

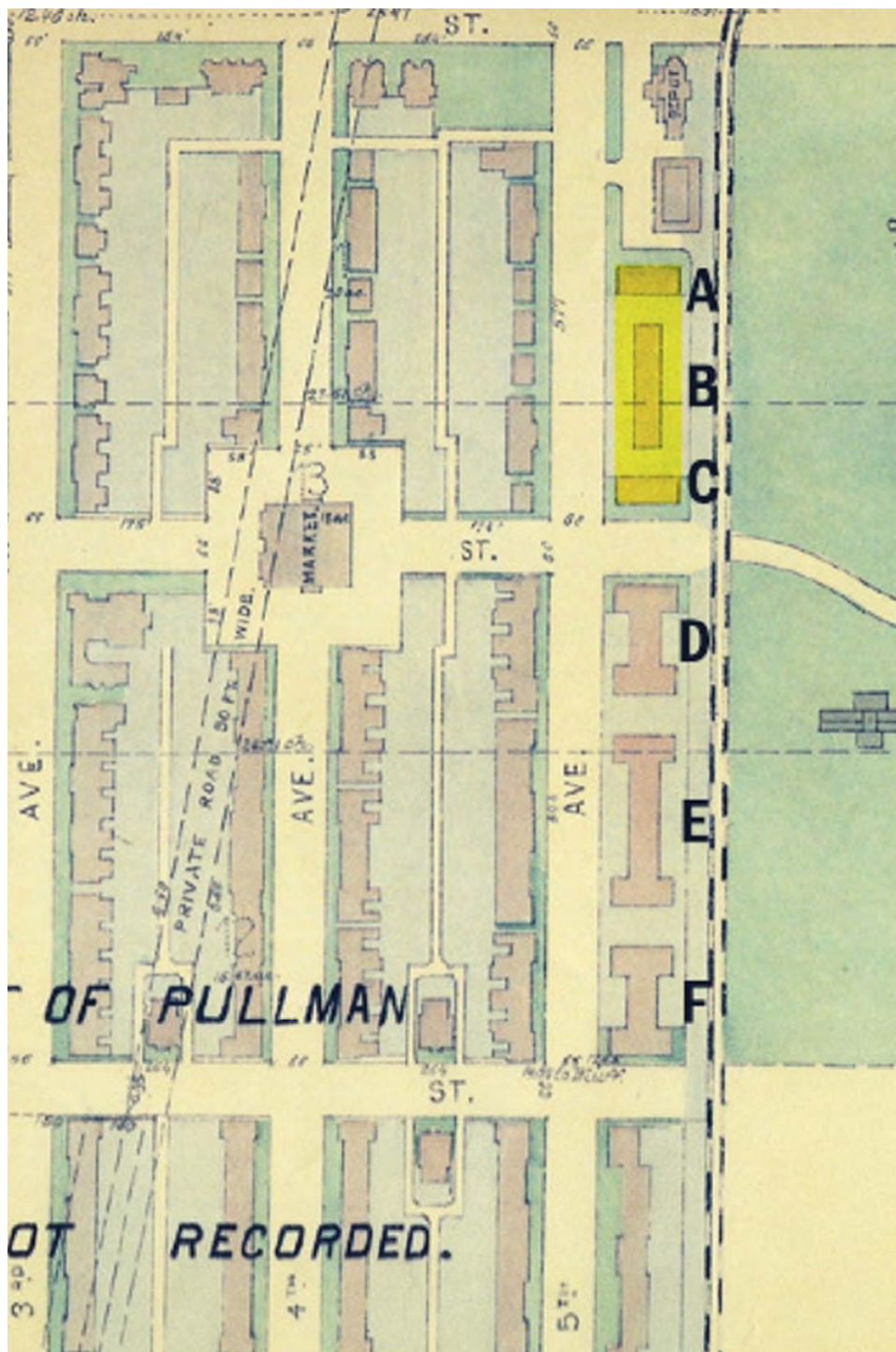
WHAT THEY WON'T TELL YOU ABOUT THE

PULLMAN ARTSPACE

KNOW YOUR RIGHTS UNDER SECTION 106
OF THE NATIONAL HISTORIC PRESERVATION ACT

PNMPS
THE PULLMAN NATIONAL MONUMENT
PRESERVATION SOCIETY

pnmps.org



OVERVIEW

1. NEPA & NHPA
2. SECTION 106
3. NEXT STEPS



1. NEPA & NHPA



**The National Historic Preservation Act of 1966
(NHPA) requires the federal government to
examine how its projects might affect
historic properties
and to take action to reduce harm to them.**

“

The passage of the **National Environmental Policy Act of 1969 (NEPA)** in December 1969, expanded environmental reviews and formally established environmental protection as a Federal policy.

