



Preserving America's Heritage

Section 106 Success Story Highlights

In the National Historic Preservation Act of 1966 (NHPA), Congress established a comprehensive program to preserve the historical and cultural foundations of the nation as a living part of community life. It was passed in response to widespread citizen concern that federally planned or assisted projects—like the construction of the interstate highway system and urban renewal—were destroying irreplaceable pieces of our shared heritage. Section 106 of the NHPA is crucial because it requires consideration of historic preservation in the multitude of projects with federal involvement that take place across the nation every day. For the past 50 years, federal agencies have used this process to advance their missions while taking into account properties that are listed, or eligible for listing, in the National Register of Historic Places. Additionally, federal agencies must provide the ACHP an opportunity to comment on such projects prior to the agency's decision on them.

Section 106 review encourages, but does not mandate, preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. But, Section 106 review does ensure preservation values are factored into federal agency planning and decisions. Because of Section 106, federal agencies must assume responsibility for the consequences of the projects they carry out, approve, or fund on historic properties and be publicly accountable for their decisions.

In fact, federal project planning avoids adverse effects to historic properties the vast majority of the time. On average, out of around 100,000 federal projects reviewed by State and Tribal Historic Preservation Officers each year, a very small percentage result in adverse effects to historic properties that would harm those qualities that make them eligible for the National Register. The links below provide specific examples of how the Section 106 process has been used successfully to meet these goals for individual projects and programs.

Section 106 establishes a framework for problem-solving: It is important to understand what Section 106 actually requires. Section 106 reviews offer a framework for problem solving using a four-step decision-making process established by the regulations at 36 CFR Part 800. The process allows federal agencies to balance their missions—such as upgrading infrastructure or enabling energy development—with historic preservation interests. It does not mandate the protection of any specific historic property. An example where the Bureau of Land Management refocused its efforts on impacts to important historic properties while streamlining inventory procedures can be found at <http://www.achp.gov/docs/permian-basin.pdf>

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Section 106 offers stakeholders and the public the opportunity to provide input into federal decision making: Section 106 requires that federal agencies consult with non-federal parties, including State and Tribal Historic Preservation Officers; Indian tribes and Native Hawaiian organizations; local governments; applicants for federal permits, licenses, and grants; and others, as the agency refines its plans in relationship to any historic properties present. An innovative example of how the Federal Highway Administration committed to improving its consultative relationship with one of these partners can be found at http://www.achp.gov/docs/Section106SuccessStory_TCC.pdf

Section 106 can be used to protect nationally significant places: Section 106 requires that federal agencies identify historic properties that may be affected by undertakings they carry out, approve, or fund. From small, locally significant properties to those that have played a prominent role in shaping our nation, these places are all important. An example of how the Department of Energy used the Section 106 process to help tell a nationally significant story involving its historic properties can be found at http://www.achp.gov/docs/Section106SuccessStory_ManhattanProject.pdf

Section 106 recognizes historic preservation is not the only useful public purpose: Section 106 provides important stakeholder and public input into federal project planning. The process also recognizes historic preservation is not always the only public purpose—it must be balanced with other interests and needs in an affected community. An example of where this balance was struck by the Federal Highway Administration can be found at http://www.achp.gov/docs/Section106SuccessStory_MiltonMadison.pdf

Section 106 review does not require a project to stop: It also does not require agencies to commit to set mitigation measures. Rather, it allows for and promotes creativity, flexibility, and responsiveness to local community interests. An example of this creativity and flexibility explored by the Army can be found at <http://www.achp.gov/docs/ft-ap-hill.pdf>

The Section 106 review process can be tailored to specific agency programs or procedures to implement critical and time-sensitive federal programs: This tailoring can be achieved through what are called program alternatives. The ACHP has worked with a wide range of federal agencies to use these regulatory tools to increase the efficiency of the review process and the consistency of approaches across states, regions, and the country. The Department of Defense preserved important historic properties and realized significant savings in time and compliance costs when it developed a Section 106 program alternative for an entire category of military housing: <http://www.achp.gov/docs/Section106SuccessStoryCapehartWherry5.pdf>