

ALABAMA GUIDELINES: Preparing Reports for Historic Architectural Resources for Section 106 Review



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Section 106 Guidelines for Historic Architectural Resources in Alabama

The Alabama Historical Commission (AHC) developed these guidelines to help federal agencies understand what is required under Section 106 of the National Historic Preservation Act of 1966, as amended. This act requires federal agencies to consider the impact their undertaking may have on historic properties listed in or eligible for the National Register of Historic Places. The following guidelines indicate the information required for an adequate and timely review of the 106 project. These guidelines only apply to NON-ARCHAEOLOGICAL resources.

The Section 106 process has three main goals:

- Identify historic properties eligible for or listed in the National Register
- Assess the effects of the undertaking on those properties
- Seek ways to avoid, minimize, or mitigate any adverse effects on historic properties

A federal undertaking can encompass a broad range of federal activities. The activity may be an action by the federal agency itself, the granting of funds from a federal agency, or a permit approval by a federal agency. Examples of federal activities include construction, rehabilitation and repair projects, demolition, licenses, permits, loans, loan guarantees, grants, federal property transfers, and many other types of federal involvement. Whenever one of these activities has the potential to affect historic properties, a Section 106 review must be completed.

For communication towers requiring an FCC license, please visit this website for their specific rules for environmental review.

<https://www.fcc.gov/general/tower-and-antenna-siting#NHPA>

The first step in determining if a federal undertaking will have an effect on properties listed in or eligible for the National Register of Historic Places is determining the Area of Potential Effects, or APE.

The APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” [36 CFR 800.16(d)]

In order to define this area correctly, agencies should carefully consider all aspects of the project. For example, a project to rehabilitate the interior of a post office has a much smaller APE than a project to build a new highway or to construct a cellular tower which may be visible for many miles. It is important to define the APE on a USGS topographic map and justify why it was chosen. Do not limit the APE to just the project boundaries. Secondary effects such as noise and visual effects must be taken into account and the APE must reflect the area where secondary effects might occur.

Consultation

Agencies and consulting firms are encouraged to consult with the AHC, the State Historic Preservation Office (SHPO). Most find contacting the AHC a useful first step. The AHC maintains files on properties listed on the National Register of Historic Places and the Alabama Register of Landmarks and Heritage. The AHC also maintains files for a number of architectural surveys conducted throughout the state. These records are available for research by appointment during AHC business hours. Please contact Nicole Woods to make an appointment. Current listings of the National Register and the Alabama Register are available on the AHC's website (www.ahc.alabama.gov).

Many Alabama towns and cities have local preservation commissions which are good sources of information about historic properties in the area. Other towns have main street programs, local nonprofit historical or preservation societies, and/or knowledgeable and interested citizens. A list of cities with local commissions may be obtained from AHC staff member, Mary Shell. Consultation with local organizations should be documented in the final report.

Conducting Historic Architectural Surveys

After all available sources and individuals are consulted, an agency may find, in order to meet its responsibilities under Section 106, it needs to conduct a historic architectural survey to determine if there are additional eligible properties within the APE.

In designing and conducting these surveys, many consulting firms use professionals trained in other fields, or related fields such as archaeology to survey and assess effects for historic architectural resources. Past experience leads the AHC to advise that a professional qualified in the area of architectural history or history complete the reports, as these are often approved on the first review. See Appendix A for professional qualifications.

Historic architectural surveys for Section 106 must be performed at the “intensive level” and must meet the Secretary of the Interior’s Standards for Identification and Evaluation. The survey must make a good faith effort to *identify and evaluate* architectural properties 50 years old or older within the APE, as well as those properties which may not be 50 years old but may be of exceptional significance. The survey should provide brief contextual information on the history and architectural history of the survey area as a whole. The surveyor should record all architectural resources over 50 years of age or those resources of exceptional significance on AHC survey forms available from Hannah Garmon, AHC’s Survey Coordinator. Good quality, current photographs of the resource must be attached to each survey form. All resources must be labeled on a USGS map. Be sure the map includes the map name, the project name, the date of the map, and the date of the survey.

