

USDA Forest Service, Cultural Resource Management: Heritage Program

List of Statutory and Regulatory directive which define the Section 106 responsibilities of the USDA Forest Service (Heritage Program).

Federal Statutes directly applying to Forest Service Heritage Programs:

- Organic Act of 1897 [Title 54, United States Code (U.S.C), Section 473-478, 479-482, 551]
- Antiquities Act of 1906 (54 U.S.C. 431)
- Historic Sites Act of 1935 (54 U.S.C. 461)
- National Historic Preservation Act of 1966 (NHPA; 54 U.S.C. 470)
- National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321-4346)
- The Archaeological and Historic Preservation Act of 1976 (AHPA; 54 U.S.C. 469)
- Federal Land Policy and Management Act of 1976 (FLPMA; 43 U.S.C. 1701)
- National Forest Management Act of 1976 (NFMA; 54 U.S.C. 1600)
- Archaeological Resources Protection Act of 1979 (ARPA; 54 U.S.C. 470aa *et seq.*)
- Native American Graves Protection and Repatriation Act of 1990 (NAGPRA; 25 U.S.C. 3001)
- Federal Lands Recreation Enhancement Act of December 8, 2004 (REA; 54 U.S.C. 6801-6814)
- Abandoned Shipwreck Act of 1987 (43 U.S.C. 2101-2106)
- Religious Freedom Restoration Act (42 U.S.C. 2000bb)
- American Indian Religious Freedom Act of 1978 (42 U.S.C. 1996-1996a)

Principal Federal Regulations concerning Section 106:

- Protection of Historic Properties (36 CFR part 800)
- National Register of Historic Places (36 CFR part 60)
- Protection of Archaeological Resources Uniform Regulations (36 CFR part 296)
- Native American Graves Protection and Repatriation Regulations (36 CFR part 10, subpart B – Human Remains, Funerary Objects, Sacred Objects, or Objects of Cultural Patrimony From Federal or Tribal Lands)
- Curation of Federally-owned and Administered Archaeological Collections (36 CFR part 79)

Executive Orders:

- Executive Order 11593 – Protection and Enhancement of the Cultural Environment
- Executive Order 13007 – Indian Sacred Sites
- Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments
- Executive Order 13287 – Preserve America
- Executive Order 13327 – Federal Real Property Asset Management

Alaska State Statute:

- Alaska State Historic Preservation Act (A.S. 41.35.070)

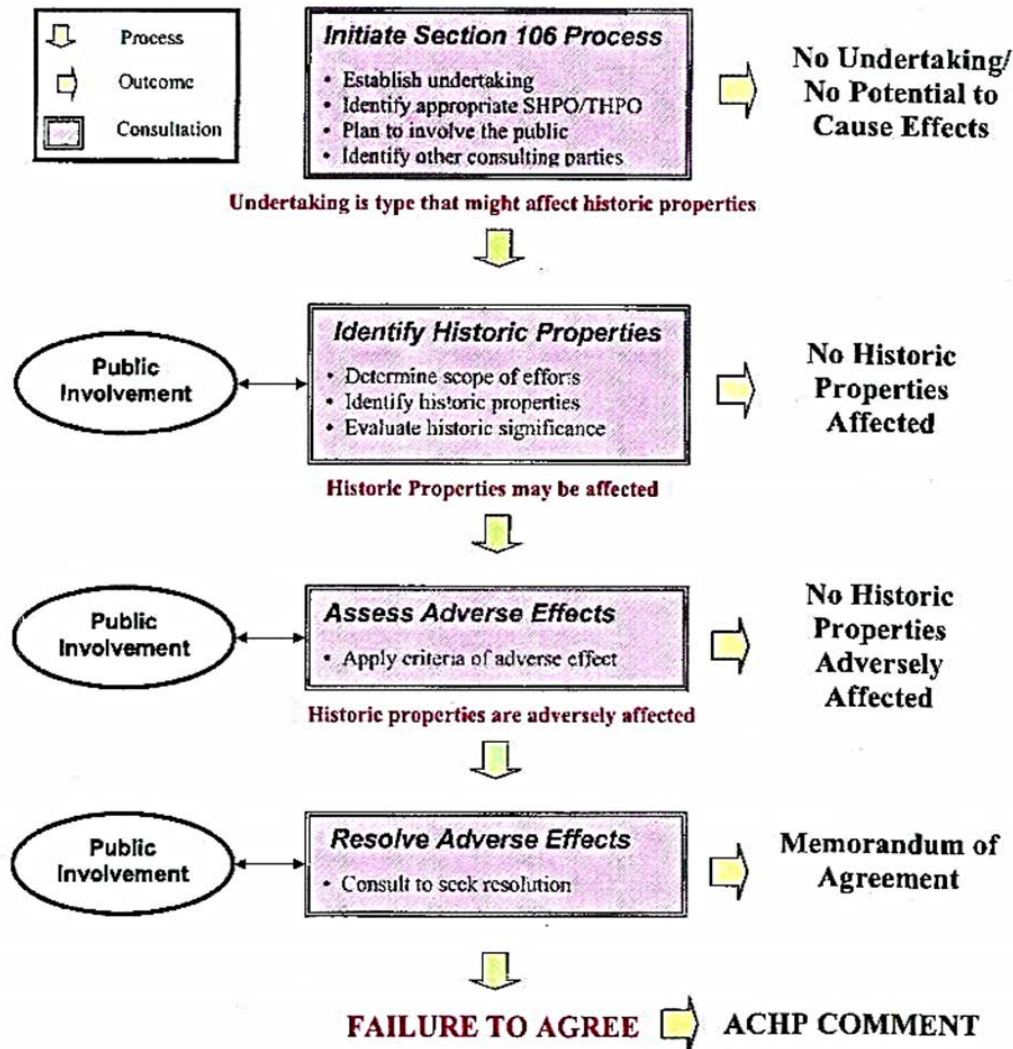


USDA Forest Service, Cultural Resource Management: Heritage Program

Section 106 Process, as followed by the USDA Forest Service

Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford stakeholders a reasonable opportunity to comment on such undertakings. Section 106 applies when two thresholds are met: 1) there is a federal, federally assisted, or federally licensed activity; and 2) that activity has the potential to affect properties listed in or eligible for listing in the National Register of Historic Places.

THE SECTION 106 PROCESS



The responsible federal agency must consult with appropriate state and local officials [Advisory Council on Historic Preservation (ACHP) and the State Historic Preservation Officer (SHPO)], Indian tribes, Native Hawaiian organizations, applicants for federal assistance, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions.

