

Section 106 Coordination and Process

ALASKA STATE HISTORIC PRESERVATION OFFICE
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NATIONAL HISTORIC PRESERVATION ACT (NHPA) 1966 (16 U.S.C. 300101 ET SEQ.)

- NPS to “expand and maintain” a National Register of Historic Places
 - Official federal list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture.
 - Local, state or national significance.
- Created the Advisory Council on Historic Preservation (ACHP)
- State Historic Preservation Offices (SHPOs) &
Tribal Historic Preservation Offices (THPOs)

SECTION 106 *(54 U. S. C. 306108)*

- Requires Federal agencies to take into account the effects of their undertakings on historic properties and to afford the ACHP a reasonable opportunity to comment. This is typically separate from or in coordination with NEPA, and is not subject to categorical exclusions.
- Triggered whenever federal permitting, funding, actions, or licensing is involved. Also applies when transferring ownership out of federal responsibility.
- *36 CFR 800* are the regulations (instructions on how to implement law)
- Delegates review of most projects to the various State Historic Preservation Officers (Judith E. Bittner)

ALASKA HISTORIC PRESERVATION ACT (AS 41.35.010)

- Declaration of Policy

It is the policy of the state to preserve and protect the historic, prehistoric, and archaeological resources of Alaska from loss, desecration, and destruction so that the scientific, historic, and cultural heritage embodied in these resources may pass undiminished to future generations (Sec 41.35.010).



Jack Wade Dredge

SHPO CONCURRENCE



SHPO concurrence does not equal “clearance” for a particular area.

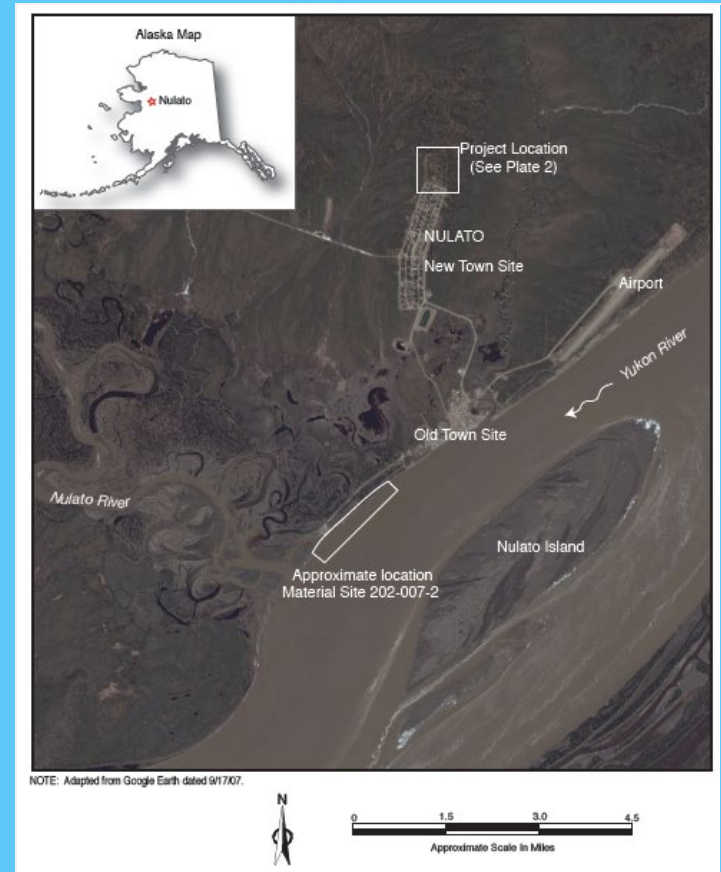
- SHPO concurrence does not permit a project to move forward.
- SHPO concurrence is not an endorsement of a project.
- SHPO concurrence is not only required for projects on State or Federal land

GENERAL INFORMATION



- Landowner
- Project Address/ Location
- USGS map with quadrangle name
- MTRS(s) for project
- NAD 83 Lat/Long

If you had never been there, and were not familiar with the project, what would you need to know to understand its location and boundaries?



