

Roles and Responsibilities for Section 106 Applicants

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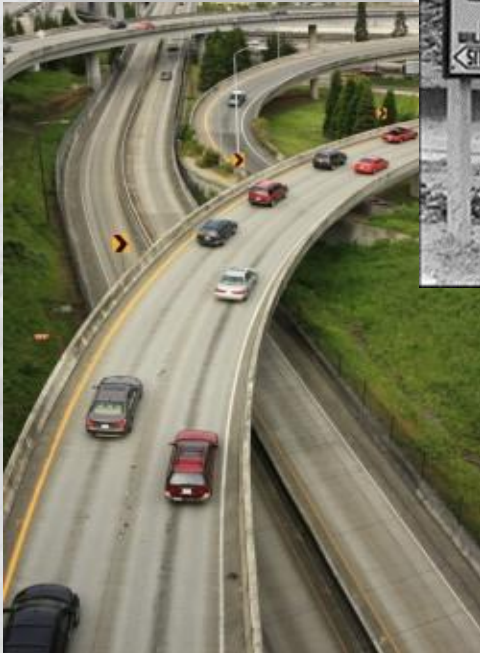
Cultural Resource Management Coordinator

State Historic Preservation Office



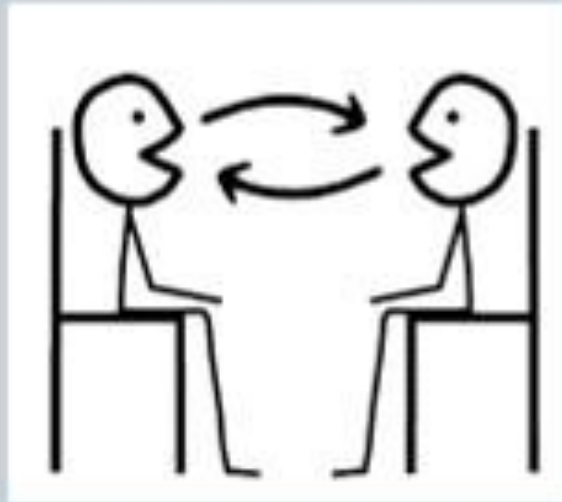
National Historic Preservation Act of 1966 (NHPA)

Sec. 106



Consultation

This:



Not this:



Who Does What in 106?

Under Sec. 106, Federal Agencies must:

- Establish the Federal “Undertaking”
- Determine the Area of Potential Effects (APE)
- Identify historic properties within APE
- Determine the effect that project will have on historic properties
- Resolve any potential adverse effects through avoidance, minimization, mitigation



Federal Agency Responsibility



What does the SHPO do?

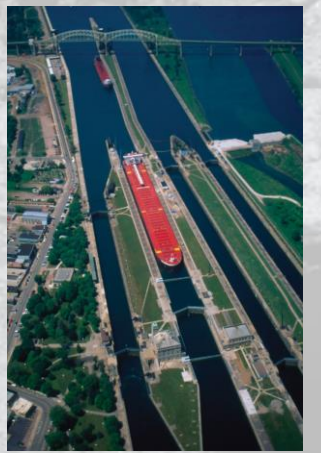
- The SHPO is a mandatory consulting party in the process.
 - The SHPO is *not* the authority.
 - The SHPO is *not* a regulatory agency.
The SHPO does *not* do research or make determinations for agencies



