



DEFINITIONS

adverse effect Project effects that may alter, directly or indirectly, characteristics of a historic property that qualify it [the property] for inclusion in the National Register [of Historic Places] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. May include reasonably foreseeable effects that may occur later in time, be farther removed in distance, or be cumulative. [36 CFR §800.5(a)(1)]

AHPA Archeological and Historic Preservation Act (P.L. 86-523, 16 U.S.C. 469, 1974) Provides for recovery of historic and archaeological data (including relics and specimens) which might be lost or destroyed by a federal or federally licensed construction project, and authorizes expenditure of project funds for such recovery.

AIRFA American Indian Religious Freedom Act (P.L. 95-341, 1978) Establishes policy to protect and preserve traditional religious beliefs and practices of Native Americans, including Native Hawaiians.

alternate procedure(s) Procedure to tailor the standard Section 106 process to agency programs and decision making processes, and substitute in whole or in part for the ACHP's Section 106 regulations. May include formal agency regulations, but would also include departmental or agency policy/procedures that do not go through a formal rulemaking process. [36 CFR §800.14(a)]

anticipatory demolition/destruction Destroying or irreparably harming a historic property with the express purpose of circumventing or preordaining the outcome of Section 106 review. [NHPA Section 110(k)/54 U.S.C. 306113]

APE Area of Potential Effects; the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. [36 CFR § 800.16(d)]

applicants Persons or groups applying for federal assistance or for a federal permit, license, or other approval. [36 CFR § 800.2(c)(4)]

archaeological site The place or places where the remnants of a past culture or historical period survive in a physical context that allows for the study and interpretation of these remains, usually but not always requiring excavation or other systematic investigation. [National Register Bulletin No. 36, "Guidelines for Evaluating and Registering Historical Archaeological Sites and Districts," 1993, p. 2]

ARPA Archaeological Resources Protection Act (P.L. 96-95, 1979) Establishes permit process for archaeology on public and Indian lands, along with criminal penalties for unauthorized removal or looting of remains.

building A structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. [36 CFR § 60.3(a)]

BAMIPP Building a More Inclusive Preservation Program; multi-year ACHP initiative to highlight the breadth and diversity of cultural heritage in the United States and encourage wider involvement and representation in public preservation activities and programs by historically under-represented groups.

CLG Certified Local Government; local government whose historic preservation program has been recognized and certified by the state and the National Park Service pursuant to Section 101(c) of the National Historic Preservation Act. [NHPA, 54 U.S.C. § 3025]

climate impacts and resilience Impacts to historic properties that may include storm damage, flooding, coastal erosion, drought and associated wildfires, melting permafrost, and changing temperature patterns exacerbated by long-term climate change; resilience refers to artificial counter-measures or natural resistance to such impacts.

comment The findings and recommendations of the ACHP on an undertaking, either through a signed agreement or through a formal letter expressing the ACHP's views to the head of a federal agency under Section 106. [36 CFR § 800.6, 800.16(e)]

concurring parties Those invited to concur in the terms of a Memorandum of Agreement. Refusal of any party invited to concur does not invalidate the Memorandum of Agreement. [36 CFR § 800.6(c)(3)]

consensus determination Agreement between the agency and the State Historic Preservation Officer/Tribal Historic Preservation Officer that a property is or is not eligible for the National Register of Historic Places.

consultation The process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 review process. [36 CFR § 800.16(f)]

consulting parties Persons or groups the federal agency consults with during the Section 106 process. They may include the State Historic Preservation Officer; the Tribal Historic Preservation Officer; Indian tribes and Native Hawaiian organizations; representatives of local governments; applicants for federal assistance, permits, licenses, and other approvals; and/or any additional consulting parties. [36 CFR § 800.2(c)]

Council [Now referred to as the ACHP] The Advisory Council on Historic Preservation or an ACHP member or employee designated to act for the ACHP. [36 CFR § 800.16(g)]

CRMP/HRMP Cultural Resources Management Plan / Historic Resource Management Plan; a guide used by agencies and organizations to plan for, preserve, and manage cultural resources and/or historic resources under their stewardship.

