



State of Vermont
PERMIT AND LICENSE INFORMATION

**FEDERAL SECTION 106 REQUIREMENTS FOR
 PROJECTS INVOLVING FEDERAL FUNDS,
 ASSISTANCE, LOANS, PERMITS, AND LICENSES**

SUMMARY

Section 106 of the National Historic Preservation Act requires that all federal agencies take into account the effects of any undertaking they fund, assist, permit, or license on historic properties. Project areas subject to Section 106 review include the entire area of potential effect. In practice, federal agencies delegate many of their Section 106 obligations to applicants for funds, assistance, permits, and licenses. The Section 106 process does not ordain an outcome, but it does require that a specific process be followed (see **APPLICABLE RULES**, below).

WHAT IS AN HISTORIC PROPERTY

Any building, structure, object, prehistoric or historic district, and prehistoric or historic archeological site listed in or eligible for inclusion in the National Register of Historic Places.

EXAMPLES OF ACTIVITY

Including but not limited to: obtaining a permit from the US Army Corps of Engineers; using federal funds (i.e. Environmental Protection Agency through the Vermont Department of Environmental Conservation, or USDA's Rural Development) to construct water and sewer improvements; using Community Development Block Grants through the Vermont Agency of Commerce and Community Development to carry out affordable housing and other community improvements; applying for a permit from the Federal Deposit Insurance Corporation to build or expand a branch bank.

SUMMARY OF PROCESS

The federal agency (which may delegate to a pass-through state agency, organization, or grant applicant) is responsible for: determining area of effect; identifying historic and archeological resources within the undertaking's area of effect; determining if any such resource is listed in or eligible for inclusion in the National Register; determining the effect of the undertaking (no historic properties effected, no adverse effect, adverse effect) on any historic property; consulting with the Vermont State Historic Preservation Office throughout the process; and submitting documentation, when necessary, to the federal Advisory Council on Historic Preservation.

INFORMATION REQUIRED

Different information is required at different steps in the process. Contact the federal agency or delegated pass-through state agency to determine what information is necessary to allow the review process to move forward. *Section 106 review works best when early planning and consideration of historic properties allows adequate time for thoughtful and careful decision-making, thereby avoiding last minute surprises and tight turnaround times.*

WEB ADDRESS

<http://accd.vermont.gov/historic-preservation/review-compliance>

FEES The Section 106 review process does not involve a fee, although there may be fees involved when obtaining federal permits and licenses.

TIME FRAME The 36 CFR 800 regulations prescribe specific time frames for different steps of the review process. These time frames kick in once all the necessary information and documentation has been provided to the reviewing or consulting parties.

FEDERAL AGENCY OR PASS-THROUGH STATE AGENCY Contact the federal agency (i.e. US Army Corps of Engineers, USDA Rural Development, Small Business Administration, etc.) with field offices in Vermont;
OR
Contact the delegated pass-through state agency (i.e. Vermont Department of Environmental Conservation, Vermont Department of Housing and Community Development, Vermont Housing and Conservation Board, Vermont Department of Libraries, etc.).

ADMINISTERING AGENCY

<p>AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT VERMONT DIVISION FOR HISTORIC PRESERVATION Serving as the STATE HISTORIC PRESERVATION OFFICE</p> <p>CONTACT: Jamie Duggan, Historic Preservation Review Coordinator James.Duggan@vermont.gov (802) 477-2288</p> <p>ADDRESS: One National Life Dr, Davis Bldg 6th Floor Montpelier, Vermont 05620-0501 ACCD.ProjectReview@vermont.gov</p>
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AUTHORITY 16 USC 470h-2, 470h-3, 470f (National Historic Preservation Act, §§ 106, 110 and 111).

APPLICABLE RULES 36 CFR part 800 (§ 106 regulations, effective Jan 11, 2001).

APPEAL PROCESS None, except what is set forth in 36 CFR 800.