

# The National Historic Preservation Act, Section 106, and Historic Preservation

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# National Historic Preservation Act 1966 (NHPA)

- Established Federal Policy to:
  - Foster a relationship between modern society and historic resources
  - Provide preservation leadership
  - Administer historic resources in spirit of stewardship
  - Assist preservation efforts of state and local governments, Tribes, and the public

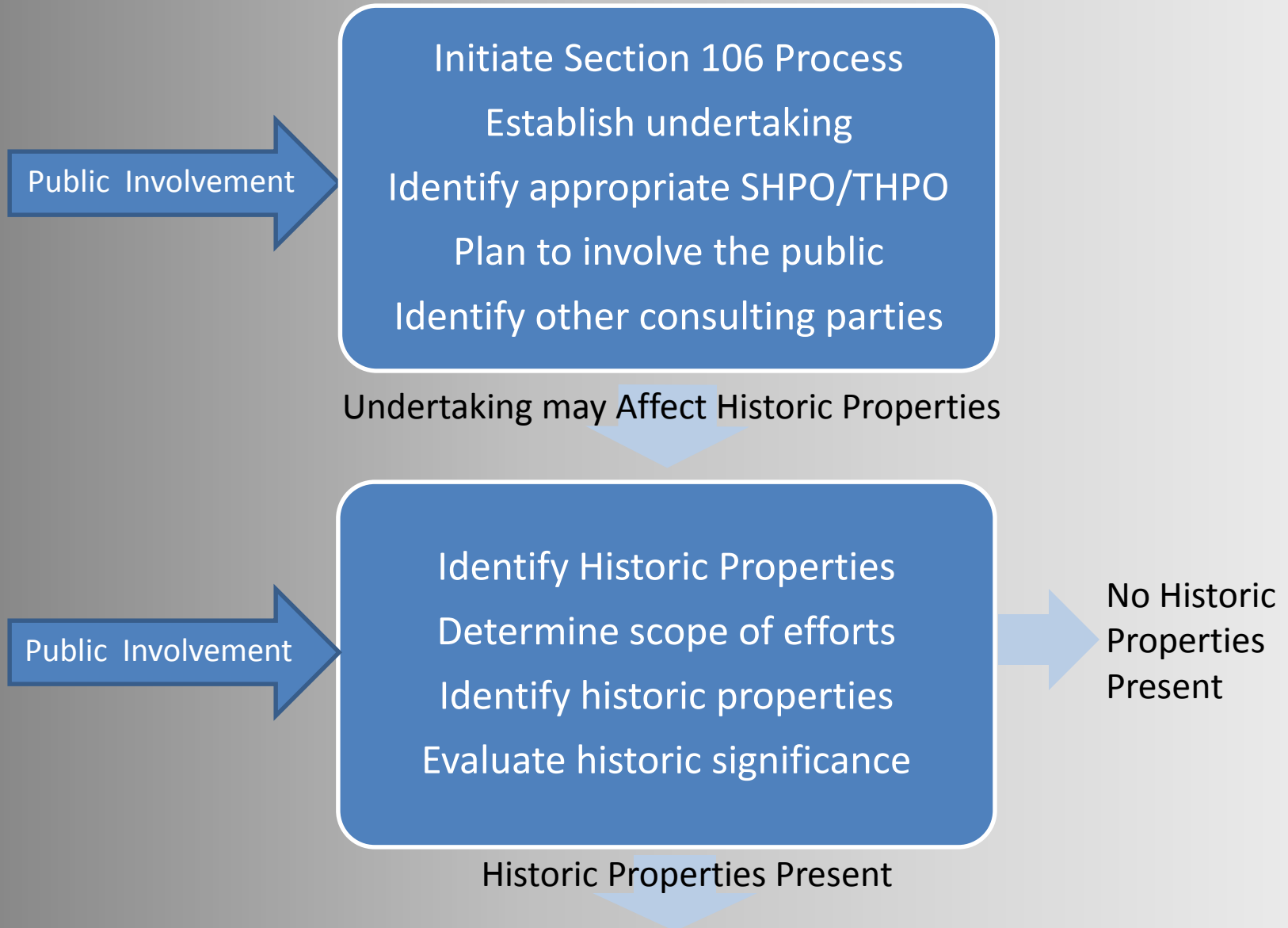
# Section 106

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of any expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

