



Preserving America's Heritage

**EXECUTIVE ORDER 13604: IMPROVING PERFORMANCE OF FEDERAL PERMITTING
AND REVIEW OF INFRASTRUCTURE PROJECTS**

ADVISORY COUNCIL ON HISTORIC PRESERVATION:

AGENCY PLAN - UPDATE

BACKGROUND

On March 22, 2012, President Obama issued [Executive Order 13604](#) entitled “Improving Performance of Federal Permitting and Review of Infrastructure Projects” which directed federal agencies to improve the permitting and review process for infrastructure projects throughout the country. This EO also established a Steering Committee of twelve agencies, including the Advisory Council on Historic Preservation (ACHP) and the Departments of the Interior, Agriculture, Commerce, Transportation, Energy, and Homeland Security; as well as the Environmental Protection Agency; the Department of the Army; and such other agencies or offices as the Chief Performance Officer (CPO) of the Office of Management and Budget may invite to participate.

The Steering Committee, which is chaired by the CPO in close coordination with the Council on Environmental Quality (CEQ), oversaw the development of a [Federal Plan](#) for improving these processes as well as the development of a Dashboard that provides information to the public on efforts undertaken pursuant to the EO. The Federal Plan was published in June 2012. The EO also calls for individual agencies to develop Agency Plans that expand on the goals of the EO and the Federal Plan. These Agency Plans are due to the CPO on July 31, 2012 and must be updated every six months thereafter. This report provides the first biannual update and is submitted to the CPO by December 31, 2012.

Agency Mission

The ACHP is an independent federal agency that promotes the preservation, enhancement, and sustainable use of our nation's diverse historic resources, and advises the President and Congress on national historic preservation policy.

ACHP Statutory and Regulatory Authorities

The goal of the [National Historic Preservation Act \(NHPA\)](#), which established the ACHP in 1966, is to ensure that federal agencies act as responsible stewards of our nation's resources when their actions affect historic properties. The ACHP is responsible for encouraging federal agencies to factor historic preservation into federal project requirements.

As directed by NHPA, the ACHP serves as the primary federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our nation's heritage; advocates full consideration of historic values in federal decision-making; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

The ACHP achieves these objectives in part through its oversight of the review process established by Section 106 of the NHPA, which requires federal agencies to take into account the effects of their undertakings on historic properties, and afford the ACHP a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. Revised regulations, "[Protection of Historic Properties](#)" (36 CFR Part 800), became effective August 5, 2004.

ACHP Organizational Information

The ACHP's 23 statutorily designated [members](#), including the Chairman who heads the agency, address policy issues, direct program initiatives, and make recommendations regarding historic preservation to the President, Congress, and heads of other federal agencies. Members meet several times per year to conduct business.

An Executive Committee governs agency operations such as management, budget, legislative policy, and oversight of the most prominent Section 106 cases. The ACHP also has three standing committees that correspond to the ACHP's following three program areas.

- **Preservation Initiatives** focuses on partnerships and program initiatives such as heritage tourism to promote preservation with groups such as state and local governments, Indian tribes, and the private sector.

- **Communications, Education, and Outreach** conveys the ACHP's vision and message to constituents and the general public through public information and education programs and a public recognition program for historic preservation achievement.
- **Federal Agency Programs** administers the NHPA's Section 106 review process and works with federal agencies to help improve how they consider historic preservation values in their programs.

A professional staff that supports the ACHP's daily operations is headquartered in Washington, D.C. and is led by an Executive Director. Offices of the ACHP largely correspond to the member committees, and include the Office of Preservation Initiatives, the Office of Communication, Education and Outreach, and the Office of Federal Agency Programs.

In addition to the three program areas supported by committees, the ACHP's **Office of Native American Affairs** (ONAA) oversees the ACHP's Native American initiatives. ONAA advises the Chairman, members and Executive Director on policy matters and historic preservation issues affecting Indian tribes and Native Hawaiian organizations (NHO) and provides technical assistance and outreach regarding tribal and NHO consultation in the Section 106 review process.

