

Lesson Overview

This lesson describes Step 2 of the historic preservation review process as outlined by Section 106 of NHPA.

Lesson Objectives

At the end of this lesson, you will be able to:

- Define the area of potential effects (APE).
 - Describe the requirements for identifying and evaluating historic properties.
 - Apply the historic review process to a case study.
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Step 2: Identify and Evaluate Historic Properties

First, let's get acquainted with the process involved in Step 2.

Key Points

- Step 2 of the Section 106 process requires FEMA to identify historic properties in a project area and evaluate whether they are on or eligible for the National Register of Historic Places.
 - FEMA makes a finding that either no historic properties will be affected or that historic properties exist and will be affected.
 - Step 2 concludes after FEMA allows the SHPO/THPO to concur or non-concur with its finding.
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Initiating the Process

The previous lesson discussed the first step of the Section 106 review process: initiating the process.

Step 1 involved:

- Determining if an undertaking exists and has the potential to cause effects.
- Establishing the appropriate review process and determining if an emergency situation exists.
- Initiating consultation.

If an undertaking has the potential to affect historic properties, the review process continues with Step 2: Identifying and Evaluating Historic Properties.

Area of Potential Effects

FEMA must consult with the SHPO/THPO to determine and document the area of potential effects (APE).

The APE is the geographic area within which the character or use of historic properties may be changed as a result of the project.

- Example: The APE for the repair of the exterior of a historic building may be the building itself.
 - Example: The APE for the exterior repair of a historic building in a historic district may be the entire historic district.
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Determining the Scope of Effects

At the beginning stages of the identification process, FEMA consults with the SHPO/THPO to:

- Determine and document the APE.
 - Review existing information about historic properties in the APE.
 - Consult with parties likely to have knowledge of or concerns about historic properties in the APE.
 - Gather information from Native American Tribes and organizations about properties with religious or cultural significance that may be located in the APE.
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Identifying Historic Properties

After the APE is established, FEMA must make a good-faith effort to identify properties that are listed on or potentially eligible for the National Register of Historic Places.

FEMA may use the following methods when identifying historic properties:

- Background research including local, State, and/or Tribal historic designations.
 - Consultation with the SHPO/THPO, any consulting parties, and the public.
 - Oral history interviews.
 - Sample field investigations.
 - Field surveys.
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Historic Property Clues

During field surveys, the FEMA team looks for visual clues that a property is historic, including:

- Plaques or markers that describe the historic status of a property or the property's significance.
 - Dates on buildings.
 - Unusual architectural styles or design features.
 - Whether the project is on previously undisturbed land, which may contain an archeological site.
 - Surrounding environment.
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Evaluating Historic Significance

FEMA uses the National Park Service's published criteria to evaluate whether a historic property is eligible for the National Register. As you learned in Lesson 1, the property must meet at least one of four criteria:

Criterion A: Associated with an important event.

Criterion B: Associated with an important person.

Criterion C: Notable physical design or construction.

Criterion D: Has or may yield information important in prehistory or history.

FEMA often assumes that properties that have received local, State, or Tribal historic designation are also potentially eligible for the National Register.

Ultimately FEMA, not the SHPO/THPO, determines if a historic property in the APE is eligible for the National Register.

Who Conducts Identification and Evaluation?

Only qualified individuals can identify and evaluate historic properties as part of the Section 106 review.

Qualifications are based on the Secretary of the Interior's Professional Qualifications Standards for Historic Preservation and/or Archeology and other related disciplines.

For FEMA staff, the FEMA Federal Preservation Officer determines whether an individual meets these qualifications.

Activities Not Requiring Professional Qualified Individuals

Individuals who do not meet these qualifications can conduct some FEMA historic preservation activities.

Examples of these activities include:

- Collecting information from the SHPO/THPO.
- Initiating consultation.
- Coordinating the review activities.

Remember, only qualified individuals can identify and evaluate historic properties.

Sources of Expertise

When identifying and evaluating historic properties, FEMA may utilize the following sources of qualified historic preservation expertise:

- FEMA.
 - Contractors.
 - Federal agencies.
 - State agencies.
 - Native American Tribes.
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If No Historic Properties Are Affected

FEMA can make a finding of "no historic properties affected" if FEMA determines that there are no historic properties in the APE, or if there **are** historic properties present but the undertaking does not have the potential to affect or alter their qualifying characteristics.

When FEMA makes the determination that no historic properties are affected, the Agency notifies the SHPO/THPO and other consulting parties of this decision and provides them with the accompanying project documentation.

- If the SHPO/THPO concurs with this decision, then FEMA documents the decision in the project file. The historic preservation review process is then complete.
- If the SHPO/THPO, within 30 days of receiving FEMA project documentation, objects to FEMA's determination, then FEMA must try to resolve the dispute. If this is unsuccessful, then FEMA shall refer the determination of eligibility to the Keeper of the National Register.

The next screen reviews the steps taken if historic properties are identified.

If Historic Properties Will Be Affected

If FEMA makes the determination that historic properties will be affected, then:

- FEMA notifies the SHPO/THPO and other consulting parties and provides project documentation to support this decision.
 - The Advisory Council on Historic Preservation (ACHP) should be notified and invited to participate as a consulting party if any of the identified properties are National Historic Landmarks.
 - The review continues with Step 3: Assessing Adverse Effects.
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Moving to Step 3

At this point in the review process, FEMA must have:

- Used qualified professionals.
- Determined the APE.
- Identified historic properties in the APE that are listed on or are potentially eligible for the National Register.
- Consulted with the SHPO/THPO and received their concurrence.
- Notified consulting parties of findings.

Once these steps have been completed, Step 3 of the review can begin.

Lesson Summary

You have now completed the fourth lesson in the Historic Preservation section of this course. You should be able to:

- Define the area of potential effects (APE).
 - Describe the requirements for identifying and evaluating historic properties.
 - Apply the historic review process to a case study.
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