



FACT SHEET #2: REVIEW AND COMPLIANCE

SECTION 106 PROCESS

Section 106 of the National Historic Preservation Act (NHPA) stipulates that federal agencies and their designees/authorized representatives must consider the effects of their federal undertakings on archeological and historic resources which are listed on or eligible for the National Register of Historic Places (National Register, NRHP, or NR). The Advisory Council on Historic Preservation's (ACHP) regulations (36 CFR Part 800) detail the steps and timeframes for the Section 106 process (also known as review and compliance), including a federal agency's consultation with other agencies and the public (<http://www.achp.gov>).

Section 106 Consultation in Oklahoma

The State Historic Preservation Office (SHPO) assists federal agencies and others to meet their responsibilities under Section 106 of the NHPA. Therefore, the SHPO responds to thousands of requests each year from those planning and executing federal undertakings (projects on federal land and federally funded, licensed, permitted or assisted projects statewide). Timeframes for the review process are stipulated in the ACHP's regulations (36 CFR Part 800), and the SHPO must respond within 30 days of receipt of a request for its comments.

Basic guidance for the Section 106 process in Oklahoma is provided in the Review and Compliance Manual (Section 106 Process). The manual is available in print from the SHPO and at <http://www.okhistory.org/shpo/section106.htm>. Agencies are reminded of their responsibility to consult parties other than the SHPO, including tribal governments, Tribal Historic Preservation Officers (THPOs), local governments, and the public (<http://www.achp.gov> and <http://www.okhistory.org/shpo/tribalconsultation.htm>).

For logistical and budgetary reasons, the SHPO and the Oklahoma Archeological Survey (OAS) operate under a cooperative agreement (approved by the National Park Service) through which OAS formally participates in the Section 106 process. OAS maintains the site files for Oklahoma's archeological resources and provides professional expertise in



Squirrel Creek Bridge, Shawnee, Pottawatomie County

prehistoric archeology to the SHPO. Therefore, federal agencies (or their designees/authorized representatives) submit their requests for comments on federal undertakings to both the SHPO and the OAS (addresses provided on page two of this fact sheet). OAS reviews projects for possible impacts of ground-disturbing activities on prehistoric archeological resources. Both the SHPO and OAS issue letters to the requesting agency and the language of the letters is coordinated to ensure the agency has documentation of its Section 106 consultation with the SHPO.

Also see:

“SHPO Fact Sheet #4: Historic Preservation Resource Identification”

<http://www.okhistory.org/shpo/factsheets/fs4hpri.pdf>

“SHPO Fact Sheet #6: Historic District Designations”

<http://www.okhistory.org/shpo/factsheets/fs6hd.pdf>

“SHPO Fact Sheet #12: Evaluating Historic Period Archeological Sites for the National Register under Section 106 with Particular Reference to Sites Dating After 1890”

<http://www.okhistory.org/shpo/factsheets/fs12arch.pdf>

“SHPO Fact Sheet #15: Oklahoma Historic Property Record Guidelines”

<http://www.okhistory.org/shpo/factsheets/fs15proprec.pdf>

“SHPO Fact Sheet #16: Guidelines for Developing Archeological Survey Reports in Oklahoma and Report Components”

<http://www.okhistory.org/shpo/factsheets/fs16archreports.pdf>

For more information about submission requirements for construction projects, refer to “Section V: Determining Effects” of the Review and Compliance Manual

<http://www.okhistory.org/shpo/106/rcmanual2015.pdf>

For more information about construction projects that must meet the Secretary of the Interior’s Standards for Rehabilitation, see Pages 75-162 of *The Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*

<https://www.nps.gov/tps/standards/treatment-guidelines-2017.pdf>

For questions about the overall Section 106 process or about historic properties, contact:

State Historic Preservation Office

Oklahoma Historical Society

800 Nazih Zuhdi Drive

Oklahoma City, OK 73105

405/521-6249

<http://www.okhistory.org/shpo/section106.htm>

For questions about Oklahoma's archeological resources, contact:

Oklahoma Archeological Survey

University of Oklahoma

111 East Chesapeake, Room 102

Norman, OK 73019

405/325-7211

<http://www.ou.edu/archsurvey>