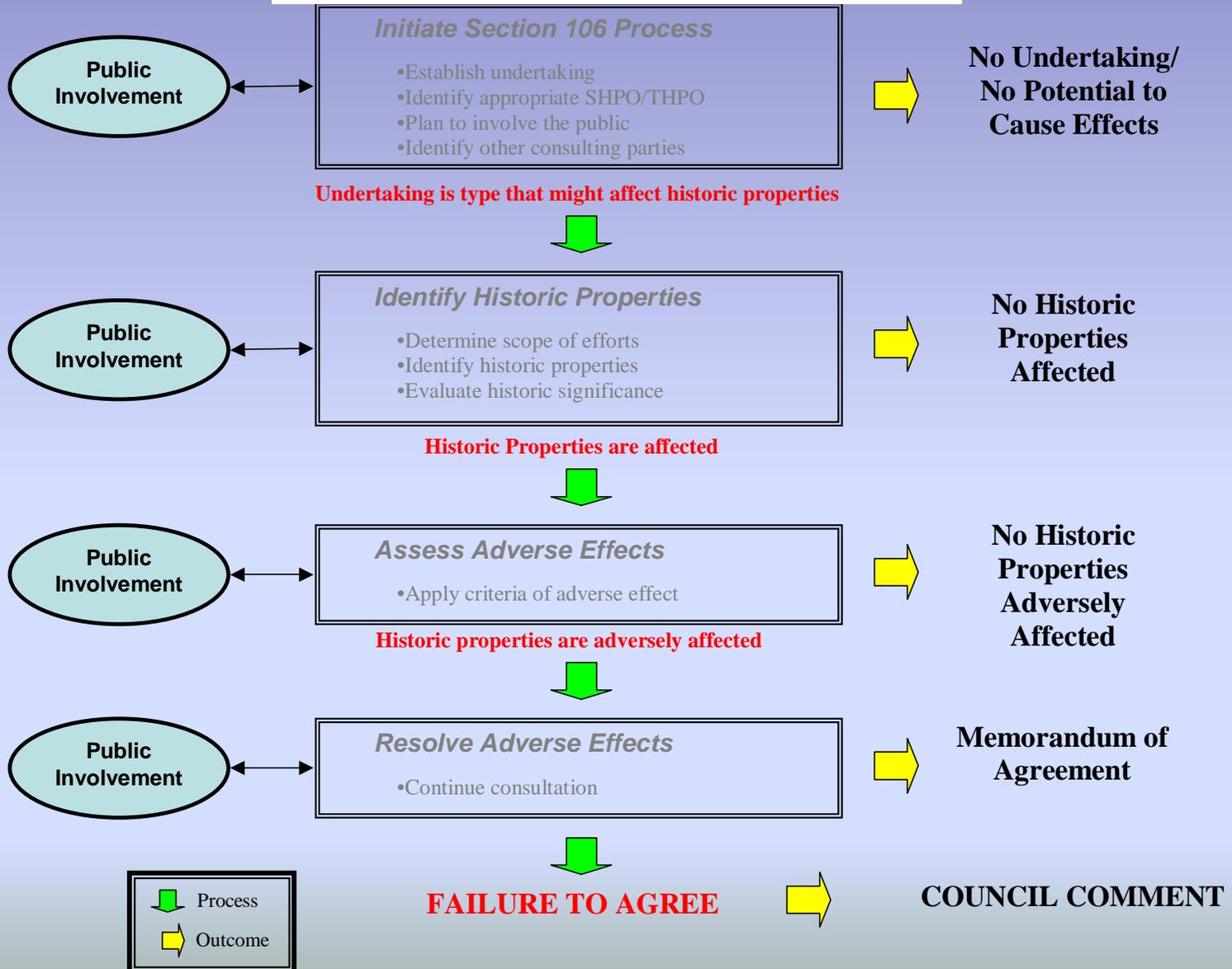




Section 106 of the NHPA

- **Take into account the effects of its actions on Historic Properties**
- **Provide the ACHP a reasonable opportunity to comment**

THE SECTION 106 PROCESS



Section 106 Regulatory Philosophy

- **Framework for problem solving;**
- **Grounded in consultation;**
- **Provides stakeholders access to Federal decision-making;**
- **Historic Preservation is not the only useful public purpose**
- **Results range from full preservation to total loss of historic properties**

Consulting Parties

- **State Historic Preservation Officer**
- **Tribal Historic Preservation Officer**
- **ACHP**
- **Indian Tribes and Native Hawaiian Organizations**
- **National Park Service**
- **Applicants**
- **Local Governments**

