

# HISTORIC PRESERVATION

The National Historic Preservation Act and related authorities require that the responsible entity take into account how the project could affect historic properties listed, or eligible for, the National Register of Historic Places and afford reasonable opportunity for comment on the project by the Advisory Council on Historic Preservation. The procedures for this assessment are referred to as the Section 106 Review Process and are set forth in the Council's regulations "Protection of Historic Properties", 36 CFR Part 800.

**Threshold for Review:** Properties proposed for repair, rehabilitation or conversion of existing properties, new construction, the acquisition of undeveloped land, disposition, or any construction that requires ground disturbance.

If your project falls below this threshold, no further compliance steps are required.

## Level of Concurrence Required:

A letter of concurrence from the State Historic Preservation Office (SHPO) of the Responsible Entity's determination of one of four possible findings:

1. There are no historic properties present;
2. There are historic properties present but the undertaking will have no effect upon them;
3. There are historic properties present that may be affected by the undertaking and the undertaking will have No Adverse Effect on those properties; or
4. There are historic properties present and the undertaking will have an Adverse Effect on those properties.

## Basic Steps to Obtain Concurrence:

If the Tribe has entered into a Programmatic Agreement with SHPO, determine if the activity falls within the Programmatic Agreement (If you do not know if you have entered into a Programmatic Agreement-you probably have not. Contact your Grants Management Specialist to discuss the process). Document that the activity falls within the Programmatic Agreement in your ERR.

If the Tribe has not entered into a Programmatic Agreement or the activity does not fall within the Programmatic Agreement consult with SHPO after gathering the following information:

1. Review the National Register of Historic Places (See Appendices) to determine if an existing or proposed historic site is located in or around the community.
2. Review local data and interview people with local knowledge regarding existing or proposed historic sites.

3. Make a reasonable and good faith effort to identify Indian tribes that might attach religious and cultural significance to historic properties in the vicinity of the project and invite them to be consulting parties.
4. Visit the Alaska SHPO office to review existing data (i.e. maps and historic preservation records) regarding existing or proposed historic sites located in or around the community.
5. Obtain/prepare a site map that clearly delineates the proposed project site(s) in relation to the community at large and to any existing or proposed historic sites located in the community. If possible the map should indicate local topography and be to scale. (An Alaska Department of Community and Regional Affairs Community Profile map, a scaled topographic map, or aerial overlay map of your community could be used to develop the required site map)

Based on the information obtained, prepare a letter to SHPO stating the tribe's determination regarding the project sites and requesting SHPO concurrence with this determination (See Appendices). The letter should include all documentation obtained supporting the Tribe's determination including the site map.

**SHPO has 30 days from receipt of a well documented request to comment on the Tribe's determination. It is recommended sending the letter with a return receipt form to document the contact. If SHPO does not respond within 30 days, and you have documented that you sent the letter, you may proceed with your determination.**

SHPO may concur with your determination, request additional information, or inform you that they disagree with your determination. If SHPO disagrees with your determination consult with them to attempt to come to a resolution. If you cannot reach resolution you may need to contact the Keeper of Records or the Advisory Council on Historic Preservation.

If the project requires mitigation you may have to enter a Memorandum of Agreement (MOA) with SHPO to describe your agreement on what will need to take place to mitigate any adverse affects (for instance if the building is eligible for the Historic Register and you are going to demolish it, you may enter into a MOA that says you will take pictures and document the history of the building). Once the mitigation is complete the Tribe would notify SHPO and request acknowledgement from them of the completion. Both the letter to SHPO and the concurrence letter would be maintained in the ERR.

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**IMPORTANT: For CATEGORICAL EXCLUSION determinations: If the activity is determined to be "no adverse affect or adverse affect" (generally mitigation action is required), the Tribe must complete and post a NOI/RROF and submit an RROF to the AONAP.**

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Information regarding the completion of the State Historic Preservation review process can be found on the Internet at the following addresses:

**Alaska State Historic Preservation Office:** <http://dnr.alaska.gov/parks/oha/index.htm>

**National Register of Historic Places:** <http://www.nps.gov/history/nr/>

**Advisory Council on Historic Preservation:** <http://www.achp.gov/>

**Alaska Community Database Online:**

[http://www.commerce.state.ak.us/dca/commdb/CF\\_COMDB.htm](http://www.commerce.state.ak.us/dca/commdb/CF_COMDB.htm)

**Point of Contact:** Judith E. Bittner, State Historic Preservation Officer  
Department of Natural Resources  
Division of Parks and Outdoor Recreation  
Office of History and Archaeology  
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