



Program Alternatives (36 CFR 800.14)

	ALTERNATE PROCEDURES	PROGRAMMATIC AGREEMENTS	EXEMPTED CATEGORIES	STANDARD TREATMENTS	PROGRAM COMMENTS
Objective	Tailor Section 106 process to fit agency mission/programs through agency-wide restructuring of the review procedure	Govern implementation of a program or resolve adverse effects when: effects are repetitive or are regional or national in scope; effects cannot be fully determined prior to approval; nonfederal parties are delegated decision-making responsibilities; involve routine management at federally managed properties; other circumstances warrant a departure from standard process	The ACHP can exempt a program or category of undertakings from further review if potential effects are foreseeable and likely to be minimal or not adverse and exemption is consistent with purposes of NHPA	Establish standard methods for treatment of a category of effects, undertakings, or historic properties according to best practices; does not replace the normal Section 106 process but can expedite reviews	Alternate method for agency to meet Section 106 responsibilities; allows the ACHP to issue comments on a program or class of undertakings in lieu of commenting on a case-by-case basis
Who proposes?	Agency official, following consultation	Agency official	Agency official or the ACHP on own initiative	Agency official or any other party with an interest in the application of standard treatments in the Section 106 process, including the ACHP on own initiative	Agency official may request; the ACHP on own initiative
Who consults?*	Agency official consults with the ACHP, NCSHPO, individual SHPOs/THPOs as appropriate, Indian tribes and NHOs. The ACHP also recommends consultation with NATHPO.	Project-specific: federal agency consults with SHPO/THPO, Indian tribes, NHOs, other consulting parties, and the ACHP if participating. Program or nationwide: federal agency consults with the ACHP, SHPO/THPO or NCSHPO/ NATHPO, Indian tribes, NHOs, and other consulting parties.	Proponent of exemption (the ACHP or agency) notifies and considers the views of SHPOs/THPOs. The ACHP consults Indian tribes and NHOs. The ACHP recommends agency proponents consult Indian tribes, NHOs, and others in developing proposal prior to submitting to the ACHP.	The ACHP notifies and considers the views of SHPOs/THPOs and consults with Indian tribes and NHOs, where appropriate.	The ACHP notifies and considers the views of SHPOs/THPOs and consults with Indian tribes and NHOs, where appropriate.

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Public participation	<i>Federal Register</i> publication is required along with other appropriate steps to seek public input during development of alternate procedures	Agency responsibility; should be appropriate to the subject matter and the scope of the program or undertaking	Proponent responsibility (the ACHP or agency); should be appropriate to the subject matter and the scope of the exemption	The ACHP arranges for public participation appropriate to the subject matter and the scope of the standard treatment; the ACHP may request agency official to do this if an agency requested the standard treatment	Agency responsibility; required before request; should be appropriate to the subject matter and scope of the category; the ACHP recommends <i>Federal Register</i> notice
Approval action	The ACHP, after 60-day review period. Agency must publish notice of final alternate procedures in <i>Federal Register</i> if approved and notify parties with whom it consulted.	Execution by signatories	The ACHP must approve or reject, after 30-day review period; the ACHP notifies agency official and SHPOs/THPOs of decision	ACHP approval and publication in <i>Federal Register</i> ; included in MOAs/PAs as mitigation measures or used to support no adverse effect findings in regular reviews	The ACHP must approve or decline to comment after 45-day comment period following official request
Time frame	60 days for ACHP review following agency submission; development process leading to submission likely to be lengthy	No fixed time period	30 days for ACHP review unless it requests more information; development process leading to submission could be lengthy	No fixed time period	45 days for comments after request is made; total process could be as short as three months if preparation by agency before request is thorough

* Federal agencies are responsible for government-to-government consultation with Indian tribes. The party responsible for consultation must consult with Indian tribes and Native Hawaiian organizations when the program alternative has the potential to affect historic properties on tribal lands or properties of religious and cultural significance to tribes or NHOs.

Acronym Glossary

MOA — Memorandum of Agreement

NATHPO — National Association of Tribal Historic Preservation Officers

NCSHPO — National Conference of State Historic Preservation Officers

NHO — Native Hawaiian organization

NHPA — National Historic Preservation Act

PA — Programmatic Agreement

SHPO — State Historic Preservation Officer

THPO — Tribal Historic Preservation Officer