

Section 106 of the National Historic Preservation Act



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Section 106 is **NOT** New

- NHPA has been law since 1966.
- Number of amendments and iterations in its regulations.
- Most recent update August 5, 2004
- It is a process
- Responsibility of the Federal Agency
- Consultative



National Historic Preservation Act



- Established partnerships with States and Tribes or historic preservation
- Establishment of State and Tribal Historic Preservation Offices (SHPO & THPO)
- Establishment of the Advisory Council on Historic Preservation
- Created a consultation process on Federal actions (Section 106)
- Established historic preservation as an environmental discipline
- Established the National Register of Historic Places

Lady Bird Johnson: NHPA signed into law 10/15/1966

Section 106

An Overview

- Requires substantive technical information and informed decision making.
- Involves a number of parties.
- Over the past 35 years the general evolution of the process has been towards a more consultative process with more parties that address more types of resources.

Undertaking

Means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a federal agency, including those carried out with federal financial assistance; those requiring a federal permit, license, or approval; those subject to State or local regulation administered pursuant to a delegation or approval by a federal agency.



Examples of Undertakings

Projects which utilize Federal money

- FERC Licenses, BLM grazing permits,
- FS Timber Sales, recreation developments
- Habitat restoration
- COE permits, dredging, wetlands, levees
- FHWA highway funding projects of State DOT and local government roads
- FDIC ATMs, and FCC Cell Towers
- DOE, HHS, HUD, & USDA-RD

Environmental **Reviews**

**Tax Funded
Projects or
Projects on
Public Land\$**

Section 106: An action benefitted by federal funding, or receiving a permit or license.

GEO 05-05: A project receiving State of Washington Capital Budget assistance.

State Environmental Policy Act (SEPA): An action authorized by a state or local agency.

Step 1: Define the APE

(area of potential effect)

- Who is responsible for initiating the consultation process?
- What is the proposed action you are about to undertake?
- Where are the limits of your project effects and can you illustrate & define those limits?

Step 2: Identify the Sites

- Acquire background and historic information
- Define the historic context
- Conduct on the ground survey
- Complete Report, Inventory forms,
- Consult with parties on findings



Products

- *Open File:*
- *Letters, APE map*
- *Response letters*
- **⊘ EXEMPT Documents**
- *Site forms, Reports,*
- *Maps with site locations*
- *DOE forms, reports*

Evaluation of the Significance

(National Register eligibility)

- Evaluating the Significance of the sites in the APE using the National Register of Historic Places criteria.
- Follow Secretary of Interior Standards, and guidelines from the National Register of Historic Places (www.nps.gov)
- Requires the Federal Agency to consult and seek the concurrence of THPO or SHPO
- If disagree, forward to the Keeper of the NR

Step 3: Evaluate Effects

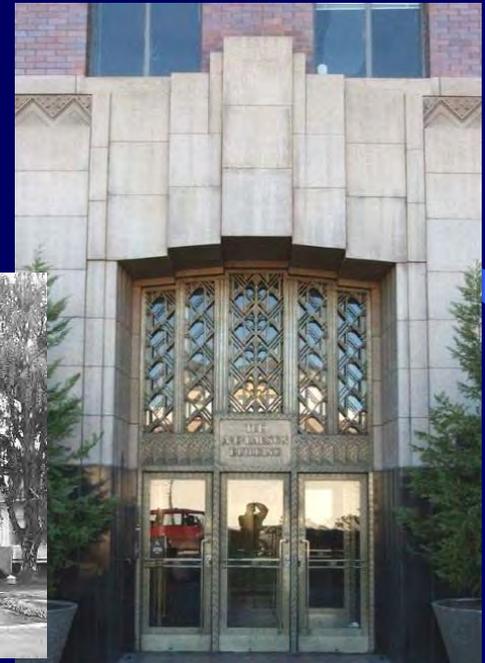
- **No Historic Properties Affected:** No historic or cultural resources affected.
- **No Effect:** No change to the NR eligible site.
- **No Adverse Effect:** Will be a change, but not damaging to the qualities that make a resource significant.



