

Introduction to NEPA for LPAs: Section 106

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Purdue Road School

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Section 106 of the National Historic Preservation Act of 1966

- Take into account the effects of the undertaking on eligible or listed National Register of Historic Places (NRHP) properties
- Afford Advisory Council on Historic Preservation (ACHP) the opportunity to consult (www.achp.gov)

4 Step Process:

1. Initiate the process
2. Identify historic properties
3. Assess effects of undertaking on historic properties
4. Resolve any adverse effects

Initiate the Process: Who is involved?

- **The Indiana Department of Natural Resources, Division of Historic Preservation and Archaeology acts on behalf of the Indiana State Historic Preservation Officer (SHPO). The SHPO plays a key role in commenting during the process.**

Initiate the Process: Who is involved?

- **Historical interest groups and organizations**
- **County historians**
- **County historical societies**
- **Any group or individual that may have an interest in the historic resources potentially impacted by the proposed project (could include property owners).**

Initiate the Process: Who is involved?

- **General public--required to be provided an opportunity to participate by the placement of a properly worded legal notice in a widely circulated project area newspaper for the purposes of soliciting public comments.**

Initiate the Process: Who is involved?

- **Advisory Council on Historic Preservation (ACHP), the Federal oversight agency of the Section 106 process, gets involved occasionally when there is an adverse effect determination and/or controversial issues are involved that cannot be resolved at the local level.**

Identify Historic Properties:

- Research
- Historic Context
- Fieldwork
- NRHP eligibility evaluation
- Prepare recommendations for the area of potential effect (APE), determination of eligibility, and determination of effect.

Three determinations of effect in the Section 106 process

- No Historic Properties Affected
- No Adverse Effect
- Adverse Effect

No Historic Properties Affected

- **No historic resources are located within the APE or historic properties are present, but they will not be affected by the project.**

No Adverse Effect

- **Historic resources are located within the APE, but the project will not adversely impact those qualities or attributes that made the resource eligible for inclusion in the NRHP.**

Adverse Effect

- **Alterations will occur to the characteristics of the historic property that qualify it for the NRHP. Some adverse effects may include the replacement of a historic bridge; the acquisition of right-of-way from a historic property; or the introduction of something into a historic district that will alter the current setting.**
- **Memorandum of Agreement (MOA) required to minimize or mitigate Adverse Effect.**

Preparing Section 106 Documentation

- In the very near future, the preparers of all Section 106 documentation on newly started projects will be required to meet the Secretary of the Interior's minimum professional qualification standards.
- These requirements are used by the National Park Service and have previously been published in the Code of Federal Register Regulations, 36 CFR Part 61.
- Projects already in progress can proceed as usual during this transition period. However, consultants for LPA jobs should provide for this new item in their contract estimates for future jobs.
- SHPO is considering compiling a list of individuals and firms that are qualified to do this work

Archaeology

- For any road or bridge project that requires additional right-of-way or impacts previously undisturbed land, some level of archaeological investigation and documentation is required.
- This work must be completed by a qualified individual.
- A listing of qualified archaeologists is available from the IDNR, Division of Historic Preservation and Archaeology.
- The work required could be as simple as an archaeological records check or become as involved as phased work up to and including the deep trenching of a large percentage of the project area.

Procedural Manual for Cultural Resources

- **Will be developed in the near future and will provide more information.**

Questions/Comments?

- **Contact Information:**
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