

Section 106

What is Section 106?

- National Historic Preservation Act of 1966
- Law for FEDERAL AGENCIES
- Assess the effects of federal undertakings on **historic properties**

When does it happen?

- Funding
 - Department of Transportation
 - Housing and Urban Development
 - National Park Service
- Licensing
 - Federal Deposit Insurance Commission
 - Federal Communications Commission
- Permitting
 - Army Corps of Engineers
- Ownership

What is an historic property?



Grain Elevator, Powell

- Listed in the National Register of Historic Places
- Eligible for listing in the National Register

Who is responsible?

- Federal agencies
- City government (sometimes)

No federal involvement, no Section 106

Section 106 Review Process

- Basically...
 - Define the undertaking
 - Define the Area of Potential Effect (APE)
 - Identify consulting parties
 - Identify historic properties within the APE
 - Assess effect

Undertaking

- What is the federal involvement?
 - Funding, ownership, permitting
- Potential to affect historic properties
 - New roadway
 - Sewer system upgrade
 - Construction of a new courthouse
 - Providing insurance to a new bank

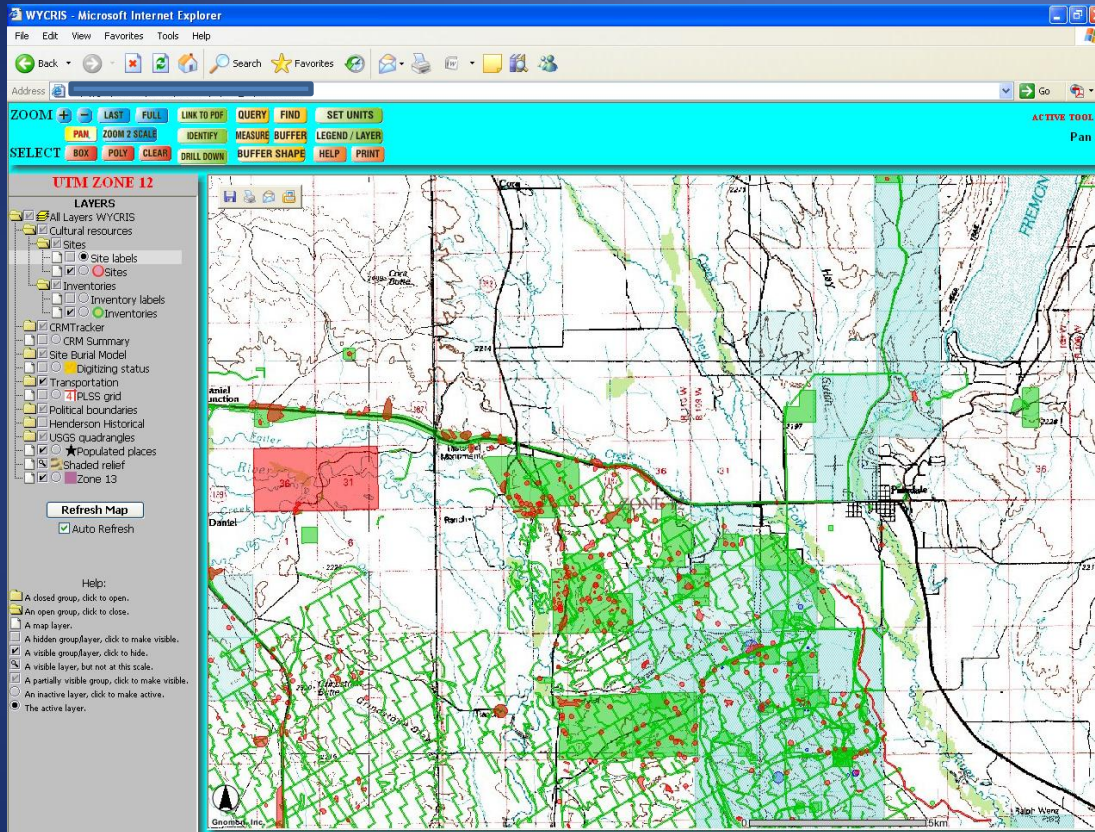
Area of Potential Effects (APE)

- Direct physical effects
 - Project boundary, amount of ground disturbance
- Indirect effects
 - Visual effects
 - Setting effects
- Cumulative effects
 - New road=new development

Consulting Parties

- Mandatory consulting parties
 - State Historic Preservation Office (SHPO)
 - Tribal Historic Preservation Office (THPO)
 - Federally-recognized tribes
 - Local governments
- Other consulting parties
 - Applicants for federal assistance
 - Local historical groups or societies
 - Public

Historic Property Identification



- Wyoming Cultural Resource Identification System
 - All survey
 - All eligible or listed sites/properties
- Wyoming SHPO Cultural Resources Office, Laramie

Historic Property Identification



Early Archaic House-pit in the Jonah Field

- UNKNOWN Historic Properties
 - Cultural Resource Surveys
 - Archaeological Surveys
 - Architectural Surveys

Assess Effects



Capital Vista School

- Consult with SHPO, THPO, other interested parties
- Consider direct, indirect, and cumulative effects
- Will undertaking change historic nature?

No Historic Properties Affected

- No historic properties located within APE
- Historic properties located within APE, but project will not affect these properties
- Concludes Section 106 process

No Adverse Effect

- Undertaking will not change historic character of property
 - Meets the Secretary of the Interior's *Standards for Rehabilitation*
- Conditional No Adverse Effect
 - Follow certain steps to retain historic character

Adverse Effect



- Permanently alter:
 - Contributing elements of a property
 - Destroy a property
 - Alter setting
 - Change historic integrity

If there is an adverse effect...

Memorandum of Agreement (MOA) to:

Avoid

Minimize

Mitigate

Advisory Council on Historic Preservation

Included in your packet

