



RESOURCE FOCUS

Section 106 Of The National Historic Preservation Act

What is Section 106?

The National Historic Preservation Act (NHPA) of 1966 was established to encourage preservation of the historic and cultural foundations of the Nation and foster conditions under which our modern society and our prehistoric and historic resources can exist in productive harmony. Section 106 of NHPA requires Federal agencies to take into account the effects of their actions on historic properties and archaeological sites listed on or eligible

Preservation Officers (SHPO) and/or Tribal Historic Preservation Officers (THPO) assist in providing the perspective of their respective jurisdictions at various points in the process. In instances with transportation funding from FHWA, much of the review work is done at the State level with the Department of Transportation (DOT).

The Section 106 process is based on consultation with interested parties to identify historic properties, assess project

How does Section 106 affect my byway?

Any action that utilizes Federal funding, including National Scenic Byways Program funding, and has an impact on historic resources or archaeological sites is subject to Section 106 review. Projects such as road improvements, structure rehabilitation, new buildings or trail construction have the potential to have adverse effects on historic properties. It is best to identify any historic preservation issues with Section 106 before the grant application process, especially if there is a need for review. Byway organizations working with Federal or State agencies should be aware of the review process for Section 106. Byway organizations that have projects involving historic properties or sites should work with their respective State DOT to determine if a Section 106 review is necessary. The more a byway organization can be aware of the process, the less chance that surprises or delays may occur—and the higher the likelihood that the organization can assist with the review and aid efficiency, and ensure balance between historic properties and public improvements.

Section 106 of NHPA requires Federal agencies to take into account the effects of their actions on historic properties and archaeological sites listed on or eligible for inclusion in the National Register of Historic Places.

for inclusion in the National Register of Historic Places. The section 106 process is a crucial step in any comprehensive planning process done with Federal assistance (including National Scenic Byways Program funding) whether on public or private lands. It provides the public and the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on Federal projects prior to implementation.

What parts of Section 106 are important to know?

The Code of Federal Regulations at 36 CFR Part 800, Protection of Historic Properties, can be found at www.achp.gov/reg.html. This code identifies the process and the outcomes of the Section 106 review.

Federal agencies are responsible for compliance with the requirements of the Section 106 process although others may initiate and assist in completing the Section 106 review. State Historic

effects, and seek ways to avoid, minimize, and mitigate any adverse effects. A simplified overview of the review process can be described in the following steps. The first step is for the Agency Official to initiate the Section 106 process and work with the appropriate SHPO or THPO office and determine a plan to involve the public and other consulting parties. The second major step is to identify the historic properties in the proposed project area, with a reasonable and good faith level of effort. The third step is to assess any adverse effects. If there is a determination of adverse affects, the agency must continue consultation to seek ways to avoid, minimize, or mitigate the adverse affects. Adverse effects are roughly defined as diminishing the characteristics of a property or site that qualify it for inclusion in the National Register. Section 106 review is not intended to stop a project but rather to ensure that the agencies involved fully recognize and consider historic preservation and public input during the project planning.



Where do I turn for help?

- Contact your local State Historic Preservation Office or Tribal Historic Preservation Officer. A contact list can be found at www.achp.gov.
- For a review of Section 106 and a citizens' guide, log on to www.achp.gov/work106.html.
- For information on the National Register of Historic Places, log on to www.nps.gov/history/nr/.