



INTRODUCTION TO SECTION 106

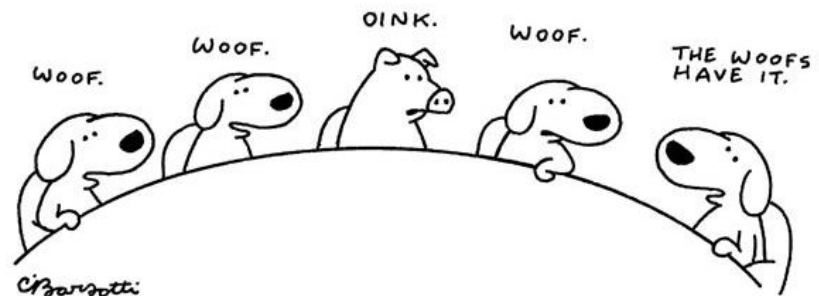
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Alaska State Historic Preservation Office (SHPO)

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
 - ▣ Section 110
 - ▣ Section 304

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



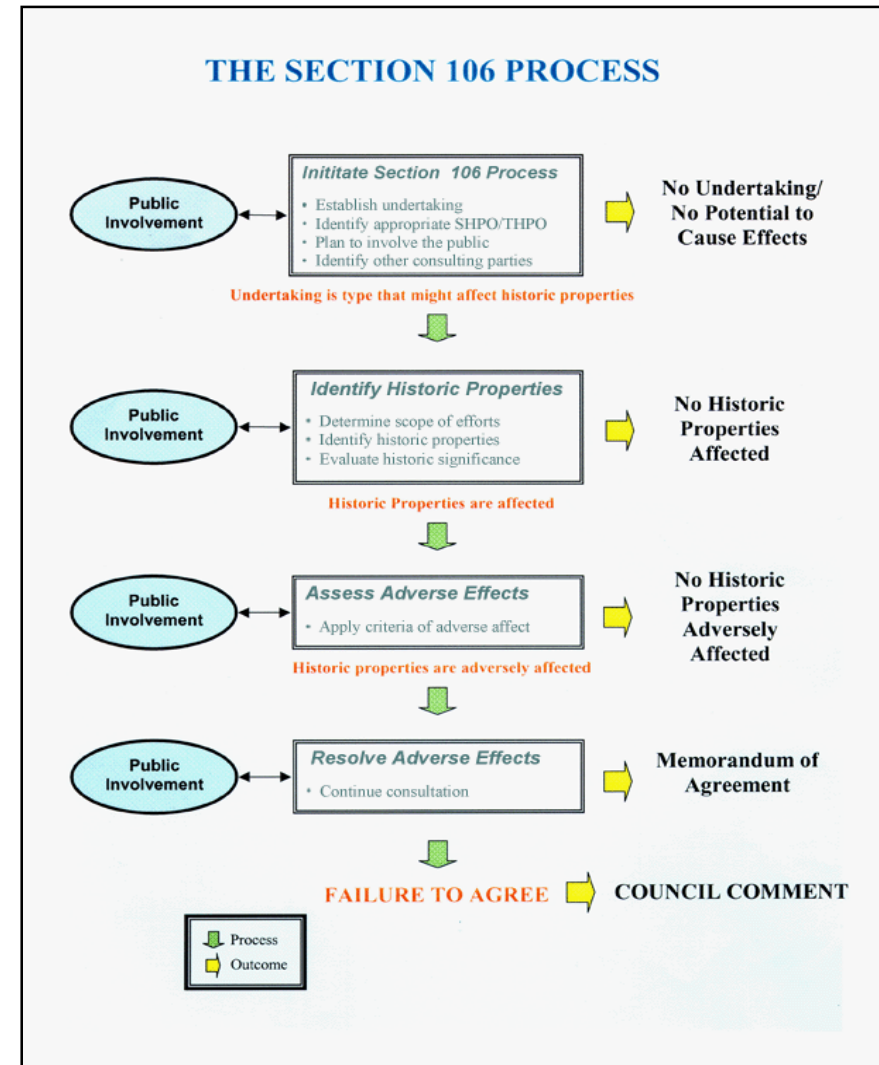
Section 106 of the NHPA

- 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
- 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



