

# Section 106 and SHPO Consultation

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# **Section 106 of the National Historic Preservation Act**

*[54 U.S.C. §306108] and its implementing regulations, “Protection of Historic Properties” [36 CFR part 800].*

## **Historic Properties**

*Any “prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource.”*

# Section 106 Review Checklist



- ✓ Section I: General Undertaking information
- ✓ Section II: Agency Contact Information
- ✓ Section III: Describe the Undertaking and Define the APE
  - ✓ Section IIIA: Ground-Disturbing Activities

- ✓ Section IV: Describe Efforts to Identify Historic Properties
- ✓ Section V: Assess Potential to Effect Historic Properties and Finding of Effect

# General Undertaking Info

- “New” or “Continuing” consultation?
  - Reference existing OHP reference number
- Straight Section 106 or Agreement Document?
  - 36 CFR 800; 36 CFR 800.8(c); PA; or MOA
- Name and location of Undertaking/Project
  - Address, City, and County
- Has NEPA process begun yet?

# Contact Information

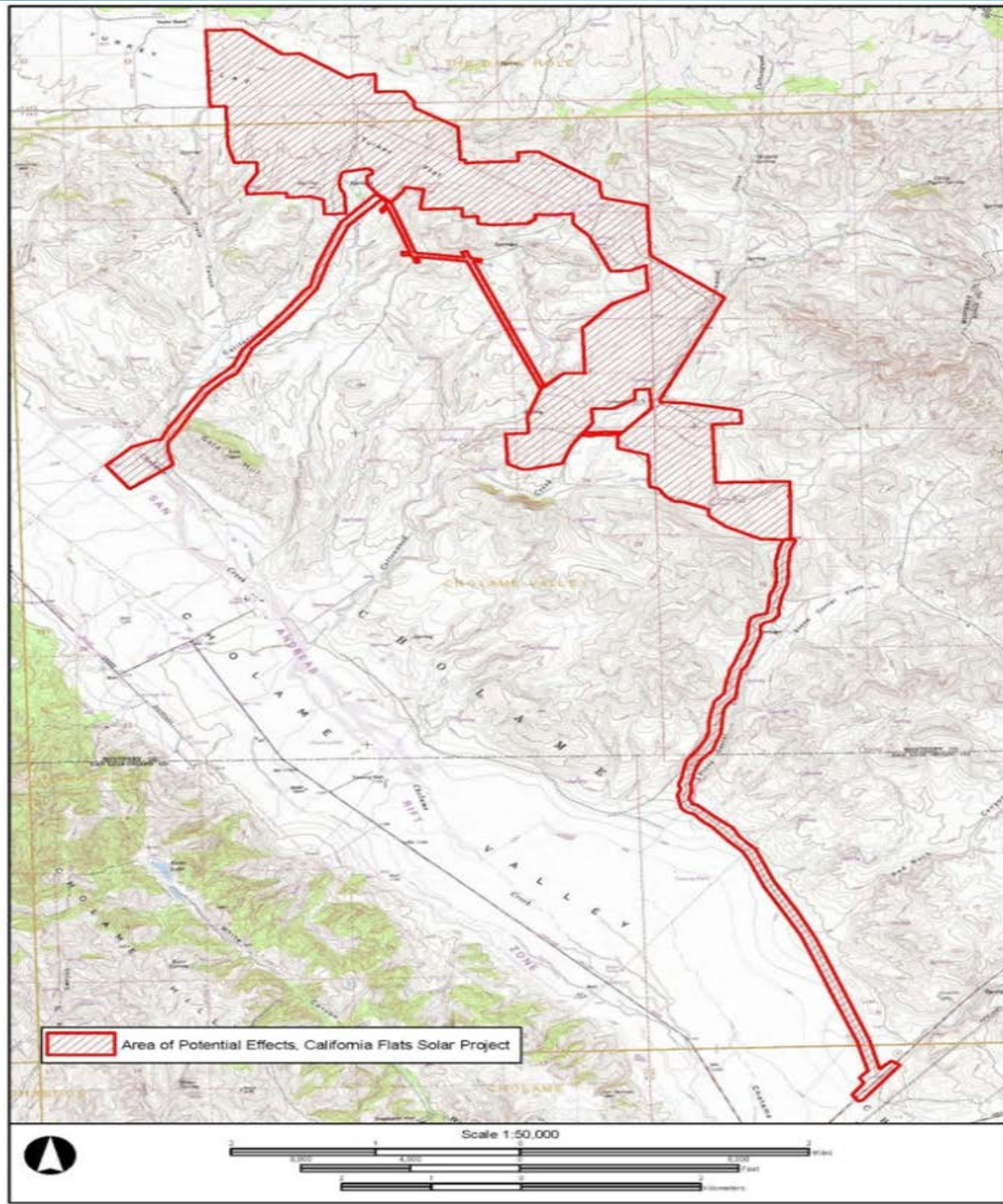
- **Name the Lead Federal Agency and Representatives Consulting**
  - Provide name, number, mailing address, e-mail of representative(s) responsible for consultation
- **Any other Agencies Involved?**
  - Define roles of all agencies involved.
  - Provide letter of delegation if applicable
- **Is Undertaking part of Grant Program?**

# Describe Undertaking and APE

- Detailed narrative description
  - Describe all work to be undertaken and proposed schedule
  - Acreage of undertaking footprint
  - Location of all proposed actions
- Project Location Map
  - Where in the state is the Project location?
- Narrative APE Description
  - Horizontal and vertical extents of all proposed work and support locations (i.e. staging and access)
  - How was APE defined? Provide justification
  - Indirect effects included
- Provide detailed APE map

## What should be included in the APE?

- ❖ All potential ground-disturbing activities
- ❖ Dredging and borrow areas
- ❖ Staging areas
- ❖ Access routes
- ❖ Entire boundary of any historic properties that are within the APE, as feasible.



# Ground-Disturbing Activity

- Provide USGS 7.5 minute quad map or aerial map of appropriate scale to clearly show activity boundaries
- Describe nature of activity: length, width, maximum depth of ground disturbance
- Describe current and previous use(s) of the land and any known previous ground disturbance.



# Identification of Historic Properties

1. Describe archival research conducted, evidence of records search, and results of records search
2. Describe Native American Consultation conducted and efforts to Identify Native American Resources. Provide documentation of this.
3. Describe consultation with other consulting parties and information received.
4. Describe Survey work and map of areas surveyed.
5. Provide map of all identified cultural resources.
6. Evaluate potential eligibility of all resources for listing on the NRHP and provides substantive evidence.

# Finding of Effect

- 1) There are no historic properties present in APE - OR - there are historic properties present but the undertaking will have no effect upon them

No historic properties affected

- 2) If there are historic properties that may be affected by the undertaking

Historic properties affected

Apply the criteria of adverse effect:

- a) Adverse effect applies when the undertaking may directly or indirectly alter any of the characteristics of a historic property.
- b) No adverse effect applies when the undertaking will have an affect, but the effects do not meet the criteria of adverse effect or the undertaking is modified or conditions are imposed to ensure avoidance of adverse effects.

## Finding of Effect

- Identify ONE finding of effect that applies to the undertaking.
- Provide justification for this finding of effect.
- For finding of adverse effect, describe the adverse effect to each historic property affected.
- For no adverse effect finding, describe how historic properties will be avoided and protected.

# THANK YOU!



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