PERMITTING AND REVIEWS

Section 106 Regulations

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties, and afford the ACHP a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP. Revised regulations, "**Protection of Historic Properties**" (36 CFR Part 800), became effective August 5, 2004, and are summarized below.

- Initiate Section 106 Process

The responsible federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are properties that are included in the **National Register of Historic Places** or that meet the **criteria for the National Register**. If so, it must identify the appropriate **State Historic Preservation Officer/Tribal Historic Preservation Officer** (SHPO/THPO) to consult during the process. It should also plan to involve the public, and identify other potential consulting parties. If the federal agency determines that it has no undertaking, or that its undertaking is a type of

activity that has no potential to affect historic properties, the agency has no further Section 106 obligations.

- Identify Historic Properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO/THPO and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. Districts, sites, buildings, structures, and objects listed in the National Register are considered; unlisted properties are evaluated against the National Park Service's published [criteria](#), in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious or cultural importance to them.

If questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the [National Park Service](#). Section 106 review gives equal consideration to properties that have already been included in the National Register as well as those that have not been so included, but that meet National Register criteria.

If the agency finds that no historic properties are present or affected, it provides documentation to the SHPO/THPO and, barring any objection within 30 days, proceeds with its undertaking.

If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

- Assess Adverse Effects

The agency, in consultation with the SHPO/THPO, makes an assessment of adverse effects on the identified historic properties based on criteria found in ACHP's regulations. If they agree that there will be **no adverse effect**, the agency proceeds with the undertaking and any agreed-upon conditions. If they find that there is an **adverse effect**, or if the parties cannot agree and the agency determines after a 15 day consultation period with the ACHP that the undertaking may result in an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

- Resolve Adverse Effects

The agency consults to resolve adverse effects with the SHPO/THPO and others, who may include Indian tribes and NHOs, local governments, permit or license applicants, and members of the public. ACHP may participate in consultation when there are substantial impacts to important historic properties, when a case presents important questions of policy or interpretation, when there is a potential for procedural problems, or when there are issues of concern to Indian tribes or NHOs.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed-upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects.

- Implementation

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA.

- Failure to Resolve Adverse Effects

If consultation proves unproductive, the agency or the SHPO/THPO, or ACHP itself, may terminate consultation. If a SHPO terminates consultation, the agency and ACHP may conclude an MOA without SHPO involvement. However, if a THPO terminates consultation and the undertaking is on or affecting historic properties on tribal lands, ACHP must provide its comments. The agency must submit appropriate documentation to ACHP and request ACHP's written comments. The agency head must take into account ACHP's written comments in deciding how to proceed.

- Role of Indian Tribes and Native Hawaiians Organizations

The regulations place major emphasis on consultation with Indian tribes and NHOs when they attach religious and cultural significance to historic properties, consistent with the 1992 amendments to NHPA. Consultation with an Indian tribe must respect tribal sovereignty and the government-to-government relationship between the federal government and Indian tribes.

- Role of the Public

Public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process.

Current Operational Practices for Collaboration and Coordination

- Opportunities for Efficiencies Provided by Program Alternatives (36 CFR 800.14)

The Section 106 regulations provide time limits on a number of actions by SHPOs/THPOs and the ACHP in the review process. The time necessary to complete the Section 106 process is dependent on many factors unique to each undertaking, however the overall timeline and schedule is primarily within the control of the federal agency conducting the Section 106 process.

The regulations also provide for a variety of programmatic methods for federal agencies to meet their Section 106 obligations in addition to the steps described above. Each of these alternatives allows federal agencies to tailor the Section 106 process to meet their needs.