Step 1: Initiate

- Establish whether you have an undertaking
 - ▣ If not, no further obligation under Section 106 [*No Potential to Cause Effects*; 36 CFR 800.3(a)(1)]
- If so, identify appropriate SHPO/THPO
- Develop plan to involve the public
- Identify other potential consulting parties
- Consult early in project planning to avoid adverse effects; save time & costs

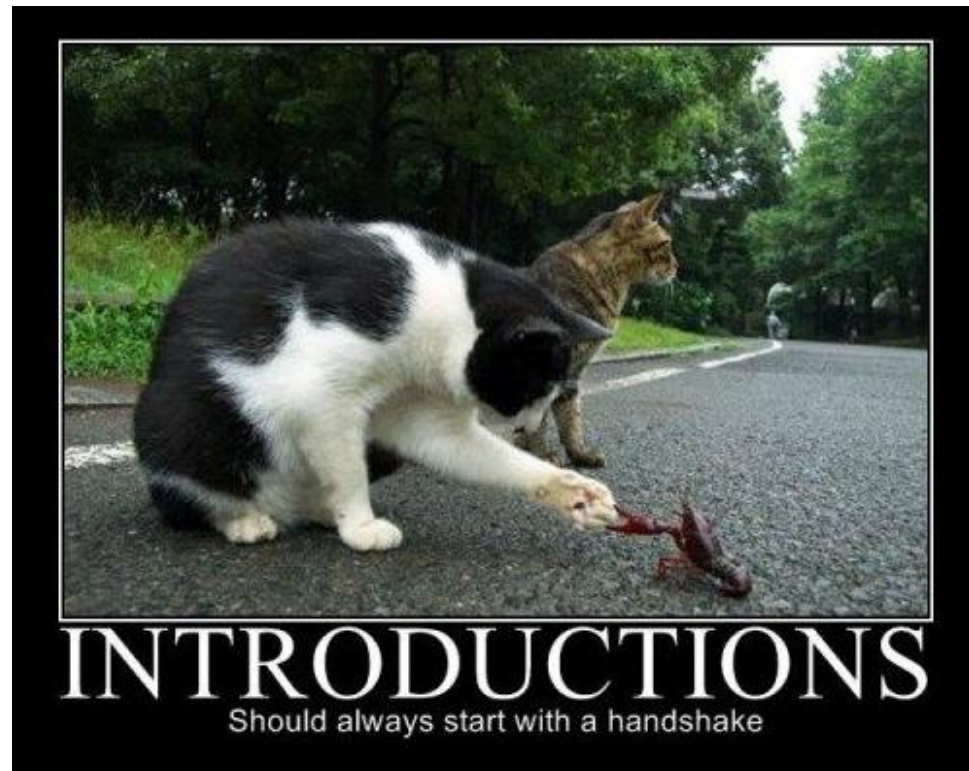
Step 1: Initiate

- Automatic Consulting Parties: SHPO/THPO; Tribes; applicants for Federal assistance, permits, or licenses; representatives of local governments
- Other Consulting Parties may 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.

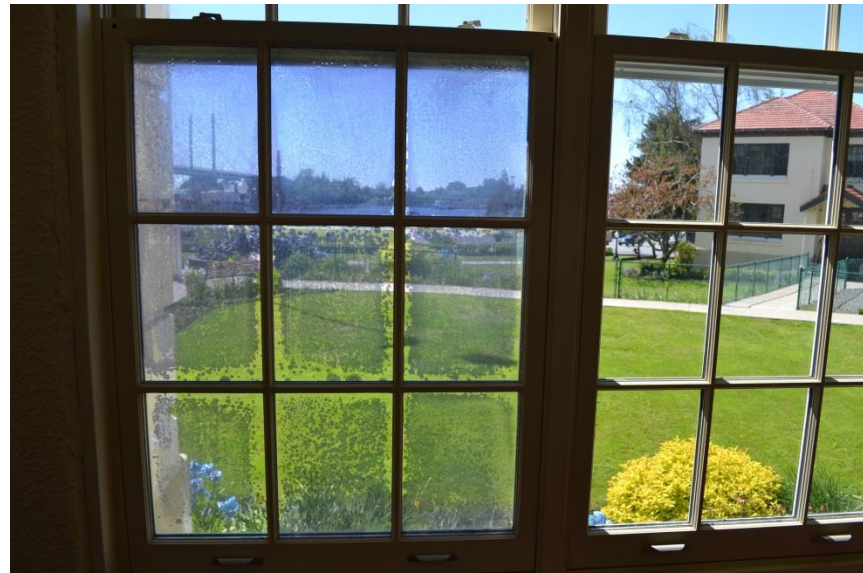
Step 1: Initiate

- ❑ Letter, meeting, telephone, email
- ❑ Highly recommended for complex projects or projects that are likely to affect historic properties
- ❑ May be informal through applicant or consultant (but authorized by Federal agency)



