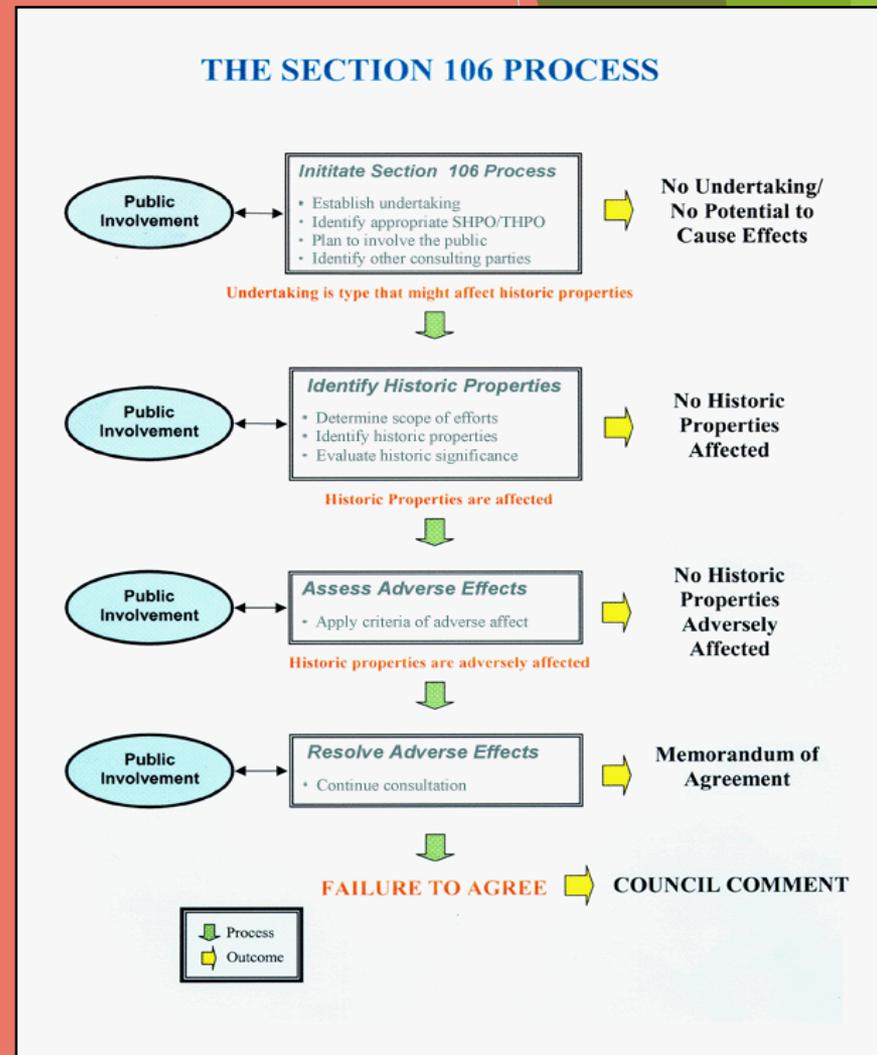
Section 106 of the NHPA

- ▶ The goal is to identify potentially-affected historic properties, assess effects, and seek ways to avoid, minimize, or mitigate adverse effects
- ▶ The lead Federal agency is legally responsible for all required findings and determinations
- ▶ The lead Federal agency has approval authority for the undertaking

Section 106 of the NHPA

► Four steps:

1. Initiate consultation
2. Identify historic properties
3. Assess effects
4. Resolve adverse effects



Initiation

- ▶ Automatic Consulting Parties: SHPO/THPO, Tribes, applicants/project proponents, representatives of local governments
- ▶ Other Consulting Parties include individuals or organizations that demonstrate an interest in the undertaking and the general public

The lead agency, in consultation with the SHPO, shall consider all written requests of individuals and organizations to participate as consulting parties.

Who?: Lead federal agency, and in some cases the applicant or another party may be delegated the authority to act on the lead federal agency's behalf.

Identification

- ▶ Define APE
- ▶ Determine scope of efforts
- ▶ Identify Potential and Known Historic Properties
- ▶ Evaluate significance



Identification

- ▶ Determine the Area of Potential Effects (APE)
 - ▶ The geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties
 - ▶ Who?: Lead federal agency should be who defines the APE with the assistance of the consulting parties.



Identification

▶ Identify Historic Properties

- ▶ Historic properties are any prehistoric or historic district, site, building, or object included in, or eligible for the National Register of Historic Places (NRHP)
- ▶ Traditional Cultural Properties(TCP)/Traditional Cultural Landscapes (TCL)
 - ▶ A TCP is a property / place that is associated with cultural practices or beliefs of a living community that are,
 - ▶ rooted in that community's history, and
 - ▶ important in maintaining the continuing cultural identity of the community.
- ▶ **Who?:** Qualified professionals, local communities/governments, tribal entities, SHPO, lead federal agency, public, non-profits...anyone could assist in this process, but the lead federal agency is the one responsible for gathering that information and making required determinations.