Alternate Procedures [§ 800.14(a)]. This program alternative allows federal agencies to streamline compliance with Section 106 by tailoring the process to the agency's programs and decision-making procedures. Alternate Procedures, approved by the ACHP and adopted by the agency, substitute in whole or in part for the ACHP's Section 106 regulations under Subpart B. The ACHP allows for flexible application of alternate procedures which can either be counterpart regulations of an agency or can include agency procedures that do not have to go through a formal rulemaking process.

Programmatic Agreements [§ 800.14(b)]. Programmatic Agreements are the most commonly used program alternative. This alternative allows federal agencies to govern the implementation of a particular agency program or the resolution of adverse effects from complex projects or multiple undertakings similar in nature through negotiation of an agreement between the agency, the SHPO/THPO and the ACHP. In certain circumstances, the ACHP may also designate a specific agency agreement as a prototype agreement that can then be used for the same type of program or undertaking in more than one program or area. When a federal agency uses a prototype programmatic agreement, the agency may develop and execute the agreement with the appropriate SHPO/THPO without the need for the ACHP participation in consultation or ACHP signature.

Exempted Categories [§ 800.14(c)]. This program alternative allows agencies to propose a program or category of agency undertakings that is exempt from further review under Section 106. The ACHP may also propose an exemption on its own initiative. Exempted categories must be actions that would otherwise qualify as undertakings as defined in § 800.16 and the potential effects from the undertakings must be foreseeable and likely to be minimal or not adverse. Exempted categories must also be consistent with the purposes of the National Historic Preservation Act.

Standard Treatments [§ 800.14(d)]. Standard treatments are a program alternative that allows the ACHP to establish standardized practices for dealing with certain categories of undertakings, effects, historic properties, or treatment options. Standard treatments carry the ACHP's explicit endorsements and can be applied by Section 106 users to assist them in complying with Section 106. Federal agencies are not obligated to follow approved standard treatments but may elect to do so when they feel standard treatments will be of benefit in meeting their Section 106 compliance requirements.

Program Comments [§ 800.14(e)]. This program alternative allows a federal agency to request the ACHP to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6. The ACHP may also provide comments on its own initiative. Public participation is conducted by the federal agency requesting the

comments and consultation with SHPO/THPO, Indian tribes and Native Hawaiian organizations is conducted by the ACHP.

- Relationship Building in the Section 106 Review Process

Section 800.2 of the Section 106 regulations discusses the participants in the Section 106 process. The Section 106 process can be efficient and effective when consultation is conducted in a respectful and meaningful way with all consulting parties. In many cases, agency staff, SHPO/THPO staff, members of Indian tribes or NHOs with an interest in a project, and other consulting parties already know one another and may have worked together on previous projects and cultural resource issues. The ability to build relationships with communities, Indian tribes and NHOs and others in a geographic area can facilitate Section 106 consultation in the future. When agencies work to build mutual trust and respect among consulting parties, those relationships create foundations that can be built upon and lead to better project outcomes.

In addition, Section 800.2 (c)(2)(ii)(E) discusses the ability of a federal agency to enter into an agreement with an Indian tribe or a NHO that specifies how it will carry out consultation under Section 106, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal or NHO participation in the Section 106 process, provided that no modification may be made in the roles of other parties to the Section 106 process without their consent. An agreement may grant the Indian tribe or NHO additional rights to participate or concur in agency decisions in the Section 106 process beyond those specified in the Section 106 regulations. Such consultation agreements can make the Section 106 process more efficient and effective by adding predictability for all parties.

- Delegations of Authority in the Section 106 Review Process

Section 800.2 of the Section 106 regulations also provides for limited delegation of authority, which can afford efficiencies in the review process. While an applicant for federal assistance or for a federal permit, license or other approval is entitled to participate as a consulting party in the Section 106 review process, the agency official may also authorize an applicant to initiate consultation with the SHPO/THPO and others. In that case, the federal agency remains legally responsible for all findings and determinations and the agency must notify the SHPO/THPO when an applicant has been authorized to do so. This notification should be in writing, clearly identifying the applicant and the scope of consultation that the agency is authorizing them to conduct. Note that the authority to initiate consultation does not extend to making actual determinations, such as determining the area of potential effects or who should be consulting parties. The applicant may offer suggestions to the agency, but the latter must make the determination. Federal agencies that provide authorizations to applicants remain responsible for their government to government relationships with Indian tribes.

