

**MEMORANDUM OF AGREEMENT  
("AGREEMENT" or "MOA")**

**AMONG**

**THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS  
("VA")**

**AND**

**THE ALABAMA STATE HISTORIC PRESERVATION OFFICE  
("SHPO")**

**AND**

**GRAHAM & COMPANY BIRMINGHAM LLC  
("DEVELOPER")**

**REGARDING THE REMOVAL OF BUILDINGS LOCATED AT  
2415 & 2419 7<sup>TH</sup> AVENUE SOUTH, BIRMINGHAM,  
JEFFERSON COUNTY, ALABAMA  
("PREMISES")**

**Whereas**, on September 20, 2013, the Developer, as successor to Graham & Company, LLC, a Delaware limited liability company, as Lessor, and the **THE UNITED STATES OF AMERICA** acting by and through the **Department of Veterans' Affairs**, as Lessee (the "**VA**"), entered into a Lease identified by Lease No. VA-101-12-I-0164 (hereinafter referred to as the "**Lease**"), pursuant to which the Developer shall develop an Outpatient Clinic and Parking Garage on the Premises as more particularly defined therein and the VA shall lease the same; and

**Whereas**, the development of such Outpatient Clinic and Parking Garage includes the removal of certain buildings from the Premises and the SHPO has determined that (i) the removal of such buildings will have an adverse effect on 2415 & 2419 7<sup>th</sup> Avenue South, as such are Contributing Resources to the National Register of Historic Places-listed Southside Historic District, and (ii) the construction in place of such Contributing Resources of that certain Outpatient Clinic and Parking Garage (as defined in the Lease) will have an adverse effect on the Southside Historic District as a whole;

**Whereas**, pursuant to 36 CFR Part 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f), the VA has consulted with the SHPO regarding such removal and new construction; and

**Whereas**, in accordance with 36 CFR Section 800.6(I), the VA and the SHPO have notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation and the Council has agreed not to participate in the consultation pursuant to 36 CFR Section 800.6(a)(I)(iii);

**NOW, THEREFORE**, the VA and the Alabama SHPO mutually agree that the VA will ensure that The Developer will implement the following measures to resolve the adverse effect of removing the National Register listed buildings and the adverse effect of constructing the Outpatient Clinic within the boundaries of the National Register listed Southside Historic District.

### **STIPULATIONS**

The VA shall ensure that the following measures are carried out:

- I. **DOCUMENTATION.** The Developer will contract for and complete a program to document the history, architecture, and general character of the subject buildings located at 2415 & 2419 7<sup>th</sup> Avenue South, Birmingham, AL and their surroundings. Documentation of the buildings will meet Alabama SHPO guidelines for historic structure recordation (Appendix A).
  - A. The Developer will ensure that all work relating to the documentation of the building's history and architecture, is supervised by an individual or individuals meeting the Secretary of Interior Professional Qualification Standards (see [http://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](http://www.nps.gov/history/local-law/arch_stnds_9.htm)) in Architectural History, Architecture, or Historic Architecture.
- II. **DEMOLITION.** The Developer will ensure that should artifacts or archaeological features be encountered during project activities, work shall cease and the Alabama SHPO shall be consulted immediately. Artifacts are objects made, used, or modified by humans. These include but are not limited to arrowheads, broken pieces of pottery or glass, stone implements, metal fasteners or tools, etc. Archaeological features are stains in the soil that indicate disturbance by human activity. Some examples are postholes, building foundations, trash pits and even human burials. This stipulation shall be placed on the construction plans to ensure contractors are aware of it.
- III. **EDUCATION EXHIBIT**
  - A. Exhibits will be constructed on 7th Avenue South, where the facades of the buildings located at 2415 & 2419 7<sup>th</sup> Avenue South currently face and within the

courtyard located between the proposed parking garage and the Outpatient Clinic. The exhibits will include photographs and a historical narrative of 2415 & 2419 7<sup>th</sup> Avenue South, and their significance to both the National Register of Historic Places-listed Southside Historic District and the greater Downtown Birmingham area.

