

Section 106: A Review

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Section 106 of What?

- National Historic Preservation Act of 1966
- FEDERAL AGENCY
- Assess the effects of federal undertakings on historic properties

What Federal Agencies?

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



What Federal Agencies?

- Land-Managing Agencies
 - Military installations
 - Fort Jackson, Shaw Air Force Base, Parris Island
 - National Park Service
 - Fort Sumter, Cowpens National Battlefield
 - General Services Administration
 - Federal Courthouses, Federal Buildings
 - Postal Service
 - Post Offices



What's a Historic Property?



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

Section 106 Review Process

- At a glance...
 - 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, licensing, permitting
- Potential to affect historic properties
 - Salaries?
 - Office supplies?
 - 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



Area of Potential Effects (APE)

- Keep in mind...
 - APE will be different for each project
 - Must be defined BEFORE identifying historic properties

Consulting Parties

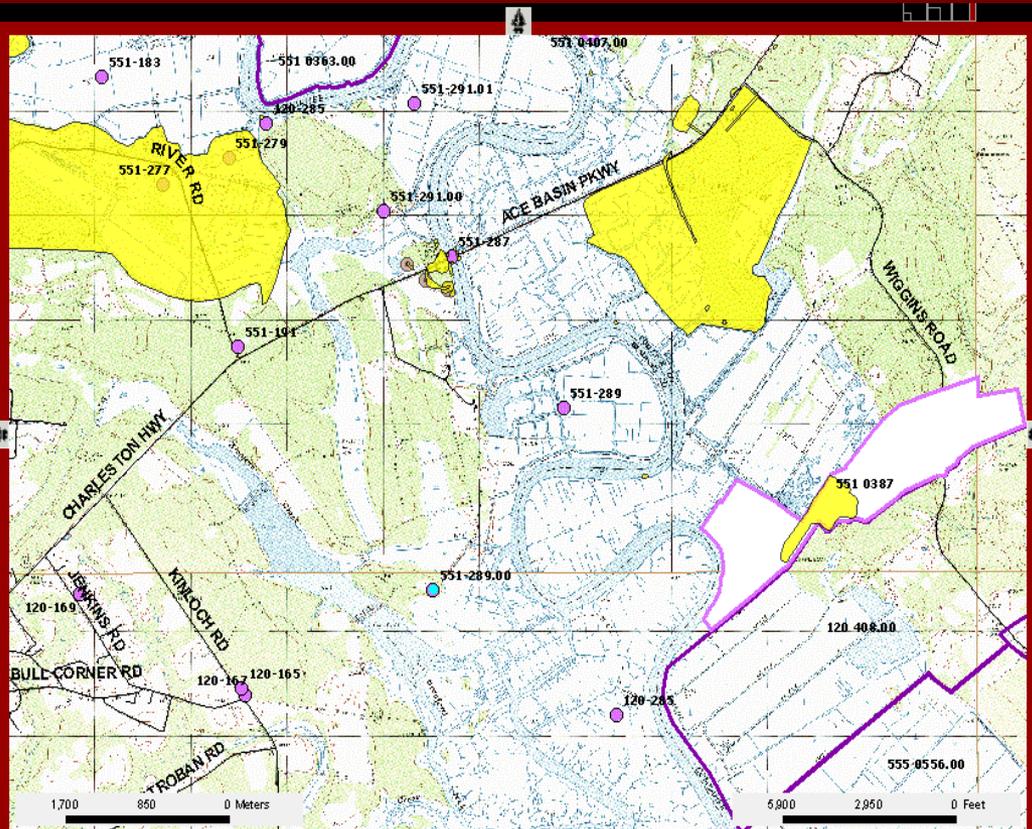
- Mandatory consulting parties
 - State Historic Preservation Office (SHPO)
 - Tribal Historic Preservation Office (THPO)
 - Federally-recognized tribes
 - Local governments
- Other consulting parties
 - Applicants for federal assistance
 - Local historical groups or societies
 - Public

Historic Property Identification

■ KNOWN Historic Properties

ArchSite

- List of all properties listed in the National Register
- List of all properties in the Statewide Survey of Historic Properties
- Locations of archaeological sites



Historic Property Identification

- UNKNOWN Historic Properties

- Cultural Resource Surveys
- Archaeological Surveys
- Architectural Surveys



Assess Effects



- 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

- Understanding of a property's significance

So, What Next?

- Avoid
- Minimize
- Mitigate
- Memorandum of Agreement (MOA)



Avoidance

- Property will not be touched as part of project
 - Preserve in place
 - Redesign project
 - Alter proposed highway route

Minimization

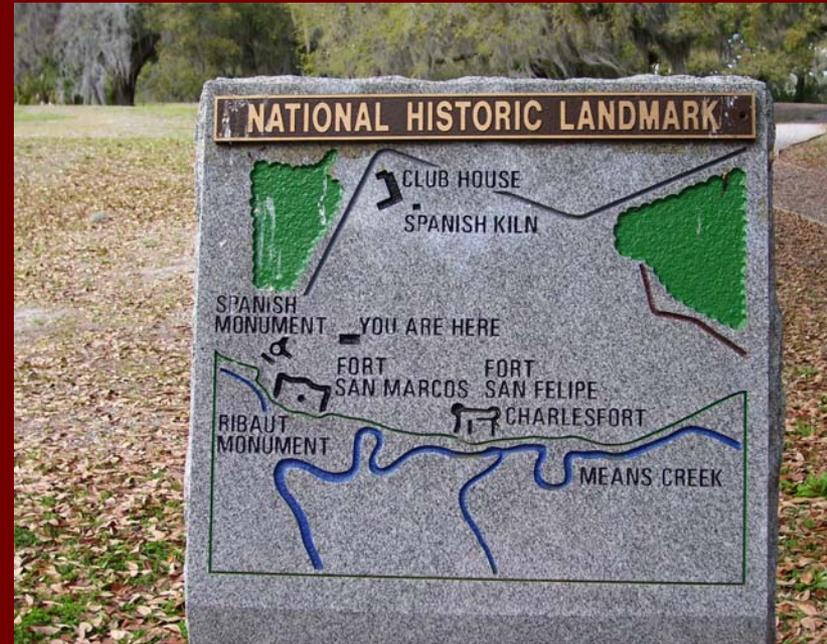
- Lessen the adverse effect to a property



- Redesign project
 - Lower height of a cell tower, minimize right-of-way for highway
- Meet the Secretary of the Interior's *Standards* for rehabilitation projects

Mitigation

- Project cannot be changed to avoid or minimize adverse effect
- Codified in Memorandum of Agreement
- Varies based on project and undertaking
 - Excavation of archaeological site
 - Historical marker
 - National Register of Historic Places nomination



Other Review in South Carolina

- State-Owned or –Leased Properties
 - Buildings owned or leased by the State of South Carolina
 - Listed in the National Register
 - Colleges and universities, governmental buildings, land managed by the Department of Natural Resources

Other Review in South Carolina

- Coastal Zone Management Act
 - Ocean and Coastal Resource Management/
Department of Health and Environmental
Control
 - Stormwater permits and land disturbance
 - Eight coastal counties

Other Review in South Carolina

- South Carolina Mining Act
 - Department of Health and Environmental Control, Division of Mining
 - Permits mines
 - Archaeological properties