Section 106 Regulations Flow Chart

Initiate Section 106 Process
Establish undertaking
Identify appropriate
SHPO/THPO *
Plan to involve the public
Identify other consulting
parties

Submit detailed project information to WV SHPO (see Section 106 Information Sheet). The agency is responsible for including the public and other interested persons in **each step** of the Section 106 Process.

▼

Undertaking is type that might affect historic properties

▼

Identify Historic Properties
Determine scope of efforts
Identify historic properties
Evaluate historic significance

SHPO may request that archaeological and architectural surveys be conducted. Survey efforts must meet Federal and State standards. If resources are identified, appropriate forms will need to be completed. Agency/consultant is responsible for determining whether properties are National Register eligible; SHPO provides comment.

▼

Historic properties are affected

▼

Assess Adverse Effects
Apply criteria of adverse effect

No Effect: Historic resources will not be impacted by proposed project
No Adverse Effect: Resources will be impacted, but not in negative way
Adverse Effect: Resources will be impacted in a way that will alter the characteristics that make them eligible for the National Register. The Agency is responsible for assessing effects; SHPO provides comment.

▼

Historic properties are adversely affected

▼

Resolve Adverse Effects
Continue consultation

Avoidance is the FIRST option that should be considered. If not possible, then various mitigation measures must be agreed upon. For archaeological resources, mitigation generally consists of data recovery excavations. For architectural resources, mitigation may consist of documentation, educational materials or other appropriate activities. It is the agency's responsibility to draft a Memorandum of Agreement (MOA) that outlines mitigation stipulations and to invite the Advisory Council on Historic Preservation to participate. SHPO signs the MOA as a consulting party.

▼

FAILURE TO AGREE

► **COUNCIL COMMENT**