AREA OF POTENTIAL EFFECTS (APE)

- 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
- Draw/outline/highlight the APE for your project on a map
- Describe the steps taken to ID the APE and justify the boundary
 - Consultation will help define this, and the APE may change based on new information gained or project is altered.
 - Qualified Professional will assist with this.
- Attach photos of the project area
 - Current, historic, and aerial all provide useful additional information



DESCRIPTION OF THE PROJECT (UNDERTAKING)

- 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, what access will be needed, and to what approximated depth and extent?

"We want to build a dam"



ADDITIONAL DETAILS

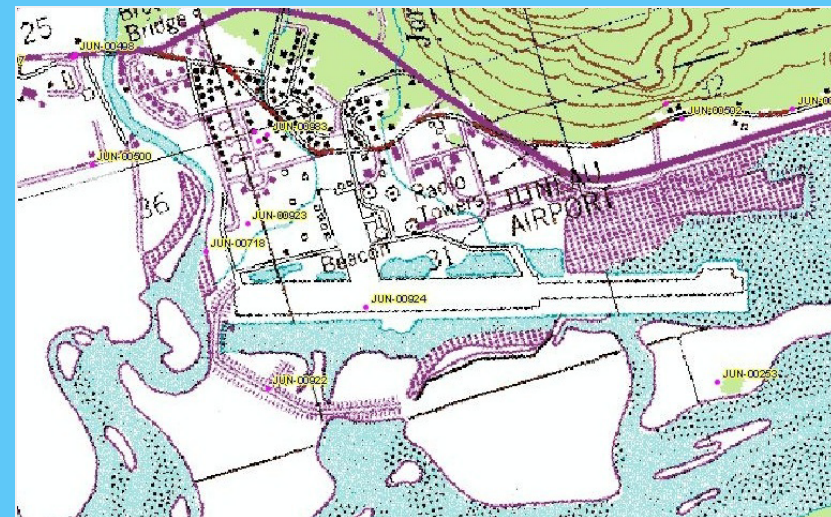
- Describe the proposed dimensions and methods of ground disturbing activity
- Describe previous use of the land
- Describe current use and condition of the property
- Are there known or potential historic properties within the APE?
- ALL OF THIS INFORMATION SHOULD BE INCLUDED IN CULTURAL RESOURCE REPORTS FROM QUALIFIED CULTURAL RESOURCE CONSULTANTS



TYPES OF IDENTIFICATION EFFORTS

"THE AGENCY OFFICIAL SHALL MAKE A REASONABLE AND GOOD FAITH EFFORT TO CARRY OUT APPROPRIATE IDENTIFICATION EFFORTS..." [36 CFR PART 800.4 (B)(1)]

- **Background Research/Desktop Review**
 - AHRs files, survey reports
 - city records, archives, libraries
 - place names data
- **Consultation**
 - SHPO, THPO, Tribes, public, interested/affiliated
 - groups
- **Oral History Interviews**
 - Talk to people within the community
- **Field survey**
 - archaeological or building surveys
 - site visit, aerial reconnaissance
 - survey of areas of interest
 - testing



THERE ARE NO KNOWN SITES

- Has the area been surveyed before?
- What is the likelihood of potential historic properties being present in this area?
 - Topography/terrain
 - Previous disturbance?
 - Frequent flooding?
 - Known history/prehistory
 - Site distribution in the region/area (Look around the project area not just within)
- What is the potential for encountering previously unidentified sites based on the scope and scale of the project?

THERE IS A KNOWN SITE OR SITES NEARBY

- What is the resource type?
- Could the boundaries or location be inaccurate?
- What is the likelihood of a similar site or something related to it being within the APE?
- Will this site be impacted indirectly or directly by the project?
 - Increased traffic, visual disturbance, auditory disturbance, access issues etc.
- What will the effects be based on the scope and scale of the project?

