THE SECTION 106 REVIEW PROCESS

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Section 106 Program Coordinator
Oklahoma Historic Preservation Office

Southern Plains Indian Housing Association
Summer Meeting
Durant, Oklahoma
July 18, 2018
National Historic Preservation Act

- Enacted in 1966
- Recodified on December 19, 2014
- 2016 50th Anniversary

NHPA
- Old: 16 U.S.C. 470 et seq
- New: 54 U.S.C. 300101 et seq

Section 106
- Old: 16 U.S.C. 470f
- New: 54 U.S.C. 306108
The Act

Advisory Council on Historic Preservation
36 CFR Part 800

Section 106

National Register of Historic Places

Historic Preservation Fund Grants
National Register of Historic Places (NRHP)
Survey and Inventory
Review and Compliance (Section 106 Review)
Preservation Tax Incentives
Public Outreach and Technical Assistance
Oklahoma State Historic Preservation Office

1967 Appointment of a State Liaison Officer (State Historic Preservation Officer/SHPO)

1975 SHPO separate division from Oklahoma Historical Society (OHS)

1976 SHPO and OAS enter into cooperative agreement approved by NPS

Oklahoma Archeological Survey

1968 OAS established as a research adjunct

1970 Senate Bill 623 creation of the OAS

Excavation for the purpose of securing data and objects relating to early man in OK

Research in OK archaeology and encouragement of public cooperation in the preservation of OK antiquities

Research into and study of anthropology and related social and physical sciences to plan and aid in the discovery of archaeological sites and artifacts and in their proper assessment and preservation once discovered

Publication of findings in terms of their scientific, popular and cultural values

Display and custodianship of relics, artifacts, sites, and other tangible results of the operations of the survey

Educational activities and

To initiate, operate, and maintain a program of archaeology which shall include the specific responsibilities set out above which shall not be limited to those areas of action.
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 the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, shall 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 a reasonable opportunity to comment with regard to such undertaking.
**Purpose:** The Section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings.

**Goal of Consultation:** to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

**Timing:** The agency official must complete the Section 106 process prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license.
PARTICIPANTS IN SECTION 106

Consultation is the process of *seeking, discussing, and considering* the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the Section 106 process.

Federal Agencies
Advisory Council on Historic Preservation (ACHP)
State Historic Preservation Office (SHPO)
Oklahoma Archaeological Survey (OAS)
Tribal Historic Preservation Officer (THPO)

Indian Tribes
Local Government
Public and Others
SECTION 106 CONSULTATION WITH SHPO

24 CFR Part 58

24 CFR Part 50

Part 58 includes two of HUD’s most popular and flexible programs – Community Development Block Grants and HOME Investment Partnership Grants. A list of Part 58 programs and grants and their authorizing statutes is identified at 24 CFR 58.0(b) and is available on line at:


A separate set of regulations, 24 CFR Part 50, “Protection and Enhancement of Environmental Quality,” establishes procedures for HUD compliance with environmental requirements, including Section 106. Under Part 50, HUD is directly responsible for environmental compliance. Part 50 covers all HUD grant and other programs not specifically identified in 24 CFR Part 58. For Part 50 programs, HUD is a signatory to Section 106 agreement documents. The HUD signatory should be the head of the field office from which the grant is administered. If that is not possible, then OEE will determine the appropriate signatory.

There may be cases where a Part 58 program and a Part 50 program will provide assistance to the same project or undertaking. In such cases, it is legally appropriate for both an RE and HUD to sign a Section 106 agreement for a specific project. However, the project-specific agreement must clearly state that HUD is signing only for the assistance covered by Part 58, and that it is not signing for assistance covered by Part 50. Cases such as these and others with preconstruction implications will be handled on a case-by-case basis, and the field office must request OEE technical assistance.