NEPA AND NHPA HANDBOOK (2013)

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NEPA and **NHPA** require Federal officials to

“stop, look, and listen”

before making decisions that impact historic properties and the human environment.

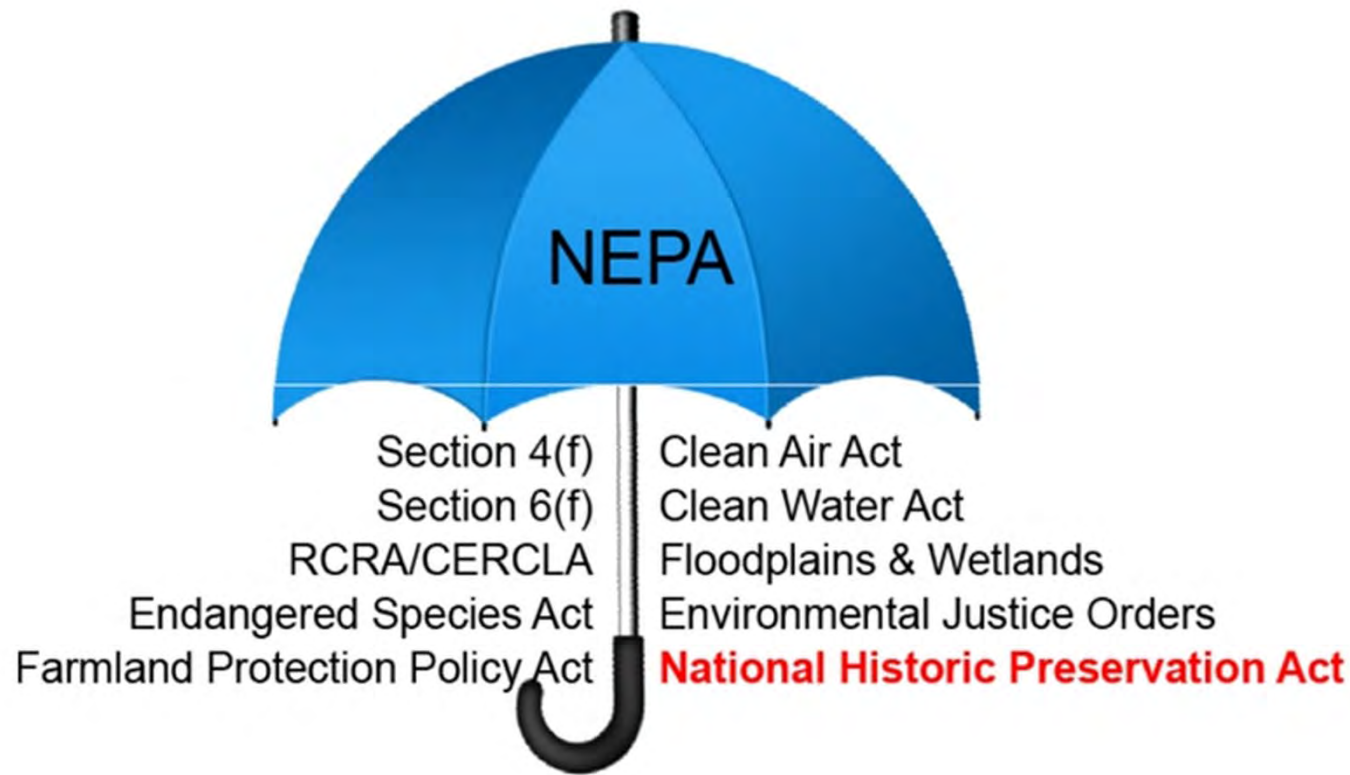
NEPA AND NHPA HANDBOOK (2013)

The review required by **NEPA** takes the form of an "**Environmental Assessment**" (EA) that is *supposed* to look at a project's broad range of impacts on the community and the environment.

Impacts can be anything from noise, to parking, to pollution, to visual disturbance, as well as, changes to a community's cultural fabric.