cultural items Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony under NAGPRA [See below; 25 USC § 3001.2(3)]

cultural landscape A geographic area, including both cultural and natural resources and any wildlife or domestic animals, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. May include a historic designed landscape (e.g., a park or campus), a vernacular landscape that has evolved with distinct cultural features (e.g., a historic farm valley), or a traditional cultural landscape containing natural and cultural features with special meaning for a group (e.g., sacred sites on and around a mountain peak). [PRESERVATION BRIEF 36: Protecting Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes, by Charles A. Birnbaum, ASLA, NPS Technical Preservation Services, September 1994]

cultural resources Formally undefined term often used interchangeably with “historic property/resource”(see below), but originally intended to refer more broadly to archaeological sites and collections, traditional cultural places, cultural landscapes, sacred sites, and other physical evidence of past human activity. “Cultural resource management” as a field of study and professional practice has largely developed with a primary focus on archaeology and ethnographic resources.

curation Responsibility for the care of something held in trust for other people. Curatorial services are “managing and preserving a collection according to professional museum and archival practices,” for historic preservation purposes most often referring to archaeological collections, other cultural artifacts, and associated records. [36 CFR § 79.4(b), “Curation of Federally Owned and Administered Archaeological Collections”]

data recovery plan A plan for the retrieval of significant archaeological information through controlled excavation and other scientific recording methods. [Advisory Council on Historic Preservation guidance, “Recommended Approach for Consultation on Recovery of Significant Information from Archaeological Sites”]

determination of eligibility A decision that a district, site, building, structure, or object meets or does not meet the National Register of Historic Places criteria for evaluation. [36 CFR § 60.3(c), “National Register of Historic Places”]

determinations Formal resolutions of questions, such as National Register of Historic Places eligibility or adverse effects. [ACHP, “Section-by-Section Questions and Answers,” www.achp.gov/106q&a.html]

district A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. [36 CFR § 60.3(d)]

documentation A detailed record, in the form of a report or other written document, including photographs, maps, and drawings. [See 36 CFR § 800.11]

EA Environmental Assessment; a (usually) simplified analysis and evaluation under NEPA (see below) to determine whether a proposed federal action will or will not result in a significant impact on the quality of the human environment. [NEPA regulations, 40 CFR Part 1500; NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, CEQ and ACHP, March 2013]

EIS Environmental Impact Statement; detailed analysis and evaluation under NEPA (see below) of major federal actions significantly affecting the quality of the human environment, including consideration of alternatives to the proposed action. Historic properties, as a subset of cultural and social resources, are one aspect of the human environment to be analyzed [NEPA regulations, 40 CFR Part 1500; NEPA and NHPA: A Handbook for Integrating NEPA and Section 106, CEQ and ACHP, March 2013]

effect Alteration to the characteristics of a historic property that qualifies it for inclusion in or eligibility for inclusion in the National Register of Historic Places. [36 CFR § 800.16(i)]

EO Executive Order; formal signed, written, numbered, and published directive from the President directing actions of the executive branch. Executive orders may be referenced by number, title, or topic. Other presidential documents include presidential memoranda and proclamations. Both EOs and proclamations are published in the *Federal Register*, and with memoranda on the White House website. Executive orders and proclamations have the force of law, much like regulations issued by federal

agencies, and are codified under Title 3 of the Code of Federal Regulations. However, they are not legislation and may be rescinded or modified by another executive order. An executive order takes precedence over a presidential memorandum.

EO 13287 “Preserve America,” issued by President Bush on March 3, 2003. The order stated federal policy to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of federally owned historic properties, and promoting intergovernmental cooperation and partnerships for historic property preservation and use. The EO encouraged agencies to manage these historic properties as valuable assets that can support agency missions and also stimulate local economic development. It calls for progress reports by agencies on their identification, protection, and use of historic properties, and a consolidated report to the President by the ACHP, every three years.

exemptions Procedure for formally removing from Section 106 review those undertakings that have foreseeable effects on historic properties which are likely to be minimal. Section 214 of the National Historic Preservation Act sets forth criteria for exemptions and the process for obtaining them. [36 CFR § 800.11]

FPISC Federal Permitting Improvements Steering Council (Permitting Council); created by the Fixing America’s Surface Transportation (FAST) Act of 2015. The Permitting Council helps implement provisions of the FAST Act that apply to certain types of large-scale infrastructure projects in order to improve the timeliness, predictability, and transparency of the federal environmental review and authorization process for certain infrastructure projects. The Permitting Council also promotes best practices to improve reviews of all infrastructure projects. The ACHP is a member ¹ of the Permitting Council.