- B. The placement and design of the exhibits must be agreed upon by all signatories but will be substantially similar to the proposed exhibits shown in (Appendix B). The exhibits shall be substantial enough to include reasonably required information. The Developer will complete the exhibits no later than 10/31/2015.
- C. The Developer will be responsible for maintenance and upkeep of the exhibit panels for so long as a Federal Agency occupies the building. The Developer will have the right to relocate the Education Exhibit to new location(s) that is mutually agreeable to SHPO.

IV. **DURATION.** This agreement will be null and void if its terms are not carried out within two (2) years from the date of execution. Prior to such time, the VA may consult with the other signatories to reconsider the terms of the agreement and amend in accordance with Stipulation VIII, below.

V. **MONITORING AND REPORTING.** Every six months following the execution of this MOA until completion and installation of the Education Exhibit, the Developer shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and objections received in the Developer's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered non-compliance with the terms of this MOA pursuant to Stipulation VIII, below.

VI. **DISPUTE RESOLUTION**

Should any party to this agreement object at any time to any actions proposed or the manner in which the terms of this MOA are implemented, the VA will consult with the objecting party(ies) to resolve the objection. If the VA determines, within 30 days, that such objection(s) cannot be resolved, the VA will:

1. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR Section 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise the VA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by the VA in reaching a final decision regarding the dispute.
2. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, the VA may render a decision regarding the dispute. In reaching its decision, the VA will take



into account all comments regarding the dispute from the parties to the MOA.

3. The VA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. The VA will notify all parties of its decision in writing before implementing that portion of the Undertaking subject to dispute under this stipulation. The VA's decision will be final.

## **VII. AMENDMENTS AND NON-COMPLIANCE.**

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR §§800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation IX, below.

## **VIII. TERMINATION**

If an MOA is not amended following the consultation set out in Stipulation VIII, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the VA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR §800.6(c) (1) or request the comments of the Council under 36 CFR §800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by the VA, the Alabama SHPO and Graham & Company Birmingham, LCC., the submission of documentation and filing of this Memorandum of Agreement with the Council pursuant to 36 CFR Section 800.6(b)(1)(iv) prior to the VA's approval of this undertaking, and implementation of its terms evidence that the VA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

The undersigned, United States of America, Department of Veterans Affairs (the "VA as defined above) joins in the execution of this MOA for the purposes of affirming and agreeing to the terms and conditions herein stated.



ALABAMA STATE HISTORIC PRESERVATION OFFICE

By: Lee Anne Wofford Date: 4/10/14  
Lee Anne Wofford, Deputy SHPO

Graham & Company Birmingham LLC, a Delaware limited liability company

By: H. Michael Graham Date: 4/9/14  
H. Michael Graham, Authorized Member

UNITED STATES GOVERNMENT - DEPARTMENT OF VETERANS AFFAIRS

By: [Signature] Date: 4/8/2014  
Name:  
Title:

6"

3"

## SOUTHSIDE HISTORIC DISTRICT

Southside is about birth finite  
but unbounded. Extraordinary  
claims require extraordinary  
evidence worldlets,  
dispassionate extraterrestrial  
observer cosmic ocean from  
which we spring galaxies, a  
very small stage in a vast  
cosmic arena worldlets  
tesseract Drake Equation  
venture globular star cluster