Properties should also be evaluated against the 7 aspects of integrity: location, setting, design, materials, workmanship, feeling and association.

If properties are said to be ineligible because they lack integrity, there should be sufficient verbal and photographic evidence to support the statement. If properties are not “good representations” of a type, there must be sufficient information about the type to make that determination. If properties are deemed ineligible because there are “better representations of the type in the area,” the statement should be substantiated by photographic and verbal evidence.

In order to adequately assess most historic architectural resources, surveyors should get out of the car and if possible, inspect all elevations. Photographic coverage should show the building in its setting with all associated features and auxiliary buildings.

Descriptions should address the entire resource, not just the portion being affected by the undertaking. For example, if the property is a historic district or a large rural plantation, the description should include information about the general character of the district or plantation and its components.

Determination of Effects

A finding of No Historic Properties Affected may be determined if there are 1) no historic properties present, or if, 2) historic properties present but the undertaking will have no effect upon them.

If there are historic architectural properties which may be affected by the undertaking, then the criteria of adverse effects must be applied.

Examples of adverse effects include, but are not limited to:

- Physical destruction of or damage to all or part of the property
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access that is not consistent with the Secretary’s Standards for the treatment of historic properties (36 CFR 68) and applicable guidelines
- Removal of the property from its historic location
- Change of the character of the property’s use or of physical features within the property’s setting that contributes to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features
- Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization
- Transfer, lease, sale of a property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance.

A finding of *Adverse Effect* may be determined when the undertaking meets the adverse effect criteria. Consultation should be continued with the AHC to resolve the adverse effect.

A finding of *No Adverse Effect may* be determined if the undertaking’s effects do not meet the adverse effect criteria or if the undertaking is modified or conditions are imposed to avoid adverse effects.

Phased Identifications

Phased surveys are most useful where large tracts of land and/or large numbers of properties need to be evaluated. It can frequently reduce the large number of resources that must be studied in depth. For projects which include only a few properties, it is more practical to combine the two phases.

Phase I identification surveys provide brief contextual information on the history and architectural history of the survey area as a whole, and records all architectural resources 50 years old or older within the APE. An inventory of all identified historic architectural resources within the APE should be included. Properties should be identified as 1) not eligible, 2) eligible, or 3) needs additional research to determine eligibility. The basis for making these decisions should be clearly indicated.

Once the AHC comments on the preliminary determinations of eligibility, the Phase II portion of the project can proceed.

Phase II evaluation surveys supply the additional documentation needed to determine if the properties identified in the Phase I survey as “needs additional research to determine eligibility” are in fact, eligible for listing in the National Register. This should include a well-developed historical context and sufficient information about the appearance, condition, and historical associations of properties to define boundaries and to make a determination of eligibility. An inventory of these resources should be included in the Phase II report. The National Register criteria should be applied to all properties to determine 1) not eligible, or 2) eligible. The basis for determining eligibility should be clearly indicated.

Report Format Requirements

A final report is to be submitted to the AHC for review. The SHPO has 30 days of receipt of a request to review the project [36 CFR 800.3(c)(4)].

Please provide the following information for an adequate and timely review.

- A. Description of the undertaking, specifying federal involvement.
- B. Area of Potential Effects (APE) located on a 7.5' USGS topographic map. Name and date of topo map should be included if only a section of the map is submitted.
- C. Description of steps taken to identify historic properties and efforts to seek information regarding historic properties. Include efforts to consult with local organizations.
- D. Effect Determinations: *No Historic Properties Affected*—include the basis for determining that no historic properties are present or affected. *No Adverse Effect*—include an explanation of why the criteria of adverse effect were found inapplicable. *Adverse Effect*—include an explanation of why the criteria of adverse effect were found to be applicable. Also include a description and evaluation of any alternatives or mitigation measures the agency official proposes to resolve the undertaking's adverse effects.
- E. Completed survey forms for all architectural resources over 50 years of age or of exceptional significance located within the APE. Each resource should be evaluated using National Register criteria.
- F. Each resource surveyed should be assigned a unique number, located on a 7.5' USGS topographic map, and shown in relationship to the Area of Potential Effects (APE). Maps should be labeled with the name of the quad map, the project name, the date of the map, and the date of the survey.
- G. Good quality, current digital photographs for each identified resource must be submitted with the final report. At least one elevation of each property identified and views of its associated resources (outbuildings, ancillary structures, significant landscape features) should be included.
- H. Inventory of resources: Each resource with a completed survey form should be included in the inventory. Indicate if the resource is eligible or not and why.
- I. Report pages should be numbered and illustrations captioned.
- J. Two copies of each report presented in an 8.5" x 11" format.