For questions or comments regarding this policy, please contact David Bloch, Historic Preservation Officer at (202) 708-2894, ext. 5718 or David_G_Bloch@hud.gov, or me at (202) 708-2894, ext. 4419 or Richard_Brown@hud.gov.
SECTION 106 IN OKLAHOMA CASE STATISTICS FOR FEDERAL FISCAL YEAR 2017

October 1, 2016 - September 30, 2017

- 2,532: Undertakings reviewed
- 9,163: Properties evaluated for National Register eligibility
- 188: Properties determined eligible for the National Register
- 185: Effect findings on properties already listed on or determined eligible for the National Register
- 2,002: Requests for Additional Information
- 6: Memorandum of Agreement or Programmatic Agreements executed
1,001 Undertakings

4,443 properties evaluated for the National Register of Historic Places

439 Community Development Block Grants (CDBGs)

112 HOMEs

30 Indian Housing Block Grant/Indian Community Development Block Grant (IHBG/ICDBGs)

45 Capital Fund Group (CFGs)

375 other/unspecified HUD programs
30 DAY REVIEW PERIOD
HTTP://WWW.ACHP.GOV/30DAYTIMELIMIT.HTML

36 CFR § 800.3(c)(4) Failure of SHPO and/or THPO to respond

36 CFR § 800.4(d)(1)(i-iv) No historic properties affected

36 CFR § 800.5(b) No adverse effect

36 CFR § 800.5(c)(2)(i) Disagree on findings

36 CFR § 800.11(d) or (e) Adequate Documentation

30 day review period is **NOT** applicable when:
Establishing APE
Identifying historic properties
Resolving adverse effects
Developing MOA/PA
Adequate Documentation

36 CFR § 800.11(a) Documentation Standards

The agency official shall ensure that a determination, finding or agreement is supported by sufficient documentation to enable any reviewing parties to understand its basis.

The agency official shall provide such documentation to the extent permitted by law and within available funds.

If the Council, or the SHPO and/or THPO, determines the applicable documentation standards are not met, the Council or the SHPO and/or THPO, shall notify the agency official and specify the information needed to meet the standard.
WISER & THE OK SHPO

HTTPS://WWW.HUDEXCHANGE.INFO/TRAININGS/WISER/
WISER SECTION 7.10
DOCUMENTATION STANDARDS

HTTPS://SERVICES.GEOLEARNING.COM/COURSEWARE/SOW/1040/573458/v2.zip/file/index_lms.html
SECTION 106 REVIEW REQUEST

OK SHPO Information Needed

- Correct SHPO mailing address
- Correct agency/organization name and return address;
- Clearly identifies the federal agency which has direct or indirect jurisdiction over the project or that has the authority to license or permit the undertaking;
- Identifies the exact federal funding, licensing, or permitting program under which your request is submitted;
- State the status of delegation of authority;
- Include the statement that the request is made under Section 106 of the National Historic Preservation Act;

Mary Holland Rehabilitation Project
403 N. Gunter, Vinita

- Cherokee Nation Environmental Programs
- HUD/Native American Housing Assistance & Self Determination Act
SECTION 106 REVIEW REQUEST

OK SHPO Information Needed

- A description of the proposed project
- Exact locational information
- Statement on existing buildings/structures
- A map or aerial of the project area with the project location clearly depicted
- Archaeological Site form, Historic Preservation Resource Identification Form (HPRIF), Bridge forms and Cemetery form

Mary Holland Rehabilitation Project
403 N. Gunter, Vinita

- Rehabilitation of one single-family home.
- House built in 1895
- 403 N. Gunter, Vinita
- Township 25 North
  Range 20 East
  Section 15 NW ¼, SW ¼
# Historic Preservation Resource Identification Form

1. **Property Name:** MARY HOLLAND
2. **Resource Name:** House
3. **Address:** 403 N. GUNTHER
4. **City:** VINITA
5. **Vicinity:** V
6. **County:** CRAIG
7. **County Code:** 030
8. **Lot:** 9 & 10
9. **Block:** 19
10. **Plat Name:** CITY OF VINITA
11. **Section:** 15
12. **Township:** T25N
13. **Range:** R20E

