



From left, OLD MAIN BUILDING, MILWAUKEE SOLDIERS HOME (MATTHEW GILSON); TRANS ALASKA PIPELINE (© SARKOPHOTO); WALNUT STREET BRIDGE, CHATTANOOGA, TN (© BRADFORD LUMLEY)

## OFFICE OF FEDERAL AGENCY PROGRAMS

A key responsibility of the Advisory Council on Historic Preservation (ACHP) is to administer the requirements of Section 106 of the National Historic Preservation Act (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) coordinates this responsibility and works with federal agencies to improve their historic preservation programs and historic properties stewardship. It also provides technical assistance, guidance, and training to diverse audiences on how to use the Section 106 process.

### SECTION 106 REVIEW AND CONSULTATION

Section 106 plays a central role in the federal historic preservation program. Federal agencies must consider the effects on historic properties of any project they carry out or which receives federal financial assistance, permits, or approvals, and provide the ACHP an opportunity to comment on these projects prior to making a final decision.

Agencies meet their Section 106 responsibilities through a process set forth in regulations issued by the ACHP. These regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be found on the ACHP's website.

A wide variety of federal projects that might affect historic properties, ranging from the construction, rehabilitation, or demolition of roads, buildings, and dams to projects which require federal licenses and permits, or receive federal loans and grants are subject to Section 106 review. Properties listed on or eligible for listing on the National Register of Historic Places, a list maintained by the National Park Service, must be considered under the requirements of Section 106. The National Register includes buildings; structures; sites; objects; and districts of national, state, or local importance.

Section 106 encourages, but does not mandate, preservation outcomes. The process provides for the consideration of alternatives that promote preservation and offers the public

and stakeholders the opportunity to influence federal decision making.

The federal agency implementing the project or providing assistance, licenses, permits, or approvals for a proposed project is responsible for consulting with stakeholders and completing Section 106 prior to making a final decision. Consultation is the cornerstone of the Section 106 process and should be initiated in the early stages of project planning. Agencies work closely with state and tribal officials in Section 106 reviews. 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 federally recognized Indian tribes and Native Hawaiian organizations when historic properties of religious and cultural significance to them are involved.

Federal agencies are required to include local governments and applicants for federal assistance, permits, licenses, and other approvals in the Section 106 review process. Other consulting parties,

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**MISSION STATEMENT:** The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.





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



MUD PLASTERING WORKSHOP, OWE'NEH BUPINGEH PRESERVATION PROJECT, NM (TANIA HAMMIDI)

For more information on the ACHP and the Office of Federal Agency Programs, please visit:

[WWW.ACHP.GOV](http://WWW.ACHP.GOV)



such as individuals or groups interested in historic preservation, should be invited to consult, too. Federal agencies follow these four steps to carry out a review, which may conclude after any of the steps depending on the agency's findings:

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

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 in consultation. OFAP manages the ACHP's participation in Section 106 consultation and provides guidance, advice, and technical assistance to federal agencies and other participants in the Section 106 process.

When historic properties will be adversely affected by a federal undertaking, the review usually concludes with the execution of a legally binding agreement that outlines how the federal agency will resolve those effects. In rare circumstances where agreement cannot be reached, the ACHP issues advisory comments to the head of the federal agency who must then consider them in making a final decision about whether the project will proceed.

## FEDERAL PRESERVATION PROGRAMS

The successful completion of Section 106 reviews depends heavily on the quality of federal participation. OFAP works closely with federal agencies to identify opportunities for improving their preservation programs and compliance strategies. These improvements are achieved through the ACHP's participation in individual Section 106 reviews, the development of Section 106 agreements and program alternatives such as Program Comments that tailor the review process to specific program needs, 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. The ACHP also contributes expertise to interagency efforts to increase the efficiency and effectiveness of environmental reviews for infrastructure projects as a member of the Federal Permitting Improvement Steering Council and collaborates to develop ways of balancing historic preservation concerns with the goals of federal initiatives, such as disaster response, that could affect historic properties.

## SECTION 106 TRAINING AND OUTREACH

For more than 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. Courses are offered for practitioners with different levels of knowledge and experience about Section 106 and take place at locations around the country each year and online. Current course offerings are posted on the ACHP's website at [www.achp.gov/training](http://www.achp.gov/training). OFAP manages the ACHP's Section 106 training program and often works with federal agencies and others to develop training tailored to specific programs or issues.

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