



Criteria for ABPP Involvement in Reviewing Individual Section 106 Cases

Since 2004, the American Battlefield Protection Program (ABPP) has participated in various Section 106 cases related to Federal undertakings at historic battlefields. With limited staff and budget, however, ABPP cannot participate as an interested or consulting party in every 106 case in the United States that has the potential to adversely affect historic battlefields. Therefore, ABPP will work with the Advisory Council on Historic Preservation (ACHP) to develop and disseminate useful guidance about how to identify and characterize historic battlefields and evaluate potential effects. In the meantime, the ABPP will continue to participate in 106 cases on a limited basis.

ABPP will consider requests to become involved in the 106 process from any interested party, but will reserve the right to apply limited staff time and resources to select projects only. ABPP will give priority to requests from a FPO, SHPO, THPO, or the ACHP. However, at least one of the following criteria must be met for ABPP to consider participating in a 106 case involving a battlefield(s). ABPP will not always elect to participate even when one or more of the criteria are met.

ABPP may participate in the Section 106 process when a Federal undertaking:

- *Has substantial impacts on battlefields of national significance*
- *Has substantial impacts on more than one battlefield*
- *Clearly contributes to substantial future (cumulative) impacts on a battlefield*
- *Has substantial impacts on battlefields that have received ABPP grants*
- *Presents important questions of policy*
This may include:
 - (a) cases where the outcome will set a precedent affecting ABPP policies or program goals; or
 - (b) the development of programmatic agreements that alter the way the Section 106 process is applied to a group or type of undertakings that routinely have adverse effects on battlefields.
- *Has the potential for presenting procedural problems*
This may include:
 - a) cases with substantial public controversy that is related to battlefield preservation issues; or
 - b) cases with disputes among or about consulting parties which the ABPP's involvement could help resolve.

ABPP defines a “battle” as an armed conflict between two or more organized forces representing a nation or state. For purposes of the Section 106 process, the term “battlefield” means a historic landscape upon which the a battle was fought that is eligible for or listed in the National Register of Historic Places and therefore meets the definition of “historic property” under NHPA and the Section 106 regulations (36 CFR 800).

Battlefields and the Section 106 Process

ABPP’s goal is to help preserve battlefield landscapes and defining features so that they may contribute to our understanding and appreciation of the battle and allow for unimpaired reflection, commemoration, interpretation, and study. Federal undertakings can contribute to the loss of historic battlefield landscape and degradation of a battlefield’s setting.

In order for Federal agencies to understand the nature and degree of effect an undertaking may have on a historic battlefield, they must first understand the nature and character of the military landscape and its contributing features. For this reason, ABPP recommends that the historic extent of fighting and support operations be identified and evaluated against the National Register Criteria for Evaluation to determine if the battlefield, or portions of the battlefield, are eligible for listing in the National Register. ABPP also believes that the best archeological approach to battlefield testing includes 1) predicting types of archeological deposits within the Area of Potential Effect (APE); 2) developing a research design for anticipated features; and 3) determining the most appropriate survey method based on those predictions and questions.

The ABPP strongly believes this approach is a fair and reasonable way to identify the larger battlefield landscape and individual character defining features, all of which provide context for evaluating impacts within a specific APE.

Contact

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Balloon test for proposed cellular tower, Bristow Station Battlefield, Bristow, Virginia (May 2007)

