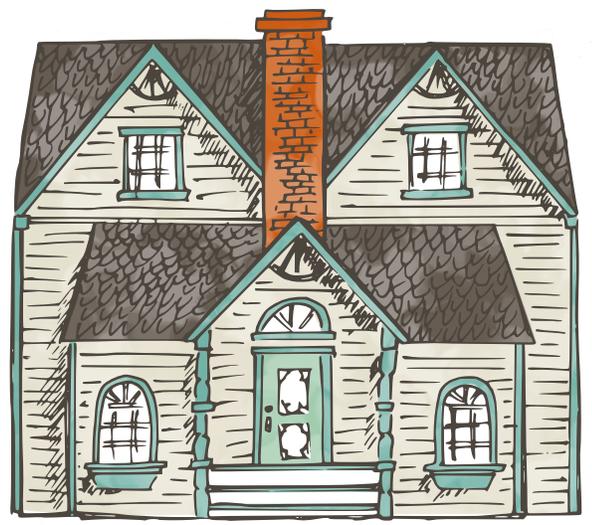


WHAT IS THE NHPA? NATIONAL HISTORIC PRESERVATION ACT



The **National Historic Preservation Act (NHPA)**, passed in 1966, helps protect American archaeological sites, historic buildings, and other cultural resources. It established the **National Register of Historic Places**, a list of historically significant properties in the United States. It directs federal agencies to take our history into account when it faces potential loss or damage from development. It also provides opportunities for local communities to voice concerns.

For a federal development project (called an undertaking), it is sometimes necessary for the federal agency to conduct a historic preservation review of the affected land. This is called a **Section 106 review**. The purpose of the review is to determine if the undertaking will harm historically significant resources. Those are resources that meet the eligibility criteria for the National Register of Historic Places.

States and territories in the United States have **State Historic Preservation Offices (SHPOs)** and **Tribal Historic Preservation Offices (THPOs)**. SHPOs and THPOs advise and track agencies' compliance with the NHPA and Section 106 within their borders. The **Advisory Council on Historic Preservation (ACHP)** advises at the national level.

COMMON MISCONCEPTIONS



MYTH Federal historic designations restrict local property rights

FACT Historic designations do not change property rights based on federal law

Historic properties, on the National Register of Historic Places or not, always belong to the landowner or property owner. Some local zoning laws or homeowner association rules may involve restrictions on private property, but not federal historic preservation laws.



MYTH Compliance with the law is too burdensome and causes delays

FACT The process is flexible and delays are rare

The NHPA is intentionally flexible, emphasizing good-faith efforts and negotiation rather than mandating particular outcomes. SHPOs usually have 30 days to respond to a review, and that deadline is almost always met.



MYTH Protecting historic properties is economically onerous

FACT Protecting historic properties leads to economic growth

Based on state studies, historic preservation increases heritage tourism, property values, and employment for the local area. In 2016, Federal Historic Preservation Tax program projects alone created over 108,500 jobs.

SECTION 106 REVIEW PROCESS



Is this undertaking:

- conducted by a federal agency;
- permitted or licensed by a federal agency;
- funded by a federal agency;
- or on federal land?

YES

NO

No Section 106 review necessary.

In 2016, there were over



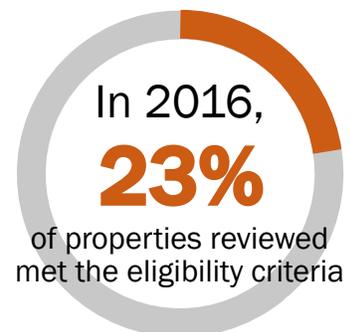
federal undertakings reported nationwide

Are there properties that meet the eligibility criteria to be listed on the National Register of Historic Places?

YES

NO

Section 106 review is complete.

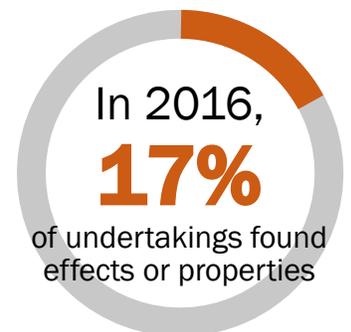


Could the project potentially adversely affect those historic properties?

YES

NO

Section 106 review is complete.

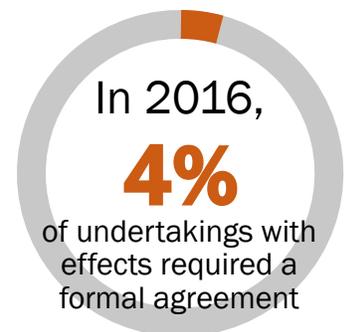


Where there are adverse effects, can the consulting parties agree on how to proceed?

YES

NO

The agency documents the negotiation and files it with the ACHP. Section 106 review is complete.



The consulting parties sign a formal agreement for their next steps. The law encourages avoiding or minimizing damage to historic properties, but it does not dictate how to do so. The federal agency files the agreement with the ACHP. Section 106 review is complete.