THERE ARE KNOWN SITES WITHIN OR ENCOMPASSING THE APE

- Is this a National Historic Landmark?
 - 36 CFR 800.10 (NPS will need to be consulted)
- Has the site been evaluated for eligibility to the NRHP?
 - Is there enough information to evaluate it, if not?
- What is the nature of the property?
 - Built environment or archaeological?
- What will the effects be based on the scope and scale of the project?

SUBMITTING DESKTOP REVIEW AND FINAL SURVEY REPORT(S)

- Clearly state in cover letter whether agency agrees with the recommendations in the report.
 - If there is disagreement (yes, it happens!), explain why.

Apply the information gained, what are the recommendations, what is the plan moving forward, what are any specific conditions that need to be put in place. What has been altered in project design to avoid or minimize adverse effects?

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• ARCHAEOLOGICAL SURVEY UNIT - SHORT REPORT 2006-04 •

Cultural Resource Investigation of Historic
Building Ruins (KEN-044) in the Vicinity of the
Boat Launch Site, Deep Creek State Recreation Area



prepared
by
Rolfe G. Buzzell, Ph.D.

July 2006

Office of History and Archaeology
Alaska Department of Natural Resources

DETERMINATION OF ELIGIBILITY (DOE) (IS THIS A HISTORIC PROPERTY?)

- Use the NPS Bulletin 15: How to Apply the National Register Criteria for Evaluation
 - A: association with events that have made a significant contribution to the broad patterns of history
 - B: association with persons significant to the past
 - C: embody distinctive characteristics of a type, period, or method of construction; or that represent a significant and distinguishable entity why components may lack individual distinction
 - D: have or may be likely to yield important information (prehistory or history)
- It is important to explain why your agency made the determination that it did. Or in the case of a contractor, why you are making that recommendation.
- Statements of significance need to relate the historic contexts developed for that area with the resources themselves. Do not simply state that something is eligible/ineligible because [insert copy-paste of the definition of a Criteria]. What events? How? Why not? Who did? When? *So what?*

DOE CONTINUED...

- DOEs will be included in reports, and the lead agency (or applicant on behalf) submits to our office for concurrence and/or comment.
- Our office reviews these weekly as a Committee. Reviewer presents them, then compiles comments to return.
- If ELIGIBLE, that means they have met the definition of a Historic Property and effects need to be considered
- If NOT ELIGIBLE, they do not meet the definition of a historic property and effects to them do not need to be further considered

FINDING OF EFFECT

- **No Potential to Cause Effects** [36 CFR § 800.3(a)(1)]
 - Not an undertaking with the potential to effect historic properties assuming they were present.
 - **If this was true for your project, you would not be submitting it for review.**
- **No Historic Properties Affected** [36 CFR § 800.4(d)(1)]
 - There are no known historic properties within the area of potential affect (APE), or known historic properties will be avoided/not affected.
- **No Adverse Effect** [36 CFR § 800.5(b)]
 - There are historic properties encompassing or within the APE, but there will be no adverse effects to them.
- **Adverse Effect** [36 CFR § 800.5(d)(2)]
 - There are historic properties encompassing or within the APE, and there will be an Adverse Effect to these properties.

RESOLUTION

- Continue consultation to avoid and minimize; OR
- Memorandum of Agreement (MOA): Adverse effects are known, no alternative process required.
- Programmatic Agreement: Effects cannot be fully understood, alternative process required/most efficient.
- Who?: lead federal agency, SHPO/THPO, ACHP, other affected and/or interested consulting parties.

TIMELINES AND DISPUTE

- SHPO has 30 days from receipt of the request to respond. Requests for further information re-start timeline. Consultation on MOAs or PAs is more involved.
- Lead Federal Agency can move forward with an assumed concurrence after that 30 day point if we have not provided comment.
- If you have not heard from us, please ask.
- A request for further information does not necessarily mean we disagree, or that resolution cannot be achieved.
- Disputes that cannot be resolved go to the ACHP.
- Identification will need to occur prior to any final resolution, do not put it off!

Consult early

Hire a contractor ASAP

Do not make assumptions



Data recovery of prehistoric site, Wrangell Airport
(don't do this to your local archaeologists, start your
consultation early)

QUESTIONS?