The review required by the **NHPA** is commonly called a "**Section 106**" review.

Section 106 of the NHPA outlines a process in which the **responsible federal agency** works to identify and resolve a project's "**adverse effects**" on "**historic properties**" through consultation with governmental agencies, organizations, the public, and other interested parties.

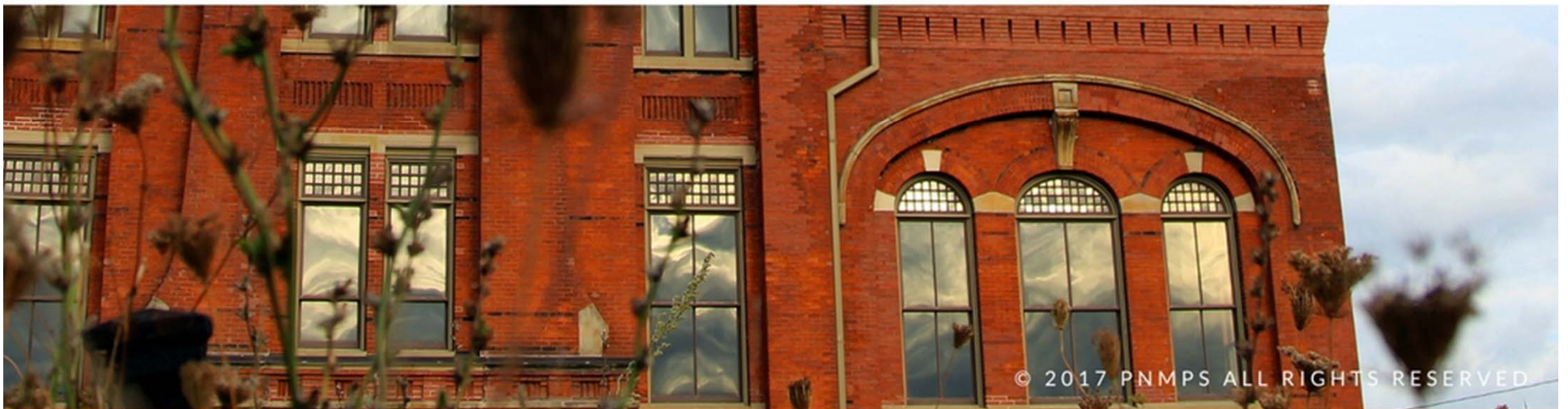


1. NEPA & NHPA

Today, for the most part, **Section 106 reviews** occur as an integral part of the broader **NEPA** review.



