

State Historic Preservation Office



Section 106 Review

National Historic Preservation Act of 1966, as amended [16 U.S.C. 470]

- Sets up a comprehensive program for preservation.
- Establishes roles for federal agencies, states and local communities.
- Creates the National Register of Historic Places.
- Establishes that the Governor appoints a State Historic Preservation Officer (SHPO).
- Establishes Section 106 in response to public concern over the neglect and loss of many important cultural resources.



Section 106

- Requires Federal agencies to take into account the effects of their undertakings (or projects) on historic properties.
- The purpose of the review process is to preserve and minimize loss/harm to the nation's cultural resources.
- The Federal agency seeks consensus with the State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Office (THPO) and Native American Tribes concerning the effects a project on cultural resources (historic properties).



When do you need to think about Section 106?

When your project:

- Receives Federal funds, grants or loans.
- Requires a Federal license, permit or other approval.
- Is Federally owned or controlled property or is located on Federal or Tribal land.

If NEPA then Section 106



Who is responsible for consultation with the SHPO/THPO or Native American Tribes?

FEDERAL AGENCY

- HUD exception

ROLE OF APPLICANTS

- Delegation letters

ROLE OF CONSULTANTS

- Contractors may assist agencies or the applicant in gathering the information but must be authorized by the agency/applicant to initiate consultation.



What Does the SHPO Need for Section 106 Review?