FPO Federal Preservation Officer; the official designated by the head of each federal agency who is responsible for coordinating that agency’s activities under Section 110 of the National Historic Preservation Act of 1966, as amended. [NHPA, 54 U.S.C. § 306104]

findings Factual assessments by a party, usually an agency, that are subject to review by other parties to the Section 106 process. [ACHP, “Section-by-Section Questions & Answers,” www.achp.gov/106q&a.html]

foreclosure An action taken by an agency official that effectively precludes the ACHP from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking. [36 CFR § 800.16(j)]

heritage tourism The business and practice of attracting and accommodating visitors to a place or area based especially on the unique or special aspects of that locale’s history, landscape, and culture. (EO 13287, “Preserve America”)

¹ Members include: Department of Agriculture (Rural Development, Forest Service); U.S. Army Corps of Engineers (Directorate of Civil Works); Department of Commerce (National Telecommunications & Information Administration, National Oceanic and Atmospheric Administration, National Marine Fisheries Service); Department of the Interior (U.S. Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, National Park Service, Bureau of Ocean Energy Management); Department of Energy; Department of Transportation; Department of Defense; Environmental Protection Agency; Federal Energy Regulatory Commission; Nuclear Regulatory Commission; Department of Homeland Security (Coast Guard); Department of Housing and Urban Development; Advisory Council on Historic Preservation; Office of Management and Budget; Council on Environmental Quality

historic context An organizing structure for interpreting history that groups information about historic properties which share a common theme, common geographical location, and common time period. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 2]

historic property Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register, including artifacts, records, and material remains relating to the district, site, building, structure or object. Also includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the National Register of Historic Places criteria. [NHPA, 54 U.S.C. § 300308, 302706]

Indian tribe An Indian tribe, band, nation, or other organized group or community, including a Native village, Regional Corporation or Village Corporation, as those terms are defined in Section 3 of the Alaska Native Claims Settlement Act (43 USC § 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. [NHPA, 54 U.S.C. § 300309]

integrity The ability of a historic property to convey its significance through its location, design, setting, materials, workmanship, feeling, and association, as appropriate to the particular property. [National Register Bulletin No. 15, “How to Apply the National Register Criteria for Evaluation,” p. 44]. A related factor is the authenticity of a property’s historic identity, evidenced by the survival of physical features or characteristics that existed during the property’s historic or prehistoric period. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p.2]

invited signatories Persons or groups invited by the agency official to also sign a Memorandum of Agreement (which may include an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties off tribal lands). Especially refers to those who assume a particular responsibility under an Agreement. [36 CFR § 800.6(c)(2)]

Keeper of the National Register The federal official who has been delegated the authority by the National Park Service to represent the Secretary of the Interior in listing properties and formally determining their eligibility for the National Register of Historic Places. [36 CFR § 60.3(f)]

legacy cities Defined as those communities developed at the height of the industrial revolution as centers of industry, commerce, business, and employment throughout the New England, Mid-Atlantic, and Midwest regions. Legacy cities can also include communities located in the West and Southwest regions that emerged for similar reasons at a later period. (See “rightsizing”)

local government A city, county, parish, township, municipality, borough, or other general purpose political subdivision of a state. [36 CFR § 800.16(n)]

MOA Memorandum of Agreement; document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties. [36 CFR § 800.16(o)]

NAGPRA Native American Graves Protection and Repatriation Act (P.L. 101-601, 1990) Requires federal agencies and federally funded institutions to return Native American “cultural items” (human remains, funerary and sacred objects, and objects of cultural patrimony) to lineal descendants and culturally affiliated Indian tribes and Native Hawaiian organizations. Establishes federal grants and procedures to assist in the repatriation process, discoveries on federal or tribal lands, and provides for assessment of civil penalties by the Secretary of the Interior.

NHL National Historic Landmark; a historic property evaluated and found to have significance at the national level and designated as such by the Secretary of the Interior. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3]

NHPA National Historic Preservation Act (P.L. 89-665, 1966) Articulated overall federal policy encouraging and promoting historic preservation, and established the national historic preservation program to implement that policy. The program includes a National Register of Historic Places, the Advisory Council on Historic Preservation, State and Tribal Historic Preservation Officers, funding through the Historic Preservation Fund, Certified Local Governments, federal agency preservation programs, and the federal historic preservation planning and review process known as Section 106 review.