Delegation of authority to an applicant to conduct these initial steps is a proactive way to get the process moving. It also allows an agency to share the manpower demands and financial responsibilities with an applicant.

- Section 110 of the National Historic Preservation Act

Section 110 of the NHPA sets out the broad historic preservation responsibilities of federal agencies and is intended to ensure that historic preservation is fully integrated into the ongoing programs of all federal agencies. This intent was first put forth in the preamble to the NHPA upon its initial adoption in 1966. When the Act was amended in 1980, section 110 was added to expand and make more explicit the statute's statement of federal agency responsibility for identifying and protecting historic properties and avoiding unnecessary damage to them. Section 110 also charges each federal agency with the affirmative responsibility for considering projects and programs that further the purposes of the NHPA, and it declares that the costs of preservation activities are eligible project costs in all undertakings conducted or assisted by a federal agency.

The 1992 amendments to the Act further strengthened the provisions of Section 110. Under the law, the head of each federal agency must do several things. First, he or she must assume responsibility for the preservation of historic properties owned or controlled by the agency. Each federal agency must establish a preservation program for the identification, evaluation, nomination to the National Register, and protection of historic properties. Each federal agency must consult with the Secretary of the Interior (acting through the Director of the National Park Service) in establishing its preservation programs. Each federal agency must, to the maximum extent feasible, use historic properties available to it in carrying out its responsibilities. The 1992 additions to section 110 also set out some specific benchmarks for federal agency preservation programs, including proactive maintenance of historic properties and consideration of historic properties in agency planning.

The proactive planning and stewardship required by Section 110 not only benefit historic properties, but assist federal agencies in conducting the Section 106 review process in a more efficient manner. When agencies have an ongoing program to identify, evaluate and nominate properties to the National Register, as required by Section 110, these activities can inform subsequent Section 106 reviews.

NEW ACHP Guidance/Policy Documents and Initiatives in Development

In accordance with Strategic Plans to improve the efficiency and effectiveness of the Section 106 process and support the Administration's goals under this Executive Order, the ACHP is developing a number of new initiatives that will help agencies, applicants, SHPOs/THPOs, and the ACHP itself, streamline the Section 106 review process.

- NEPA/106 Handbook

The ACHP, in collaboration with CEQ and a multi-agency working group has developed a handbook to promote the coordination of Section 106 and the National Environmental Policy Act (NEPA) and provide further instruction on opportunities to substitute NEPA compliance for Section 106 review. The handbook provides direction to agencies on the implementation of 800.8(b) and (c) of the ACHP's regulations, "Protection of Historic Properties" (36 CFR Part 800), allow federal agencies to expedite environmental reviews required prior to the approval of undertakings, and support the CEQ's interest in addressing the recommendation from its Task Force report, *Modernizing NEPA Implementation (2003)*, which stated that the National Historic Preservation Act had potential for coordination with NEPA. Based upon feedback received from NEPA practitioners within federal agencies, as well as cultural resource professionals, the handbook was developed to address both Section 106 and NEPA coordination and substitution. Agencies will be able to use the NEPA/106 Handbook to inform efforts to use NEPA substitution for projects that are time sensitive and require collaboration with diverse stakeholders. Since CEQ has reaffirmed many of the principles in the original NEPA regulations in a recently circulated publication, this new handbook discusses how coordination and substitution of NEPA and Section 106 can expedite reviews by avoiding duplication of effort and ensuring that the analysis of alternatives fully considers historic preservation in the early stages of project planning. The NEPA/106 Handbook is now available at [http://www.achp.gov/docs/NEPA NHPA Section 106 Handbook Mar2013.pdf](http://www.achp.gov/docs/NEPA%20NHPA%20Section%20106%20Handbook%20Mar2013.pdf) Information on upcoming training on the NEPA/106 Handbook will be available on the ACHP's website.

