

HISTORIC PRESERVATION SERIES



Series No. 8

Office of History and Archaeology
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REVIEW AND COMPLIANCE PROGRAM GUIDELINES FOR SECTION 106 CONSULTATION WITH THE STATE HISTORIC PRESERVATION OFFICE

The National Historic Preservation Act of 1966 as amended requires federal agencies to consider the impacts of their undertakings on properties included in or eligible for the National Register of Historic Places (*36 CFR 800*). This is commonly called Section 106 review. Federal agencies and applicants for federal funds, licenses and permits should provide the State Historic Preservation Office (SHPO), also known as the Alaska Office of History and Archaeology, with the following information during the Section 106 consultation process.

- A. Identify the federal agency program and the nature of federal involvement in the project (such as HUD housing or Economic Development Assistance), as well as the associated permit identification number.
- B. Briefly describe the proposed project activities, and provide the following information:
 1. The current condition of the area or building and how will it be impacted by the project.
 2. If a building is involved, the date, or approximate date, of construction.
 3. Photographs of the project area.
- C. Define the area of potential effect (APE).
 1. Mark boundaries of the APE on a USGS topographic map (1:63,360 or 1:25,000 scale). If the project is within an urban area, include a street map with the location clearly marked.
 2. Provide a legal description (meridian, township, range, and section), and if applicable, the city or village and a street address.
 3. Include other maps or site plans to depict the extent of the project and its relationship to its surroundings and environment.
- D. List the parties consulted regarding the project (Certified Local Governments, Native groups, local interest groups, and the like.)
- E. Identify the agency/applicant contact person for the project. Include the telephone number and e-mail address.

- F. Describe what research the agency/applicant conducted to determine if historic properties are present within the APE. (Note: The term “historic properties” includes archaeological sites, historic buildings, structures and objects.)
1. Did the agency/applicant consult the Alaska Heritage Resources Survey (AHRS) files and maps at the Office of History and Archaeology?
 2. Have there been any archaeological or historic surveys conducted within or near the APE?
 3. Did the agency/applicant conduct or contract for an archaeological or historic survey for the current project? If new sites were recorded as a result of the survey, contact the AHRS manager (269-8718) for AHRS numbers.
- G. List any reported historic properties within or near the project area [36 CFR 800.4(b)]. Provide the following information for each historic property:
1. The AHRS number.
 2. Previous determinations of eligibility for the National Register of Historic Places of the property. If there has been a determination, provide:
 - a. The outcome of the evaluation. (Was the property determined eligible? Is the property formally listed in the National Register?)
 - b. Date of SHPO concurrence with the determination of eligibility. (Determinations made more than 5 years ago need to be revisited.)
- H. If a historic property within the project area never has been evaluated for eligibility to the National Register of Historic Places, then:
1. Provide the agency/applicant’s opinion regarding eligibility [36 CFR 800.4(c)]. Refer to *Historic Preservation Series No. 7, Determinations of Eligibility* for guidance.
 2. Request concurrence from the SHPO on the agency’s finding regarding eligibility.
- I. Request concurrence from the SHPO on the agency’s finding regarding whether or not any historic properties are affected by the undertaking [36 CFR 800.4(d)].
1. Finding of “no historic properties affected.” This finding is appropriate when one of the following apply:
 - a. Historic properties are not present.
 - b. Historic properties are present but have been determined not eligible for the National Register.
 - c. Historic properties are present but will not be affected by the project.
 2. Finding of “historic properties affected.”
- J. If historic properties are affected, then:
1. Determine if the undertaking will affect the historic property in an adverse way (36 CFR 800.5). Adverse effects result when the undertaking alters the characteristics of a historic property that qualify it for the National Register.

2. Examples of adverse effects:
 - a. Physical destruction or damage.
 - b. Alteration inconsistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (see <https://www.nps.gov/tps/standards.htm> for more information).
 - c. Moving the property from its historic location.
 - d. Changing the character of the property's use or setting.
 - e. Introducing incompatible visual, atmospheric or audible elements.
 - f. Neglect and deterioration.
 - g. Transfer, lease or sale of the property out of federal ownership or control without adequate preservation restrictions.
3. Choose one of the following findings of effect:
 - a. "No historic properties adversely affected."
 - b. "Historic properties adversely affected."
4. Request concurrence from the SHPO on the agency's finding of effect.

K. If a historic property will be adversely affected, the agency might ask to start consultation to develop a memorandum of agreement that stipulates measures to mitigate the adverse effect (36 CFR 800.6).

Correspondence should be addressed to:

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SHPO response:

Under Section 106, the SHPO has 30 days from receipt of the project package to respond. If the SHPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official can proceed to the next step in the process based on its finding or determination, or the agency can consult with the Advisory Council on Historic Preservation (ACHP) in lieu of the SHPO. If the SHPO re-enters the Section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations [36 CFR 800.3(c)(4)].