

Section 106 and Programmatic Agreements

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National Historic Preservation Act

- Passed by Congress in 1966
- Establishes Federal Preservation policy and programs
- Accommodate growth and preservation



Section 106 of the NHPA

- Take into account the effects of undertakings on properties that are included in or eligible for inclusion in the National Register
- Afford the Advisory Council on Historic Preservation a reasonable opportunity to comment prior to the undertaking

36 CFR Part 800

- Identification
- Evaluation
- Assessment of effects
- Resolution of adverse effects



AND THE WALLS CAME TUMBLING DOWN

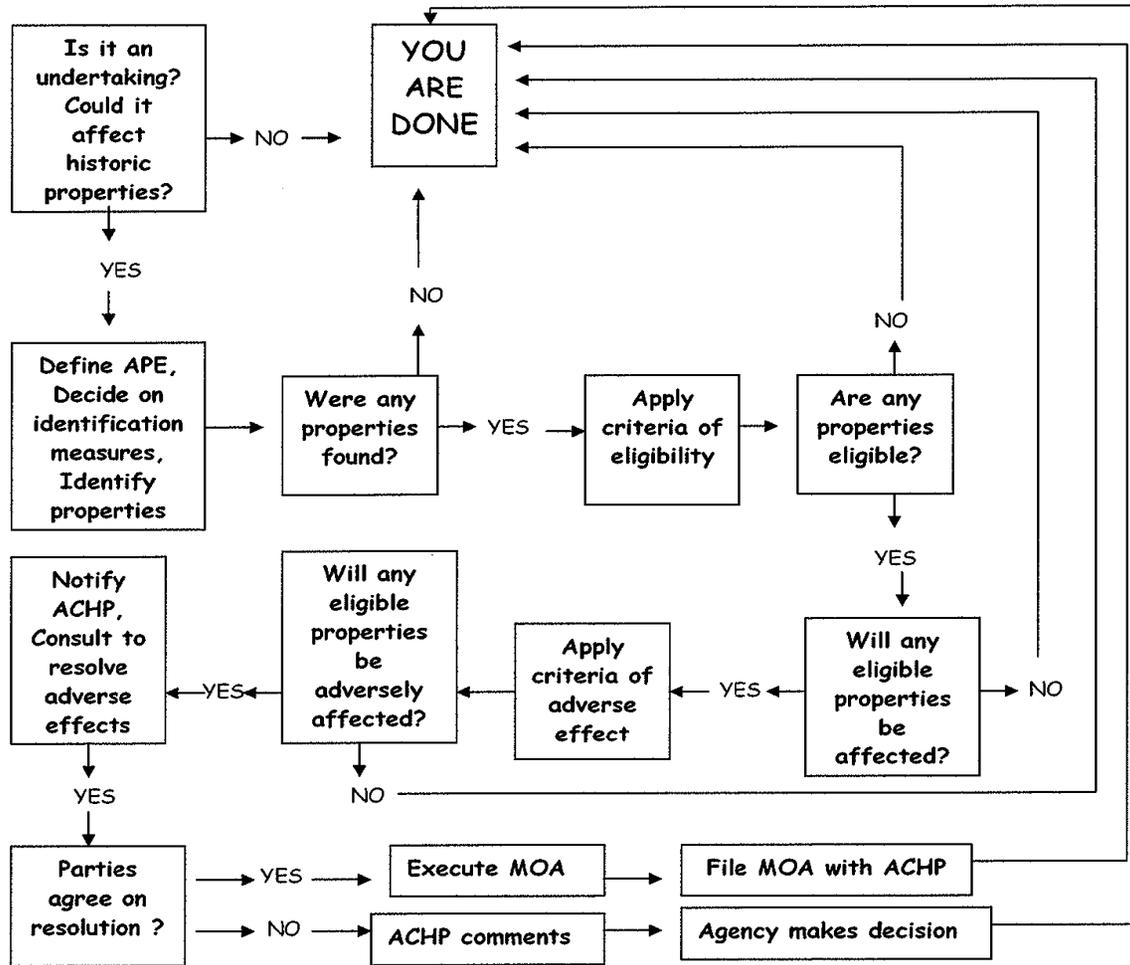
Interested Parties

- Advisory Council on Historic Preservation
- State Historic Preservation Officer
- Other Federal and State agencies
- Local governments
- Federally recognized tribes
- Citizen groups
- Public

Consultation

“Seeking, discussing and considering the views of others, and, where feasible, seeking agreement with Them...” [36 CFR 800.16 (f)]

Section 106 Flow Chart



THE
SECTION
106
PROCESS
STEP
BY
STEP

Programmatic Agreements (PAs)

- Replace standard regulatory procedures
- Customized to fit project or program
- Negotiated up front with all parties



PA Advantages

- Define roles of parties
- Identify tasks
- Establish time frames
- Develop contingencies
- Save time and money
- Better preservation outcomes



Summary

- Federal agencies are required to comply with Section 106 of NHPA
- 36 CFR Part 800 establishes compliance procedures
- Standard regulations can be replaced with a PA
- PAs developed through negotiation
- Streamline compliance process

Preparing the Boulder City PA

- Kick off meeting
- Identify consulting parties
- Interview parties to identify problems and concerns
- Prepare a Concept Draft PA – review
- Prepare first formal draft – review
- Prepare final draft for signature
- Reclamation circulates for signature

Thank You

