

OFFICE OF FEDERAL AGENCY PROGRAMS

NORTH HEAD LIGHTHOUSE AT FORT CANBY STATE PARK NEAR LONG BEACH, WA (WST / PORT OF SEATTLE)

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency established by the National Historic Preservation Act of 1966 (NHPA) that promotes the preservation, enhancement, and productive use of our nation's historic resources.

The ACHP advises the President and Congress on national historic preservation policy. A key responsibility of the ACHP is to administer the requirements of Section 106 of the NHPA, a review process that ensures historic properties are considered during the development of any federal project. The ACHP's Office of Federal Agency Programs (OFAP) handles this responsibility.

INFORMATION ABOUT SECTION 106 REVIEW AND CONSULTATION

Section 106 plays a central role in the federal historic preservation program. Section 106 requires federal agencies to consider the effects of projects, carried out by them or subject to their assistance or approval, on historic properties and provide the ACHP an opportunity to comment on these projects prior to a final decision on them. Projects range from construction or rehabilitation to demolition. Properties listed on or eligible for listing on the National Register of Historic Places are considered historic. The National Register is a listing of historic properties maintained by the National Park Service. It includes buildings; structures; objects; districts; and sites of national, state, or local importance.

Section 106 encourages, but does not mandate, preservation. The process provides for the consideration of alternatives that promote preservation and offers the public and stakeholders the opportunity to influence federal decisions. The ACHP developed

and maintains the regulations that implement Section 106. The regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protecting Historic Properties," and can be found on the ACHP's Web site, www.achp.gov.

The federal agency providing assistance or approvals for a proposed project is responsible for completing Section 106 prior to making a final decision. Agencies initiate Section 106 reviews in consultation with state and tribal officials. Appointed by each state governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with agencies during Section 106 review. Agencies also consult with officials of federally recognized Indian tribes and Native Hawaiian organizations when historic properties of significance to tribes or Native Hawaiian organizations are involved. Consultation is the cornerstone of the Section 106 process. Federal agencies are required to also include local governments and applicants for federal assistance, permits, licenses, and other approvals in the process. Other consulting parties may include individuals or groups interested in historic preservation. To successfully complete a Section 106 review, federal agencies must follow these four steps:

- ▶ INITIATE Section 106 and determine if it applies to a given project;
- ▶ IDENTIFY historic properties in the project area;
- ▶ ASSESS the effect of the project on identified historic properties; and
- ▶ RESOLVE adverse effects by exploring alternatives to avoid, minimize, or mitigate the effects.

Most Section 106 reviews are completed successfully by the federal agency, the SHPO, Indian tribes or Native Hawaiian

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SECTION 106 CONSULTATION MEETING



ADVISORY COUNCIL ON HISTORIC PRESERVATION
PRESERVING AMERICA'S HERITAGE





BUFFALO KILL AREA AT THE
WARDELL BUFFALO TRAP SITE, WY (BLM)

FOR MORE INFORMATION ON THE
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WWW.ACHP.GOV

organizations, and other consulting parties. When the project may have substantial effects, if important policy or procedural questions are raised, or if there are issues of concern to Indian tribes or Native Hawaiian organizations, the ACHP may elect to participate. The ACHP also provides additional guidance, advice, and technical assistance to federal agencies and all participants in the Section 106 process.

When historic properties will be adversely affected by a federal undertaking, the review usually ends with a negotiated and legally binding agreement that outlines how the federal agency will resolve those effects. If agreement cannot be reached, the ACHP issues advisory comments, which the head of the federal agency must consider before making a final decision on the project.

FEDERAL PRESERVATION PROGRAMS

The successful completion of Section 106 reviews depends heavily on strong federal participation. OFAP works closely with federal agencies to identify opportunities for improving their preservation programs. These improvements are identified through the ACHP's involvement on individual Section 106 reviews, direct partnerships with federal agencies, and the ACHP's review of triennial progress reports required under Executive Order 13287, "Preserve America" regarding federal agency efforts to identify, protect, and use historic properties.

SECTION 106 TRAINING AND OUTREACH

For 30 years, the ACHP has provided training to federal, state, and local agencies; Indian tribes and Native Hawaiian organizations; and the public on the requirements of Section 106. Current course offerings are posted on the ACHP's Web site at www.achp.gov/106select.html. The ACHP also works with federal agencies and others to develop Section 106 training tailored to specific programs or issues.

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ADVISORY COUNCIL ON HISTORIC PRESERVATION

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