

Section 106 Guidance for Consulting Parties

The 2011 Programmatic Agreement between the Federal Highway Administration (FHWA), the Oregon Department of Transportation (ODOT), the Advisory Council on Historic Preservation (ACHP), and the Oregon State Historic Preservation Office (SHPO) for the Federal-Aid Highway Program in Oregon outlines that ODOT, on behalf of FHWA, will provide the public with information about an undertaking and its effects on historic properties and seek public comment and input in a manner consistent with ODOT's public involvement plan ([*Technical Services Geo-Environmental Bulletin No. GE0803\(B\), Public Involvement Procedures for Federal-Aid Project Development*](#)) for individual project actions as appropriate to the nature, location, and complexity of the project. ODOT recognizes that public involvement is an integral part of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act (NHPA). FHWA has delegated to ODOT the authority to invite, identify, and document the appropriate SHPO and other consulting parties under Section 106. Federally-recognized Tribes are considered a consulting party by FHWA.

Section 106 states that individuals and organizations can participate as a consulting party due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties (36 CFR 800.2(c)(5)). ODOT will consider all requests for consulting party status.

Section 106 guidelines outline that SHPO's/Tribal Historic Preservation Office's (THPO) are responsible for reflecting the interests of the State and its citizens in the preservation of their cultural heritage and to advise and assist Federal agencies in carrying out their Section 106 responsibilities (36 CFR 800.2(c)(1)). ODOT consults with the SHPO/THPO for all Federal-Aid projects and requests a list of applicable consulting parties pursuant to 36 CFR 800.3. Organizations or individuals who have contacted the applicable SHPO/THPO office and/or ODOT's Cultural Resource Staff to express their interest in certain geographic areas or particular heritage resources will be consulted to better understand project impacts.

In general, ODOT encourages invitations to consulting parties that exhibit a genuine interest and expertise in identifying an undertaking's effects to historic properties. Collaborative efforts that occur early in the planning phase promote good will, agency transparency, and are less likely to result in project delays.

For more information please visit [ODOT's Public Involvement webpage](#).