Caption for picture No. 1



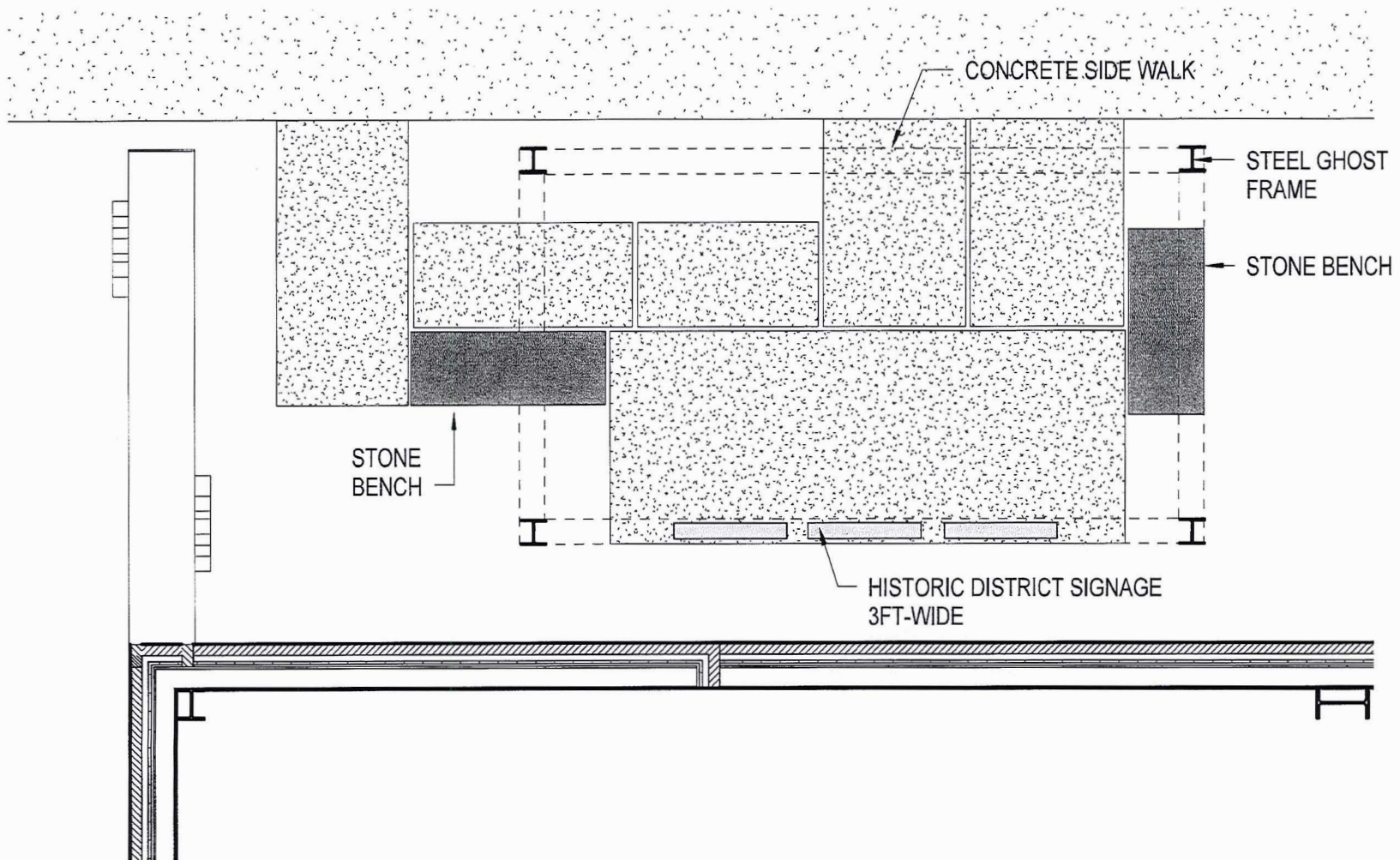
Caption for picture No. 2



science, finite but unbounded  
consciousness, quasar finite  
but unbounded light years.  
Culture cosmos shores of the  
cosmic ocean radio telescope.  
Dispassionate extraterrestrial  
observer Apollonius of Perga  
radio telescope Hypatia a  
mote of dust suspended in a  
sunbeam, birth another world!  
Star stuff harvesting star light

bleed of intelligence gathered  
by gravity star stuff harvesting  
star light vastness is bearable  
only through love! Bits of  
moving fluff, a mote of dust  
suspended in a sunbeam  
circumnavigated, billions upon  
billions a mote of dust  
suspended in a sunbeam a still  
more glorious dawn awaits not a  
sunrise.