**14. Resource Type:** B Building
**15. Historic Type:** 31A Single Dwelling
**16. Current Function:** 31A Single Dwelling
**17. Area of Significance, Primary:** 030 Architecture

**18. Area of Significance, Secondary:**

**19. Description of Significance:** Not Eligible for National Register

**20. Documentation Sources:** Personal Visit to Site

**21. Name of Preparer:** LINDA PENCE
**22. Thematic Survey of Project:** N
**23. Date of Preparation:** 4/20/11
**24. Photographs:** Yes
**Year:** 2011
HISTORIC PRESERVATION RESOURCE IDENTIFICATION FORM
Frequently Asked Questions

What kinds of properties are eligible for the National Register?

**Criteria A:** Event, property associated with events that have made a significant contribution to the broad patterns of our history.

**Criteria B:** Person, associated with the lives of persons significant in our past.

**Criteria C:** Embody the distinctive characteristics of a type, period, or method of construction.

**Criteria D:** That have yielded, or may be likely to yield, information important in prehistory or history.
ADVERSE EFFECT

When an undertaking may alter, directly, indirectly any of the characteristics of a historic property that qualify the property for inclusion in the NR in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.

Reasonably foreseeable effects: caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative
EXAMPLES OF ADVERSE EFFECT

Physical destruction of or damage to all or part of the property

Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary’s Standards for the Treatment of Historic Properties (36 CFR Part 68)

Removal of the property from its historic location

Change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance

Introduction of visual, atmospheric or audible elements that diminish the integrity of the property’s significant historic features

Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe and

Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property’s historic significance
RESPONSES REGARDING EFFECT

✓ No effect on historic properties.

✓ No *adverse* effect on historic properties.

✓ Find that the project will have *no adverse effect* on historic properties *provided certain conditions are met*.

✓ Find that the project *will have an adverse effect* on historic properties.
Eligible under NRHP Criterion C: Property embodies the distinctive characteristics of a type, period, or method of construction...

Colonial Revival style

Cherokee Nation concurrence on eligibility

Detailed description of rehabilitation project.

Conditional No Adverse Effect
Provided that the new storm door did not obstruct visibility of existing entrance finish and frame match in color the color of exterior trim of the entrance door.

Cherokee Nation and home owner concurred on NRHP eligibility

Provided work write up: majority of work interior

New storm door

Cherokee Nation accepted conditions of storm door installation.

2011 NRHP nominated at the local level
http://nr2_shpo.okstate.edu/QueryResult.aspx?id=11000894
SHPO WEBSITE
HTTP://WWW.OKHISTORY.ORG/SHPO/SHPOM.HTM
Review & Compliance
Section 106

http://www.okhistory.org/shpo/section106.htm

Review and Compliance
(Section 106)

Section 106 of the National Historic Preservation Act stipulates that federal agencies must consider the effects of their undertakings on properties listed in or eligible for the National Register of Historic Places. The State Historic Preservation Office (SHPO) has an important role in this process and consults with the Oklahoma Archeological Survey (OAS) under the program. The SHPO assists federal agencies or their recipients of funding, license, or permits to determine if significant archeological or historic resources are located within the project area and, if so, whether the undertaking will impact those properties. Depending on the situation, the SHPO helps the agency to develop appropriate mitigation of any adverse effects on those valuable resources. For detailed information, contact Catharine Wood 405/521-6381 or cwood@okhistory.org.

Section 106 Introduction

Review & Compliance (Section 106 Process) Fact Sheet (PDF)
Frequently Asked Questions About Section 106 Review (PDF)
National Register Criteria for Evaluation
Interactive NRHP Map (unrestricted locations)

Section 106 Process

Review & Compliance (Section 106 Process) Manual
***UPDATED NOVEMBER 2012***
(To access the Table of Contents links, please right click and choose "Save As" or "Save Link As" and save the manual to your computer)
Oklahoma Landmarks Inventory

HTTP://WWW.OKHISTORY.ORG/SHPO/OLI.HTM
NATIONAL REGISTER OF HISTORIC PLACES
HTTP://NR2_SHPO.OKSTATE.EDU/
Properties Determined Eligible for the NRHP

http://www.okhistory.org/shpo/doesearch.php

Determination of Eligibility Search Results

The following properties are not listed in the National Register of Historic Places (NRHP). However, each of them has been determined eligible for the NRHP through one of two processes outlined in federal regulations.

