

National Historic Preservation Act

NHPA Section 106

[16 U.S. C. 470f — Advisory Council on Historic Preservation, comment on Federal undertakings]

The head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

NHPA Section 110(f)

[16 U.S. C. 470h-2(f) — Federal undertakings affecting National Historic Landmarks]

Prior to the approval of any Federal undertaking which may directly and adversely affect any National Historic Landmark, the head of the responsible Federal agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark, and shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

Note: Both sections of the law are complied with by federal agencies following regulations issued by the Advisory Council on Historic Preservation, codified at 36 CFR Part 800. These regulations emphasize consultation with stakeholders and other interested parties to identify and resolve adverse effects on historic properties.