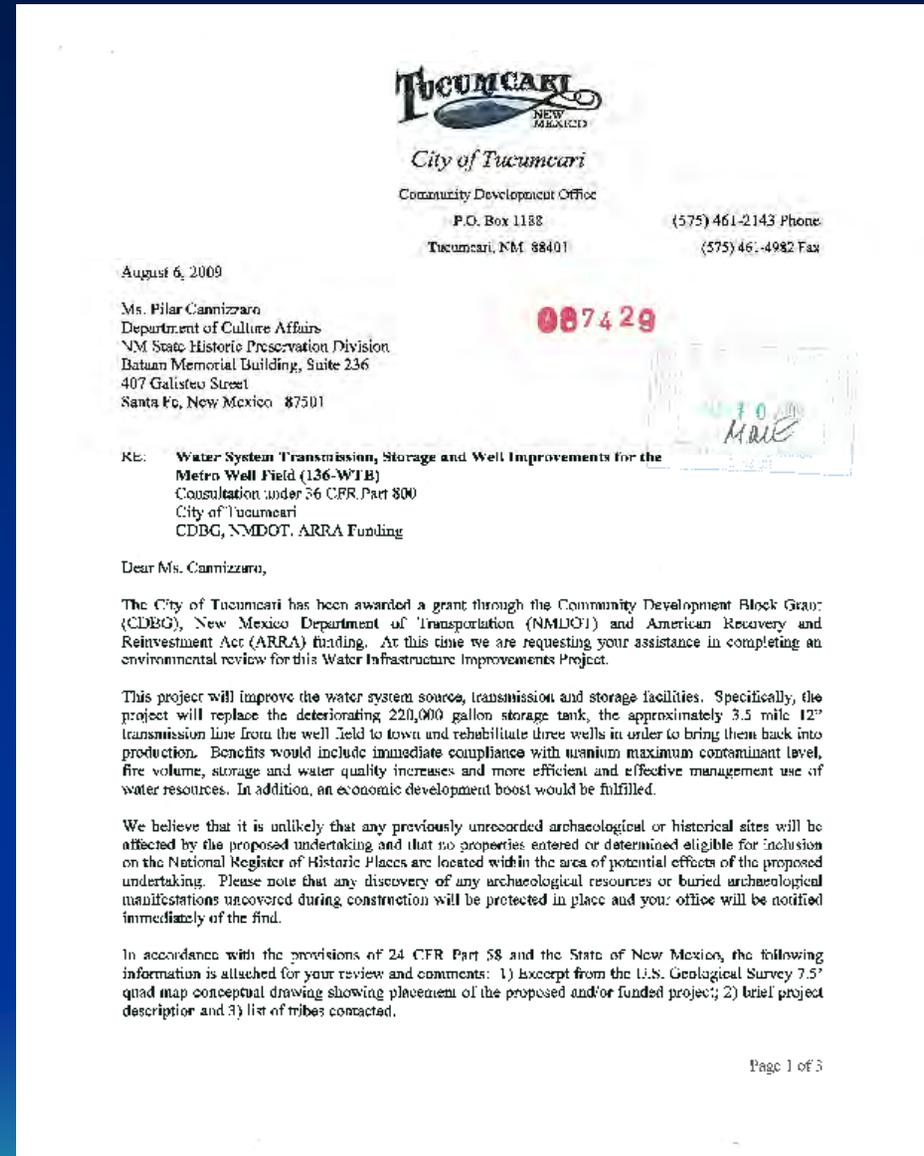
HANDOUT

<http://www.nmhistoricpreservation.org>



A consultation letter from the federal agency or the Applicant/Grant recipient

- If a contractor is preparing information, they must include a letter authorizing them to initiate consultation.



Your letter and attached documentation should:

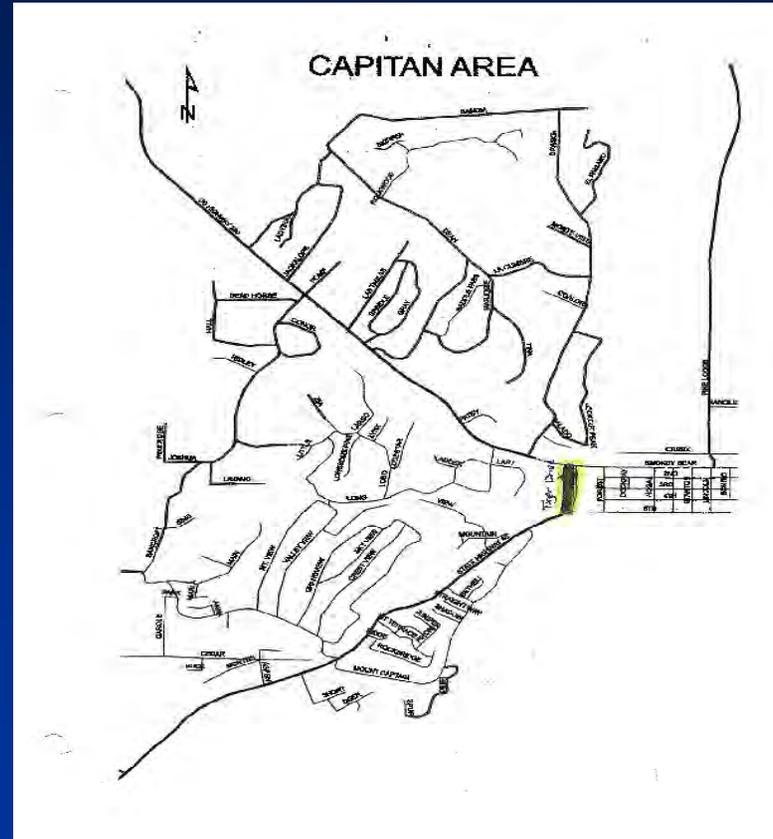
