

PUBLIC BENEFITS OF §106 CONSULTATION

What is Section 106?

Section 106 of the National Historic Preservation Act (NHPA) recognizes that historic preservation is a public interest. The law was created in 1966 because the public felt local historic properties were not being given due consideration in the planning of federal programs, such as urban renewal and the interstate highway system.

Section 106 requires Federal agencies to consider the effects of projects they sponsor on historic properties. This is to be done **in consultation with** historic preservation stakeholders.



What is consultation?

Consultation involves the federal agency seeking, discussing, and considering the concerns historic preservation stakeholders have about the potential effects of federally-sponsored projects on historic properties. It is meant to be a two-way communication that involves the active exchange of ideas between the federal agency and preservation stakeholders on ways to identify historic properties and avoid, minimize or mitigate adverse effects to historic properties. The participation of local consulting parties provides an essential on-the-ground check and balance to the Section 106 process. It is important that consulting parties are involved early in project design.

The Section 106 Process



Before a review begins, the federal agency must decide if Section 106 applies.



1 Initiating Section 106

The federal agency identifies who should be involved in consultation and plans to involve the public.



2 Identifying Historic Properties

The federal agency identifies historic properties in the area where the project could have effects.



3 Assessing Effects

The federal agency consults to assess the effects of the project on historic properties.



4 Achieving a Resolution

The federal agency explores alternatives to avoid, minimize, or mitigate adverse effects.

For more information

Technical assistance and guidance is available from the Advisory Council on Historic Preservation, www.achp.gov. Especially useful is the ACHP's publication *Protecting Historic Properties: A Citizens Guide to Section 106*, which is available at www.achp.gov/sites/default/files/documents/2017-01/CitizenGuide.pdf.



Pennsylvania State Historic Preservation Office
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PARTICIPATING IN §106 CONSULTATION

Who participates in consultation?

In addition to the federal agency, participants in the consultation process include:

- State Historic Preservation Office (SHPO),
- Native American tribes,
- local governments, and
- Historic preservation stakeholders (organizations or individuals with a demonstrated preservation interest).

What is the role of the Pennsylvania SHPO office?

The SHPO advises and assists the Federal agencies in carrying out the 106 process. The PA SHPO strives to reinforce the requirement to seek out and invite consulting parties beyond our office by requesting federal agencies to identify and invite consulting parties early on in the Section 106 process. Our office maintains a list of potential consulting parties that we provide to federal agencies; those interested in being included on that list can contact us at 717-705-4036.



How do I get involved?

Interactive consultation is the heart of Section 106 review; however there is no consistent approach to how federal agencies involve consulting parties in the process. Many send letters soliciting consulting party feedback, while others hold meetings. Here are some suggestions:

- educate yourself about the role of consulting parties and how the Section 106 process works;
- pay attention to meetings and news stories about plans being developed that could affect historic properties;
- request consulting party status in a letter to the federal agency and explain why you believe your participation would be important to a successful resolution and provide the SHPO with a copy of your letter; and
- contact the Advisory Council on Historic Preservation at 202-606-8503 if you aren't sure if the project involves a federal agency.



OUTCOMES OF SECTION 106 CONSULTATION

Cantini Murals

Local participation in Section 106 consultation for a project to connect portions of downtown Pittsburgh resulted in the discovery and plans for preservation of a significant mosaic sculpture.

The federal agency (FHWA) and sponsor were initially unaware that the public art located in a pedestrian tunnel to be removed was a significant example of the work of Virgil Cantini (1919-2009), a prominent Pittsburgh multi-media artist who produced special commissions and large-scale public works.



Original plans for the project called for the filling in of the pedestrian tunnel and reinstallation of 3 of the 28 mosaic panels in a public park that was to be created. After the Pittsburgh community responded with information on the significance of the mosaic mural and that the entire mosaic should be preserved, the project was redesigned to allow for the careful removal, storage, and reinstallation of the mosaic panels.

If the condition of the murals does not allow for relocation, the mitigation plan includes study of and public education on Cantini's body of work and public art Pittsburgh in the 1950s and 1960s.



Photo by Markosky Engineering Group, Inc.



For more information about this Section 106 project, please visit:
<https://search.paprojectpath.org/ProjectDetails.aspx?ProjectID=9806>



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OUTCOMES OF SECTION 106 CONSULTATION

PA-SHARE

In spring of 2015, the United States Army Corps of Engineers, the Pennsylvania State Historic Preservation Office, Shell Chemical Appalachia, LLC (applicant) and the Seneca Nation of Indians concluded consultation after 18 months of discussions under Section 106 of the National Historic Preservation Act about the construction of a petrochemical complex in Beaver County along the Ohio River. The project required a permit from the U.S. Army Corps of Engineers.



The multi-million-dollar petrochemical complex is proposed to be the foundation for economic revitalization of western PA and is projected to create thousands of jobs and foster ongoing investment in the region. Due to the scope and magnitude of the project and the significance of the historic properties adversely affected, an exceptionally unusual and delicate consultation resulted in the applicant agreeing to substantial and far-reaching mitigation.

With the assistance of the Corps, the PA SHPO developed a programmatic agreement that required Shell to fund several mitigation projects that would have local, regional, and statewide benefits.

The focus of the statewide mitigation is the development and implementation of a statewide online data management system, PA-SHARE. PA-SHARE, **P**ennsylvania's **H**istoric & **A**rchaeological **R**esource **E**xchange, is a new consultation, communication, and Geographic Information Systems (GIS) tool that will transform, and in some capacities reform, how programs within the PA SHPO conduct business.

This electronic system will be administered by the PA SHPO and will include the migration of all paper and electronic files and evolution to a nearly paperless office system. This system will revolutionize how PA SHPO manages cultural resources data and significantly expand how it makes this data available to the public, local government and private industry.

The goals of this new system are:

- achieve more efficient and effective internal work processes and procedures;
- improve communications with the public and other constituents; and
- make legacy data more accessible to agencies and the public.



For more information about this Section 106 project:

pahistoricpreservation.com/sharing-share/



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