Section 106 of the National Historic Preservation Act

Sustainable Energy UTBB Board/Staff Workshop
Saturday November 4, 2023
Bristol Bay Campus
Monty Rogers
www.culturalalaska.com
Purpose of Section 106

Section 106 of the National Historic Preservation Act requires federal agencies to:
1) consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country.
2) If a federal or federally-assisted project has the potential to affect historic properties, a Section 106 review will take place.

Photo Credit: Alison Eskelinhttps://alaskapublic.org/2019/12/12/proposed-nuyakuk-falls-hydroproject-to-test-impacts-on-salmon/
Section 106 Review Process

INITIATE the process
- Determine undertaking
- Coordinate with other reviews
- Identify SHPO/THPO, Indian tribes/NHOs, and other parties
- Plan to involve the public

Undertaking with potential to affect historic properties?

NOT

IDENTIFY historic properties
- Determine APE and scope of effort
- Make reasonable and good faith effort to identify
- Determine National Register eligibility
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

Historic properties present or affected?

NOT

ASSESS adverse effects
- Apply Criteria of Adverse Effects
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

Historic properties adversely affected?

NOT

RESOLVE adverse effects
- Develop and consider alternatives or modifications to avoid, minimize, or mitigate adverse effects
- Notify the ACHP
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

AGREEMENT or Council Comment

PROCEED
National Register of Historic Places

Property Types
Buildings • Structures • Objects • Sites • Districts

Eligibility = Significance + Integrity

36 CFR § 60.4
Criteria for Evaluation
(Significance)

A. Event
Associated with events that have made a significant contribution
to the broad patterns of our history.

B. Person
Associated with the lives of significant persons in our past.

C. Design/Construction
Embody the distinctive characteristics of a type, period, or
method of construction, or that represent the work of a master,
or that possess high artistic values, or that represent a
significant and distinguishable entity whose components may
lack individual distinction.

D. Information Potential
Has yielded or may be likely to yield information important in
history or prehistory.

Aspects of Integrity

setting • MATERIALS
LOCATION
Workmanship • design
feeling • Association

Assessing Adverse Effects

Measure Change from
Present Condition

36 CFR § 800.5(a)(1)
Criteria of Adverse Effect

An ADVERSE EFFECT is found when an undertaking 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 property’s integrity.

ADVERSE EFFECTS may include reasonably foreseeable effects
caused by the undertaking that may occur later in time,
be farther removed in distance, or be cumulative.

36 CFR § 800.5(a)(2)
Examples of Adverse Effects

Destruction or Damage of all or part of historic property
Alteration not consistent with SOI Standards
Removal from its Location
Change in Use or Setting
Addition of Visual, Audible, or Atmospheric Elements out of Character
Neglect (when not an expected characteristic)
Transfer, Sale, or Lease out of Federal Control
Nuyakuk Falls Proposed Project

Figure from June 6, 2022 Nuyakuk Project Public Meeting Presentation by Nushagak Cooperative
Nuyakuk Falls Hydro Plant for Proposed Project

Figure from June 6, 2022 Nuyakuk Project Public Meeting Presentation by Nushagak Cooperative
Powerlines and Potential Effects

- 153 miles of Transmission Lines
- One tower every 400 feet
- route would be used to construct the transmission line, then serve as a land-based right of way for the Project site