NPS National Park Service; a bureau of the U.S. Department of the Interior that manages national parks, monuments, and historic sites; acts as a steward for historic areas in the National Park System; administers preservation programs, including grant funding through the Historic Preservation Fund and other accounts; maintains the National Register of Historic Places; sets standards for preservation-related activities; and provides technical preservation information and guidance.

National Register criteria The criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register of Historic Places. [36 CFR Part 60, 36 CFR § 800.16(r)]

National Register of Historic Places Established by the National Historic Preservation Act of 1966 as the official federal list of districts, sites, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. [NHPA, 54 U.S.C. § 3021, 300311]

National Register Nomination Form A legal document and reference for historical, architectural, and archaeological data upon which protections for listed and eligible properties are founded. [36 CFR § 60.3(i)]

Native Hawaiian Any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii. [NHPA, 54 U.S.C. § 300313; 36 CFR § 800.16(s)(2)]

NHO Native Hawaiian organization; any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the State of Hawaii and Hui Malama I Na Kupuna O Hawai’i Nei, an organization incorporated under the laws of the State of Hawaii. [NHPA, 54 U.S.C. § 300314; 36 CFR § 800.16(s)(1)]

NEPA National Environmental Policy Act (P.L. 91-190, 1970) Establishes national policy to encourage harmony between people and the environment, directs federal agencies to assess the environmental effects of their proposed actions prior to making decisions, and establishes a Council on Environmental Quality within the Executive Office of the President.

object A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment. [36 CFR § 60.3(j)]

preservation partners An informal group of preservation non-governmental organizations and agencies (some of which are represented on the ACHP) with which the ACHP staff shares information and consults on federal preservation policy, legislation, and related issues of mutual concern.²

Preserve America program Federal initiative that encourages and supports community efforts to preserve and enjoy the nation's priceless cultural and natural heritage. The goals of the program include a greater shared knowledge about the nation's past, strengthened regional identities and local pride, increased local participation in preserving the country's cultural and natural heritage assets, and support for the economic vitality of the nation's communities. Administered by the ACHP and the Departments of the Interior and Agriculture in partnership with the White House (Congress permanently authorized the program in the Omnibus Public Land Management Act of 2009, P.L. 111-11.)

Preserve America Communities Communities (including municipalities, counties, neighborhoods in large cities, U.S. territorial jurisdictions, and Indian tribes) that have been formally designated under the Preserve America program in recognition of their efforts to preserve their historic and cultural properties and use them to foster community revitalization, particularly through heritage tourism.

Preserve America Stewards Organizations and agencies that have been formally designated under the Preserve America program in recognition of their use of volunteers to care for, preserve, and interpret historic properties.

Preserve America Grants Administered by the National Park Service in partnership with the ACHP, this grant program provides funding to designated Preserve America Communities, State Historic Preservation Offices, and Tribal Historic Preservation Offices to support preservation efforts through heritage tourism, education, and historic preservation planning. (While the program remains authorized, Congress has not appropriated funding for the program since FY 2010.)

preservation Includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding the foregoing activities or any combination of the foregoing activities. [NHPA, Section 301 (8)]

program alternative(s) Strategies included in the ACHP's regulations which allow federal agencies to tailor the Section 106 process to the needs of specific programs or types of undertakings, and provide the ACHP the flexibility to use comments on a federal program or class of undertakings rather than reviewing and commenting on such undertakings on a case-by-case basis. Program alternatives include Program Comments, Exemptions, Nationwide and Prototype Programmatic Agreements, Standard Treatments, and alternate procedures. [36 CFR § 800.14]

Programmatic Agreement (PA) Agreement document that covers specific agency programs or complex or multiple undertakings. Programmatic Agreements may be developed to guide preservation measures for programs administered on a nationwide, regional, statewide, or categorical basis. A Prototype Programmatic Agreement is a type of PA that may be developed as a template or model agreement to address repetitive undertakings that could be addressed by a consistent approach. [36 CFR § 800.14(b), 800.16(t)]

² Current members of the Preservation Partners group include: ACHP; ACHP Foundation; American Cultural Resources Association (ACRA); American Institute of Architects (AIA); Civil War Trust; Cultural Heritage Partners (CHP); National Association of Tribal Historic Preservation Officers (NATHPO); National Conference of State Historic Preservation Officers (NCSHPO); National Park Service (NPS); National Parks Conservation Association (NPCA); National Trust for Historic Preservation; Preservation Action (PA); Society for American Archaeology (SAA); Society for Historical Archaeology (SHA); and U.S. National Committee of the International Council on Monuments and Sites (US/ICOMOS).

research design A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project’s goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments. [National Register Bulletin No. 15, “How to Apply the National Register Criteria for Evaluation,” appendix x, p. 53]

rightsizing Preservationists and planners have defined “rightsizing” as the process through which legacy cities address significant physical and social changes to undergo a reduction to an optimal size. The term applies to demographic, land use, business activity, and other socioeconomic changes.