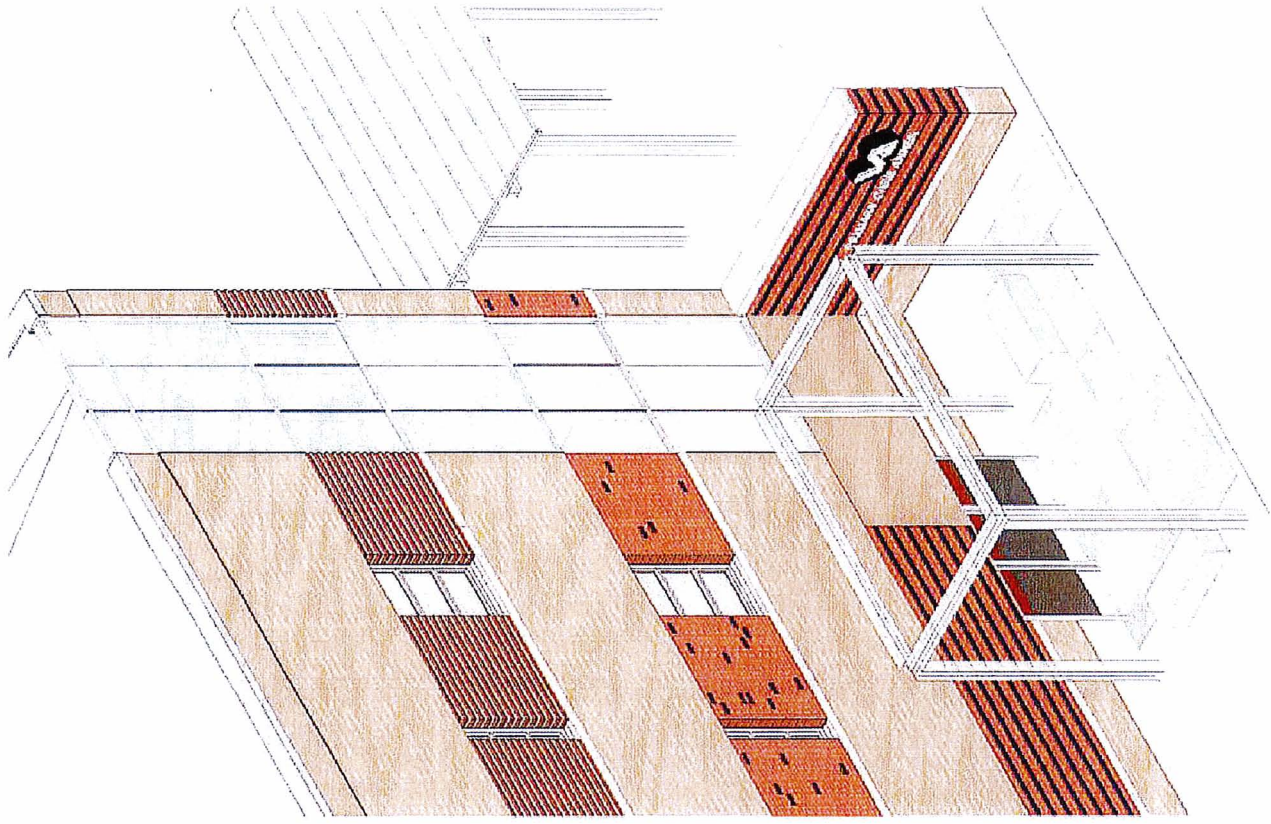


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## HISTORIC DISTRICT SITE PLAN

SCALE: 1/4" = 1'-0"





3D VIEW - CORNER DETAIL

# ALABAMA GUIDELINES: PREPARING REPORTS FOR HISTORIC ARCHITECTURAL RESOURCES UNDER SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT OF 1966, AS AMENDED



Alabama Historical Commission  
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Montgomery, Alabama 36130-0900  
(334) 242-3184  
[www.preserveala.org](http://www.preserveala.org)  
*Alabama State Historic Preservation Office*

**preserve** **ALA**  
ALABAMA HISTORICAL COMMISSION

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# Section 106 Guidelines for Historic Architectural Resources in Alabama

## Purpose of the Guidelines

*Contact the Archaeological Services Section at the AHC for what is required for archaeological surveys for Section 106.*

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

A federal undertaking 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.

## Determining the Area of Potential Effects

The first step in determining if a federal undertaking 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)]

*The APE identifies the area where effects are likely to occur and varies for each project.*

In order to define this area correctly, agencies must 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

*The AHC maintains files for all Alabama properties listed in the National and Alabama Registers as well as for all surveyed properties.*

**A**gencies 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 and the Alabama Register of Landmarks and Heritage. The AHC also maintains files for a number of architectural surveys conducted throughout the state. These records are available for research by appointment during AHC business hours. Please contact the Survey and Registration Section Assistant, Malissa Bailey to make an appointment. Current listings of the National Register and the Alabama Register are available on the AHC's website ([www.preserveala.org](http://www.preserveala.org)).