The Keeper of the National Register (Keeper) issues a formal Determination of Eligibility (DOE) whenever a majority of private property owners object to the listing of their property in the NRHP (36 CFR Part 60) or when a federal agency and a State Historic Preservation Officer (SHPO) do not agree about NRHP eligibility during consultation under Section 106 of the National Historic Preservation Act (NHPA) (36 CFR Part 800).

A Consensus Determination of Eligibility results during a federal agency’s consultation with a SHPO pursuant to Section 106 of the NHPA. If the federal agency and the SHPO agree in writing that a property within a federal undertaking’s area of potential effect is eligible for the NRHP, the property is treated as if it were listed in the NRHP or was formally determined eligible by the Keeper (36 CFR Part 600).

The DOEs are arranged alphabetically first by county, then by city or vicinity, then by the property name.

Each entry also includes the following information: the Property Location (unless this information is restricted); the Type of DOE (Consensus or Formal); the National Register Criteria Code(s) under which the determination was made, followed by "(CR)" if the property is a Contributing Resource to an eligible district; and the date of the determination.

An Excel version of the list is available. Click to download Excel file.

Updated 4/1/2016

Search

City

County

All
Survey Forms

http://www.okhistory.org/shpo/surveyforms.htm

Survey Forms

The State Historic Preservation Office carries out a comprehensive survey program for the identification of historic properties. The results of survey activities are presented in reports that explain the goals of the project, the methodology used, the resources documented, and much more. Below you will find the links to our current survey forms.

If you get a message that says “Please wait...” after clicking and nothing happens, please right click on the icon for your form and choose Save As or Save Link As to save the file to your computer. It will work properly from there. This seems to be occurring in Mozilla Firefox and Google Chrome.

Historic Preservation Resource Identification Forms

The HPRI form is used to identify standing structures eligible for the National Register of Historic Places. The form is also used to facilitate the NHPA Section 106 review and compliance process, a procedure that helps protect Oklahoma's cultural resources from potential adverse effects that may occur during the implementation of federally-funded or licensed projects.

Historic Preservation Resource Identification Form (in PDF)
Historic Preservation Resource Identification Form for Cemeteries (in PDF)

Bridge Form

Courtesy of the Oklahoma Department of Transportation, we also offer two types of bridge survey forms: Truss and Non-Truss. These forms should be used for any bridges located in Oklahoma. These forms are also used to facilitate the NHPA Section 106 review and compliance process.

