

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 project 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 project on those properties
- Seek ways to avoid, minimize, or mitigate any adverse effects on historic properties

A federal project 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 project 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, Alabama Register of Landmarks and Heritage, and Alabama Historic Cemetery Register. The AHC also maintains files for a number of architectural surveys conducted throughout the state.

The AHC has been diligently working to convert paper files associated with Alabama's historic architectural resources into a web-based system utilizing GIS technology to increase the information's accessibility to the public and to ensure their long-term preservation. Current listings of the AHC's architectural files can be found here: <https://ahc.alabama.gov/historicpreservationmap.aspx>.

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 Hannah Garmon (334-230-2644 / [Hannah.Garmon@ahc.alabama.gov](mailto:Hannah.Garmon@ahc.alabama.gov)). 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 or its designee 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.

Historic architectural surveys for Section 106 must include a description of the property, photo, determination of eligibility for the National Register with explanation as to why the property does/does not meet the criteria for listing. The individual conducting this review 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 (this could be an overview of the development of the property or town). The surveyor should record all architectural resources over 50 years of age or those resources of exceptional significance. The submission should include good quality, current photographs of the resource, all resources must be labeled on a 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 seven aspects of integrity: location, setting, design, materials, workmanship, feeling, and association. When thinking of how to determine if the property meets the seven aspects of integrity, please consider how the property has developed and changed over time. If the original owners could not walk back in a recognize the property, then it is probably not eligible for the National Register.

If properties are said to be ineligible because they lack integrity, there should be an explanation as to why the property is ineligible and photographic evidence to support the statement.

Photographs should address the property as a whole and include any outbuildings. The photos should include the front and side elevations if possible.

Descriptions should address the entire resource, not just the portion being affected by the project. 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.

A submission for a historic district should include a rough boundary map, general history of the area, streetscape photos, as well as individual photos of the effected resource(s) with the determination of eligibility and what criterion it meets for listing to the National Register. Districts may be downtown commercial areas, residential neighborhoods, rural agricultural areas, whole towns, or groupings of archaeological sites.

### **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 project will have no effect upon them.

If there are historic architectural properties which may be affected by the project, 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
- Removal of the property from its historic location
- 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

A finding of **Adverse Effect** may be determined when the project 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 project's effects do not meet the adverse effect criteria or if the project is modified or conditions are imposed to avoid adverse effects.

### **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.

1. Description of the project, specifying federal involvement.
2. Area of Potential Effects (APE) located on a map. Name and date of map should be included if only a section of the map is submitted.
3. Description of steps taken to identify historic properties and efforts to seek information regarding historic properties. Include efforts to consult with local organizations.
4. 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 project's adverse effects.
5. Completed determination of eligibility 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.
  6. Each resource surveyed should be located on 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.
  7. Good quality, current digital photographs for each identified resource must be submitted with the final report. At least one picture of each property identified and views of its associated resources (outbuildings, ancillary structures, significant landscape features) should be included.
  8. Inventory of resources: Each resource should be included in the inventory. Indicate if the resource is/is not eligible for the National Register and why.
  9. Report pages should be numbered and illustrations captioned.

## **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](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](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/NRBI6A-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

### Section 106 / Environmental Review Coordinator:

Amanda McBride 334.230.2692 / [Amanda.McBride@ahc.alabama.gov](mailto:Amanda.McBride@ahc.alabama.gov)

### General Project Status:

[Section.106@ahc.alabama.gov](mailto:Section.106@ahc.alabama.gov)

### Questions about the 106 process regarding archaeology:

Amanda McBride 334.230.2692 / [Amanda.McBride@ahc.alabama.gov](mailto:Amanda.McBride@ahc.alabama.gov)

Eric Sipes 334.230.2667 / [Eric.Sipes@ahc.alabama.gov](mailto:Eric.Sipes@ahc.alabama.gov)

### Questions about maritime archaeological projects:

Stacye Hathorn, State Archaeologist, 334.230.2649 / [Stacye.Hathorn@ahc.alabama.gov](mailto:Stacye.Hathorn@ahc.alabama.gov)

### Questions about architectural resources or viewshed issues:

Leanne Waller-Trupp 334.230.2653 / [Leanne.Trupp@ahc.alabama.gov](mailto:Leanne.Trupp@ahc.alabama.gov)

### Questions about existing architectural surveys or the Historic Preservation GIS Map:

Hannah Garmon 334.230.2644 / [Hannah.Garmon@ahc.alabama.gov](mailto:Hannah.Garmon@ahc.alabama.gov)

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

Chloe Mercer 334.230.2669 / [Chloe.Mercer@ahc.alabama.gov](mailto:Chloe.Mercer@ahc.alabama.gov)

### Alabama Department of Transportation Projects:

Will Lowe 334.230.2670 / [William.Lowe@ahc.alabama.gov](mailto:William.Lowe@ahc.alabama.gov)

Leanne Waller-Trupp 334.230.2653 / [Leanne.Trupp@ahc.alabama.gov](mailto: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](mailto: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.