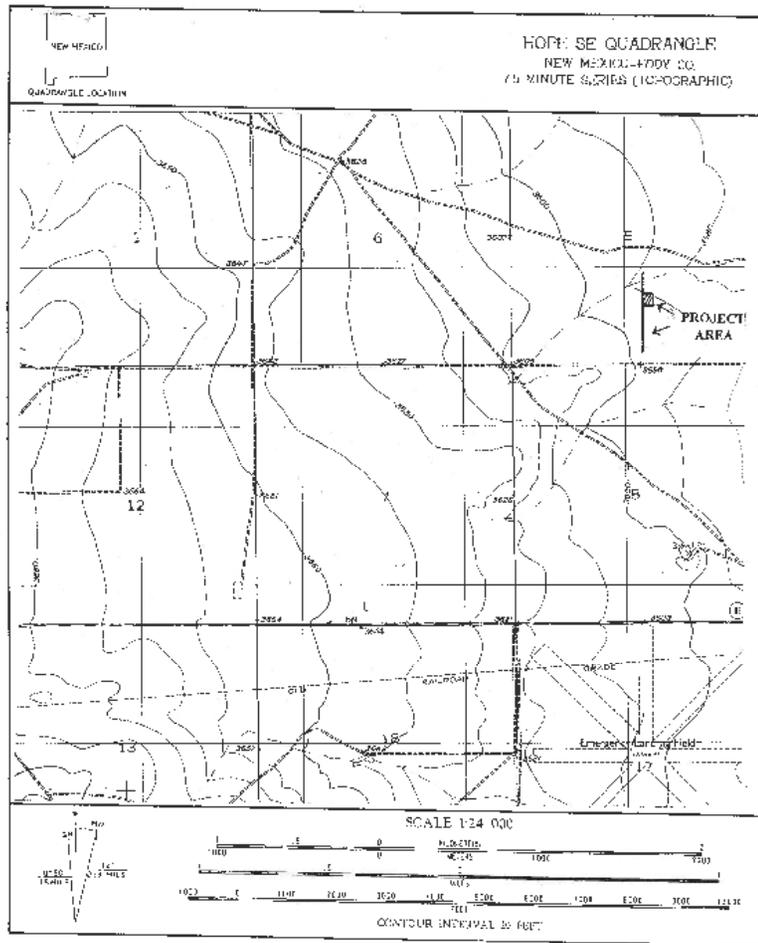
- Describe the project in detail, including any earth disturbing activities, access roads, utilities. Provide preliminary drawings or plans if available.
- Describe of the size of the project area, present land uses, degree of any existing disturbance, date of construction of any existing buildings.