- Guidance on Agreement Documents

Section 106 agreement documents, including Memoranda of Agreement and Programmatic Agreements, play a critical role in documenting the agreed upon actions necessary to complete the Section 106 process in those instances where an agency has determined that historic properties may be adversely affected by their undertakings or where it is to their advantage to tailor the Section 106 process for a particular program or series of complex undertakings. In 1989 the ACHP issued guidance on developing and implementing agreement documents called "Preparing Agreement Documents" (PAD), however, this guidance became outdated once the Section 106 regulations were amended in 1999. Recognizing the strong interest and need for current guidance on this topic, ACHP staff has begun efforts to develop new guidance in preparing and implementing agreement documents. The ACHP plans to issue this guidance in June 2013.

- Applicant Toolkit

The ACHP is developing an Applicant Toolkit which is intended to provide an overview of the Section 106 process along with information on topics such as hiring consultants, consulting with Indian tribes and NHOs, involving stakeholders, and avoiding anticipatory activities that adversely affect historic properties. The ACHP plans to complete the Applicant Toolkit in May 2013. The timeline for developing the toolkit has been set to coincide with the creation of the ACHP's first e-learning course, an online, on-demand learning tool regarding the role of applicants in Section 106 review. The Applicant Toolkit will supply content for the e-learning course, and the two efforts will complement one another in providing access to resources to support effective applicant participation in federal agency NHPA compliance.

- Section 3 Report- Implementation of Recommendations

Section 3 of Executive Order (EO) 13287 calls for federal real property managers to assess the status of their inventory of historic properties, their condition and management needs, and how their historic properties might support economic development. On February 15, 2012 the ACHP submitted its [triennial report to the President](#), as required by the EO, regarding the federal government's identification, protection, and use of historic properties and their contribution to local economies. The Section 3 report presented five findings and 22 recommendations related to economic development, sustainability, renewable energy initiatives, realignment of federal real property portfolios, and strategic planning for historic property management. The ACHP has developed an internal workplan to collaborate with federal agency partners and advance the report's recommendations over the next three calendar years.

- Promoting Electronic Section 106 Communication (e-106)

Recognizing the broad benefits of using electronic tools to improve the Section 106 process, the ACHP is working to highlight examples and best practices where federal agencies and State and Tribal Historic Preservation Officers are successfully using such tools to improve the Section 106 process. Based upon input from the ACHP's Federal Agency Programs Committee, it was determined that Section 106 practitioners would benefit from Question and Answer (Q & A) guidance on the topic. This Q & A will promote a common understanding of e-106 and discuss general parameters for its use, clarify the role of the ACHP in advancing e-106, and highlight best practices and case studies that demonstrate how e-106 is being used effectively. ACHP plans to complete a primer on e-106 by June 2013.

Existing and Ongoing ACHP Initiatives and Guidance/Policy Documents Aimed at Improving Efficiency and Coordination

