

MEMORANDUM

Subject: ACHP Guidance Document on Working
with Section 106

From: Director, Office of Environmental Policy
Washington, D.C. 20590

To: Regional Federal Highway Administrators
Federal Lands Highway Program Administrator

Date: October 4, 1989

Reply to
Attn. of: HEV-20

Enclosed are two publications the Advisory Council on Historic Preservation (ACHP) developed in its "Working with Section 106" series. These publications are 1) "Identification of Historic Properties: A Decisionmaking Guide for Managers" and 2) "Public Participation in Section 106 Review: A Guide for Agency Officials." Both are guidance documents to help you better understand what the ACHP finds desirable. We believe that most State highway agencies (SHAs) are doing a professional job in identifying historic properties. We also believe the Federal Highway Administration's normal project development process encourages timely public participation well before the projects are approved. Distribution of these documents should not be taken as indication that any changes are needed.

In the "Identification of Historic Properties" document there is a brief discussion of areas of potential effect on pages 15 and 16. Note that the ACHP feels that while an area of potential effect is broadly defined, it should "be linked logically to the potential effects of the undertaking."

The "Identification of Historic Properties" also discusses the appropriate use of predictive models on pages 17 and 19-23. Highway projects are long and narrow. Usually, the total acreage of a highway project is relatively small, as opposed to other projects that may affect large areas such as valleys, forests or watersheds. For these reasons, a predictive approach may not ultimately be cost-effective or efficient. Further, it is not our responsibility to develop a predictive model. Note that use of a predictive model does not provide the site specific information necessary to determine the application of Section 4(f).

The "Public Participation in Section 106 Review" document notes on page 7 that public involvement carried out during the NEPA process can also satisfy the requirement for public involvement in the Section 106 process. We encourage identifying the historic preservation constituency and incorporating historic preservation issues into early public involvement and any public hearings held

according to 23 CFR 771.111(h). The ACHP document also notes that affected land owners must be concerned with the effect of the undertaking on historic properties in order to participate in the consultation process (Figure 2, page 8). The suggestions provided in Section VI "Methods of public participation on an individual undertaking" (pages 13-18) and Section VII "Documenting public participation (pages 18-19)" are positive and worthwhile. Please distribute both documents to each Division Office and SHA.

/ Original Signed By /

Ali F. Sevin

2 Attachments