



Historic Properties



What Are Historic Properties?

Under the National Historic Preservation Act of 1966 (NHPA), historic properties are buildings; structures, sites, objects, and traditional cultural properties that are at least 50-years old (with exceptions).

Section 106 Consultation

If a project funded by Federal Emergency Management Agency (FEMA) has the potential to affect an historic property, FEMA is required to initiate a Section 106 Consultation. Section 106 of the NHPA requires federal agencies to enter a 4-step consultation process if historic properties may be affected by a federal undertaking. The four steps are as follows:

- 1. FEMA Initiates the Section 106 Consultation process**
- 2. Historic properties are identified and evaluated.**

FEMA evaluates the significance of the historic properties and consults with SHPO (State Historic Preservation Officer and or THPO (Tribal Historic Preservation Officer), if there are Native American interests.

- 3. Adverse Effects are Assessed**

FEMA, in consultation with SHPO and/or THPO, will make an assessment of adverse affects. If they agree there will be no adverse effect, FEMA may proceed with the project.

- 4. Adverse Affects are Resolved**

If the project will have adverse affects, FEMA will notify and consult with affected parties including the public to determine ways to avoid, minimize, or mitigate adverse affects.



Additional Resources

- [Endangered Species Act](#)
- [Environmental Justice](#)
- [Environmental Rules](#)
- [Wetlands Protection](#)

Web Sites

- Cal OES
www.caloes.ca.gov
- FEMA
www.fema.gov
- ACHP
www.achp.gov
- NHPA
www.nhpa1966



Section 106 requires federal agencies to enter the 4-step process; it does not require the agencies to preserve properties



FEMA Programs That Can Trigger Section 106 Consultations

- Public Assistance Program
- Hazard Mitigation Grant Program
- Flood Mitigation Assistance Program
- Unmet Needs
- Pre-Disaster Mitigation
- Federal Assistance to Individuals and Households Program (Temporary Housing)

Emergency Situations

Section 800.12 of NHPA applies to projects or undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared. FEMA may request an extension prior to expiration of the 30 days.



Immediate rescue and salvage operations conducted to preserve life or property during this 30-day period are exempt from Section 106 and this section.

Memorandums of Agreement (MOA)

When there is the potential to adversely affect historic properties, FEMA may enter into an MOA with SHPO/THPO. This agreement will spell out timelines, methods for resolving disputes, review criteria, project monitoring, and public involvement.



IF YOU HAVE ANY QUESTIONS, CALL US AT:

Jim Barnes
Desk: (916) 845-8273
Cell: (916) 275.8961
Email: jim.barnes@caloes.ca.gov



- Do not start ANY work (except in emergencies that are an immediate threat to health and safety) until the historic review is complete.