Step 2: Identify Historic Properties

- Determine scope of efforts
- Define APE
- Identify Historic Properties
- Evaluate significance



Step 2: Identification

□ Project Scope

- ▣ Proposed ground disturbing activity
- ▣ Any modifications to built environment
- ▣ Previous use of the land
- ▣ Current use and condition of the property
- ▣ Landowner knowledge of cultural resources on or near property
- ▣ Photos of the project area

Step 2: 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
 - ▣ Draw/outline/highlight the APE for your project on a map
 - ▣ Describe the steps taken to ID the APE and justify the boundaries

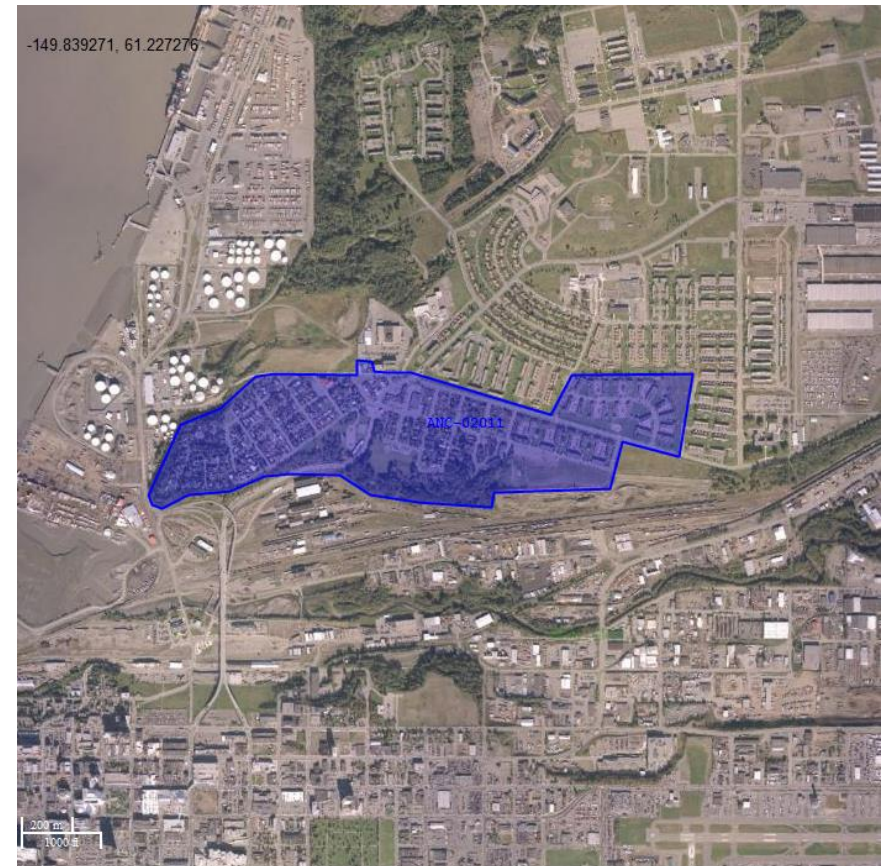
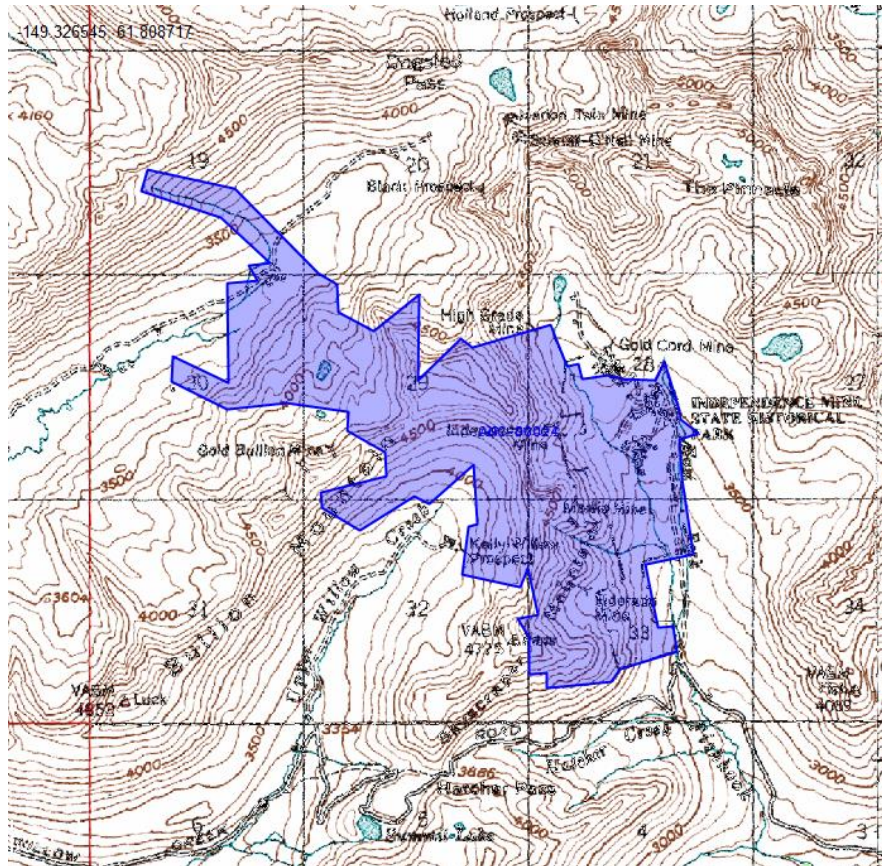


