

# National Historic Preservation Act Section 106 Compliance

## Regulatory Program Workshop

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Kate Dadey

Chief, CA South Section, Regulatory Division



US Army Corps of Engineers  
**BUILDING STRONG**<sup>®</sup>

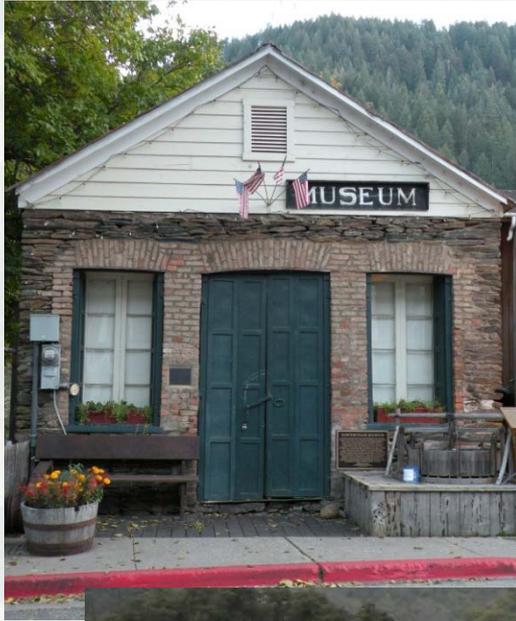


# Regulatory Division's Mission

- *To protect the Nation's aquatic resources, while allowing reasonable development through fair, flexible and balanced permit decisions.*



# Part of our Mission is compliance with Section 106 NHPA



# Corps 106 Regs at Appendix C

- Appendix C has been updated with Interim Guidance in 2005, and clarification in 2007
  - ▶ Seeks to better align with ACHP regulations at 36 CFR 800 et seq
  - ▶ Places greater emphasis on consultation with Native American Tribes
  - ▶ Clarifies use of MOAs
  - ▶ Confirms Corps' determination of permit area



# Memoranda of Agreement

- Needed if **adverse effects** on historic properties expected
- Changes in 800 Regulations **eliminate option of conditioning permits**
- Historic properties: **included in, or eligible** for inclusion in National Register
- Listing based on **four criteria**



# Programmatic Agreements (PAs)

- Used when the effects of an undertaking are **not fully known** (e.g., long term projects)
- Tool for implementing approaches that **do not follow the normal** Section 106 process
- Done to **streamline and enhance historic preservation** and project delivery efforts



# Criteria

- **A.** That are associated with events that have made a significant contribution to the broad patterns of our history; or
- **B.** That are associated with the lives of significant persons in our past; or
- **C.** That embody the distinctive characteristics of a type, period, or method 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
- **D.** That have yielded or may be likely to yield, information important in history or prehistory.





Leland Stanford Mansion Sacramento – on the HRHP  
(and free tours!)



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# Tribal Consultation

- Corps or applicant contacts NAHC
- NAHC provides list of Tribes with potential interest in proposed project
- Corps initiates coordination with Tribes on list; provides project description, map, cultural report
- Follow up may include:
  - Site visit(s)
  - Further coordination
  - Government to Government



# Section 106 Resources

- **Regulatory website:**
  - NHPA link
  - Sacramento District Guidelines on compliance
  - SHPO contacts
  - Links to ACHP, App C and Interim Guidance
  - HQ Information on Cultural Resources, Tribal
- **District Resources:**
  - Erin Hess, Cultural Resource Specialist
  - Mark Gilfillan, District Tribal Liaison