# When does 106 happen?

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

# Section 106 Process



# Is it a Historic Property?

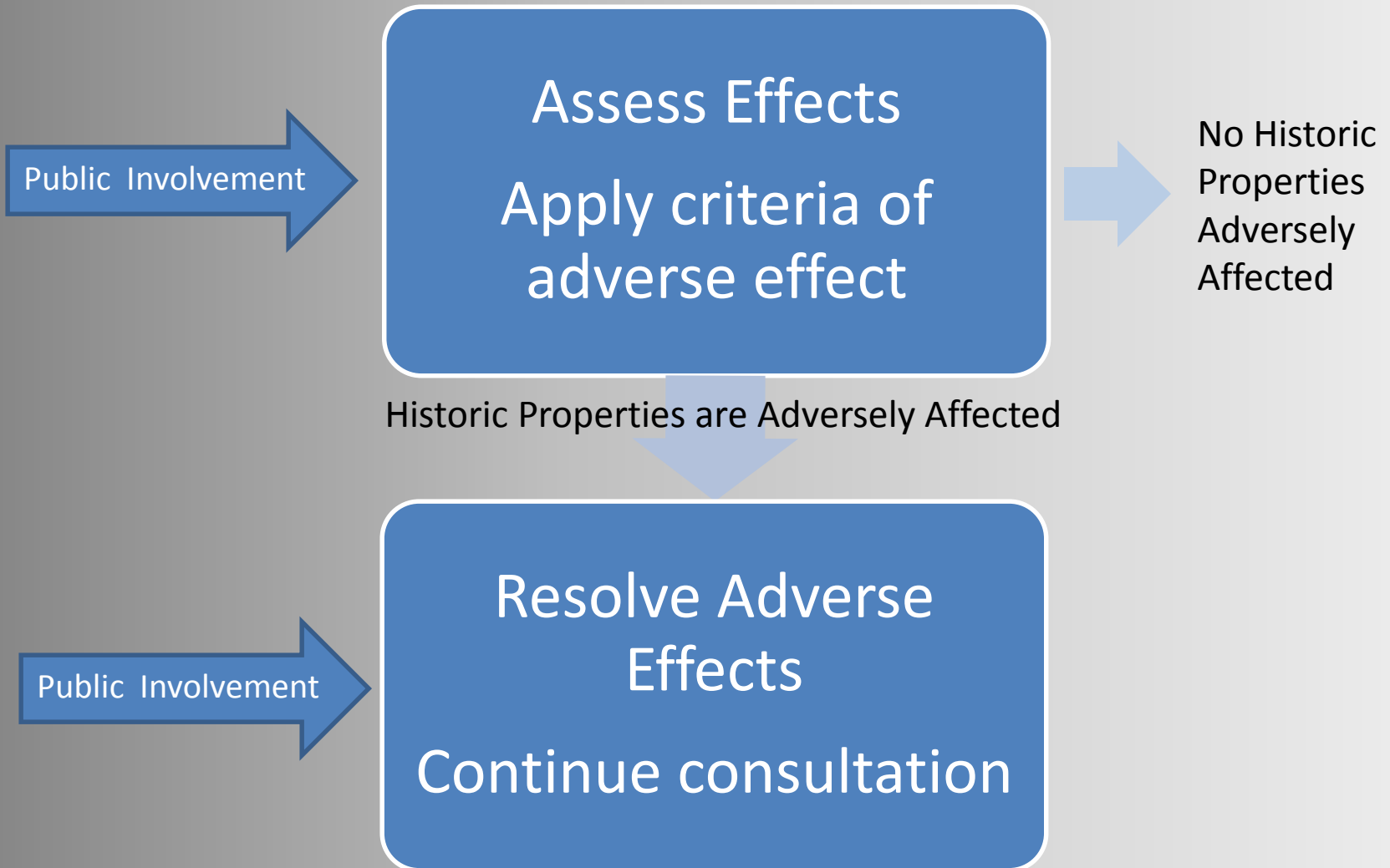
- A) Property is associated with historic events
- B) Property is associated with the lives of persons significant in the past
- C) Property embodies a distinctive characteristic of a type, period, or method of construction
- D) Property has yielded, or may be likely to yield information important in understanding prehistory or history

# Seven Aspects of Integrity

In addition to meeting one or more of the National Register Criteria, a property must also have integrity of:

- Location
- Design
- Setting
- Material
- Workmanship
- Feeling
- Association

# Section 106 Process





# When is an Effect Adverse?

Permanently alters:

- Contributing elements of a property
- Destroys a property
- Alters the setting
- Changes historic integrity

# Avoid, Minimize, Mitigate

- Avoid – redesign the project to avoid the historic property or to avoid the adverse effect

*or*

- Minimize the Adverse Effect – redesign the project to minimize the adverse effect

*and/or*

- Mitigate – engage in some project or activity to compensate for the loss of the historic property

# Cost for Mitigation of Historic Properties

Data Recovery	Interpretation and Protection	Interpretation and Protection
\$620,000	\$125,000	\$140,000
Data Recovery	HABS/HAER/HALS	Historic Context Study
\$315,000	\$78,000	\$99,000
Data Recovery	HABS/HAER/HALS	Historic Context Study
\$306,000	\$78,000	\$85,000
Data Recovery	HABS/HAER/HALS	Historic Context Study
\$165,000	\$72,000	\$62,000

# Cost for Mitigation for Other Resources

1 acre of marsh in Harris County	1 acre of marsh in Brazoria County	1 acre of marsh in Chambers County
\$500,000-1,000,000	\$100,000-\$150,000	\$100,000-\$150,000
1 acre of Forested wetland in Harris County	1 acre of Forested wetland in Brazoria County	1 acre of Forested wetland in Chambers County
\$2,000,000	\$750,000	\$1,000,000
Stream (1 mile)	Seagrass Beds (1 acre)	Oyster Reef (5 acres)
\$1,300,000	\$250,000	\$150,000-\$300,000

Bottom Line, Up Front

Let's not fool ourselves...

Project Decisions are  
determined by Cost

# If the Historic Property is Mitigated, then what's the loss

- Non-Renewable Resources
- Preservation of Cultural Diversity
- Preservation of our Shared History
- Heritage Tourism

# Partnerships

- Work with Local, State, and National Organizations
- Work with Federal, State, and Local Governments

NHPPA is a Public Law

“How will we know it’s  
us without our past?”

John Steinbeck, *The  
Grapes of Wrath*