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Brief Overview of Section 106 & the Program Comment on Accessible, Climate-Resilient, Connected Communities

Welcome and Introduction to Section 106

A Seat At The Table: Why Your Commission Should Participate In The Section 106 Process

By Jacqueline Drayer and Rebecca Goodwin

Preservation commissions undertake many activities. Adding another may not be a high priority, but there are important reasons why your commission should be familiar with, and participate in, Section 106 consultations. Experienced preservation staff or consultants leading the effort lessens the burden on commission members, but the lack of staff should not preclude your participation, it makes it more important.



What is Section 106?

- Requires that federal agencies to consider the effects of projects they carry out, approve, or fund on historic properties.
- Common with cellular towers, transportation and housing projects. It also includes transmission lines, pipelines, federal land management decisions, railroad improvements, etc...
- Section 106 review encourages but does not mandate preservation. Sometimes there is no way for a needed project to proceed without harming historic properties. Section 106 review does ensure that cultural resources are factored into federal agency planning and decisions
- Mitigation
- Communication and collaboration



Local Commissions & Section 106

- The federal agency must identify potential consulting parties, including the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), **local governments**, applicants for federal assistance, interested parties, and **the public**.
- The agency must invite parties to participate in consultation and provide basic information about the undertaking to all parties.



Local Commissions & Section 106 Continued

Local commissions help the federal government identify and understand historic places during the Section 106 process. Local participation leads to better outcomes.

- A local commission knows more about the historic resources in their community than anyone. If federal agencies know from the onset there are potential adverse effects from an undertaking, they are more likely to adjust then rather than when issues are raised at the end of the process.
- SHPO compliance staff are often overloaded, understaffed, and unable to make site visits. A local representative may add continuity to the process. In addition, local commissions may know of historic records and where to access them.
- **It's also a chance to communicate any local requirements with the agency or applicant in the early stages of a project.**



Program Alternatives

- Program Alternatives allow federal agencies a more streamlined approach to ensure the requirements of Section 106 review are achieved and historic preservation concerns are balanced with other federal mission requirements and needs.
- Typically when there is very low risk of impacting cultural resources.
- ACHP has proposed an agency-wide Program Comment on Accessible, Climate-Resilient, Connected Communities with the goal of accelerating historic preservation review timelines for federal projects related to housing, climate-smart buildings, and climate-friendly transportation.



NAPC Initial Comments

- Broad scope with unknown impacts; what will implementation look like? Unknown how cultural resources may be impacted
- Non-primary facades of buildings; unknown impacts
- There still may be local requirements for scopes permitted under the Program Comment; potential for conflict
- Who are the decision makers when SHPO is not engaged in a review. Would there be any notice about an undertaking moving forward?
- General concern with local interests or knowledge not being considered; preservation outcomes should be collaborative