Establish the Federal Undertaking

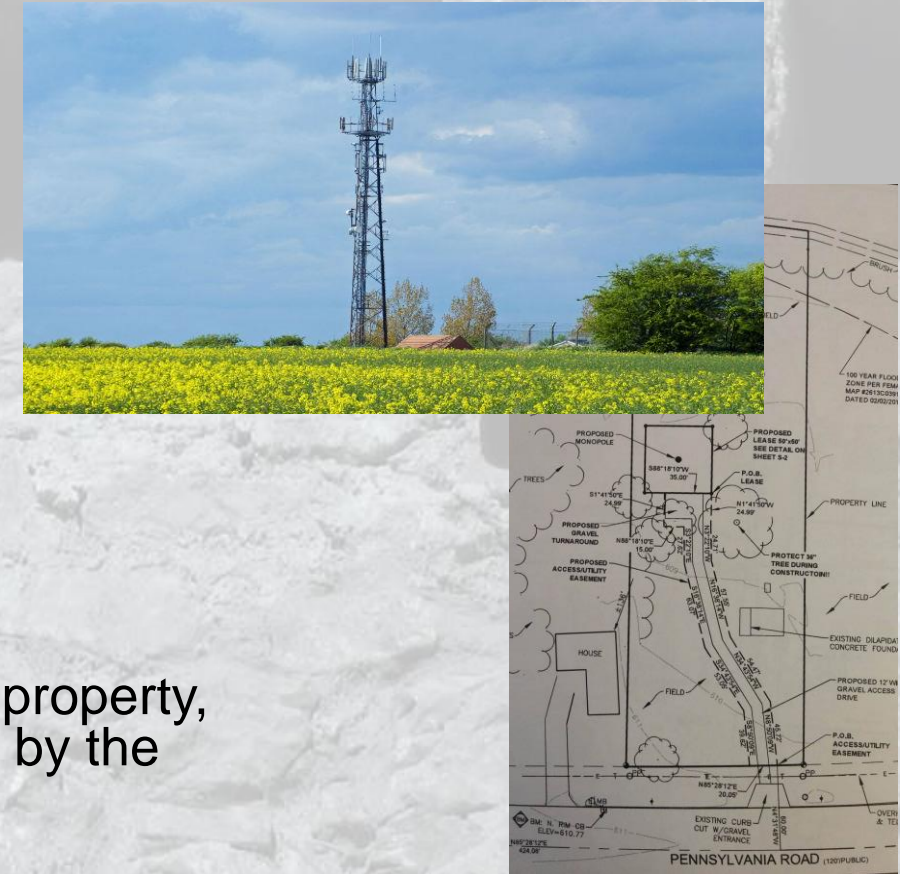
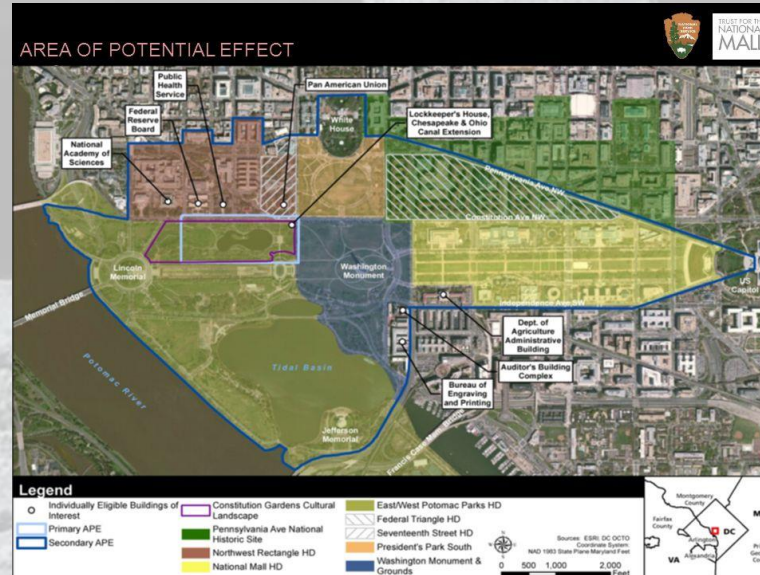
A federal “undertaking” is:

- An activity that is funded, whole or in part, by a federal agency; or
- An activity that requires a federal license, permit, or approval; or
- An activity that is administered by a federal delegation, or with federal oversight.



Determine the Area of Potential Effects (APE)

Depends on project size and scope!



APE direct effects: area of potential ground disturbance and any property, or any portion thereof, that will be physically altered or destroyed by the undertaking.

APE indirect effects: area of altered audio, visual, or other sensory qualities- or *quality of life*- as a result of the undertaking in the vicinity.



ROW



APE



Types Of Historic Properties



Building



Structure



Object



District



Site



Determination of Effects



- No Historic Properties Affected
- No Adverse Effect (there are historic properties, but they won't be negatively impacted)
- Adverse Effect



Adverse Effect on Historic Properties

- This determination is the most onerous.
 - Accounts for about 1% of all the projects reviewed.
- Adverse effects include:
 - Demolition of, or alteration to, the property or environment;
 - Changes in use or setting;
 - Introduction of intrusive audible or visual elements;
 - Neglect;
 - Transfer of property from federal ownership.



Adverse Effect – what next?



- Agencies must first seek ways to avoid adverse effects on historic properties.
- If no feasible alternatives exist, agencies must mitigate the adverse effect.



A dramatic photograph of a massive blue wave crashing over a rocky coastline. The water is a deep, vibrant blue, and white foam is visible at the top of the wave. In the bottom right corner, the silhouette of a person is visible, standing on the rocks and looking out at the wave. The overall scene conveys a sense of power and scale.

**IN OVER
YOUR HEAD**





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