Identification-How?

- ▶ Review existing information
- ▶ File search / literature review (AHRs, past survey reports, other sources)
- ▶ City records, archives, libraries
- ▶ Interview tribal elders, local residents
- ▶ Seek information from consulting parties
- ▶ Field inventory / pedestrian survey by QPs

Alaska Heritage Resources Survey
Alaska Office of History and Archaeology
Compiled: Mon Feb 11 16:56:01 AKST 2008

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SITE #: ANC-00001 MAPSHEET: ARSW MRS#: 50130004W22
Lat: 61°12' 03.4285" Long: -149°57' 44.3223" AREA: 0.135
UTM: 340831.5281E 5788779.2301N Zone: 6
PRESERVATION STATUS: NRI NRI DATE: 03-25-1977

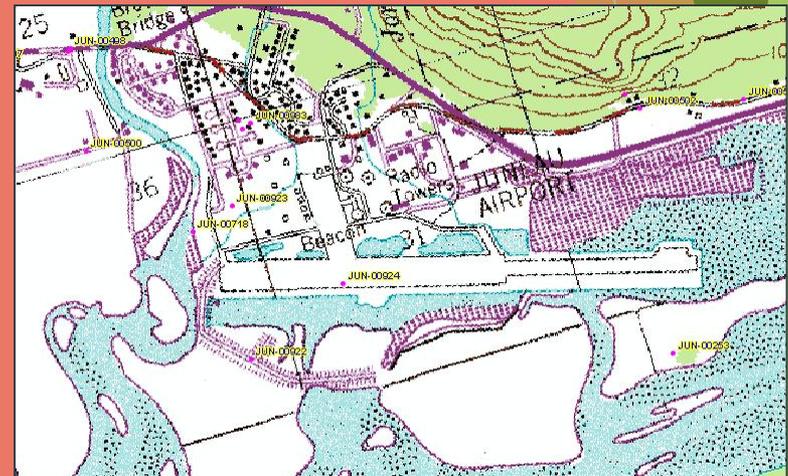
EARTHQUAKE PARK
An area of heaved land that reflects the catastrophic forces of the March 27, 1964 earthquake which measured 8.6 on the richter scale. The landforms remain unaltered except for erosion.

SITE SIGNIFICANCE:
Location of one of the largest earthquakes caused landslides in recent history.

LOCATION:
South side of Knik Arm from the west side of Hood Creek to about 1.0km west of Point Momanzof, about 2.2km northeast of Anchorage International Airport.

ASSIGNTO:

CITATIONS:
AD 333-4 file
Tilton, F.T. (Municipality of Anchorage) 04/01/86 letter to DODG
Zawacki 1971 (Earthquake Park-Anchorage, Unpub. MS)
Khanbali, M.S. 1971 AMRE card
DANGER OF DESTRUCTION: Erosion **CONDITION:** 1
ASSOCIATED DATE: AD 1964 **REVISION:** 1116
PERIOD: Historic
RESOURCE NATURE: Site, Park, Commemorative, Earthquake
CULTURAL AFFILIATION: Geologic
OWNER: Municipality of Anchorage
REPOSITORY:
ACCESSION:
SIA/RSMA: OTHERS:



Identification Requiring Evaluation of Eligibility

- ▶ Are the cultural resources significant?
- ▶ A cultural resource may be eligible for the National Register of Historic Places if it:
 - a) Is associated with events that have made a significant contribution to the broad patterns of our history
 - b) Is associated with the lives of significant persons in our past
 - c) Embodies the 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 (district);
 - d) May yield, or has yielded, important information in history or prehistory

* Requires consideration at the local, state, and national level. The broad patterns of a single community may interrelate with the state and national patterns, but is not limited to those larger patterns.

