

THE FOUR STEPS OF SECTION 106

STEP ONE: Initiate Section 106 Process

The Federal agency first determines whether it has an undertaking that is a type of activity that could affect historic properties. If so, it must identify the appropriate State Historic Preservation Officer (SHPO) to consult with during the process. It should also plan to involve the public and identify other potential consulting parties.

STEP TWO: Identify Historic Properties

If the agency's undertaking could affect historic properties, the agency determines the scope of appropriate identification efforts (the Area of Potential Effect) and then proceeds to identify historic properties in the area of potential effects. The agency reviews background information, consults with the SHPO and others, seeks information from knowledgeable parties, and conducts additional studies as necessary. If the agency finds that historic properties are present, it proceeds to assess possible adverse effects.

STEP THREE: Assess adverse effects

The agency, in consultation with the SHPO, makes an assessment of adverse effects on the identified historic properties based on criteria found in Advisory Council on Historic Preservation's (ACHP) regulations.

STEP FOUR: Resolve adverse effects

The agency consults to resolve adverse effects with the SHPO and others, who may include local governments, license applicants, and members of the public. The ACHP may also participate.

Consultation usually results in a Memorandum of Agreement (MOA), which outlines agreed upon measures that the agency will take to avoid, minimize, or mitigate the adverse effects. In some cases, the consulting parties may agree that no such measures are possible, but that the adverse effects must be accepted in the public interest.

Adopted from Advisory Council on Historic Preservation guidance

HARSIMUS EMBANKMENT ABANDONMENT UPDATE

February 5, 2016



The Surface Transportation Board's (Board) Office of Environmental Analysis is pleased to provide an update on our review of the Harsimus Branch abandonment proceeding, Docket No. AB 167 (Subpart No. 1189X) for the proposed abandonment of the Harsimus Branch, a short segment of rail line in Jersey City, New Jersey. At this time, we are moving forward with both the Section 106 of the National Historic Preservation Act (54 U.S.C. 306108 [Section 106]) and the environmental review process under the National Environmental Policy Act (42U.S.C. 4331-4335 [NEPA]).

With respect to Section 106, we have completed step one and are well on the way to completing step two of the four step process. We have identified a number of consulting parties, defined an Area of Potential Effect (APE), and initiated consultation. Following these key steps in the process detailed in federal regulations at 36 C.F.R. 800, we are looking forward to completion of a historic property inventory within the APE. We expect to share the results of this inventory with consulting parties in the spring. We will make the historic property inventory available online. Thereafter we will continue consultation as we work to determine the effects of the proposed abandonment on historic properties.

As we continue through Section 106, we are planning a series of meetings to help us gather information and ideas about the Harsimus Embankment. We have a meeting planned with the principal parties involved in the future use of the Harsimus Branch right-of-way. These parties include organizations and agencies with direct interest in local land use jurisdiction, property ownership, the application for abandonment, and the Section 106 process. This meeting will help inform our consideration of post-abandonment land use that may affect historic properties. Following this meeting, we will plan a meeting in the Project Area in the spring or summer to hear from members of the public and other stakeholders.

Finally, as we look forward to continuing consultation under Section 106, we anticipate the eventual completion of the NEPA environmental review process. In accordance with Board's environmental regulations (49 C.F.R. 1105.6), OEA completed an Environmental Assessment for this case in 2009. Following completion of the Section 106 review and consultation, we will prepare a Supplemental EA. The results of the Section 106 process, including analysis of effects, will be included in this supplement. In the meantime, we have recently completed a review of public comments received on the original EA. A brief report summarizing these comments is now available on our website at http://www.stb.dot.gov/stb/environment/key_cases.html. We will address these comments in the Supplemental EA.

If you have any questions about the Section 106 process or environmental review for this case, please contact Jeff Irwin, archaeologist with the Board's Office of Environmental Analysis at (202-245-0299) or irwinj@stb.dot.gov.