- Initiatives
 - [Native American Traditional Cultural Landscapes Action Plan](#): The Native American Traditional Cultural Landscapes Action Plan emphasizes consultation early in project planning and identification of areas of cultural sensitivity as key steps to the protection of these important historic properties. ACHP staff will implement specific actions under the plan. Most recently on July 16, 2012, the ACHP released the [Native American Traditional Cultural Landscapes and the Section 106 Review Process: Questions and Answers](#).
 - Energy and Historic Preservation Workgroup: In December 2009, the ACHP membership committed to convening a working group to promote collaboration and coordination among federal agencies and stakeholders to ensure that historic preservation values are considered efficiently in project planning and implementation. In response, the ACHP and Department of the Interior, represented by the Bureau of Land Management (BLM), have established the Energy and Historic Preservation Work Group to focus on the cultural resource challenges of energy projects and transmission in the west. The Work Group is working to address the issues of cultural resource protection that are emerging in large-scale energy development and transmission projects proposed on BLM lands. While these projects are being managed through the regular Section 106 process, the Workgroup will review progress, address common issues that emerge from the individual reviews, identify topics where additional education and awareness would benefit stakeholders, and compile “lessons learned” to guide future energy development projects. These may include approaches to resource identification, avoidance and mitigation, and consultation with stakeholders.
 - [Periodic Review of 36 CFR 800 Pursuant to Executive Order 13563 “Improving Regulation and Regulatory Review”](#): In response to the requirements of EO 13563, the ACHP is pursuing improvements to the process for implementing the Section 106 regulations in order to assist federal agencies, the ACHP, states, Indian tribes and NHOs, local government, applicants, the public, and other stakeholders in achieving the goals of NHPA as they pertain to the protection of historic properties. These actions are being taken consistent with the ACHP’s current Strategic Plan and include periodic regulatory review, assessment of the adequacy and effectiveness of federal preservation programs in carrying out the requirements of Section 106, training and education on the Section 106 process, guidance for users of the Section 106 process, collaboration and coordination with other federal agencies to identify efficient and effective procedures, and

improvement of communication with preservation partners and the public on Section 106 cases.

- Interagency Collaboration for Review of Energy Development: In 2009, the ACHP and eight other federal agencies developed a Memorandum of Understanding (MOU) regarding [siting of transmission lines on federal lands](#). This MOU establishes a protocol among land managing agencies regarding the designation of lead agency status when multiple agencies are involved in a project. In addition, in 2012, the ACHP entered into an MOU with nine other federal agencies and five states to streamline environmental review of [proposed new offshore wind resources in the Great Lakes](#). This MOU provides for a greater degree of predictability, transparency, and significantly less duplication in review of environmental documents in the approval process, aimed at reducing the long lead times between initial conception and actual power generation.

Guidance/Policy Documents

The ACHP has developed numerous publications designed to aid Section 106 users as they apply the regulations, including related rules, policy issues, and guidance documents. All of these documents are available on the ACHP's website.

- [Meeting the "Reasonable and Good Faith" Identification Standard in Section 106 Review](#)
- [Federal Oversight and Assistance for Shale Gas Development and Section 106](#)
- [Limitations on the Delegation of Authority by Federal Agencies to Initiate Tribal Consultation under Section 106 of the National Historic Preservation Act](#)
- [ACHP Issue Spotlight: Transmission Lines in the West](#)
- [Section 106 Consultation Involving National Historic Landmarks](#)
- [The Relationship Between Executive Order 13007 Regarding Indian Sacred Sites and Section 106](#)
- [What About a Wind Farm Project Triggers Section 106 Review?](#)
- [Energy Development and Historic Preservation: ACHP Recommendations](#)
- [Native American Traditional Cultural Landscapes and the Section 106 Review Process: Questions and Answers](#)

ACHP Strategies for Proactively Addressing Potential Issues and Conflicts with Stakeholders

The ACHP provides training and assistance to federal agencies on conducting consultation in the Section 106 process and resolving conflicts. The ACHP's two on-site training courses, [Section 106 Essentials and Advanced Section 106 Seminar](#), both include instruction and

exercises on managing the consultation process. In addition, the ACHP has developed several handbooks and assistance documents designed to aid Section 106 users in the consultation process, particularly working with Indian tribes and Native Hawaiian organizations.

