Section 106 & Historic Preservation Commissions

April 29, 2019 Jennifer Dixon

Department of Natural Resources
Historic Preservation Division
Section 106 of the National Historic Preservation Act

- National Historic Preservation Act
  - Section 106

- Undertaking:
  “project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.” 36 CFR Part 800.16

- Historic Property:
  “any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places…” 36 CFR Part 800.16
The HPC Role in Section 106

- Delegate/Applicant
- Consulting Party
Section 106 – The Process

**Initiate Section 106 Process**
- Establish undertaking
- Identify appropriate SHPO/THPO
- Plan to involve the public
- Identify other consulting parties

**Public Involvement**

**No Undertaking / No Potential to Cause Effects**

**Identify Historic Properties**
- Determine scope of effort
- Identify historic properties
- Evaluate historic significance

**Public Involvement**

**No Historic Properties Affected**

**Assess Effects**
- Apply criteria of adverse effect

**Public Involvement**

**No Historic Properties Adversely Affected**

**Resolve Adverse Effects**
- Continue consultation

**Public Involvement**

**Memorandum of Agreement**
Delegate Role

- Environmental Review Form
  - [http://www.georgiashpo.org/review](http://www.georgiashpo.org/review)
- Project information
- Map
- Photographs
Environmental Review Form

- General Information
- Location
- Contacts
- Project Type
- Agencies

PLEASE NOTE: THERE IS A 30-DAY REVIEW PERIOD FROM THE DATE HPD RECEIVES THE SUBMITTAL. SHOULD ADDITIONAL INFORMATION BE REQUESTED, THE 30-DAY PERIOD RESTARTS.
Environmental Review Form

- Site Information
  - Historically
  - Currently
  - DESCRIBE!
Environmental Review Form

- Resource Information
- Previous Surveys
- APE
- Known resources

IV. Cultural Resources

Background research for previously identified properties within the project area may be undertaken at HFD, including National Register of Historic Places files, county and city surveys, and identified site files. Additionally, research at the Georgia Archeological Site File (GASF) in Athens may be undertaken by a qualified archeologist or site file staff. To make a research appointment or find contact information for GASF, please visit our website. Please note that as part of the review process, HFD may request an archeological survey.

A. To your knowledge, has a cultural resources assessment or a historic resources survey been conducted in the project area?  
   YES  NO  DO NOT KNOW  (see [http://www.georgiastate.gov/register/survey])  
   *If yes, provide the title, author, and date of the report.*

B. Area of Potential Effect (APE)

The APE is the geographic area or areas within which a project may cause change (or effects). These changes can be direct (physical) or indirect (visual, noise, vibration) effects. The APE varies with the project type and should reflect all topography, vegetation, existing development, physical setting of the project, and existing planned development. For example:

<table>
<thead>
<tr>
<th>If some project includes</th>
<th>Then your APE would be</th>
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<tbody>
<tr>
<td>Rehabilitation, restoration, and/or demolition of a building or structure, or new construction of a building or structure</td>
<td>the building or property itself and the surrounding properties, with a view of the project</td>
</tr>
<tr>
<td>Road/highway construction or improvements, recreational, pedestrian, or bicycle facilities</td>
<td>the length of the project corridor and the surrounding properties, with a view of the project</td>
</tr>
<tr>
<td>Above-ground utilities, such as transmission lines, water towers, pump stations, retention ponds, etc.</td>
<td>the area of ground disturbance and the surrounding properties, with a view of the project</td>
</tr>
<tr>
<td>Underground utilities</td>
<td>the area of ground disturbance</td>
</tr>
</tbody>
</table>

Based on this information, identify the APE for your project, similar to above, and describe what exists within it (as it is modern or historic, natural or commercial, undeveloped, etc., within the APE).

C. Is the property located within or adjacent to a National Register of Historic Places (NRHP) listed or eligible historic property or district as a locally designated property or district?  
   YES  NO  DO NOT KNOW  
   *If yes, please provide name.*

D. Within the project APE as identified in IV.B. are there any other buildings or structures that are 50 years old or older?  
   YES  NO  DO NOT KNOW  
   *If yes, please provide photographs of each building or structure and the photos to a site map.*

E. Are any of the buildings or structures identified in IV.D listed or eligible for listing on the NRHP?  
   YES  NO  DO NOT KNOW  
   *If yes, please identify the properties (by name or photo #).*
Environmental Review Form

Effects

- Direct
- Indirect
- DESCRIBE!
Submittal Tips

- Fill out the ER Form completely
- Prepare the form with the cold reader in mind
- Include a map
- Include photographs
Consulting Party Role

- Demonstrated Interest
- No specific outcome
- SPEAK UP!
Adverse Effect

- **Adverse Effect:**
  
  “may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.” 36 CFR Part 800.5

An **Adverse Effect** is *not* the end of the process

An **Adverse Effect** does *not* mean the project cannot be completed
Adverse Effect

1. Avoid
2. Minimize
3. Mitigate
Summary

- Section 106
- HPC Roles
  - Delegate/Applicant
  - Consulting Party
- SPEAK UP
- Adverse Effects
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