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