



Section 106 of the National Historic Preservation Act

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?

- ◆ Associated with significant historical events.
- ◆ Associated with the lives of persons significant in our past.
- ◆ Embody distinctive style, period, method of construction, or represent work of a master or possess high artistic values, or represent a district with components that may lack individual distinction.
- ◆ Properties that have yielded or may be likely to yield information regarding local, regional, or national heritage.
- ◆ 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.



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What is the Status of the National Historic Preservation Act (NHPA) Section 106 Consultation for the Atlantic Shores South 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 area of potential effects (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):
 - 37 ASLFs with potential archaeological or traditional cultural property significance
 - 1 terrestrial archaeological resource
 - 28 historic aboveground resources: 1 in the terrestrial portion of the APE and 27 in the visual portion of the APE, including 2 National Historic Landmarks
- 5.** The Draft EIS includes a draft memorandum of agreement (MOA) with proposed measures to resolve the adverse effects outlined in historic property treatment plans.

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 was held in June 2023. The third consulting party meeting is tentatively planned for later in 2023.
- 4.** Through consultation with the consulting parties, BOEM will finalize the MOA.