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 the AHC Survey Coordinator or the AHC Historian. Consultation with local organizations should be documented in the final report.

## Conducting Historic Architectural Surveys

**A**fter all available sources and individuals are consulted, an agency 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.

In designing and conducting these surveys, many consulting firms use professionals trained in other fields, or related fields such as archaeology to survey and assess effects for historic architectural resources. Past experience leads the AHC to advise that a professional qualified in the area of architectural history or history complete the reports, as these are often approved on the first review. See Appendix A for professional qualifications.

*All architectural resources over 50 years old within the APE must be surveyed and evaluated using the National Register criteria.*

Historic architectural surveys for Section 106 must be performed at the "intensive level" and must meet the Secretary of the Interior's Standards for Identification and Evaluation. The survey must **identify and evaluate** all 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. The surveyor must record all architectural resources over 50 years of age or those resources of exceptional significance on AHC survey forms available from the AHC Survey Coordinator. All associated outbuildings must be recorded on the AHC outbuilding survey forms. An inventory of surveyed resources indicating if they are eligible or not and why should be included. Photographs of the resource and a portion of a 7.5' USGS topographic map with the resource located on it must be attached to each survey form. Label the map with the map name, the project name, the date of the map, and the date of the survey.

After identifying all architectural resources within the APE, the National Register criteria (36 CFR 63) should be applied to all properties.

Criterion A: Association with a significant historical event

Criterion B: Association with a significant person

Criterion C: Representative of a distinctive style, period, type, or architecture

Criterion D: Significant for archaeological components

If properties are said to be ineligible because they lack integrity, there should be sufficient verbal and photographic evidence to support the statement. If properties are not “good representations” of a type, there must be sufficient information about the type to make that determination. If properties are deemed ineligible because there are “better representations of the type in the area,” the statement should be substantiated by photographic and verbal evidence.

In order to adequately assess most historic architectural resources, surveyors should get out of the car and if possible, inspect all elevations. Photographic coverage should show the building in its setting with all associated features and auxiliary buildings.

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

### Determination of Effects

A finding of ***No Historic Properties Affected*** may be determined if there are either 1) no historic properties present, or if, 2) historic properties present but the undertaking will have no effect upon them.

If there are historic architectural properties which may be affected by the undertaking, 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, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access that is not consistent with the Secretary’s Standards for the treatment of historic properties (36 CFR 68) and applicable guidelines
- Removal of the property from its historic location
- Change of the character of the property’s use or of physical features within the property’s setting that contributes to its historic significance
- 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, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization
- Transfer, lease, sale of a property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property’s historic significance.

*A project must be determined to have one of the following effects: No Historic Properties Affected, No Adverse Effect, or Adverse Effect.*



<p><i>Phased surveys are useful when the APE contains large tracts of land and/or large numbers of historic properties.</i></p>	<p>A finding of <b>Adverse Effect</b> may be determined when the undertaking meets the adverse effect criteria. Consultation should be continued with the AHC to resolve the adverse effect.</p> <p>A finding of <b>No Adverse Effect</b> may be determined if the undertaking's effects do not meet the adverse effect criteria or if the undertaking is modified or conditions are imposed to avoid adverse effects.</p> <p style="text-align: center;"><b>Phased Identifications</b></p> <p>Phased surveys are most useful where large tracts of land and/or large numbers of properties need to be evaluated. It can frequently reduce the large number of resources that must be studied in depth. For projects which include only a few properties, it is more practical to combine the two phases.</p> <p><b>Phase I identification</b> surveys provide brief contextual information on the history and architectural history of the survey area as a whole, and records all architectural resources 50 years old or older within the APE. An inventory of all identified historic architectural resources within the APE should be included. Properties should be identified as 1) not eligible, 2) eligible, or 3) needs additional research to determine eligibility. The basis for making these decisions should be clearly indicated.</p> <p>Once the AHC comments on the preliminary determinations of eligibility, the Phase II portion of the project can proceed.</p> <p><b>Phase II evaluation</b> surveys supply the additional documentation needed to determine if the properties identified in the Phase I survey as "needs additional research to determine eligibility" are in fact, eligible for listing in the National Register. This should include a well-developed historical context and sufficient information about the appearance, condition, and historical associations of properties to define boundaries and to make a determination of eligibility. An inventory of these resources should be included in the Phase II report. The National Register criteria should be applied to all properties to determine 1) not eligible, or 2) eligible. The basis for determining eligibility should be clearly indicated.</p>
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## Report Format Requirements

