

Additional Information for Challenge Grants Applicants about Section 106 of the National Historic Preservation Act

To ensure that a Section 106 review of a project proceeds smoothly, prepare an appendix that includes all of the following documentation. **You are not required to contact your State Historic Preservation Office (SHPO)/Tribal Historic Preservation Officer (THPO) prior to submitting an application.**

The appendix must include the following information:

- *A written description of the project.* The description should include the proposed use(s) for the property and the scope of the proposed construction, renovation, repair, rehabilitation, or ground or visual disturbance.
- *A map, photograph, or drawing clearly demarcating the project's Area of Potential Effects (APE).* The APE is the geographic area within which a project may directly or indirectly affect historic properties. To determine the APE, applicants should consider all locations in which project activities could cause ground, visual, or audible disturbances, or changes in public access, traffic patterns, or land use.
- *Descriptions of all properties in the APE that are listed in the National Register, and descriptions and evaluations of all other properties in the APE that might be eligible for listing (regardless of age), when the National Register criteria are taken into account. (See [36 C.F.R. Part 60](#) and [36 C.F.R. Part 63](#).)*
Descriptions should be based on background research on historic properties, oral history interviews, field surveys and/or investigations, and past planning, research, and studies. They should include information such as a property's location, the year of its construction (if a structure), and previous ownership.
- *A description of the NEH-funded project's effects on historic properties.* A project affects a historic property if it has the potential to alter the characteristics that qualify the property for inclusion in or eligibility for the National Register.
- *An explanation of why the criteria for an adverse effect—listed in [36 C.F.R. § 800.5\(a\)\(1\)](#) (PDF)—were found applicable or inapplicable, including any conditions or future actions that might avoid, minimize, or mitigate adverse effects.* Adverse effects to historic properties include physical destruction, alteration, or removal of a property.
- *A list containing the names of all consulting parties and their contact information, including titles, mailing addresses, and e-mail addresses.*
Consulting parties include federally recognized tribes, Native Hawaiian organizations, state and local governments, and individuals and organizations with a legal or economic relationship to a project or property (for example, historic societies or commissions).

NOTE: If a project is offered funding, NEH will contact the consulting parties and invite them to consult and comment on the project. NEH will also ask those receiving offers of challenge grants to post public notices about their projects

through appropriate media (for example, newspapers, local post offices and libraries, the applicant's website, etc.). The comment period generally lasts thirty days, depending on the scope of a project.

If your project will involve ground disturbance, you may also submit an archaeological survey for the APE to NEH. If you do not include the survey with your application and later receive a challenge grant offer, NEH's Section 106 review of your project will be delayed until you have submitted the survey to NEH. Although an archaeological survey is not required at the application stage, NEH must receive the survey to complete its Section 106 review.

NEH will declare ineligible any proposals for construction, renovation, repair, rehabilitation, or ground or visual disturbance projects that do not include the materials listed above and will not enter them in the grant competition.

After NEH extends an offer, you should contact your SHPO/THPO to request a letter of determination. This letter must answer the following questions:

- Whether there are any properties near the project site that are listed or eligible for listing in the National Register;
- If there are historic properties how the NEH-funded project would affect them; and
- If the effects would be adverse, how they might be minimized, avoided, or mitigated.

In addition to the materials listed above, the SHPO/THPO may request additional documents that will assist him or her with the written determination, and applicants should be able and ready to provide the requested information.

NEH's Section 106 review usually results in one of the following findings and actions:

1. No historic properties or No effect on historic properties: If NEH finds that there are either no historic properties or that the project will have no effect on historic properties, it will notify the SHPO/THPO of that finding. If the SHPO/THPO does not object within thirty days after receiving the letter, NEH is generally permitted to release grant funds.
2. Project's effects indeterminable: If NEH cannot fully determine a project's effects on historic properties, NEH will continue consultations, draft a programmatic agreement (PA), and invite the ACHP to consult on the PA. If the SHPO/THPO and other parties accept the PA, NEH is generally permitted to release grant funds (after the PA is filed with the ACHP).
3. No adverse effects to historic properties: If NEH finds that the project will not adversely affect historic properties, it will notify the SHPO/THPO and consulting parties of NEH's findings. If the SHPO/THPO or any of the consulting parties do not object, NEH is generally permitted to release grant funds.

4. Adverse effects to historic properties: If NEH finds that a project will adversely affect historic properties, NEH will continue consultations, seek ways to mitigate or resolve adverse effects, and execute a memorandum of agreement (MOA). If the SHPO/THPO and other parties to the MOA agree to it, NEH is generally permitted to release grant funds (after the MOA is filed with the ACHP).

More information on the Section 106 review process, the required documentation, and the responsibilities of an applicant prior to and during the Section 106 review is available [here](#). You can find answers to frequently asked questions about Section 106 [here](#). You can also contact the NEH FPO by e-mail at FPO@neh.gov, by phone at 202-606-8501, or by mail at Federal Preservation Officer, Division of Preservation and Access, National Endowment for the Humanities, 400 Seventh Street, S.W., Washington, D.C. 20506.

If you are applying for a construction or renovation project, your narrative should indicate your awareness of and your plans to meet the special requirements for these projects.