- Provide information on the funding source/permits or licenses (e.g. CDBG, RUS).
- Provide information regarding the property or land owners (e.g. private, federal, state or municipal?)
- Provide current photographs showing existing condition of land or existing buildings/structures.



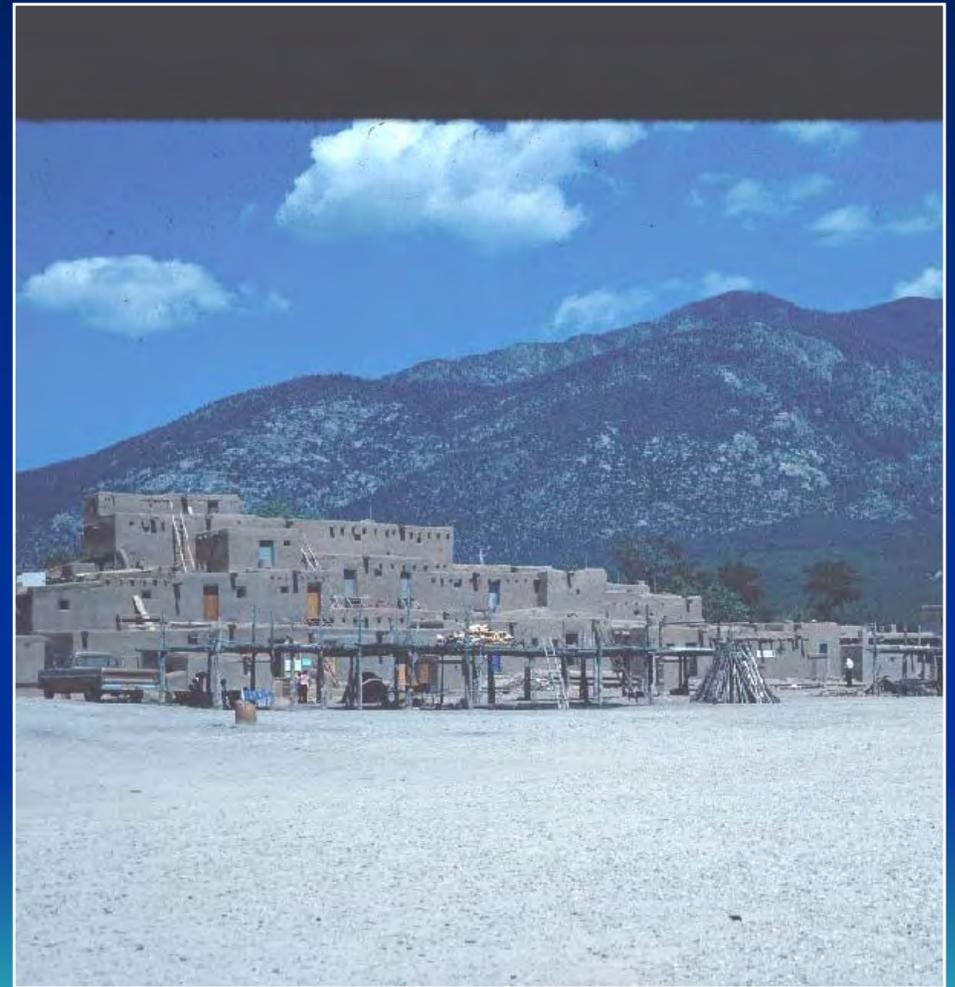
Include a USGS map with legal description or street map with address if the project is in an urban area.