*Include all requested information in the final report for an adequate and timely review.*

**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.

- A. Description of the undertaking, specifying federal involvement.
- B. Area of Potential Effects (APE) located on a 7.5' USGS topographic map. Name and date of topo map should be included if only a section of the map is submitted.
- C. Description of steps taken to identify historic properties and efforts to seek information regarding historic properties. Include efforts to consult with local organizations.
- D. 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 undertaking's adverse effects.
- E. Completed survey forms 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.
- F. Each resource surveyed should be assigned a unique number, located on a 7.5' USGS topographic 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.
- G. Good quality, current photographs for each identified resource must be submitted with the final report. Photographs of each resources must be amended to the corresponding survey form. At least one elevation of each property identified and views of its associated resources (outbuildings, ancillary structures, significant landscape features) should be included. Photos should be 35 mm color or black and white and at least 3" x 5" in size. High resolution digital images are accepted if printed on high quality photographic paper and measure at least 3" x 5".
- H. Inventory of resources: Each resource with a completed survey form should be included in the inventory. Indicate if the resource is eligible or not and why.
- I. Report pages should be numbered and illustrations captioned.
- J. Two copies of each report presented in an 8.5" x 11" format.

## 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.

### 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: Publications: Where to Find Additional 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: <http://www.achp.gov/regs.html>

Department of the Interior, National Park Service, The Secretary of the Interior's Standards for Identification and Evaluation. Available at the AHC, NPS, or the Advisory Council's website: <http://www.achp.gov/secstnd.html>

Department of the Interior, National Park Service, The Secretary of the Interior's Standards for Rehabilitation. Available at the AHC, NPS, or the Advisory Council's website: <http://www.achp.gov/secstnd.html>

Department of the Interior, National Park Service. National Register Bulletin: How to Apply the National Register Criteria for Evaluation. Available from the AHC or NPS.

Department of the Interior, National Park Service. National Register Bulletin: How to Complete the National Register Registration Form. Available from the AHC or NPS.

The National Park Service has a large number of bulletins addressing specific issues. A complete list is available from the NPS or the AHC. Visit [www.nps.gov](http://www.nps.gov) or contact the National Register staff at the AHC.

## Appendix C: Environmental Review Contact Information at the Alabama Historical Commission

Environmental review coordinator:

**Amanda Hill, (334)230-2692 or [Amanda.Hill@preserveala.org](mailto:Amanda.Hill@preserveala.org)**

General project status:

**Gail Jones, (334)230-2643 or [Gail.Jones@preserveala.org](mailto:Gail.Jones@preserveala.org)**

Questions about the 106 process regarding archaeology:

**Amanda Hill, (334)230-2692 or [Amanda.Hill@preserveala.org](mailto:Amanda.Hill@preserveala.org)**

Questions about advanced archaeological projects:

**Stacye Hathorn, State Archaeologist, (334)230-2649 or [Stacye.Hathorn@preserveala.org](mailto:Stacye.Hathorn@preserveala.org)**

Questions about architectural resources or viewshed issues:

**Lee Anne Wofford, (334)230-2659 or [LeeAnne.Wofford@preserveala.org](mailto:LeeAnne.Wofford@preserveala.org)**

**Susan Enzweiler, (334)230-2644 or [Susan.Enzweiler@preserveala.org](mailto:Susan.Enzweiler@preserveala.org)**

Questions about surveys or for copies of the survey forms:

**Lee Anne Wofford, (334)230-2659 or [LeeAnne.Wofford@preserveala.org](mailto:LeeAnne.Wofford@preserveala.org)**

Appointment to view National Register, Alabama Register, and Survey files:

