

Section 106 of the National Historic Preservation Act

Sustainable Energy UTBB
Board/Staff Workshop
Saturday November 4, 2023
Bristol Bay Campus
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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
Eskelin <https://alaskapublic.org/2019/12/12/proposed-nuyakuk-falls-hydroproject-to-test-impacts-on-salmon/>



Section 106 Review Process

36 CFR § 800.3-7

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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?

YES

NO



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?

YES

NO



ASSESS adverse effects

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

Historic properties adversely affected?

YES

NO



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



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**

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

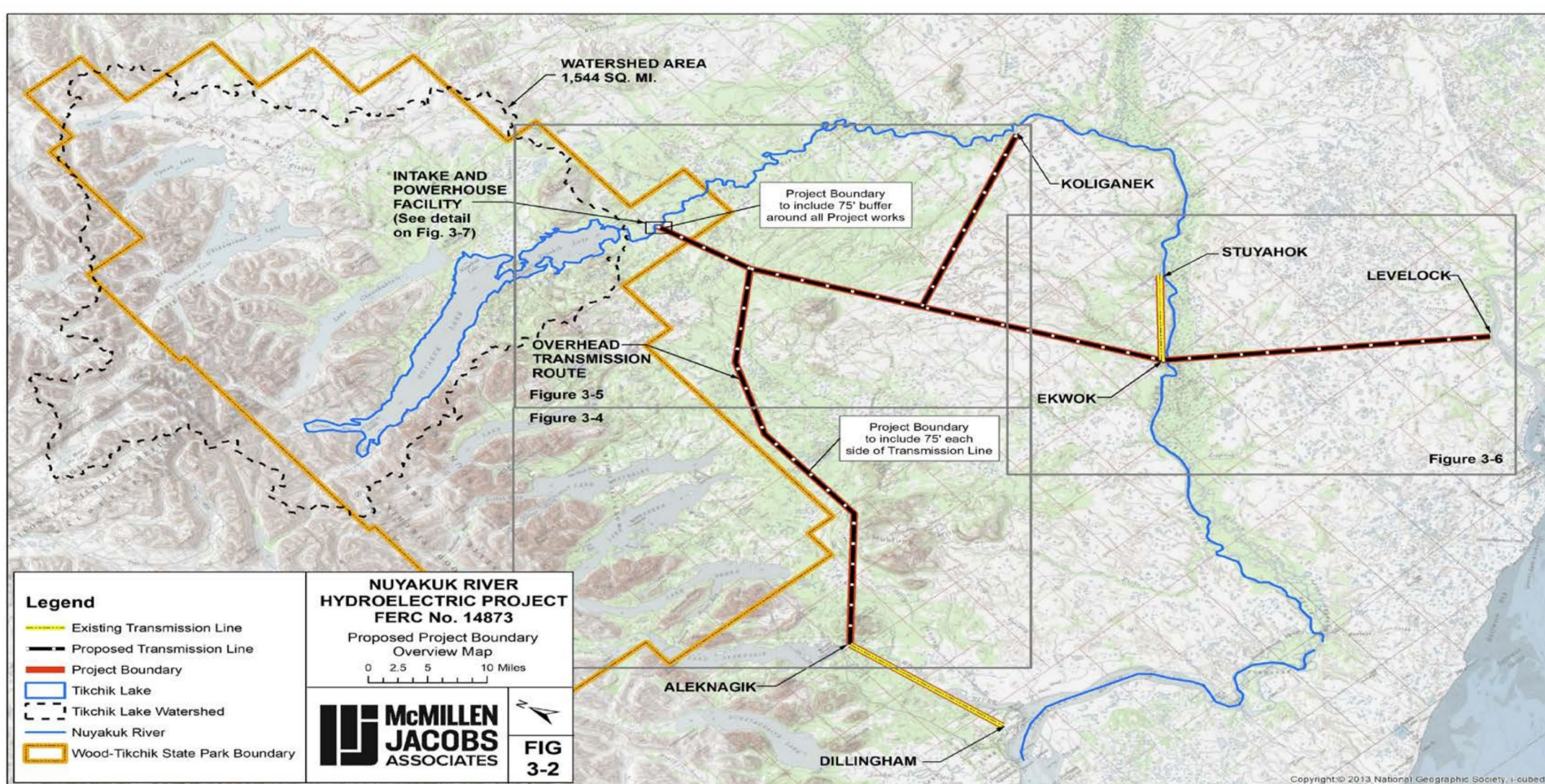


Figure from June 6, 2022 Nuyakuk Project Public Meeting Presentation by Nushagak Cooperative

Nuyakuk Falls Hydro Plant for Proposed Project



Figure from June 6, 2022 Nuyakuk Project Public Meeting Presentation by Nushagak Cooperative

Powerlines and Potential Effects



Photo Credit: Monty Rogers

- 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



Photo Credit: Tim Kelley
<http://crust.outlookalaska.com/SpringSkiing2006/Beluga/index.htm>