Section 106 Process

Section 106 of the National Historic Preservation Act of 1966 requires federal agencies to consider the effects of their actions on historic properties that are listed or eligible for listing in the National Register of Historic Places.





- Establish Undertaking
- Identify Federally recognized Tribal Nations
- Identify other Consulting Parties
- Initiate consultation with State Historic Preservation Office

If undertaking is type that might affect historic properties, then If no undertaking/no potential to cause effects based on nature and scope of project; end of process with determination from FHWA

Consult with SHPO and other Consulting Parties **IDENTIFY Historic Properties**

- Define the Area of Potential Effects
- Identify historic properties

If historic properties are present, then

EVALUATION of Effects

- Apply criteria of Adverse Effect
- Document the assessment of effects

If historic properties are adversely affected, then

RESOLVE Adverse Effects

- Notify Advisory Council on Historic Preservation
- Avoid, minimize, or mitigate adverse effects

If no historic properties are affected; end of process with determination from FHWA

If no historic properties are adversely affected; end of process with determination from FHWA

If Memorandum of Agreement; Section 106 will be deemed complete by FHWA after all stipulations of agreement



Who are the Section 106 Consulting Parties?

Certain individuals and organizations with a demonstrated interest in the project may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. Applications for Section 106 Consulting Party Status are available at today's meeting.



