

SECTION
106
EARLY & OFTEN

How to Complete the Wyoming Natural Resources Conservation Service Cultural Resources Process

Section 106 of NHPA requires NRCS to account for the effects of projects on Eligible Cultural Resources and to afford the Advisory Council on Historic Preservation (ACHP), the State Historic Preservation Office (SHPO), the Tribes, and other consulting parties a reasonable opportunity to comment with regard to such projects.

Under policy, NRCS is prohibited from granting loans, loan guarantees, permits, licenses, or other assistance to any applicant who intentionally adversely affects a Historic Property.

Adhering to the NHPA is a requirement while NRCS is providing assistance. Other federal, state, and local laws may also apply.

You can get additional information on NHPA requirements from the following sources:

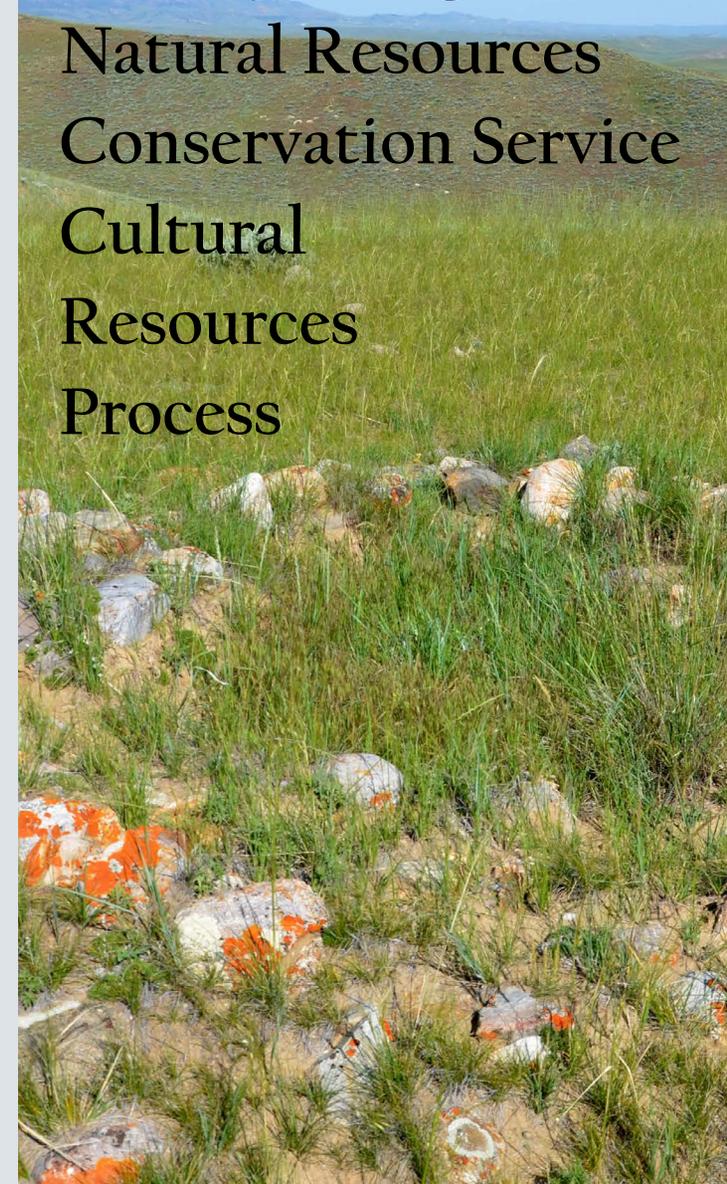
- The Advisory Council on Historic Preservation's web page provides the most comprehensive information about NHPA requirements: <http://www.achp.gov>
- The Wyoming SHPO: <http://wyoshpo.state.wy.us/>
- NRCS: <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/technical/nra/cultural/>
- For the SHPO agreement (state Prototype Programmatic Agreement): <http://wyoshpo.state.wy.us/pdf/NRCSStateLevelPrototypePA.pdf>

Please contact your local NRCS field office for additional information.

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Section 106

The National Historic Preservation Act (NHPA) is a federal law set forth to preserve the history of the United States of America.



NRCS RESPONSIBILITIES:

- To determine whether the project has the potential to affect Historic Properties. Historic Properties include any prehistoric or historic district, site, building, structure, or object included, or eligible for inclusion in the National Register of Historic Places.
- Notifying the appropriate SHPO (usually the WY SHPO), Tribe(s), and other parties to begin the Section 106 process;
- Identifying any cultural resources within the APE, which requires a survey. Was anything found and is it eligible for inclusion in the National Register of Historic Places?
- Determining whether the undertaking will adversely affect Historic Properties. This typically requires a report to be submitted to SHPO. These reports take time to write and are very detailed.
- Resolve and/or mitigate.

THE WY NRCS CULTURAL RESOURCES CLEARANCE PROCESS:

The process begins during the planning stage when a NRCS planner is assisting with developing the project and defining the project area:

- Defining the Area of Potential Effects (APE), the project area to include staging areas and access routes;
- Identify any cultural resources within the APE. If cultural resources are found, a more in-depth survey may be required;
- Notifying the appropriate State Historical Preservation Officer (usually the WY SHPO), the Tribe(s), and other parties of the project. The Tribes have 30-days by law to comment;
- Determine whether the project will adversely affect cultural resources. (This typically requires a report be submitted to the appropriate SHPO. These reports take time to write and are very detailed). Once submitted to WY SHPO, they have 15-days to comment once the report is submitted;

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- Resolve (mitigate) those adverse effects in consultation with the appropriate SHPO and Tribe(s) (mitigation may be as simple as redesigning the project to avoid the cultural resources);
- ** Additional steps are required to obtain cultural clearance when the APE involves public lands, such as those managed by the BLM. A report must be submitted to that federal agency for review and comment in addition to the appropriate SHPO. There is no regulated comment period for the federal agency.