Mark the project area on the map.

Include copies of your tribal consultation letters and any responses received.

- Consult with Native American Tribes to identify traditional cultural properties, sacred sites, or properties of religious or cultural significance.





List of Tribes & areas of geographic interest by county
<http://www.nmhistoricpreservation.org>

More on Tribal Consultation:

- Consultation is government-to-government. Tribes prefer to consult with the federal agency, state agency or local government--NOT consultants.
- There are no time limits, but allow for at least 30 days for tribes to respond.
- Send your letters to the tribes as soon as the project is identified. SHPO will NOT provide a concurrence with an effect determination until documentation of tribal consultation is received.

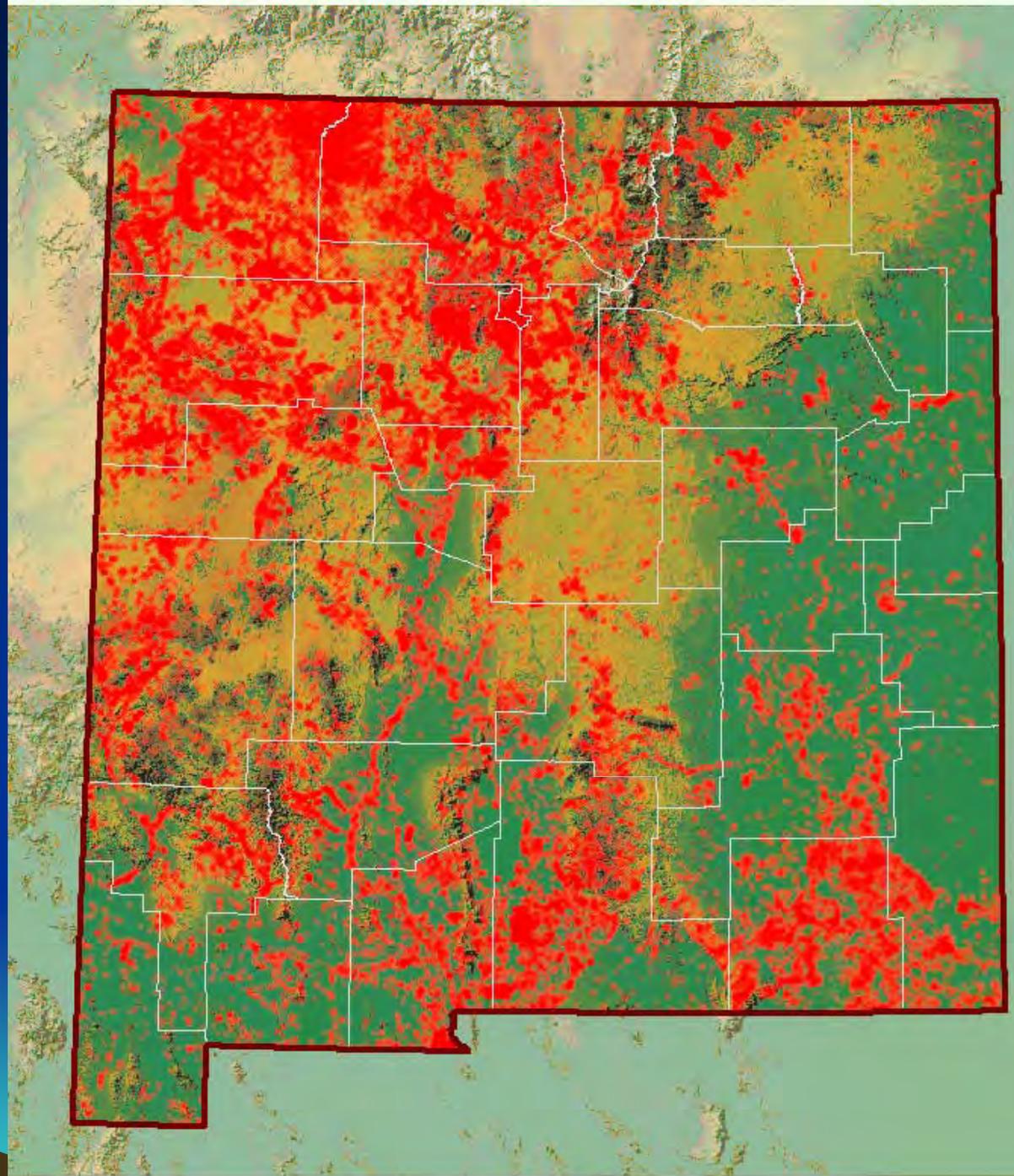


Describe your efforts to identify historic properties.

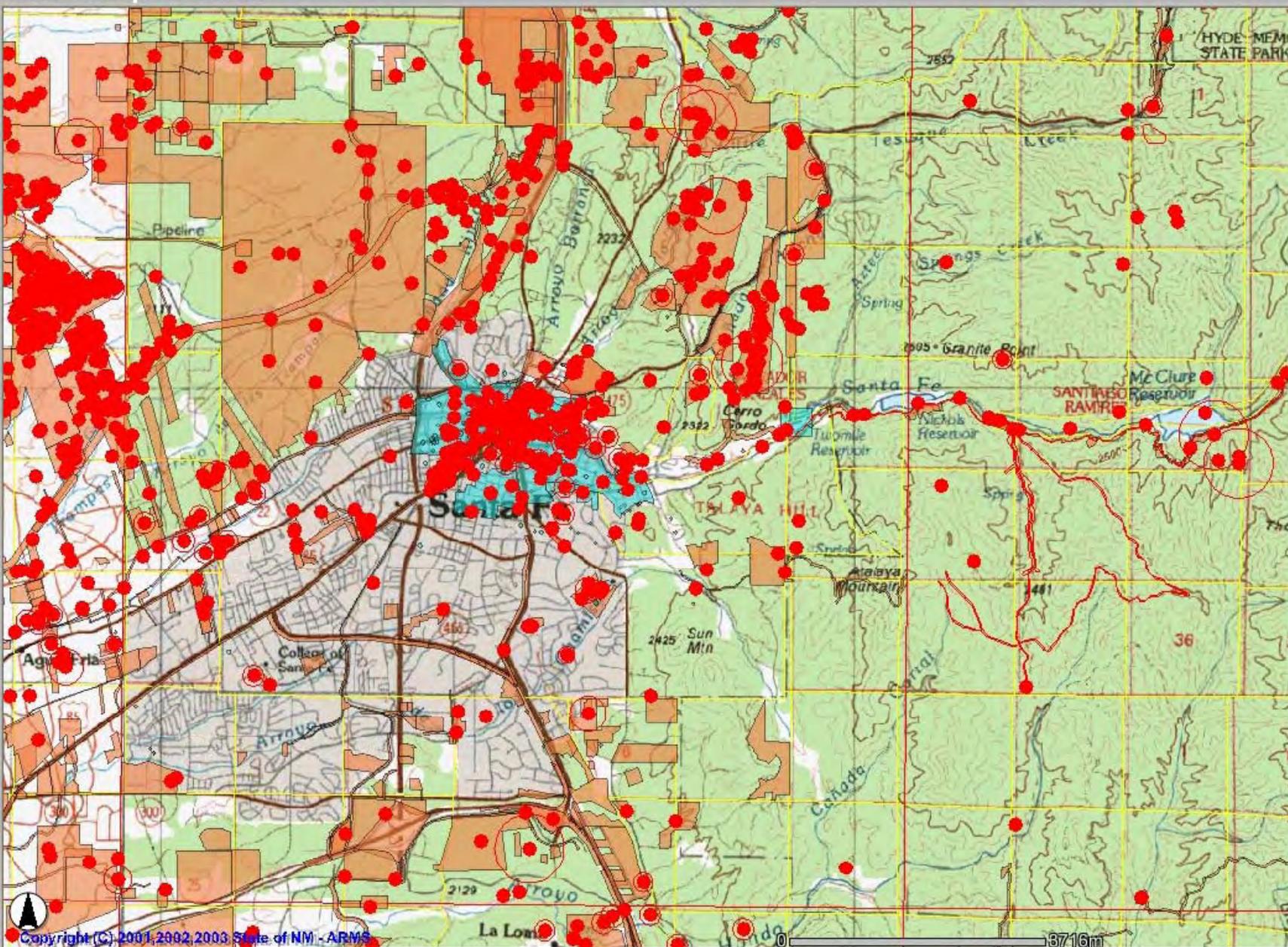
- Review the State Register of Cultural Properties and the National Register of Historic Places to determine if there are listed properties in the project area.
 - <http://www.nps.gov/history/nr/>
 - www.nmhistoricpreservation.org
- Local historical societies, museums
- NMCRIIS—New Mexico Cultural Resources Information System