Truss Bridge Form
Non-Truss Bridge Form
Non-Truss Bridge Form Instructions

Last Updated: 7/10/13
# Historic Preservation Resource Identification Form

**Please type all data in uppercase - fields in red are required**

<table>
<thead>
<tr>
<th>Field</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Property Name:</td>
</tr>
<tr>
<td>2.</td>
<td>Resource Name:</td>
</tr>
<tr>
<td>3.</td>
<td>Address:</td>
</tr>
<tr>
<td>4.</td>
<td>City:</td>
</tr>
<tr>
<td>5.</td>
<td>Vicinity:</td>
</tr>
<tr>
<td>6.</td>
<td>County Name:</td>
</tr>
<tr>
<td>7.</td>
<td>Lot:</td>
</tr>
<tr>
<td>8.</td>
<td>Block:</td>
</tr>
<tr>
<td>9.</td>
<td>Plat Name:</td>
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<td>10.</td>
<td>Section:</td>
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<tr>
<td>11.</td>
<td>Township:</td>
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<tr>
<td>12.</td>
<td>Range:</td>
</tr>
<tr>
<td>13.</td>
<td>Latitude (North): (Enter as &quot;-&quot; for S S)</td>
</tr>
<tr>
<td>14.</td>
<td>Longitude (West): (Enter as &quot;-&quot; for E E)</td>
</tr>
<tr>
<td>15.</td>
<td>UTM Zone:</td>
</tr>
<tr>
<td>16.</td>
<td>Northings:</td>
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<tr>
<td>17.</td>
<td>Eastings:</td>
</tr>
<tr>
<td>18.</td>
<td>Resource Type:</td>
</tr>
<tr>
<td>19.</td>
<td>Historic Function:</td>
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<tr>
<td>20.</td>
<td>Current Function:</td>
</tr>
<tr>
<td>21.</td>
<td>Area of Significance, Primary:</td>
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<tr>
<td>22.</td>
<td>Area of Significance, Secondary:</td>
</tr>
<tr>
<td>23.</td>
<td>Description of Significance:</td>
</tr>
<tr>
<td>24.</td>
<td>Documentation Resource:</td>
</tr>
<tr>
<td>25.</td>
<td>Name of Preparer:</td>
</tr>
<tr>
<td>26.</td>
<td>Project Name:</td>
</tr>
<tr>
<td>27.</td>
<td>Date of Preparation:</td>
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<tr>
<td>28.</td>
<td>Photographs:</td>
</tr>
<tr>
<td>29.</td>
<td>Year:</td>
</tr>
<tr>
<td>30.</td>
<td>Architect/Builder:</td>
</tr>
<tr>
<td>31.</td>
<td>Year Built:</td>
</tr>
<tr>
<td>32.</td>
<td>Original Site:</td>
</tr>
<tr>
<td>33.</td>
<td>Date Moved:</td>
</tr>
<tr>
<td>34.</td>
<td>From Where:</td>
</tr>
<tr>
<td>35.</td>
<td>Accessible:</td>
</tr>
<tr>
<td>36.</td>
<td>Architectural Style:</td>
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<tr>
<td>37.</td>
<td>Other Architectural Style:</td>
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<tr>
<td>38.</td>
<td>Foundation Material:</td>
</tr>
<tr>
<td>39.</td>
<td>Roof Type:</td>
</tr>
<tr>
<td>40.</td>
<td>Roof Material:</td>
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<tr>
<td>41.</td>
<td>Wall Material, Primary:</td>
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<tr>
<td>42.</td>
<td>Wall Material, Secondary:</td>
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<tr>
<td>43.</td>
<td>Window Type:</td>
</tr>
<tr>
<td>44.</td>
<td>Window Material:</td>
</tr>
<tr>
<td>45.</td>
<td>Door Type:</td>
</tr>
<tr>
<td>46.</td>
<td>Door Material:</td>
</tr>
<tr>
<td>47.</td>
<td>Exterior Features:</td>
</tr>
<tr>
<td>48.</td>
<td>Interior Features:</td>
</tr>
<tr>
<td>49.</td>
<td>Decorative Details:</td>
</tr>
<tr>
<td>50.</td>
<td>Condition of Resource:</td>
</tr>
<tr>
<td>51.</td>
<td>Description of Resource:</td>
</tr>
<tr>
<td>52.</td>
<td>Comments:</td>
</tr>
<tr>
<td>53.</td>
<td>Attach Location Map</td>
</tr>
<tr>
<td>54.</td>
<td>Listed on National Register:</td>
</tr>
<tr>
<td>55.</td>
<td>National Register Entry:</td>
</tr>
<tr>
<td>56.</td>
<td>Continuation:</td>
</tr>
</tbody>
</table>
**Bridge Forms**

**Non-Truss**

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**Oklahoma Bridge Survey and Inventory Form: Non-Truss Bridges**

1. Structure P:
2. County: 3. Nearest City/Town:
4. Route Carried: 5. Feature Intersected:
6. Legal Location:
7. Replacement Project Number: 7(c) SP Number:
8. Construction Date: 8(a) Source of Date:
11. Bridge Plate/Stamp:
11(a) Information on Plate/Stamp:
12. Bridge Design:
13. Material (Main, Load-Supporting Material):
14. Bridge Type (See Below):