- **Adverse Effect:** Where you have an impact that will alter, damage, destroy or change the characteristics that make the property significant and eligible to the National Register.

Step 4: Treatment Plan: **MOA**

- Memorandum of Agreement (**MOA**) is a legal document that formalizes the specific actions the Federal Agency will take to avoid, minimize, or mitigate the adverse effect.
- Agency must notify ACHP
- and invite participation
- Consult with the THPO and/or SHPO



Final Step

- Implement the MOA
- Report back to assure the consulting parties that the terms and conditions of the MOA were met.
- If no agreement notify ACHP for formal ACHP comment to Agency Head.
- If conditions change notify parties of need for amendment.



Throughout the consultation process...

Contact and consult with tribes and local government agencies, and interested members of the public about their concerns



Consultation Time

- Consultation takes as long as necessary to define the APE
- There is no limit specified in Section 106 as to how long this process should take
- It is a matter of SHPO policy to review all APE determinations within 30 days
- Section 106 submittals that come to SHPO with all necessary documentation, takes less time to review



National Register of Historic Places

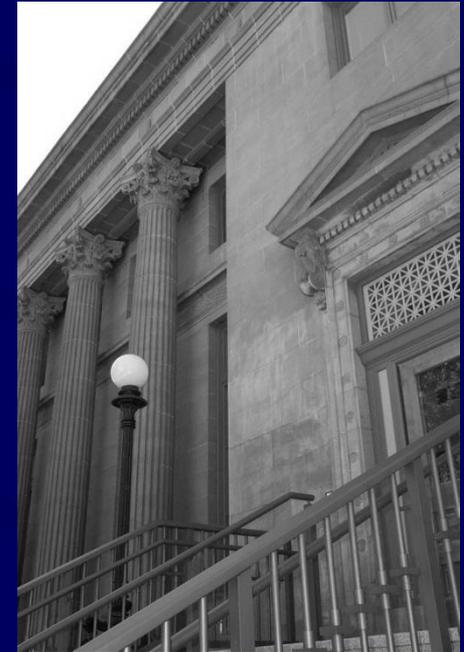
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Determination of Eligibility



Designated Historic Sites

- **1,486** listings on the National Register of Historic Places statewide.
- **189** National Register Historic district listings.
- **522** listings on the Washington Heritage Register of Historic Places statewide.
700+ barns on the Washington Heritage Barn Register
- **24** National Historic Landmark listings.



National Register of Historic Places

Property and Resource Types

- *Buildings*
- *Sites*
- *Structures*
- *Objects*
- *Districts*
- *Landscapes*
- *TCPs*



The Criteria **for listing on the** **National Register**

Integrity and
Historical significance



The 50 year rule



The qualities of **Integrity**

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



Criterion **A**

Properties that are associated with events that have made a significant contribution to the broad patterns of our history



Criterion **B**

Properties that are associated with the lives of persons significant in our past.



Criterion C

Properties 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 lack individual distinction.