- **SITES:** > 150,000
- archeological sites have been recorded & registered in New Mexico
- **PROJECTS:** Over 97,000 projects have been registered, with reports on file at ARMS—each with a unique **NMCRIS No.**
- **Almost all projects are cultural resource surveys**



ARMS Map Service

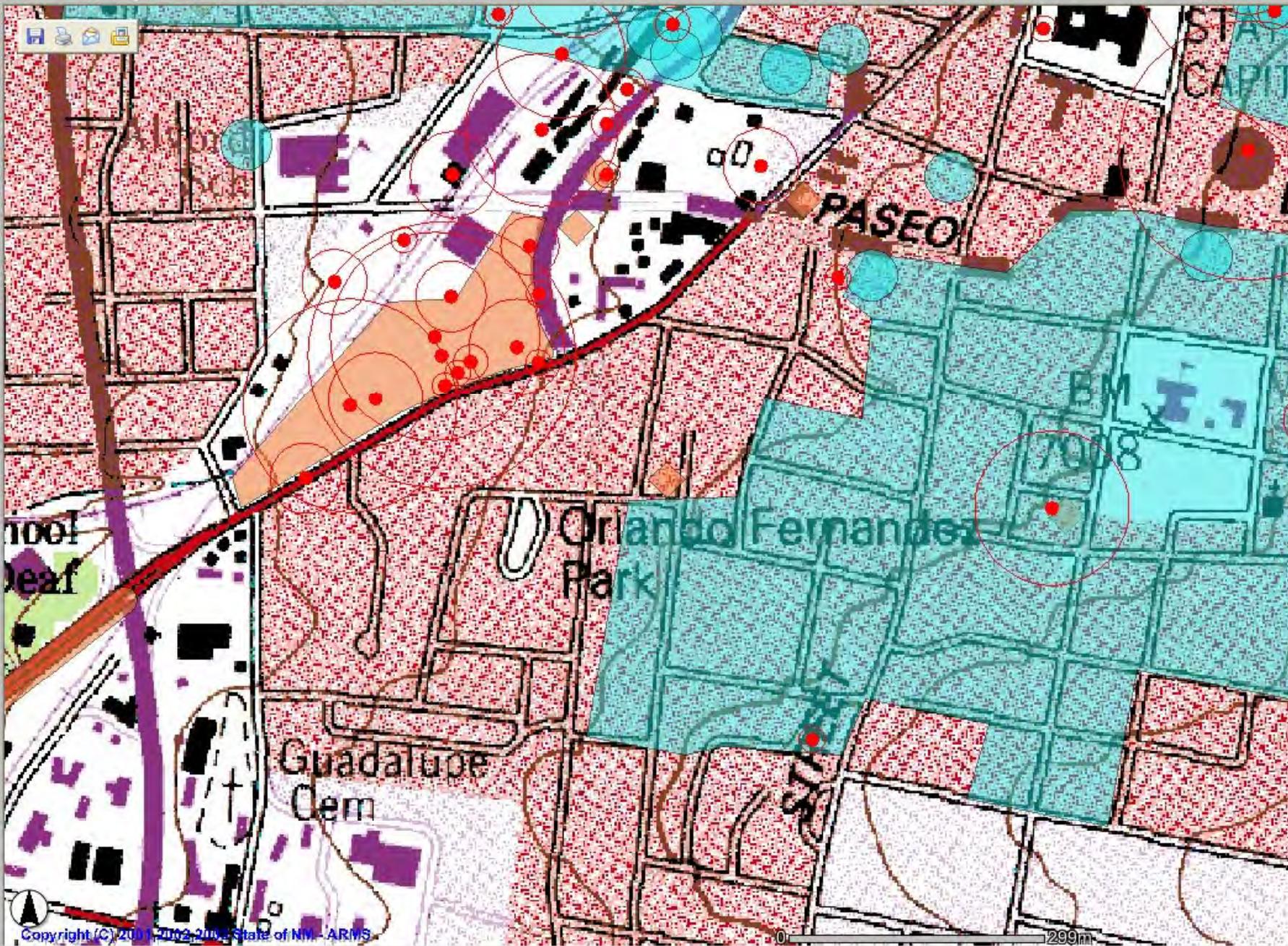


Layers

Visible Active

- Geographic Names
- Archeo Sites
- Site Boundaries
- Registered Property
- Surveys
- Quad Index
- Public Land Survey System
- Interstates
- US Highways
- State Highways
- Towns
- Town Boundary
- USGS 24K Quad DRGs
- USGS 100K Quad DRGs
- Counties
- New Mexico

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Refresh Map

List Known Historic Properties:



Provide photos and a location of any historic structures, buildings or known archaeological sites.

No Historic Properties

- If you are not aware of any historic properties and decide that a survey may not be necessary, then request SHPO concurrence with No Historic Properties Affected in your letter.
- SHPO will either concur, or require that a survey be conducted.



Or...Hire a cultural resources consultant.

The consultant will:

- check the State and National Registers for listed properties.
- check SHPO's (statewide) database (NMCRIS) for known surveys and archaeological sites. This information is confidential.
- tell you if the area has been previously surveyed to current standards. If not, the consultant may recommend a survey if there is a potential for unidentified historic properties.



When will a consultant need to do a survey to identify historic properties?

- If there has not been a prior survey or one was done, but not to current standards.
- If the land is vacant and has not been severely altered by past grading/blading activities.
- If the project is located in an area with many significant historic properties or within a historic neighborhood.
- The SHPO can assist with making this determination if no consultant.



Who can do the survey?

- Individuals who meet the Secretary of Interior's Professional Standards.



- Firms holding a State Archaeological Permit if on state land.

- Individuals listed on the SHPO Directory of Qualified Personnel if on state land and conducting a building inventory.



- Lists of consultants are available from HPD or can be downloaded from our website:

www.nmhistoricpreservation.org

What happens if historic properties are identified?

- The consultant will document the properties on standard forms.
- Evaluate the eligibility of the properties for listing on the National Register.
- Evaluate project effects/provide management recommendations.
- Everything will be written up in a report.