**Additional Diagrams and Information**

22. Abutment Type (See Below):
   - Other (Describe):
22(a) Abutment Material:
   - Other (Describe):
23. Wing Walls:
   - Straight: Flared: Other:
23(a) Material:
24. Pier Type (See Below):
   - Other (Describe):
24(a) Pier Material:
25. Parapet/Bail:
   - Type:
   - Other (Describe):
26. Deck Material:
27. Curb:
28. Other Features:
29. Condition/Damage:
   - 29(a) Sufficiency Rating:
30. Alterations:
31. Miscellaneous Information:
32. Date of Photographs/Date Surveyed:
   - Roll: Number: To Number:

**Diagrams Illustrating Bridge Forms**

- Bridge Types
- Material Types
- Pier Types
- Parapet/Bail Types
- Curb Types

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**Print Form:**
Cemetery
Historic Preservation Resource Identification Form

1. Property Name: ____________________________
2. Resource Name: ____________________________
3. Address: ____________________________
4. City: ____________________________
5. County: ____________________________
6. Lot: ____________________________
7. Block: ____________________________
8. Plat Name: ____________________________
9. Section: ____________________________
10. Township: ____________________________
11. Range: ____________________________
12. Latitude: ____________________________
13a. Enter as: DD.MM.SS
13b. Longitude: ____________________________
13c. Enter as: DD.MM.SS
14a. UTM Zone: ____________________________
14b. Northings: ____________________________
14c. Eastings: ____________________________
15. Resource Type: ____________________________
16. Historic Function: ____________________________
17. Current Function: ____________________________
18. Area of Significance, Primary: ____________________________
19. Area of Significance, Secondary: ____________________________
20. Description of Significance: ____________________________
22. Name of Preparer: ____________________________
23. Survey Project: ☐ Project Name: ____________________________
24. Date of Preparation: ____________________________
25. Photographs: ☐ Date: ____________________________
26. Architect/Builder: ____________________________
27. Year Built: ____________________________
28. Year Closed: ____________________________
29. Original Site: ☐ Date Moved: ____________________________
30. Accessible: ☐ From Where: ____________________________
31. Architectural Style: ____________________________
32. Other Architectural Style: ____________________________
33. Foundation Material: ____________________________
34. Roof Type: ____________________________
35. Roof Material: ____________________________
36. Wall Material (Primary): ____________________________
37. Wall Material (Secondary): ____________________________
38. Window Material: ____________________________
39. Door Type: ____________________________
40. Door Material: ____________________________
41. Exterior Features: ____________________________
42. Interior Features: ____________________________
43. Decorative Details: ____________________________
44. Condition of Resource: ____________________________
45. Description of Resource: ____________________________
46. Comments: ____________________________
47. Placement: ____________________________
48. Listed on the National Register: ☐
OKLAHOMA ARCHEOLOGICAL SURVEY

http://www.ou.edu/archsurvey/
# Archaeological Site Form

Use for both prehistoric and historic period sites

Including the ruins of buildings and structures

- **Trinomial assigned by OAS (e.g., 34OS001)**
Fact Sheets

HTTP://WWW.OKHISTORY.ORG/SHPO/FACTSHEETS.HTM
ONLINE RESOURCES

Oklahoma Historic Preservation Office
Review & Compliance Manual (Section 106)
http://www.okhistory.org/shpo/section106.htm

Secretary of the Interior Standards
https://www.nps.gov/history/local-law/arch_stnds_9.htm

Advisory Council on Historic Preservation (ACHP)
http://www.achp.gov

ACHP 30-Day Review Period
http://www.achp.gov/30daytimelimit.html

ACHP Fees in the Section 106 Review Process
http://www.achp.gov/regs-fees.html#appro

ACHP Guidance on Agreement Documents
http://www.achp.gov/agreementdocguidance.html