



# 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).

## NHPA Section 106 Consultation

A project that has the potential to affect a historic property and is funded by the Federal Emergency Management Agency (FEMA), is considered a federal undertaking or project. Therefore, FEMA is required to initiate the following 4-step consultation process, in accordance with Section 106 of the NHPA:

### 1. FEMA Initiates the NHPA Section 106 Consultation process

FEMA determines which agencies (e.g., Cal OES) and affected Indian Tribes to involve in the consultation.

### 2. Historic properties are identified and evaluated

FEMA consults with State Historic Preservation Officer (SHPO) and/ or Tribal Historic Preservation Officer (THPO), and affected Indian Tribes regarding impacted historic properties.

### 3. Adverse Effects are Assessed

FEMA, in consultation with SHPO and/or THPO, and affected Indian Tribes will assess the potential adverse effects associated with the project. If there are no potential adverse effects, FEMA may approve with the project.

### 4. Adverse Effects are Resolved

If the project has potential adverse effects, FEMA will consult with affected parties to identify ways to avoid, minimize, or mitigate its adverse effects. Thereafter, FEMA will contact you to review conditions of project approval.



## Additional Resources

### Cal OES Factsheets

- Endangered Species Act
- Environmental Justice
- Stream Erosion
- Wetlands Protection

### Web Sites

Cal OES

[www.caloes.ca.gov](http://www.caloes.ca.gov)

FEMA

[www.fema.gov](http://www.fema.gov)

ACHP

[www.achp.gov](http://www.achp.gov)

NHPA

<https://www.nps.gov/history/local-law/nhpa1966.htm>



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



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## FEMA Programs that can Trigger NHPA Section 106 Consultations

- Public Assistance Program
- Hazard Mitigation Grant Program
- Flood Mitigation Assistance Program
- Unmet Needs
- Building Resilient Infrastructure and Communities (BRIC)
- Federal Assistance to Individuals and Households Program (Temporary Housing)

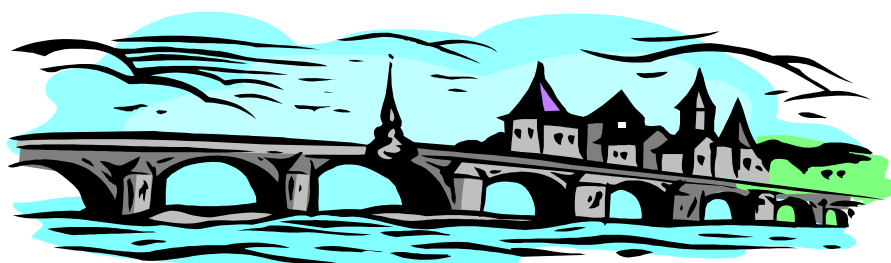


## Emergency Situations

Code of Federal Regulations Title 36 (CFR 36) §800.12, Emergency Situations, applies to federal undertakings or projects that will be implemented within 30 days after a federally-declared disaster has been declared. FEMA may request an extension in advance of the 30 day time period expiring. Emergency actions, such as immediate rescue and salvage operations, may be conducted during this 30-day period to preserve life or property and are exempt from NHPA Section 106 consultation requirements.

## Programmatic Agreements (PA)

CFR 36 § 800.14(b) requires that Programmatic Agreements be developed between agencies and contain specific provisions for addressing with historic properties in emergency situations. FEMA, Cal OES and the SHPO have executed such a PA for California Disasters and identified Allowances for many of the FEMA programs noted above. The PA spells out timelines, dispute resolution processes, review criteria, project monitoring, and public involvement procedures.



⚠️ Except when an immediate threat to life and property is present, DO NOT perform work until the historic property review is complete.



QUESTIONS?

Environmental Historic Preservation (EHP) team:  
[recoverehp@caloes.ca.gov](mailto:recoverehp@caloes.ca.gov)