

Extract from National Conference of State Historic Preservation Officers website

<https://ncshpo.org/resources/section-106/>

Overview

Section 106 of the National Historic Preservation Act (NHPA) grants legal status to historic preservation in Federal planning, decision making, and project execution.

Section 106 applies when two thresholds are met: 1) there is a Federal or federally licensed action, including grants, licenses, and permits; and 2) that action has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places.

Section 106 requires all Federal agencies to take into account the effects of their actions on historic properties. The responsible Federal agency must consult with appropriate State and local officials, Indian tribes, applicants for Federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

Effects are resolved by mutual agreement, usually among the affected State's State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Officer (THPO), the Federal agency, and any other involved parties. The ACHP may participate in controversial or precedent-setting situations.