- [Consultation with Indian Tribes in the Section 106 Process: A Handbook](#)
- [Consultation with Native Hawaiian Organizations in the Section 106 Review Process: A Handbook](#)
- [Assistance Agency Tribal Consultation Q & A](#)

“Share in Cost” Authorities and How They Can Be Leveraged to Improve Performance

Consulting parties in the Section 106 process, particularly SHPOs/THPOs and Indian tribes, are often asked to devote significant time and financial resources to attend meetings and review documents associated with project review. With the added pressure of expedited timelines for priority projects, the workload can become burdensome for consulting parties who have limited staff and resources. The ACHP is often asked to comment on the appropriateness of agencies and/or project proponents providing financial assistance in return for consulting party participation in the Section 106 process. In response, the ACHP has developed the following opinions.

- [Fees in the Section 106 Review Process](#)
- [National Historic Preservation Act Authorization for Federal Agency Assistance to State Historic Preservation Officers](#)

Tools for Conducting and Participating In the Section 106 Review Process

Agencies, applicants and consulting parties can get the most out of the Section 106 process when they understand the process and the potential outcomes. In order to educate all audiences, a number of publications and tools are available. In addition to publications developed by the ACHP, the Section 106 implementing regulations also include detailed [documentation standards \(36 CFR 800.11\)](#) that list the information required when submitting Section 106 determinations of effect to the ACHP. Other tools available include:

- [Protecting Historic Properties: A Citizen’s Guide to Section 106](#)
- [36 CFR 800 Flow Chart](#)
- [Section 106 Regulations Flow Chart Explanatory Material](#)
- [Section-by-Section Q&A \(for 36 CFR 800\)](#)

INFORMATION TECHNOLOGY

New ACHP Webpage Development and Social Media

The ACHP is developing a new website that will improve its usability and content. The revisions are based on extensive surveying of ACHP stakeholders and are designed to make the updated site a more effective preservation tool for all audiences. The website will include a Section 106 case review interactive map, which will allow users to “click” on a map of the United States and see information on the ACHP’s participation in agency projects and the Section 106 review process associated with them. The ACHP also has a presence in social media; this includes a Facebook page, focused on Preservation for young people and Preserve America Communities and a Twitter account through which we tweet news and information of interest to our constituents.

Distance Learning

In early FY 2012, the ACHP launched its [distance learning program](#) by offering a series of webinars on various topics related to the Section 106 process. These topics included defining the area of potential effect, meeting the reasonable and good faith identification standard in Section 106 review, disaster management, and program alternatives.

A second webinar series began in June 2012 and continues into FY 2013. New topics include the intersection of Section 106 with the Native American Graves Protection and Repatriation Act, archaeology in the Section 106 process, responding to anticipatory demolition concerns (under Section 110(k) of the NHPA), innovative approaches to Section 106 mitigation and Section 106 and transmission projects.

ACHP Internal Database for Project Tracking (ACHPConnect)

The ACHP maintains an internal information tracking and database system known as ACHPConnect. This system is used to track all Section 106 projects submitted to the ACHP, including project descriptions, historic properties in the project area, timelines, agency contacts, consulting parties and deadlines for individual actions. While ACHPConnect is not accessible to the public, the system will support the Section 106 case review interactive map, a component of the ACHP’s new website under development.

PUBLIC OUTREACH

ACHP Publications for the General Public

Many publications produced by the ACHP are fairly technical and have been developed for use by federal agencies and preservation professionals. However, public involvement is a key ingredient in successful Section 106 consultation, and the views of the public should be solicited and considered throughout the process. To foster public understanding of the process, the ACHP has developed a number of publications for the general public, aimed at educating them on the Section 106 process and sharing information on ongoing and past cases.

- [Protecting Historic Properties: A Citizen's Guide to Section 106](#)
- [Section 106 Success Stories](#)
- [In a Spirit of Stewardship, A Report on Federal Historic Property Management: The Preserve American Executive Order Report to the President](#)
- [Case Digest: Section 106 in Action](#)

Training Provided by ACHP on the Section 106 Process

On a daily basis, the ACHP provides technical assistance to users of the Section 106 review process. In addition, ACHP staff conducts onsite training and distance learning webinars for state, local, and tribal government officials, Indian tribes and NHOs, preservation advocates, applicants for federal assistance, and members of the public on how to carry out or participate in the Section 106 process.