2. SECTION 106

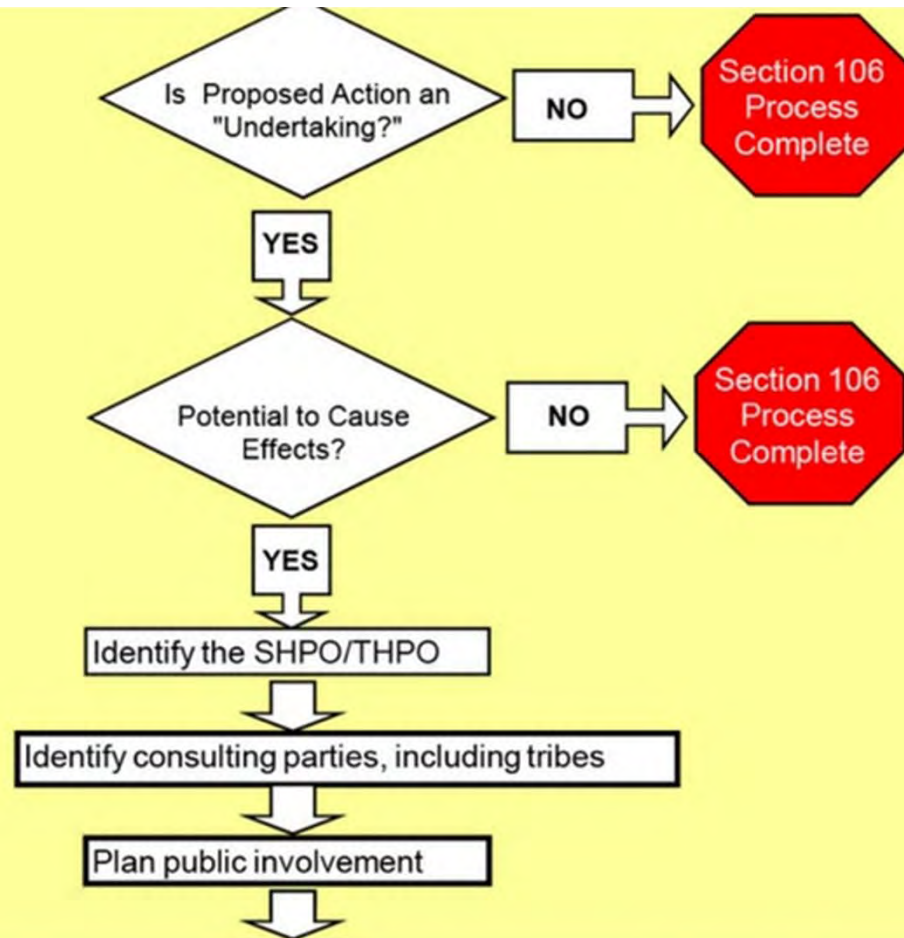


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Consultation with the public and qualified
“consulting parties” is the
“**cornerstone**”
of the Section 106 process

ACHP LETTER TO IHDA, MAY 4, 2017

Much more than just affording opportunities for public “comment” or “feedback,” consultation—if done correctly —should lead to a binding agreement about how best to protect the integrity of the affected historic property.

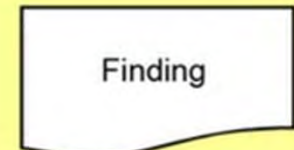
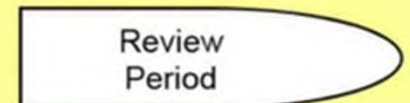


Step 1: Initiate Consultation 800.3

LEGEND



Bold boxes denote major consultation items.



A Section 106 Review has FOUR basic steps:

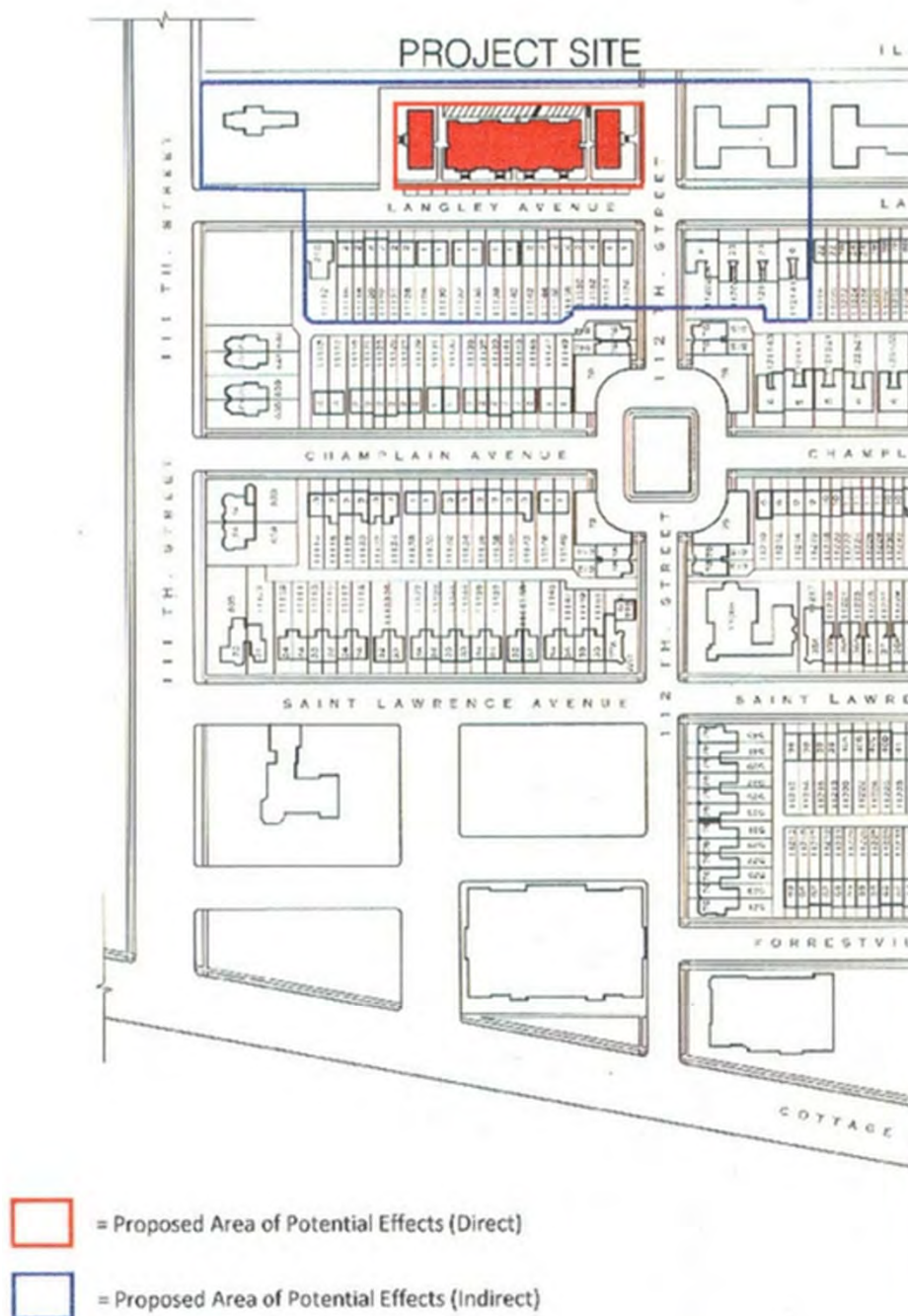
FOUR STEPS OF A SECTION 106 REVIEW

- 1. INITIATE the process.**
- 2. IDENTIFY historic resources.**
- 3. ASSESS if adverse effects.**
- 4. RESOLVE adverse effects (if needed)**

STEP 1: INITIATE

If the project is an "undertaking" and the agency determines that the project has potential to "cause effects" to historic properties, they then contact the State Historic Preservation Office (SHPO), identify people who know stuff about the affected historic property; these organizations and/or individuals can become "consulting parties." The federal agency must also plan public involvement.

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES



STEP 2: IDENTIFY

The federal agency must then determine the undertaking's “**Area of Potential Effect**” (APE). This should be done in consultation with consulting parties and the public.

An undertaking can have “direct,” “indirect,” and cumulative effects on historic properties or depending on the location, it may not affect any historic properties at all.

STEP 2: IDENTIFY

The federal agency must also make a good faith effort to identify all affected historic resources in the APE and determine if they are eligible for listing on the National Register.

The Town of Pullman was declared a National Historic Landmark District in 1970 and a National Monument in 2015.

Pullman's "historic resources" consist of anything surviving of the Town of Pullman (1880-1907) above or below ground and the District itself.

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES

STEP 3: ASSESS

Once the **APE** is established and affected historic resources identified, the next step is to determine if an "undertaking" will have an "**adverse effect**" on the historic property.

"**Adverse Effect Criteria**" are applied to determine to what extent the historic integrity of the affected property is degraded.

The consulting parties have an important role in this process and have the right to object.

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES

STEP 3: ASSESS

“Criteria of Adverse Effect”

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. 36 § CFR 800.5(a)(1):

<https://www.nps.gov/nhl/apply/glossary.htm#Criteria>

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES

STEP 4: RESOLVE

Lastly, the parties negotiate to "resolve" an undertaking's adverse effects.

The federal agency through consultation will develop alternatives to avoid, minimize or mitigate adverse effects.

If all goes well, the parties enter into a binding "Memorandum of Agreement."

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES



The real goal of a **Section 106 review** is to achieve true consultation and reach consensus.

SPECIAL REQUIREMENTS FOR NHLs

If a property is a National Historic Landmark (NHL), such as Pullman. There are two additional requirements under federal law:

1. The responsible federal agency must—*to the maximum extent possible*—plan and act to “minimize harm to the landmark.”
2. When an undertaking affects an NHL, the Secretary of the Interior must be notified. The NPS is authorized to act on behalf of the Secretary in the Section 106 review of the undertaking.

36 CFR 800--PROTECTION OF HISTORIC PROPERTIES

3. NEXT STEPS

- **VISIT Pullman106.com** for information and updates.
- **CONTACT The Department of Fleet and Facility Management (2FM)** and request to serve as a "consulting party." Do this ASAP.
- **SEND a letter to 2FM** with your comments. We'll post a sample letter on Pullman106.com along with 2FM's contact information in the coming days/weeks.
- **TELL your friends, neighbors, and the public** about this important review.