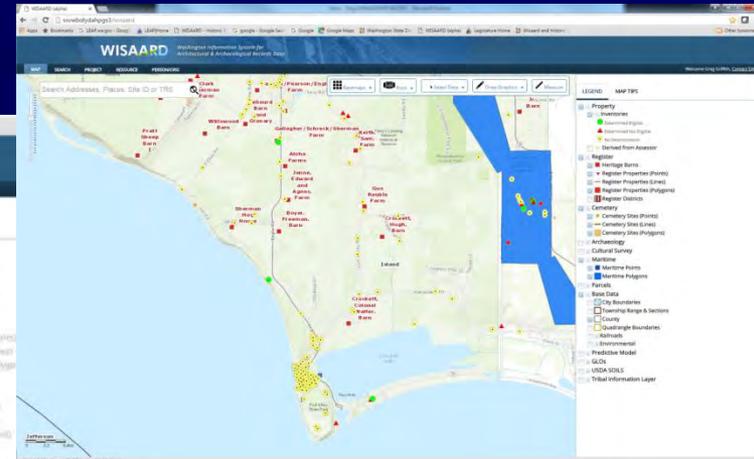
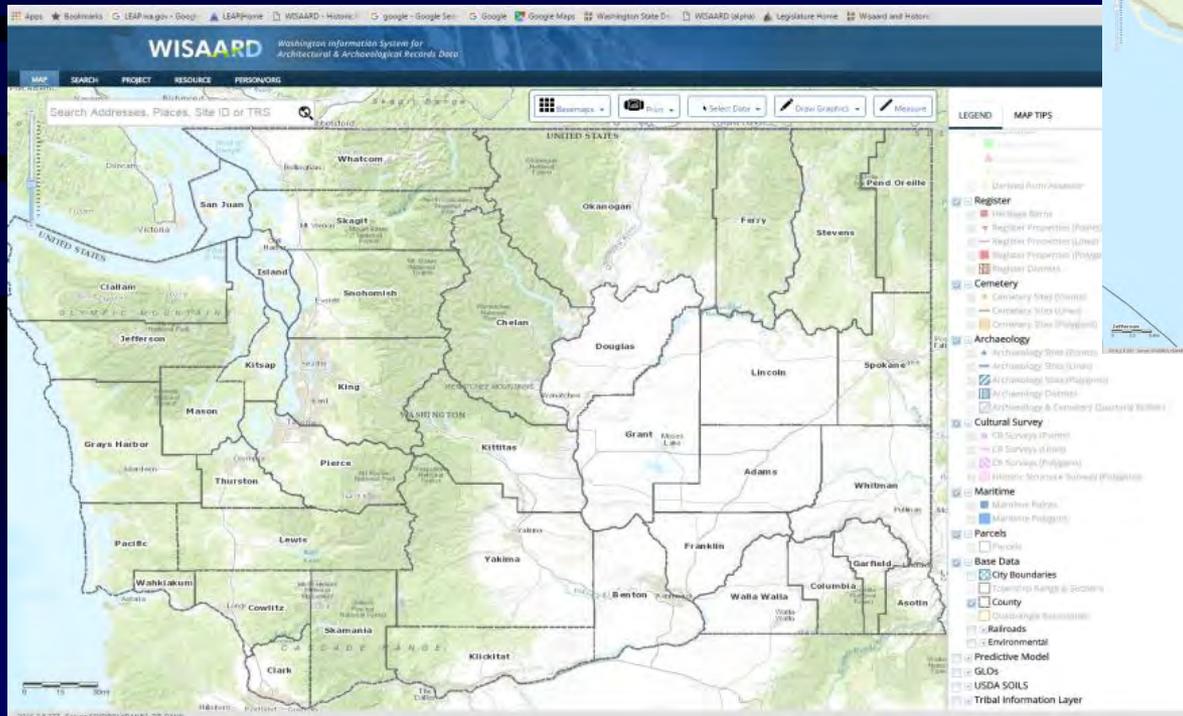
Criterion D

Properties that have yielded, or may be likely to yield, information important in prehistory or history.



A few tips about WISAARD... (Washington Information System for Architectural and Archaeological Records Data)