Step 2: Identification

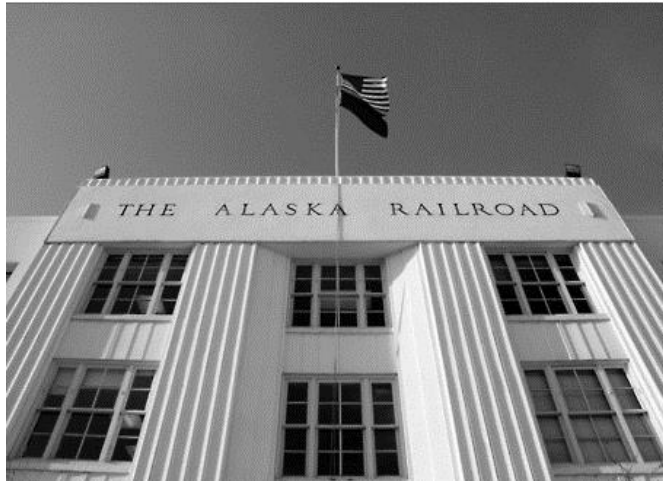
□ Identify Historic Properties

- ▣ Historic properties are any prehistoric or historic district, site, building, or object included in, or eligible for the National Register of Historic Places (NRHP)

District



Buildings, Sites, Structures, Objects



Traditional Cultural Properties

- A TCP is a property / place that is associated with cultural practices or beliefs of a living community that are,
 - (a) rooted in that community's history, and
 - (b) important in maintaining the continuing cultural identity of the community.

Step 2: Identification

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



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

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SITE #: AHC-00001 MAPSHEET: AHSW MTR#: 50130004022
Lat: 61°12'13.4888" Long: -149°57'44.3023" AREA: 135
UTM: 14Q831.5241E 4788779.2301N Zone: 6
PRESERVATION STATUS: NRJ NHR 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.

