

SECTION 106

2 DAYS INTO 30 MINUTES

FORUM 2014: A KEYSTONE CONNECTION
NATIONAL ALLIANCE OF PRESERVATION COMMISSIONS FORUM
JULY 17 - 20, 2014
UNIVERSITY OF PENNSYLVANIA

Justin S. Patton
County Archaeologist
Prince William County, Virginia
703-792-5729 jspatton@pwcgov.org

WAIT!!

I THOUGHT THIS WAS ABOUT ARCHAEOLOGY?

WHY TALK ABOUT SEC. 106?

- Underpins many state and local regulations
- Most investigations follow the work phases, established by practice, since NHPA's inception.

SECTION 106

NHPA OF 1966, AS AMENDED

- Seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation... commencing at the early stages of project planning. 36 CFR 800.1(a)
- Section 106 Requires Federal agencies to:
 - take into account effects of an undertaking on historic properties; and
 - afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment prior to project approval or issuance of a license or permit

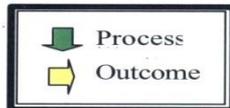
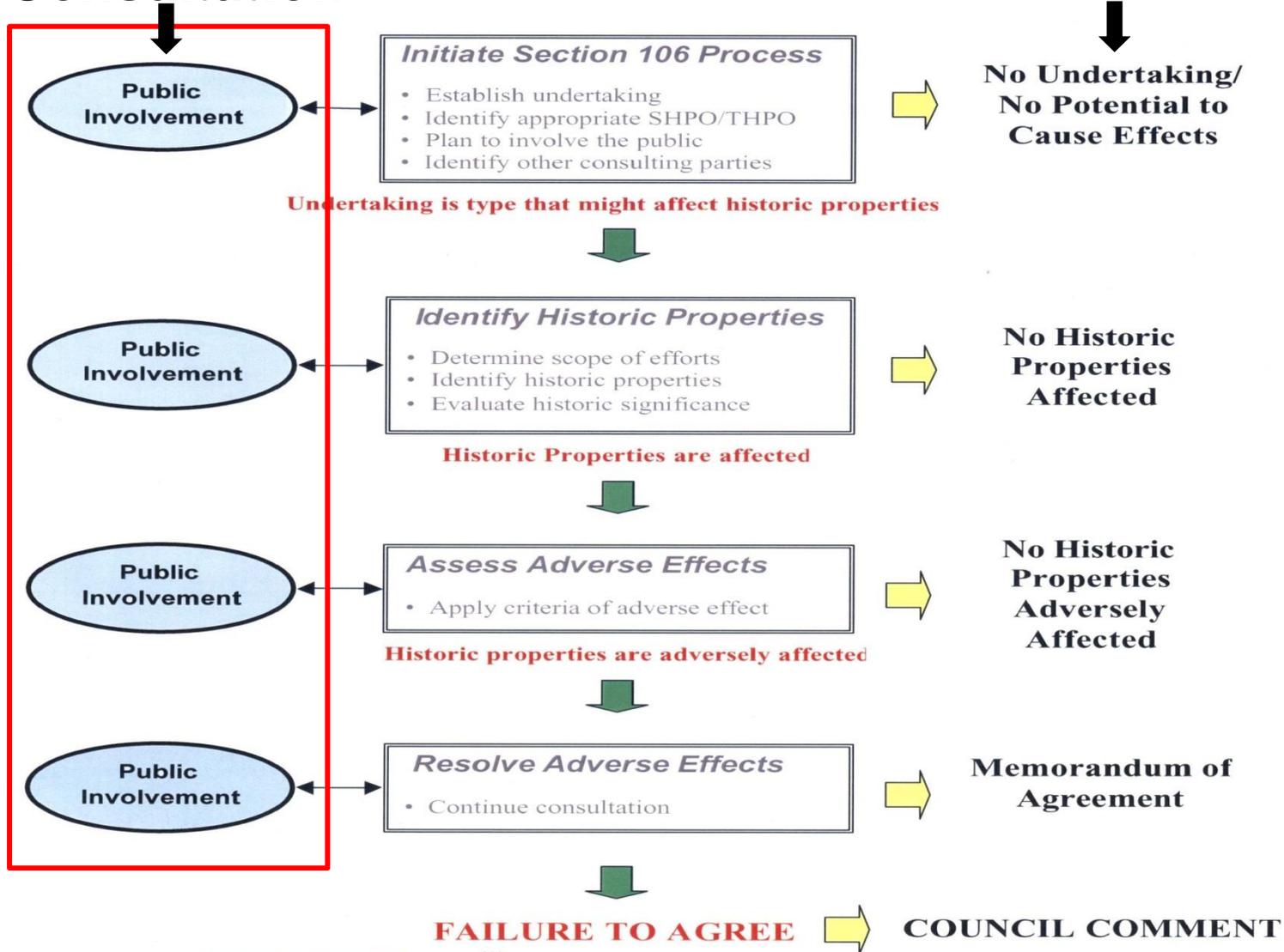
HOW IT WORKS

