



# WHAT IS THE NHPA?

The **National Historic Preservation Act (NHPA)**, passed in 1966, helps protect American archaeological sites, historic buildings, and other cultural resources. It established the **National Register of Historic Places**, a list of historically significant properties in the United States. It directs federal agencies to take our history into account when it faces potential loss or damage from development. It also provides opportunities for local communities to voice concerns.

For a federal development project (called an undertaking), it is sometimes necessary for the federal agency to conduct a historic preservation review of the affected land. This is called a **Section 106 review**. The purpose of the review is to determine if the undertaking will harm historically significant resources. Those are resources that meet the eligibility criteria for the National Register of Historic Places.

States and territories in the United States have **State Historic Preservation Offices (SHPOs)** and **Tribal Historic Preservation Offices (THPOs)**. SHPOs and THPOs advise and track agencies' compliance with the NHPA and Section 106 within their borders. The **Advisory Council on Historic Preservation (ACHP)** advises at the national level.

## BENEFITS OF THE NHPA



### JOBS

Based on state studies, historic preservation increases heritage tourism, property values, and local employment. In 2021, cultural resources management activities—including Section 106 reviews—generated revenues in excess of \$1.4 billion and employed more than 17,000 people (Altschul and Klein 2022).



### FLEXIBILITY

The language of the National Historic Preservation Act is intentionally flexible, emphasizing good-faith efforts and negotiation rather than mandating particular outcomes. SHPOs usually have 30 days to respond to a review, and that deadline is almost always met. Because of this flexibility and quick response times, project delays are rare.



### HERITAGE

Through the NHPA, archaeologists and other preservation professionals reviewed over 90,900 federal projects in 2021. They discovered an estimated 19,400 historically significant resources: archaeological sites and historic properties. These reviews allow for the discovery of thousands of American places each year that help us to understand the pasts of our communities.

# SECTION 106 REVIEW PROCESS



## IS THIS UNDERTAKING:

- conducted by a federal agency;
- permitted or licensed by a federal agency;
- funded by a federal agency;
- or on federal land?

**YES**

**NO**

No Section 106 review necessary.

**IN 2021:**

**OVER 90,900  
FEDERAL  
UNDERTAKINGS**

Are there properties that meet the eligibility criteria to be listed on the National Register of Historic Places?

**YES**

**NO**

Section 106 review complete.

Could the project potentially adversely affect those historic properties?

**YES**

**NO**

Section 106 review complete.

**21%**

of properties reviewed met the eligibility criteria

Where there are adverse effects, can the consulting parties agree on how to proceed?

**YES**

**NO**

The agency documents the negotiation and files it with the ACHP. Section 106 review is complete.

**22%**

of undertakings found properties or effects on properties

**4%**

of undertakings with effects required a formal agreement

The consulting parties sign a formal agreement for their next steps. The law encourages avoiding or minimizing damage to historic properties, but it does not dictate how to do so. The federal agency files the agreement with the ACHP. Section 106 review is complete. Much of America's heritage has been discovered through the Section 106 review process.