National Register Criteria for Evaluation

- **The consultant will make recommendations for eligibility for all historic properties recorded.**
- **State in your letter whether you agree with the recommendations.**



Criterion A:

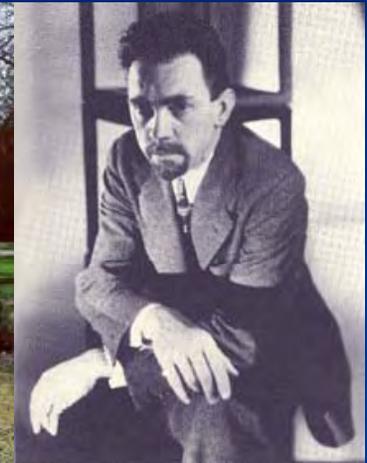
Associated with events that have made a significant contribution to our country's heritage and history.



**Fort Bayard Historic District
1866-1965**

Criterion B:

Associated with
the lives of
persons
significant to
our past.

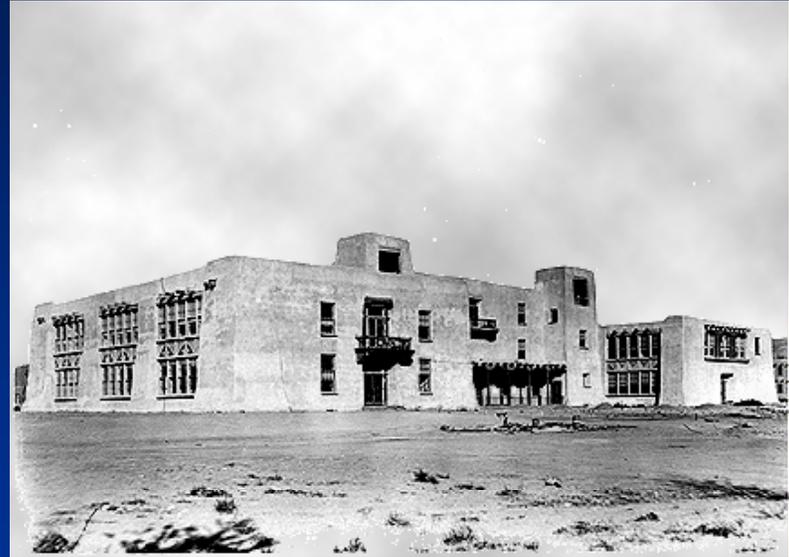


Jonson Gallery and House, Albq.



Criterion C:

**Distinctive
characteristics of
type, period, method
of construction or
represent the work
of a master**



Scholes Hall, 1934



Kimo Theatre, 1927

Criterion D:

**Properties that
have yielded, or
may be likely to
yield, information
important in
prehistory or
history**



Aztec Ruins National Monument



Bandelier National Monument

Assess Project Effects

- The consultant will also recommend project effects. State in your letter whether you agree.
- **FACT:** over 90% of projects in NM are able to avoid effects to historic properties.



What if there is an Adverse Effect?

Effects include:

- Physical destruction.
- Alterations not consistent with Secretary's of Interior's Standards.
- Change in the character of the property's use or setting.
- Introduction of incompatible visual, atmospheric or audible elements.



Resolve Adverse Effect



Mitigation measures: excavation, archival research, additional documentation, media for the general public (videos, booklets, etc.)

SHPO Review Time



Allow 30 days for review

FACT: SHPO reviews > 3,000 + projects annually and projects of all types

Key Points to Remember:

- Project Planning should include a line item for cultural resources studies
- Conduct field studies **BEFORE** final project design is finished in case historic properties are identified
- Good Project Planning includes enough time for necessary consultation with federal and state agencies, SHPO and Native American groups



Working with SHPO and Cultural Resources Laws

- NM SHPO is made up of highly experienced staff. We can provide assistance and comprehensive advice on cultural resources matters. Work with us and call with any questions.

Call: 505-827-6320 or email staff. A staff directory is available: <http://www.nmhistoricpreservation.org>



Resources

- Advisory Council on Historic Preservation:
achp.gov
- NM Historic Preservation Division (SHPO):
nmhistoricpreservation.org



Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, NM 87501
(505) 827-6320

<http://www.nmhistoricpreservation.org>

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CASE STUDIES





