Government-to-Government Consultation

- **Federal decision-maker consults with the head of the tribe.**
- **Applicants cannot consult on behalf of an agency unless the tribe agrees.**
- **Agreements between tribes and Agencies may be executed outlining consultation parameters.**

Consultation Off Tribal Lands

[800.2(c)(2)(ii)]



National Register Criteria:

- **Association with IMPORTANT:**
 - **A. HISTORICAL EVENTS**
 - **B. HISTORICAL FIGURES**
 - **C. DESIGN PATTERNS or CONSTRUCTION**
 - **D. DATA/INFORMATION POTENTIAL**

Elements of INTEGRITY

- **LOCATION**
- **SETTING**
- **DESIGN**
- **MATERIALS**
- **WORKMANSHIP**
- **ASSOCIATION**
- **FEELING**

Examples of Adverse Effects

- Damage, Destruction, or Removal of historic properties



- Change in the character of use/setting.
- Alteration not according to the Secretary's Standards.



- Introduction of audible, visual, or atmospheric elements



- Neglect



- Transfer, Lease, or Sale of property



Step 4: Resolving Adverse Effects

The Art of the Possible

Comparing NEPA and Section 106

- NEPA

- Public disclosure process
- Defines agency planning process
- Focuses on alternatives
- Closed timeframe
- CEQ regulations binding on all agencies

- Section 106

- Stakeholder consultation process
- Separate from agency planning process
- Focuses on eliminating adverse effects
- Open timeframe
- ACHP regulations binding on all agencies

Coordinating NEPA and Section 106 Efforts

- Coordinating efforts under NEPA and Section 106 can make requirements of both more efficient.
- You must always meet the requirements of BOTH statutes when coordinating efforts – categorical exclusions under NEPA will still require Section 106 compliance.
- Good public policy to avoid redundancy.



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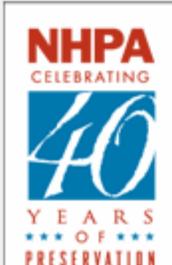
[National Historic
Preservation
Program](#)

[Working with
Section 106](#)

[Federal, State, &
Tribal Programs](#)

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ACHP News

Three New Members Named to Advisory Council on Historic Preservation; Chairman John L. Nau, III, Reappointed to Second Term; Susan S. Barnes Named Vice-Chairman

APRIL 4, 2006, WASHINGTON, D.C.—President George W. Bush recently announced his intention to appoint Missouri Governor Matt Blunt, Fresno California Mayor Alan Autry, and Mr. D. Franklin Arey, III, of Morrilton, Arkansas, to the Advisory Council on Historic Preservation (ACHP). The President also announced the reappointment of John L. Nau, III, of Houston, Texas, to serve a second term as chairman of the ACHP. In addition, Susan S. Barnes, of Aurora, Illinois, a historic preservation expert member of the ACHP, has been named vice chairman. [Read more...](#)

Mrs. Laura Bush Announces First Preserve America Grant Recipients, Neighborhoods

MARCH 9, 2006, WASHINGTON, DC— In a ceremony held on Capitol Hill, Mrs. Laura Bush, First Lady of the United States and Honorary Chair of Preserve America, announced the first round of Preserve America Grants totaling nearly \$3.5 million and acknowledged a number of new Preserve America Communities, including the first five Preserve America Community Neighborhood designations. [Read more...](#)



ACHP Delivers Executive Order Report to President

Signed by President Bush March 3, 2003, Executive order 13287: "Preserve America" complements the *Preserve America* initiative. As required by the order, the ACHP delivered the first report on implementation of Section 3 to the President on February 15, 2006. [Read more...](#)

(Download The Preserve America Executive Order Report to the President:

[PDF low resolution](#), [PDF High resolution](#))

Archeology Task Force publishes draft revised human remains policy

On March 14, 2006 the ACHP [Archeology Task Force](#) published a draft revised human remains policy in the Federal Register for public review and comment. Also, comments recieved in response to the Notice of Intent to Reconsider the Advisory Council's "Policy Statement Regarding Treatment of Human Remains and Grave Goods" are now available. [Read more...](#)

Where to Go For Help...



- **ACHP:**

Office of Federal Agency Programs

Old Post Office Building

1100 Pennsylvania Avenue, NW Suite 809

Washington, DC 20004

- **(202) 606-8505**

- **www.achp.gov**

- **CD reference guide**