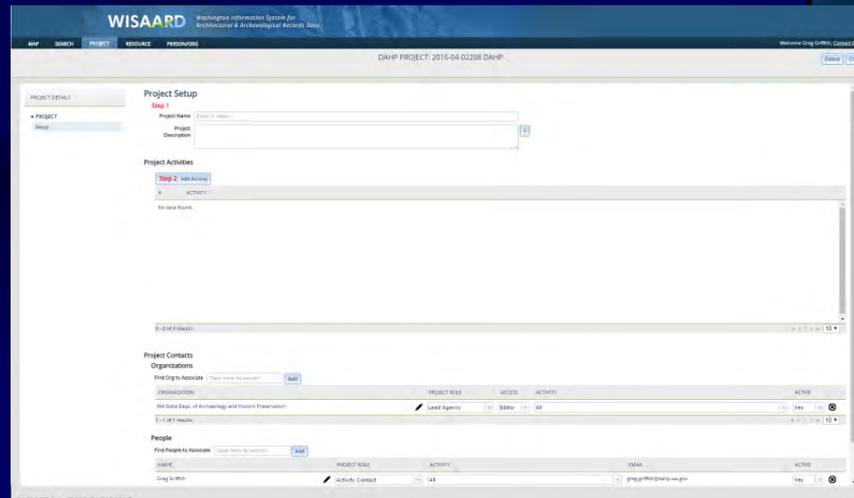
WISAARD is DAHP's on-line, GIS-based search tool and data entry application. It is used to submit inventory forms and reports to DAHP, but it is also used to track the administrative record of all compliance projects that come through our office.



WISAARD screen shots

Tips for using WISAARD

- Allow time to get acquainted with and comfortable using WISAARD.
- Visit our introductory page with info, and links to SAW and tutorials.
- You will need to apply for and receive your SAW (Secure Access Washington) to access the database for project uploads. Your SAW application will be approved by DAHP staff and you will be provided access to WISAARD.
- With your access to WISAARD, you will input project information directly into the database online (i.e. location, contact info, project description, upload documents, etc.)
- Once you submit your project, DAHP staff will be notified.



Questions? Contact: Annie Strader at Annie.Strader@dahp.wa.gov or 360-586-3078

Access to historic property data entry does not require you to submit any paperwork, simply request the WISAARD service through [Secure Access Washington](#)

- Archaeological site data is protected by law, therefore, access to archaeological data is strictly controlled to those “who need to know” and gained by completing and submitting to DAHP a form demonstrating you are one of the following:

An archaeologist meeting the Sec. of Interior Standards and Washington State Statute 27.53.030.

A Tribal cultural resource staff member, [click here](#).

If you meet the Secretary of the Interior Standards in a discipline other than archaeology.

A Section 106 Manager for a Federal or State Agency, but do not meet the Sec. of the Interior Standards in any discipline.

You have a B.A. in archaeology and 5 years experience in Washington.

You are an anthropology student needing access for a class project.

You are an academic researcher.

Below are tutorials designed to help you sign up for a Secure Access Washington (SAW) account and to show you how to request access to the WISAARD service. Please note that you will be approved for the first level of secure access, but you will not be able to see archaeological information until DAHP has received and approved your paperwork.

How to Create a SAW Account Tutorial

Requesting Access to New WISAARD (New Users)

Requesting Access to New WISSARD (Previous Users)

Determination of Eligibility and Adverse Effects Case Studies

DOE CASE STUDIES

Vancouver



- Historic or Not?
- Not Historic

DOE CASE STUDIES

Spokane

- Historic or Not?
- Can't tell
- More Information Needed



DOE CASE STUDIES

Port Hadlock

- Historic or Not?
- Historic
- Eligible or Not?
- Distinctive Character
- Craftsmanship
- High Integrity
- Artistic Value
- Criterion C



DOE CASE STUDIES

Wenatchee

- Historic or Not?
- Historic
- Eligible or Not?
- At least two additions
- Chimney does not appear to be original
- Use of non in-kind materials and windows
- Not Eligible



DOE CASE STUDIES

Richland



- Historic or Not?
- Historic
- Eligible or Not?
- Associated with Hanford
- High Degree of Integrity
- Criterion A & C

DOE CASE STUDIES

Richland

- Adverse Effect or Not?
- Eligible
- Adverse Effect
- Exact same house as previous slide



DOE CASE STUDIES

Pomeroy



- Adverse Effect or Not?
- Eligible
- Adverse Effect

DOE CASE STUDIES

Clarkston

- Adverse Effect or Not?
- Eligible
- Work started prior to receiving a Determination of Eligibility
- DAHP was foreclosed in the review process

