



Alaska State Historic Preservation Office Assistance with Section 106

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Section 106 of the National Historic Preservation Act

- ▶ 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

▶ Initiate consultation

Identify historic properties

Assess effects

Resolve adverse effects

SHPO Role

- ▶ Established through the National Historic Preservation Act
- ▶ 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, unless there is a designated THPO with a role for the entire scope of undertaking.

What to Submit

- ▶ General Information Needed:
 - ▶ State or Federal?
 - ▶ Landowner
 - ▶ Project address/location
 - ▶ Map(s)
 - ▶ MTRS
 - ▶ Lat/Long coordinates
 - ▶ Project Description (detailed on scope, not budget)

Additional Useful Information

- ▶ Describe previous use of the land
- ▶ Describe current use and condition of the property
- ▶ Are there any known, or potential, historic properties present?
 - ▶ Site, Object, Building, Structure, District
 - ▶ Ask landowners if aware of any potential historic properties* on the property
 - ▶ How old are the structures/features present? (~50 year rule, with exceptions)
 - ▶ DEC agency staff have access to the Alaska Heritage Resources Survey (AHRS) database to verify whether there are any known or reported potential historic properties recorded in your project area.
- ▶ Provide photos of the site (historic, aerial, current)
- ▶ Describe the general topography and vegetation of the APE.

*A historic property is a Site, Object, Building, Structure, or District formally determined to be listed, or eligible for inclusion on, the National Register of Historic Places

Brownfield/Remediation Projects

- ▶ The What, to What, and Where
 - ▶ Collapsed/deteriorated structures or buildings may still be a historic property
 - ▶ Archaeological concerns are not limited to prehistory
- ▶ Known Significance, Determining Significance, and Assuming Significance
 - ▶ Formal evaluation is extremely useful
 - ▶ Use a Qualified cultural resource professional (SOI standards), and apply the National Register Criteria (36 CFR 60.4)
 - ▶ In some cases we may agree to treat an unevaluated property as eligible, because the nature of the undertaking is such that even if it were the most significant site in the world—the project would be unlikely to adversely affect it.
- ▶ DEC agency staff have access to assist, you may also ask our office for a presence/absence check prior to beginning consultation.

Making a Finding of Effect

- ▶ Three possible Findings of Effect:
 - ▶ No Historic Properties Affected
 - ▶ No historic properties present
 - ▶ There are historic properties present but the undertaking will have no effect to them
 - ▶ No Adverse Effect
 - ▶ 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 the finding of effect. EPA/DEC sometimes delegates this to the applicant, but we must at least have an agency official contact information—and they should review your findings before you submit.

How We Can Assist

- ▶ Call or e-mail with any questions about the process
- ▶ Submit a request for presence/absence check of *known* cultural resource sites that may be in the project area oha.revcomp@alaska.gov
- ▶ Discuss options for avoiding or minimizing the potential for adverse effect.
- ▶ Provide contact information for qualified cultural resource professionals.
- ▶ Review the project and provide comment, or if necessary assist with development of an agreement document.

Alaska SHPO Staff Contacts (as of 11/19/19)

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