



National Historic Preservation Act: Section 106

What are the requirements of the National Historic Preservation Act (NHPA)?

Section 106 of the NHPA requires that federal agencies take into account the effects of their undertakings on historic properties. Section 110(f) of the NHPA requires federal agencies, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking.

What do the requirements ask?

SECTION 106

- Invite federally recognized Tribes, State Historic Preservation Officer(s), the Advisory Council on Historic Preservation, and consulting parties to consult.
- Delineate the area of potential effects (APE).
- Identify historic properties (listed or eligible for National Register of Historic Places [NRHP] listing).
- Assess potential project effects on historic properties.
- Resolve adverse effects (avoid, minimize, and/or mitigate).

SECTION 110(F)

- To the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking.
- Includes the Section 106 consultation requirements.
- Invite the National Park Service and the Advisory Council on Historic Preservation to consult.

What are the NRHP Eligibility Criteria and What are National Historic Landmarks?

- **Criteria A:** Associated with significant historical events.
- **Criteria B:** Associated with the lives of persons significant in our past.
- **Criteria C:** That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction.
- **Criteria D:** That have yielded or may be likely to yield, information important in prehistory or history.
- National Historic Landmarks are Secretary of the Interior–designated historic and archaeological sites, buildings, and objects that possess exceptional value commemorative or illustrative of the history of the United States.



What is the Status of the National Historic Preservation Act (NHPA) Section 106 Consultation for the Maryland Offshore Wind Project?

1. BOEM invited federally recognized Tribes, the State Historic Preservation Officer(s), the Advisory Council on Historic Preservation, and consulting parties to consult.
2. BOEM has delineated the APE for historic properties, including marine archaeological resources, ancient submerged landform features (ASLFs), terrestrial archaeological resources, and historic aboveground resources.
3. BOEM distributed cultural resource technical reports, which identify and evaluate historic properties in the APEs to consulting parties, and facilitated two consulting party meetings for Section 106 consultation.
4. BOEM has made a finding of adverse effects that identifies adverse effects on (this could be subject to change based on future consultation with the consulting parties):
 - *3 historic aboveground resources in the visual portion of the APE including 1 that has been previously listed on the NRHP*
5. The Draft EIS includes a draft memorandum of agreement (MOA) with proposed measures to resolve the adverse effects outlined in historic property treatment plan.



What are the Next Steps for NHPA Section 106 Consultation?

1. BOEM will continue to consult with the consulting parties regarding the identification and evaluation of historic properties.
2. BOEM will receive comments on the finding of adverse effect and the draft MOA, which outlines proposed measures to resolve adverse effects in historic property treatment plans.
3. BOEM will facilitate additional consulting party meetings to review the finding of adverse effect and proposed measures to resolve adverse effects. The second consulting party meeting will be held in November 2023. Additional consulting party meetings will be scheduled in 2024.
4. Through consultation with the consulting parties, BOEM will finalize the MOA.