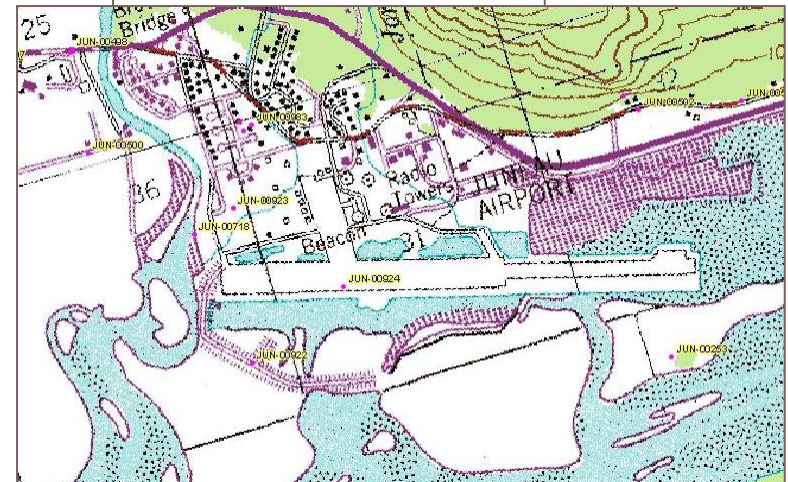
LOCATION:
South side of Knik Arm from the west side of Hood Creek to about 1.6km west of Point Momanof, about 2.2km northeast of Anchorage International Airport.

ASIGHTO:

CITATIONS:
ADP 3330-4 file
Tilton, P.T. (Municipality of Anchorage) 04/01/86 letter to DQSS
Sawacki 1971 (Earthquake Park-Anchorage, Unpub. MS)
Hansbø, W.S. 1971 AHSW card

DANGER OF DESTRUCTION: Erosion **CONDITION:** A
ASSOCIATED DATE: AD 1964 **REVISION:** 1116

PERIOD: Historic
RESOURCE NATURE: Site, Park, Commemorative, Earthquake
CULTURAL AFFILIATION: Geologic
OWNER: Municipality of Anchorage
REPOSITORY:
ACCESSION:



Efforts should be commensurate with scope & scale of project.

Step 2: Identification

- Are the cultural resources significant?
- A cultural resource may be eligible for the National Register of Historic Places if it:
 - a) Is associated with significant events / broad patterns
 - b) Is associated with historically significant person(s)
 - c) Embodies exceptional architectural or engineering qualities
 - d) May yield important information in history or prehistory



Step 2: Identification

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



Step 3: Assess Effects

□ 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 upon 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

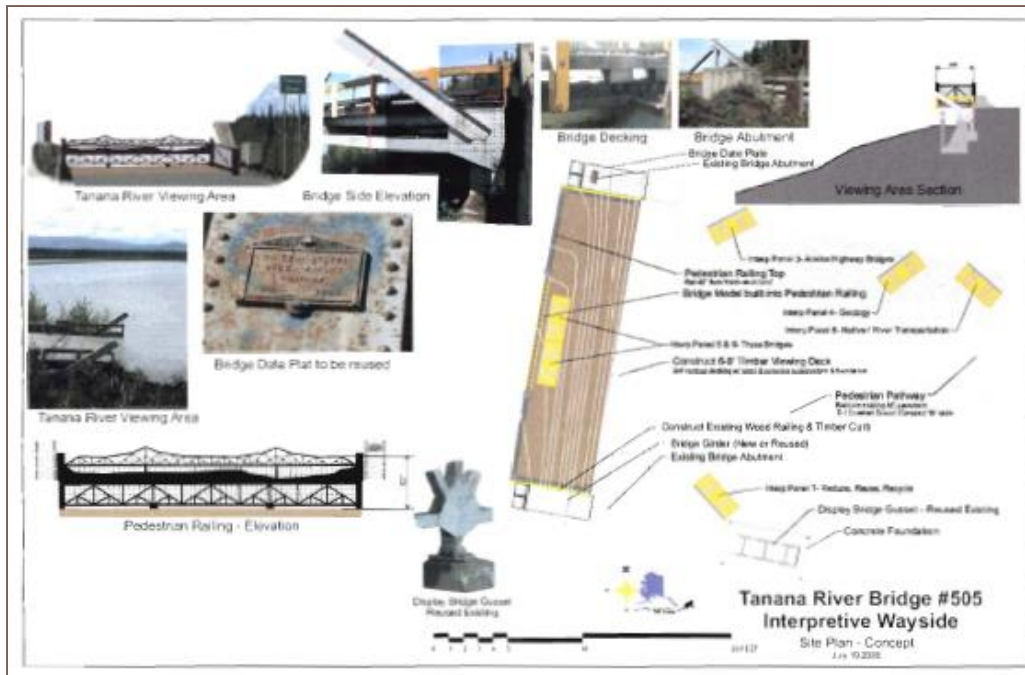
- Significantly diminish the qualities that make a property eligible.
NOTE: Direct, Indirect, Cumulative Effects

