



## **ACHP Electronic Section 106 Documentation Submittal System** *Instructions for completing the ACHP e106 form (attached)*

**When to Use:** Use the *Electronic Section 106 Documentation Submittal System (e106) Form* (attached below) to meet the regulatory requirement (36 C.F.R. 800.6(a)(1)) to formally notify the ACHP when federal agencies:

- notify the ACHP of a finding that an undertaking may adversely affect historic properties, and/or
- invite the ACHP to participate in a Section 106 consultation, and/or
- propose to develop a project Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

The documentation required to accompany such a notification is listed at section 800.11(e) of the regulations implementing Section 106. Use of this form will help ensure that federal agencies provide the ACHP with the information needed to review agency adverse effect findings.

The form does not require any additional documentation beyond what is required in section 800.11(e). Rather, the ACHP is offering this as a tool to better assist agencies to meet their current responsibilities under the regulations, improve consistency and completeness in submissions, and expedite the compliance process. Use of this form and electronic submittal of project information is optional; agencies may continue to notify the ACHP of adverse effect findings via hard copy mailings if they so choose.

**How to Use:** The regulations (at 800.6(a)(1)) require the “federal agency official” to notify the ACHP. The email to the ACHP could come from this official or his/her office. The form should be filled out, saved as an MS Word document, and **sent as an email attachment to e106@achp.gov**. Federal agencies should copy the SHPO/THPO or other consulting parties when using this system to submit information. Reference additional attached material in the appropriate space on the form. Once the form is received, the sender will receive a confirmation message, and the 15-day clock for ACHP response begins.

### **How to Fill Out the Form:**

#### **I. Basic Information**

1. Indicate the federal agency carrying out the Section 106 review. (For some HUD projects this could be the “Responsible Entity” pursuant to 24 CFR Part 58.) If there are multiple federal agencies involved, please indicate whether the agencies have designated a lead agency for the Section 106 review process for this undertaking. If so, please note whether the non-lead agencies will continue to have any Section 106 responsibilities for the undertaking.

2. State the name of the undertaking. This is commonly the name on your NEPA document. If the agency also uses a permit, grant, or application number, please provide that.

3. Indicate the location of the undertaking—state(s), city(ies), county(ies) (or other locational information if relevant), and whether it will take place on, or affect historic properties located on federal and/or tribal and/or state and/or private lands. If the undertaking is on, or affects historic properties on tribal lands, list the relevant tribe(s).
4. Indicate the federal agency official (per section 800.2(a)) for this undertaking, along with the agency contact person(s) and their phone number and e-mail address, with whom we should correspond if we have questions about the undertaking, the documentation provided, and/or the status of the Section 106 review.
5. Indicate whether the submission of documentation is intended to notify the ACHP of the federal agency's finding of adverse effect (Section 800.6(a)(1)), whether the agency intends to invite the ACHP to participate in the consultation to resolve adverse effects (Section 800.6(a)(1)(i)), or the agency is proposing to develop a Programmatic Agreement (project PA) for complex or multiple undertakings in accordance with 36 C.F.R. 800.14(b)(3).

## II. Information on the Undertaking

6. Briefly describe the undertaking subject to Section 106 review, and the nature of federal involvement. Explain whether this project will:
  - be funded in whole or in part by a federal agency or under the direct or indirect jurisdiction of a federal agency;
  - be carried out by or on behalf of a federal agency;
  - be carried out with federal financial assistance, or
  - require a federal permit, license, or approval.
7. Describe the area of potential effects (APE) for this undertaking. According to section 800.16(d), the APE is *“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.”* Maps, photographs and/or drawings may be included to aid in describing the APE.
8. Describe the steps taken to identify historic properties within the APE, including who was consulted in developing the “reasonable and good faith” identification strategy.
9. Describe the historic property or properties that may be affected by the undertaking, including photographs, maps, and drawings as necessary. Are there any National Historic Landmarks (NHLs) within the APE? This description should include information on the applicable National Register criteria of significance (e.g., A-D), character-defining features, integrity, boundaries, and environmental setting and geographic location if they contribute to the property's significance. Please note that a more detailed description of the affected historic properties may be attached to the form. If this information is already on a current National Register or state register form, attach that form.
10. Describe the undertaking's effects to the historic property or properties. An effect is defined in section 800.16(i) as any *“alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.”*
11. Explain how this undertaking would adversely affect historic properties. State any currently known

conditions or future actions to avoid, minimize, or mitigate adverse effects. As set forth in section 800.5(a)(1)) an adverse effect is found when “*an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.*”

(Note that if NHLs may be adversely affected by the undertaking, the regulations (at section 800.10(c)) require the federal agency to notify the NPS and invite their participation to resolve adverse effects.)

12. Provide copies or summaries of the views provided to date by any consulting parties or the public, including any correspondence from the State Historic Preservation Officer(s) and/or the Tribal Historic Preservation Officer(s).

### **III. Optional Information**

13. Please indicate the status of any consultation that has occurred to date. Are there consulting parties other than the SHPO/THPO involved? Are there any outstanding or unresolved concerns or issues that the ACHP should know about in deciding whether to participate in consultation?

14. Can the interested public find out about this project from your agency website or another website? If so, please provide the link.

15. Is this undertaking considered a “major” or “covered” project listed on the Federal Infrastructure Projects Permitting Dashboard or other federal interagency tracking system? If so, please provide the link or reference.

Thank you for using the e106 system. If you have any questions, you can email them to [e106@achp.gov](mailto:e106@achp.gov) or contact Tom McCulloch at (202) 517-0200.