APPENDIX A: Professional Qualifications

The following requirements are those used by the National Park Service (36 CFR Part 61) and the Alabama Historical Commission. The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities.

https://www.nps.gov/history/local-law/arch_stnds_9.htm

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

1. At least two years full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution, or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or a closely related field, with course work in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation, or closely related field plus one of the following:

1. At least two years full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution, or
2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture, plus at least two years full-time experience in architecture, or a state license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a state license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field. or
2. At least one year full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structure, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects. _____

Appendix B: More Information

The following publications are the basic texts for Section 106 guidance and information for cultural resource identification and evaluation efforts:

Advisory Council on Historic Preservation, Federal Register: 36 CFR 800: Protection of Historic Properties, 2001. Available at the Advisory Council's website: <https://www.achp.gov/protecting-historic-properties>

Advisory Council on Historic Preservation, Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review, https://www.achp.gov/sites/default/files/guidance/2018-05/reasonable_good_faith_identification.pdf

Department of the Interior, National Park Service. The Secretary of the Interior's Standards for the Treatment of Historic Properties. <https://www.nps.gov/tps/standards.htm>

Department of the Interior, National Park Service. National Register Bulletin: How to Apply the National Register Criteria for Evaluation. <https://www.nrc.gov/docs/ML1912/ML19120A529.pdf>

Department of the Interior, National Park Service. National Register Bulletin: How to Complete the National Register Registration Form. <https://www.nps.gov/subjects/nationalregister/upload/NRB16A-Complete.pdf>

The National Park Service has a large number of bulletins addressing specific issues. <https://www.nps.gov/subjects/nationalregister/publications.htm>

Appendix C: Alabama Historical Commission Staff

Environmental Review Coordinator:

Amanda McBride 334.230.2692 / Amanda.McBride@ahc.alabama.gov

General Project Status:

Section.106@ahc.alabama.gov

Questions about the 106 process regarding archaeology:

Amanda McBride 334.230.2692 / Amanda.McBride@ahc.alabama.gov

Eric Sipes 334.230.2667 / Eric.Sipes@ahc.alabama.gov

Questions about maritime archaeological projects:

Stacye Hathorn, State Archaeologist, 334.230.2649 / Stacye.Hathorn@ahc.alabama.gov

Questions about architectural resources or viewshed issues:

Leanne Waller-Trupp 334.230.2653 / Leanne.Trupp@ahc.alabama.gov

Questions about existing architectural surveys or for copies of the survey forms:

Hannah Garmon 334.230.2644 / Hannah.Garmon@ahc.alabama.gov

Appointment to research National Register, Alabama Register, and Survey files:

Nicole Woods 334.230.2673 / Nicole.Woods@ahc.alabama.gov

Building rehabilitation (Applying NPS Standards to NRHP eligible/listed properties):

Chloe Mercer 334.230.2669 / Chloe.Mercer@ahc.alabama.gov

Alabama Department of Transportation Projects:

Will Lowe 334.230.2670 / William.Lowe@ahc.alabama.gov

Leanne Waller-Trupp 334.230.2653 / Leanne.Trupp@ahc.alabama.gov

Calling for project status: We strive to complete our review well before the 30 day deadline. If you have not received a response back from us, please email us at Section.106@ahc.alabama.gov

Calling for clarification: AHC letters have a project contact listed in the last paragraph. Call or email the project contact if you have questions.

Communication notes: AHC only accepts digital submissions.

Visit <https://ahc.alabama.gov/section106.aspx> for instructions about the process.