

## Frequently Asked Questions

### 1. How can GAI help me with Section 106?

GAI's cultural resources experts have a 30-year proven track record for expertly navigating our private and public clients through the NEPA/NHPA Section 106 compliance process. We are noted for our common sense approach to our clients' projects and have won awards for streamlining fieldwork and the section 106 process. Our staff qualifications and experience are surpassed only by our solid reputation, earning the trust of State Historic Preservations Offices across the United States. With faster permit approvals and reduced costs, your projects move forward.

### 2. What are Cultural Resources?

Cultural resources include above-ground historic buildings, objects, structures, districts and traditional cultural properties. Cultural resources also include archaeological sites (both prehistoric and historical sites) which can occur on or below the ground. These are non-renewable resources of our nation's heritage that cannot be replaced or duplicated once they are gone.

### 3. What is Section 106?

Section 106 is one of many sections in the National Historic Preservation Act of 1966 (NHPA) that mandates protection of our nation's cultural resources by the Federal government.

The purpose of Section 106 is to insure that Federal agencies consult with state and local groups before non-renewable cultural resources are impacted or destroyed by a project (called an "undertaking").

This law comes into effect when a project requires a federal license, permit or funding. Section 106 of the NHPA requires Federal agencies to take into account the effects of their actions on historic properties. Historic properties are those sites (either prehistoric or historic/above or below ground) that are listed in or eligible for listing in the National Register of Historic Places. The NHPA also created the Advisory Council on Historic Preservation (ACHP) and it authorized the regulations that implement the law. These regulations are set forth in 36CFR Part 800 of the Federal Register.

### 4. When should I begin my Section 106 investigations?

At the earliest stages of project conception, determine if your project is federally funded, licensed or permitted by a Federal agency. If it is, then Section 106 applies. You might be a local municipality or state agency that is initiating the project but if it has funding from a Federal agency, in this case, the Federal agency is called the Lead agency.

Cultural resources investigations should be done at the very earliest possible stages in the planning of a project. The reason for this is they involve field work and can take a long time to complete. They can also involve citizens from multiple cultural and ethnic groups which have a vested interest in their cultural resources. Since archaeological sites can be underground, and the exterior of older buildings can be hidden by modern siding, cultural resources require a trained archaeologist or historian to locate and identify them. Your State Historic Preservation Office (SHPO) has a list of qualified cultural resources consultants in your area. Get your consultant on board as soon as possible so they can help you get through this process.

### 5. What are the steps in the Section 106 process?

There are four steps in the Section 106 process. They are:

#### 1. Initiate Consultation

- Notify the State Historic Preservation Office (SHPO) of your project and provide a brief description of the project with photographs, maps, and a summary of your proposed construction schedule.
- Notify any interested parties and/or stakeholders. These are citizens who will be affected by this project such as folks living near to the proposed project, or folks who may have a historical connection to the property of building.

## 2. Identify historic properties within the area of potential effect.

- The Area of Potential Effect (APE) is the area in and around the project area that may contain cultural resources that will be affected by the project. Impacts to properties can include: disturbance from construction, visual and noise impacts outside the actual project limits, as well as physical destruction of buildings and archaeological sites by construction activities. The cultural resources consultant will help you work with the federal agency because it is the federal agency who must determine the APE and the historic properties within the APE, and how to mitigate the impact to them.
- Historic properties are identified by several methods applied by the cultural resources specialists. Historical research, map investigation, informant interviews, pedestrian ground surveys, shovel testing surveys, and GPS/GIS surveys are some of the more common methods used by archaeologists and historians. These are commonly referred to as Phase I investigations.
- Once identified, historic sites need to be evaluated to determine if they are "NR-eligible", or eligible for listing in the National Register of Historic Places. This is a more intensive survey which is called a Phase II evaluation.
  - In order for any prehistoric site or historic building, site or object to be considered eligible for listing in the National Register of Historic Places, it must first be over 50 years in age, possess integrity and meet at least one of the four basic criteria.
  - The four criteria are:
    - a) Association with an important historic event
    - b) Association with an historically important person
    - c) Possess architectural/artistic significance
    - d) May yield important information
- Cultural resources specialists are experienced in writing the necessary Phase I and Phase II reports that are required for compliance with the Section 106 process.



## 3. Determine Adverse Effects

- If the lead agency determines that a site is National Register-eligible you will need to determine if your project's activities will adversely affect the qualities of the historic property that made it eligible.
- Section 106 defines an adverse effect as "when an undertaking may alter, directly or indirectly, any of the characteristics of an historic property that qualify the property for inclusion in to the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association."
- The effects of your project could be indirect impacts as well. A cultural resources specialist can help determine these effects that might occur later in time or be farther removed in distance or be cumulative. This is usually the case with new developments where additional impacts may occur at a later time.
- If you have a finding of "No adverse effect" then you are OK to proceed with your project following submission of a completed report and the SHPO clearance letter to the Federal agency agreeing to the determination that no historic properties will be adversely affected by your project.
- When the Federal agency makes a final finding of no adverse effect, the Section 106 process is concluded and you can proceed with your project.

## 4. Resolve adverse effects

- If your project has adverse effects to historic properties, you might find ways to avoid the impacts through redesign. However, if you cannot avoid and protect the property, then you may be required to mitigate your project's impacts. Mitigation means to find ways to alleviate the adverse effects on the historic property through documentation, data recovery or avoidance. If this occurs the Federal agency will consult with the SHPO and other consulting parties to resolve these adverse effects. Resolving adverse effects can take many forms including the labor-intensive archaeological excavation called a Phase III. However, the Advisory Council (ACHP) sees this as a consultative process and encourages discussion and compromise. Your cultural resources consultant can help you design mitigation measures that allows your project to proceed while providing for compliance with Section 106.