Step 3: Assess Effects

- Adverse Effects can include, but are not limited to:
 - 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

Step 4: Resolve Adverse Effect

- Continue consultation
- Memorandum of Agreement
- Mitigation

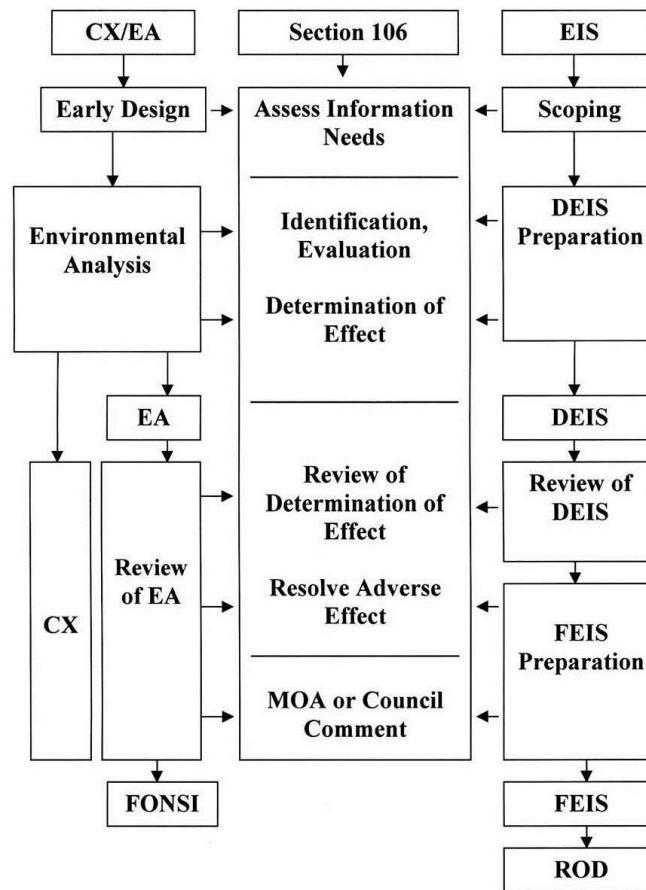


TANANA RIVER Bridge #505
Historic Preservation
Salvage Means and Methods Analysis



Section 106 – NEPA Coordination

COORDINATION BETWEEN NEPA AND SECTION 106



The Public and Consulting Parties must be notified and given the opportunity to comment during each step of the Section 106 review process.

Other Tools

□ Programmatic Agreements

- ▣ Similar and repetitive effects or multi-State/regional in scope
- ▣ Effects cannot be fully determined prior to approval of an undertaking
- ▣ Non-federal parties are delegated major decision-making responsibilities
- ▣ Routine management activities on Federal installations, facilities, or land-managing units
- ▣ Other circumstances

Section 106 and CERCLA

- Standard Section 106 is basically followed for Non-Time-Critical Removal Actions
- For Emergency Response and Time-Critical Actions, CERCLA establishes Applicable or Relevant and Appropriate Requirements (ARARs), which require that the **substantive** parts of Federal and State laws be complied with
- Section 106 is a Location-Specific ARAR

Section 106 and CERCLA

- ❑ Limited identification effort
- ❑ Abbreviated/modified consultation
- ❑ Condensed timeframes
- ❑ Modified “public participation”
- ❑ Delegated responsibilities

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.

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ACHP Section 106 Applicant Toolkit

- ACHP has issued a Section 106 toolkit for applicants
- Provides helpful tips and advice for applicants navigating the Section 106 process
- Goals are to help applicants make better informed decisions to improve outcomes in the review process and avoid unnecessary delays.
- Includes overview of Section 106 requirements and step by step guidance on consulting with states and Indian tribes, engaging stakeholders, and avoiding activities that may adversely affect historic properties.
- Access toolkit on www.achp.gov

Questions?



WHEN YOU FIND YOU'RE
IN A HOLE

Stop Digging