- Onsite Courses

The ACHP offers two onsite training courses. [The Section 106 Essentials](#) is a two-day course designed for those who are new to federal historic preservation compliance or those who want a refresher on the Section 106 regulations and review process. This course explains the requirements of Section 106 of the National Historic Preservation Act, which applies any time a federal, federally assisted, or federally approved activity might affect a property listed in or eligible for the National Register of Historic Places.

The second training course, the [Advanced Section 106 Seminar](#), focuses on the effective management of complex or controversial undertakings that require compliance with Section 106 of the NHPA. Taught in a smaller, interactive setting, this course encourages group discussion and problem solving. The seminar is designed for experienced Section 106 users who are already familiar with the regulations. The curriculum focuses on the challenges of seeking consensus and resolving adverse effects to historic properties.

On average each of these two courses are offered 6-8 times per year, at locations around the United States. All courses are taught by senior ACHP staff who have significant practical experience with Section 106 issues and developing program improvements.

- Distance Learning

In early FY 2012, the ACHP launched its [distance learning program](#) by offering a series of webinars on various topics related to the Section 106 process. These topics included defining the area of potential effect, meeting the reasonable and good faith identification standard in Section 106 review, disaster management, and program alternatives.

A second webinar series began in June 2012 and continues into FY 2013. New topics to be covered include the intersection of Section 106 with the Native American Graves Protection and Repatriation Act, archaeology in the Section 106 process, responding to anticipatory demolition concerns (under Section 110(k) of the NHPA), innovative approaches to Section 106 mitigation and Section 106 and transmission projects.

Work is also underway to develop the ACHP's first online, on demand internet courses on the Section 106 process. Initial offerings will include instruction on the Section 106 process for applicants and a general overview of the Section 106 process for beginners. Initial courses will be available in FY 2013.

- Agency-Specific Training

The ACHP regularly receives requests from federal agencies for Section 106 training, tailored to their agencies programs and needs. The ACHP welcomes such requests and has two ways to meet this need.

- ACHP Partnerships: The ACHP has partnerships with seven federal agencies. Some of these partnerships (FHWA, GSA, VA, and BLM) support professional staff positions in the ACHP's Office of Federal Agency Programs that are committed to work that streamlines Section 106 review and builds better preservation programs. Others (NRCS, NPS, and DOE) provide for tailored services that promote the common goals of the agency and the ACHP. Agency-specific training is a component of the support offered through these partnerships and is provided at no additional cost to the agency.
- Agency Funded Training: The ACHP, upon request, will develop a cost estimate for an agency interested in having the ACHP provide Section 106 training for their staff. In the past, ACHP has provided tailored Section 106 training for such agencies as the U.S. Coast Guard, the U.S. Geological Survey, the U.S. Forest Service, the Army National Guard, and the National Aeronautics and Space Administration.

- ACHP at Conferences

ACHP staff regularly participates in conferences and meetings organized by federal agencies, non-profit organizations, for-profit training providers, and organizations representing a variety of industries. These activities may provide training to participants, discussion of professional issues, or updates on ACHP policy and program issues. ACHP staff participation in events related to infrastructure development have included the Transportation Research Board Annual Meeting, the Atlantic Wind Energy Workshop, the Offshore Wind Summit, the Great Lakes Offshore Wind Workshop, and the Renewable Energy Development on Federal Lands conference.

THE ROAD AHEAD

The ACHP is committed to continuous improvement in the efficiency and effectiveness of the Section 106 review process. As the objectives of the EO and Federal Plan are implemented and institutionalized across the federal government, opportunities for expanding current efforts will be likely be identified. This plan will accordingly be revisited every six months, in accordance with the EO, and amended as necessary to reflect revised goals and accomplishments.