Identification Requiring Evaluation of Eligibility

- ▶ A property must *also* have integrity (ability to convey its significance):
 - ▶ Location
 - ▶ Design
 - ▶ Setting
 - ▶ Materials
 - ▶ Workmanship
 - ▶ Feeling
 - ▶ Association



Identification Requiring Evaluation

- ▶ The lead federal agency is responsible for DOE
 - ▶ Qualified professional recommends, agency official makes the determination.
- ▶ If agency disagrees with recommendations, or current status, they may present alternate case (eligible or not eligible and why?)
- ▶ Once a DOE is made, lead agency may:
 - ▶ Request concurrence from SHPO
 - ▶ If dispute with SHPO, forward dispute to the Keeper of the National Register for resolution
 - ▶ Bypass SHPO and forward DOE directly to Keeper
 - ▶ Keeper has final say on NRHP-eligibility

Assessment

- ▶ Three possible Findings of Effect:
 - ▶ **No Historic Properties Affected** (36 CFR 800.4[d][1])
 - ▶ No historic properties present
 - ▶ There are historic properties present but the undertaking will have no effect upon them
 - ▶ **No Adverse Effect** (36 CFR 800.5[b])
 - ▶ Effects do not significantly diminish the qualities that make a property eligible for the National Register of Historic Places
 - ▶ **Adverse Effect**
 - ▶ Significantly diminish the qualities that make a property eligible.
- ▶ **Who?:** The lead federal agency is the one responsible for making the finding of effect.

Assessment

- ▶ Criteria of Adverse Effects (36 CFR 800.5[a][1]):
 - ▶ Physical destruction of property
 - ▶ Alteration of property that is not consistent with Secretary of Interior's Standards
 - ▶ Moving property to new location
 - ▶ Change in use of property
 - ▶ Introduction of visual, atmospheric or audible elements
 - ▶ Neglect of property
 - ▶ Transfer, lease or sale of property

Resolution

- ▶ Continue consultation
- ▶ MOA: Adverse effects are known, no alternative process required.
- ▶ PA: Effects cannot be fully understood, alternative process required.
- ▶ Who?: lead federal agency, SHPO/THPO, ACHP, other affected and/or interested consulting parties.

What to Submit

- ▶ General Information Needed:
 - ▶ State or Federal?
 - ▶ Landowner
 - ▶ Project address/location
 - ▶ Map(s)
 - ▶ MTRS
 - ▶ Lat/Long coordinates
 - ▶ Project Description

Description of the Project

- ▶ A **detailed** description of work to be undertaken.
- ▶ What is going to be done, using what materials, from where are you getting those materials, what type of equipment will be used, and to what approximated depth and extent?
- ▶ Don't forget the staging areas and access routes.
- ▶ Engineering drawings, sheet plans, any visual aids to assist.

“We want to build a dam”



Additional Details

- ▶ Describe previous use of the land
- ▶ Describe current use and condition of the property
- ▶ Are there cultural resources on the property?
 - ▶ Ask landowners if aware of any potential historic properties on the property
 - ▶ How old are the structures/features present?
- ▶ Provide photos of the site (historic, aerial, current)
- ▶ Describe the general topography and vegetation of the APE.



Area of Potential Effects (APE)

- ▶ Draw/outline/highlight the APE for your project on a map
- ▶ Describe the steps taken to ID the APE and justify the boundary
- ▶ APE is defined as the geographic area or areas within which an undertaking may directly, or indirectly, cause changes in the character or use of historic properties



Identification of Historic Properties

- ▶ Describe the methodology to identify cultural resources in the APE
- ▶ Describe, date, map, and photograph all cultural resources within the APE
- ▶ Describe their spatial relationship to the components of the project, and provide an assessment regarding whether they will be affected, and whether or not that has been determined to be adverse (and why).
- ▶ It is the lead Federal agency's responsibility to make a reasonable and good faith effort to carry out the ID efforts for historic properties in the APE (*the SHPO does not conduct your research*)
- ▶ *Agency employees whether state or federal are allowed access to the AHRS to, at a minimum, be able to state whether there is a recorded resource in the vicinity of the project. If you are unable to do so either a.) hire a qualified professional or, b.) provide reasoning behind why you do not believe there are any recorded resources or a high potential for unidentified resources within the APE

Submitting DOEs

- ▶ DOE committee typically meets once weekly on Thursday
- ▶ Cover letter from lead federal agency must request our concurrence
- ▶ Lead federal agencies can, and do, disagree with professional recommendations. Reasoning must be provided.
- ▶ AHRS Numbers for sites formally evaluated should already be assigned at the time of submittal.
- ▶ Follow NR Bulletin 15 (available as PDF online)
 - ▶ All four Criteria and applicable Considerations should be applied.
 - ▶ Evaluation should be supported with the relevant historic context.
 - ▶ If determined to be significant, aspects of integrity should be applied.

Submitting Reports

- ▶ Submitting a survey report to Review and Compliance, is not the same as submitting to the State Archaeologist to satisfy permit stipulations (and vice versa).
- ▶ We offer a report checklist on our website as a guidance document (also included as a handout for this training) under our historic preservation series, number 3.
- ▶ A report without a cover letter stating why it is being submitted will not be considered a formal request for review.
- ▶ We will provide independent review of reports (without formal findings or requests for concurrence) for technical assistance/comment if requested.

Questions?

