

## SECTION 106 AND THE UNITED STATES AIR FORCE: WHAT YOU NEED TO KNOW

The National Historic Preservation Act (NHPA), enacted in 1966, ensures federal agencies act as responsible stewards for historic properties owned by the federal government or affected by its actions. Section 106 of the NHPA requires federal agencies to consider the effects on historic properties of any project they carry out or which receives federal financial assistance, permits, or approvals. Agencies must also provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on these projects prior to making a final decision.

The United States Air Force (USAF) conducts Section 106 reviews for a wide variety of projects on its installations, such as repair, maintenance, and construction of

infrastructure. The USAF also has Section 106 responsibilities off installation when, for example, noise levels or frequency are increased within a military operation area.

Historic properties are any buildings, structures, sites, objects, or districts of national, state, or local importance that are included in or eligible for inclusion in the National Register of Historic Places. Many properties on USAF bases are historic properties because of their association with the history of the USAF or the nation or for other reasons predating the establishment of the base. The USAF also must assess whether any historic properties located outside installation boundaries could be affected by a project originating from a base.

A USAF installation is responsible for completing Section 106 prior to making a final decision for any project that has the potential to affect historic properties. Agencies initiate Section 106 reviews in consultation with state and tribal officials. Appointed by each state governor, the State Historic Preservation Officer (SHPO) coordinates the state's historic preservation program and consults with federal agencies during a Section 106 review.

Agencies also consult with federally recognized Indian tribes and Native Hawaiian organizations when historic properties of religious and cultural significance to them are involved. Local governments and other interested individuals and organizations also may participate in Section 106 consultation.

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The Advisory Council on Historic Preservation, an independent federal agency, promotes the preservation, enhancement, and sustainable use of the nation's diverse historic resources and advises the President and the Congress on national historic preservation policy.



STRUCTURES, LIKE THE RADOMES AT BUCKLEY AIR FORCE BASE, COLORADO, CAN BE HISTORIC PROPERTIES.

Consultation is the cornerstone of the Section 106 process and should be initiated in the early stages of project planning. In order to successfully complete a Section 106 review, a federal agency follows a four-step process:

- ▶ INITIATE the review: determine if Section 106 applies to a project and who should participate in consultation;
- ▶ IDENTIFY historic properties within the project's area of potential effects;
- ▶ ASSESS the effect of the project on historic properties; and
- ▶ RESOLVE any adverse effects by considering alternatives to avoid, minimize, or mitigate the effects.

Reviews can conclude at any of the steps. If adverse effects may result from the project, then the agency usually concludes a Section 106 review through development and execution of a Memorandum of Agreement (MOA), a legally binding agreement in which the parties to the consultation set forth the measures they have agreed will resolve the adverse effects. When projects may have substantial effects on historic properties, pose important policy or procedural questions, or raise issues of concern to Indian tribes or Native Hawaiian organizations, the ACHP may elect to participate in consultation for a specific project. The successful completion of Section 106 reviews depends on active federal leadership, including the involvement of appropriate USAF personnel, to manage the consultation process.

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The ACHP also establishes efficiencies in federal programs and initiatives that support USAF missions while meeting goals of Section 106. For example, at one time the number of Capehart-Wherry family housing units within the Department of Defense was in the thousands. The ACHP issued a program alternative called a Program Comment that considered the effects of rehabilitating or demolishing any of these historic homes in one single action rather than through individual reviews for each project that might affect them. This action saved the Department of Defense more than \$80 million in compliance costs and preserved important information ([www.achp.gov/docs/Section106SuccessStoryCapehartWherry5.pdf](http://www.achp.gov/docs/Section106SuccessStoryCapehartWherry5.pdf)). See other Department of Defense Section 106 success stories at: [www.achp.gov/sec106\\_successes.html](http://www.achp.gov/sec106_successes.html).

Section 106 encourages, but does not mandate, preservation outcomes. The process provides for the consideration of alternatives that promote preservation. It offers an opportunity for non-federal stakeholders to influence federal decision making. In doing so, Section 106 reviews strengthen the federal agency planning process early on while alternatives that might have fewer impacts on historic properties can be considered. The ACHP is responsible for issuing the regulations that implement Section 106. These regulations are published in the Code of Federal Regulations at 36 CFR Part 800, "Protection of Historic Properties," and can be downloaded at [www.achp.gov](http://www.achp.gov).



Preserving America's Heritage

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