

## Purpose

### **Center of Expertise for the Preservation of Historic Buildings and Structures**

#### Compliance Assistance

Requirements that Federal agencies and installations must follow in projects affecting historic properties are set forth primarily in Sections 106 and 110 of the National Historic Preservation Act. The Army Corps of Engineers' Center of Expertise (CX) Preservation of Historic Buildings and Structures can offer advice and assistance to other agencies and installations in meeting the requirements of the Act. Such assistance can include ...

- Identifying and understanding applicable preservation laws and regulations
- Maintaining compliance with applicable laws and regulations
- Liaison assistance between client and Federal, State, and local preservation organizations
- Development of programmatic agreements and memoranda of agreement

... and assistance with various other legal preservation issues.

**SECTION 106 COMPLIANCE** Under Section 106 of the National Historic Preservation Act, Federal agencies and installations must consider the effects of their actions on historic properties. In addition, the agency is required to seek comments on the project from an independent reviewing agency, the Advisory Council on Historic Preservation. Section 106 establishes a process for protecting historic properties from unnecessary harm due to Federal agency actions or undertakings. Known as a "Section 106 review," this process is spelled out by the Advisory Council in the Code of Federal Regulations, 36 CFR 800. With its years of experience in historic preservation work, the Army Corps of Engineers' CX for Preservation of Structures and Buildings has developed a long-standing working relationship with the Advisory Council. Local governments are also encouraged to take an active role in the Section 106 process, and may have legal responsibility under such programs as the Community Development Block Grant Program.

**SECTION 110 COMPLIANCE** This section of the law places responsibility for historic preservation on the heads of Federal agencies which own or control such properties. Each agency head must designate a qualified official as the agency's "preservation officer" who is responsible for coordinating the agency's activities under the Act. For historic properties under the ownership or control of an agency, Section 110 requires the agency to prepare a formal preservation program identifying, evaluating and nominating such properties to the National Register of Historic Places. Any identified historic properties eligible for nomination to the National Register are required to be managed and maintained in compliance with Section 106. Section 110 also, requires agencies to occupy and use available existing historic properties, to the maximum extent feasible

and consistent with their missions and responsibilities, before acquiring, constructing, or leasing other buildings. The Historic Preservation Act also provides for each State governor to designate a State Historic Preservation Office (SHPO). Agency compliance under Section 110 includes a requirement for consultation with State Historic Preservation Officers. The Corps of Engineers' CX for Preservation of Structures and Buildings has years of experience in coordination with State Historic Preservation Offices as well. Close coordination and cooperation with all concerned Federal and State agencies, local government agencies, Indian tribes, historic preservation organizations, and the interested public has been a key to the CX's highly successful historic preservation program.

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