Section 3 Report to the President Report required by Section 3 of EO 13287 to assess the status of federally owned historic properties, the condition and management needs of those properties, and evaluations of the suitability of those properties to contribute to community economic development initiatives including heritage tourism. Assessments by real property managing agencies are made available to the ACHP and the Secretary of the Interior; based on those, the ACHP then prepares a report for the President every three years.

Section 106 The section of the National Historic Preservation Act that requires federal agencies to take into account the effects of undertakings on historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. [NHPA, 54 U.S.C. § 306108, 36 CFR Part 800]

Section 110 The section of the National Historic Preservation Act that 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. [NHPA, 54 U.S.C. Chapter 3061; The Secretary of the Interior’s Standards and Guidelines for Federal Agency Historic Preservation Programs, Introduction]

SHPO State Historic Preservation Officer; the official appointed or designated pursuant to Section 101(b)(1) of the National Historic Preservation Act to administer the state historic preservation program, or a representative to act for the State Historic Preservation Officer. [NHPA, 54 U.S.C. Chapter 3023]

significance The importance of a historic property as defined by the National Register of Historic Places criteria in one or more areas, such as the history, architecture, archaeology, engineering, or culture of an area. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3; also based on NRB 15, “How to Apply the National Register Criteria for Evaluation,” p. 7]

signatories Those who sign a Memorandum of Agreement or Programmatic Agreement, usually the agency and the SHPO/THPO, and under some circumstances, the ACHP. They have the sole authority to execute, amend, or terminate the agreement. [Based on 36 CFR § 800.6(c)(1)]

site The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 3]

Senior Policy Official (SPO) Senior policy level official that has policy oversight responsibility for an agency’s historic preservation program [EO 13287, “Preserve America,” § 3(e)]

standard treatment(s) Mechanism by which the ACHP can agree to a streamlined process for addressing a category of undertakings, effects, historic properties, or treatment options. This option may modify the application of the normal Section 106 process under certain circumstances or simplify the steps or requirements of the regulations. [See “program alternatives;” 36 CFR § 800.14(d)]

state Any state of the United States, the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau. [NHPA, 54 U.S.C. § 300317]

structure A construction made for purposes other than creating shelter, such as a bridge. [National Register Bulletin No. 16A, “How to Complete the National Register Registration Form,” appendix IV, p. 4]

sustainability The ACHP supports the work of communities to create sustainable and resilient communities where historic properties are used as assets for promoting energy efficiency and community livability. Preserving historic buildings almost always offers environmental and energy savings over demolition and new construction. Reinvestment in historic districts and communities also promotes reuse of existing infrastructure and supports areas that generally are walkable and have good transit access options.

termination of consultation When the Advisory Council on Historic Preservation, the federal agency, the State Historic Preservation Officer/Tribal Historic Preservation Officer, or the officially designated tribal representative determines that further consultation will not be productive and ends consultation by notifying the other consulting parties and providing, in writing, the reasons for ending consultation. [36 CFR § 800.7(a)]

termination of an MOA/PA When a signatory to the agreement ends the agreement after determining that its terms cannot be carried out and consulting unsuccessfully with other signatories to amend the agreement. [36 CFR § 800.6(c)(8)]

THPO Tribal Historic Preservation Officer; the tribal official, designated by a tribal ordinance or preservation program, who has assumed the responsibilities of the SHPO for purposes of Section 106 compliance on tribal lands in accordance with the National Historic Preservation Act. [NHPA, 54 U.S.C. Chapter 3027]

tribal lands All lands within the exterior boundaries of any Indian reservation and all dependent Indian communities. [NHPA, 54 U.S.C. § 300319]

undertaking A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license, or approval. Undertakings that may affect historic properties trigger Section 106 review. [36 CFR § 800.16(y)]