



*Preserving America's Heritage*

## **Whom to Contact if You Have Section 106 Issues: Guidance for Indian Tribes and Native Hawaiian Organizations**

Section 106 requires each federal agency to identify and assess the effects of its undertakings on historic properties. It applies when two thresholds are met: there is a federal, federally assisted, or federally licensed activity; and that activity has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places. The responsible federal agency must consult with the appropriate state and local officials, Indian tribes, Native Hawaiian organizations, applicants for federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

### **Who should you contact if you are concerned that impacts to a historic or culturally significant property are occurring as a result of a federal project, federal funding, or a federal permit/approval?**

If you know which federal agency is carrying out, has funded, or has permitted/approved the project, you should contact that agency. If you do not have a local agency contact, call or e-mail the Federal Preservation Officer (FPO) for that agency. The Advisory Council on Historic Preservation (ACHP) maintains a list of FPOs at [www.achp.gov/protecting-historic-properties/fpo-list](http://www.achp.gov/protecting-historic-properties/fpo-list).

Issues should be brought to the direct attention of the responsible federal agency rather than its contractors or applicants. It is also advisable to follow up any telephone calls with written correspondence to the agency with a copy to the ACHP.

If you do not know which federal agency is responsible for the project, you can contact the ACHP's Office of Native American Affairs (ONAA) for assistance:

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**Which ACHP office handles Section 106 reviews?**

The Office of Federal Agency Programs (OFAP) coordinates Section 106 reviews within the ACHP and provides technical assistance and guidance to Section 106 users; works to improve federal agency and stakeholder understanding of Section 106; and, conducts training courses for practitioners or targeted agencies.

Under the OFAP structure, there are two sections: the Federal Property Management Section (primarily comprised of land managing agencies) and the Federal Permitting, Licensing, and Assistance Section (comprised of non-land managing agencies), each managed by an assistant director. OFAP staff is assigned responsibility for specific agencies and work under the direction of the appropriate assistant directors. Therefore, if you have questions about how a particular federal agency handles its Section 106 responsibilities or have concerns about a specific Section 106 review, contact the ACHP staff with responsibility for that agency. A list of OFAP staff assignments is attached and is also available at [www.achp.gov/about/staff](http://www.achp.gov/about/staff). If you do not see an agency listed, contact Odette Williams, Administrative Assistant, at (202) 606-8510 or [owilliams@achp.gov](mailto:owilliams@achp.gov).

**What is the role of the Office of Native American Affairs in Section 106 reviews?**

The Office of Native American Affairs provides technical assistance to OFAP and federal agency staff regarding tribal or Native Hawaiian consultation in the Section 106 process. ONAA staff may collaborate with OFAP staff on specific cases that involve tribal or Native Hawaiian concerns or issues, but OFAP staff remains the primary point of contact for the ACHP in Section 106 reviews.

ONAA also offers technical assistance to Indian tribes, Tribal Historic Preservation Officers (THPO), and Native Hawaiian organizations in the form of written guidance, training, and teleconferences. ONAA staff is also available to answer general questions or to direct Section 106 inquiries to the appropriate OFAP staff.

At the request of an Indian tribe, Native Hawaiian organization, or federal agency, ONAA staff may also participate in the ACHP's review of a Section 106 case. For information about which agencies Mr. Dancing Feather and Mr. Matt work with, go to <https://www.achp.gov/sites/default/files/2018-05/ONAA%20AgencyAssignments05182018.pdf>.

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