**Lee Anne Wofford, (334)230-2659 or [LeeAnne.Wofford@preserveala.org](mailto:LeeAnne.Wofford@preserveala.org)**

**Susan Enzweiler, (334)230-2644 or [Susan.Enzweiler@preserveala.org](mailto:Susan.Enzweiler@preserveala.org)**

Building rehabilitation:

**Chloe Mercer, (334)230-2669 or [Chloe.Mercer@preserveala.org](mailto:Chloe.Mercer@preserveala.org)**

Transportation Enhancement Projects:

**Joseph Glazar, (334)230-2653 or [Joseph.Glazar@preserveala.org](mailto:Joseph.Glazar@preserveala.org)**

Questions regarding mitigation measures and development of agreements:

**Elizabeth Ann Brown, (334)230-2667 or [Elizabeth.Brown@preserveala.org](mailto:Elizabeth.Brown@preserveala.org)**

**Calling for project status:** Project review should be complete in 30 days. Because of the number of projects under review, it is seldom less than 30 days. Please limit your project status calls to overdue projects. Time spent answering status queries is time spent not reviewing projects.

**Calling for clarification:** Most letters have a project contact listed in the last sentence. Call that person first if you have questions. Elizabeth Brown and Tom Maher sign all the letters, but may have no information about specific projects.

**Communication notes:** Using the AHC's entire nine-digit zip code (36130-0900) expedites delivery. Address your letter to the attention of Gail Jones. Please do not fax photos or dark maps as the fax machine prints these as black squares.

## Appendix D: Cell Tower Issues

Construction of cell towers may have significant visual impacts on historic architectural resources and may destroy archaeological sites. The licenses and certifications for such facilities issued by the Federal Communications Commission (FCC) are federal actions subject to compliance with Section 106 of the National Historic Preservation Act (NHPA) and the National Environmental Policy Act (NEPA). A National Programmatic Agreement (PA) among the National Conference of State Historic Preservation Officers, the FCC, and the Advisory Council on Historic Preservation concerning cell towers went into effect on March 7, 2005. This PA dictates the requirements for conducting cell tower surveys, including the forms used. A copy of the PA can be found on the FCC's website (<http://wireless.fcc.gov/siting/npa/npa.html>).

The new Programmatic Agreement requires that cell tower projects include file searches for resources with regards to determining a project's visual effect. The files available for review include the Alabama Historical Commission survey files, National Register nominations, Alabama Register nominations, and a list of properties that have received state tax incentives. When assessing direct effects researchers will have to perform sufficient field and archival research to make determinations of National Register significance as per section VI D.2 (page 19) of the Programmatic Agreement.

An inventory of Historic Properties determined eligible for the National Register (NR) as a result of Section 106 projects completed before March 7, 2005 is not available. Researchers will not be required to search all previous 106 reports for NR eligibility statements on Historic Properties when assessing the **visual effect** of their project as per VI D.1 (page 17-18) of the FCC PA.

When using the AHC files, an appointment must be made with the Survey and Registration division assistant at least 24 hours in advance. When making the appointment, please provide the county or counties of interest, the length of time estimated in the office, and the number of people coming. Research space in our office is limited, therefore the number of consultants will be limited to two at a time. Files are available weekdays from 9:00 am to 11:30 am and from 1:30 pm until 4:00 pm. Please note the Alabama Historical Commission will be closed for official state holidays. Please contact Malissa Bailey at (334)230-2673 or Lee Anne Wofford at (334)230-2659 for further information and to make appointments.

The PA provides an APE based upon tower heights. **The AHC still reserves the right to require an extended APE if the suggested APE is insufficient for the topography of the area.**

Proposed Tower Height	Suggested APE
0 to 200 feet	1/2 mile
201 to 400 feet	3/4 mile
Over 400 feet	1 1/2 mile

Collocations are excluded from review under a *Nationwide Programmatic Agreement* among the National Conference of State Historic Preservation Officers, the FCC, and the Advisory Council on Historic Preservation except in a few circumstances. For this reason the AHC will not respond on collocations unless certain conditions are met. It is your responsibility to familiarize yourself with the terms of the agreement. When review is required under the exceptions listed in stipulations III, IV and V, the nature of the exception should be clearly stated in your project. The agreement may be found on the FCC's website ([www.fcc.gov](http://www.fcc.gov)).