- Initiation the Section 106 Process
 - Identify Historic Properties
 - Evaluate Eligibility to the NRHP
 - Apply the Criteria of Adverse Effect
 - Resolve Adverse Effect
 - Memorandum of Agreement (MOA)
 - Programmatic Agreement (PA)
 - Completing the Process
-

THE SECTION 106 PROCESS

Consultation

FINDINGS



WHO SHOULD I TALK TO?



WHAT
SHOULD I
DO?



- State Historic Preservation Office
- Federal Agency – usually in environmental review section or cultural resource
- Local Leaders

- Go to public meetings and ask who to contact,
- Offer information on archaeological and architectural resources
- Conduct internet searches for project information
- Request consulting party status

Initiating Section 106

- Determine if project is an undertaking
 - Identify involved Federal agencies
 - Determine whether a Tribe and THPO is involved
 - Identify and contact consulting parties
 - Plan for public involvement
-

IDENTIFY

- Determine APE
- Identify known/recorded historic properties in APE
- Identify additional historic properties
 - Archival research
 - Archaeology research
 - Architectural research
 - Battlefield/Landscape research
- What are some other study types?

IDENTIFICATION AND EVALUATION

- Archival Research – primary sources
- PH I Archaeology
- PH II
- Architectural Survey
- Architectural Intensive Survey
- Battlefield/Landscape/Viewshed studies
 - GIS, Photo-simulations, line of sight
- Cemetery Delineation

HISTORIC PROPERTIES

Eligible for listing or listed on the National Register of Historic Places.

- Buildings
- Structures,
- Objects,
- Sites,
- Districts,
- Landscapes, and
- Traditional Cultural Properties

EVALUATE NRHP ELIGIBILITY

- Are resources significant?
 - Do they have integrity?
 - Is there consulting party and SHPO concurrence on eligibility?
 - Are historic properties affected?
-

ELIGIBILITY CRITERIA

Significant at the National, State, or Local Level

- Criteria A. That are associated with events...; or
- Criteria B. That are associated with ... persons significant in our past; or
- Criteria C. That embody the distinctive characteristics of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- Criteria D. That have yielded, or may be likely to yield, information important in prehistory or history.

NRHP INTEGRITY

Integrity is the ability of a property to convey its significance.

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

ADVERSE EFFECT

Criteria of Adverse Effect

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

Resolution of Adverse Effects

- Identify measures to avoid, minimize, or mitigate adverse effects.
- Seek ACHP comment if Consulting Parties cannot agree.
- If agreement, execute MOA or PA.

AGREEMENT DOCUMENTS

Memorandum of Agreement

- Prepared at end of process.
- Resolves adverse effects.
- Little decision making.

Programmatic Agreement

- Prepared early in process.
- Establishes a process for compliance.
- Considerable decision making – after PA is signed.

MOA & PA DOCUMENTATION

- Data Recovery Excavations – PH III
- Architectural Documentation
- Historic American Building Survey (HABS)
- Historic American Engineering Survey (HAER)
- Historic American Landscape Survey (HALS)
- Primary Source Research
- Oral History

POSSIBLE REVIEW FINDINGS

- Initiate Section 106 
 - Not an undertaking or is an undertaking and won't affect historic properties.
- Identify historic places and evaluate their NRHP eligibility. 
 - No Historic Properties Affected.
- Applying the criteria of adverse effect. 
 - No Adverse Effect.
 - Adverse Effect.

QUESTIONS?