

2015 FRA Rail Program Delivery



Public & Consulting Party Involvement in the Section 106 Process

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Public & Consulting Party Involvement

- **Responsible stewardship & informed decision-making**: FRA is responsible for the consequences of the projects it funds on historic properties and is publicly accountable for its decisions.
- **The Section 106 regulations require it!**
36 CFR 800.2(c) and 800.2(d)

Coordinating NEPA & Section 106 Reviews

- Begin both NEPA and Section 106 reviews **early** in project planning so each process can **inform** the other.
- **Plan** public involvement to satisfy both NEPA and Section 106 requirements when possible.
- Develop a **comprehensive communications plan** that includes NEPA public involvement, any additional public involvement requirements under Section 106, Section 106 consultation requirements, and additional tribal consultation requirements in order to help meet the **public engagement responsibilities** under both laws with **less duplication of effort**.

Public Involvement

- **FRA may use its procedures for public involvement under NEPA to satisfy the public outreach/involvement requirements of Section 106**
- **Or FRA may provide public involvement opportunities specifically tailored to and focused on historic preservation issues.**
 - Public & consulting party meetings
 - Public review/comment period on NEPA documents (optional for EA, required for EIS)
 - Project website
 - Mailings & opinion surveys
 - Newspaper, TV, radio notices
 - Storefront

Substitution

- The substitution approach allows FRA to use the procedures and documentation required for the preparation of a NEPA EA/FONSI or EIS/ROD to comply with Section 106.
- To use substitution, FRA must **notify** the ACHP and SHPO/THPO **in advance** that it intends to do so and meet certain **standards and documentation requirements** specified in the Section 106 regulations (36 C.F.R. § 800.8(c)(1)).
 - For more information on substitution, refer to the ACHP-CEQ *Handbook for Integrating NEPA and Section 106* (<http://www.achp.gov/nepa106.html>)

Substitution vs. Coordination

The coordination approach may work better than substitution when...

- A project involves multiple, complicated impacts on many different types of resources, but **Section 106 issues appear to be minor and straightforward.**
- A high level of public interest in or controversy over the potential impacts to historic properties is anticipated.

Public & Consulting Party Involvement

Remember...

- Members of the communities in which FRA-funded projects are proposed can be the best sources of information about historic properties that may be affected by rail projects.
- Members of the public and consulting parties can offer creative, effective ways to avoid or mitigate adverse effects of rail projects on historic properties.

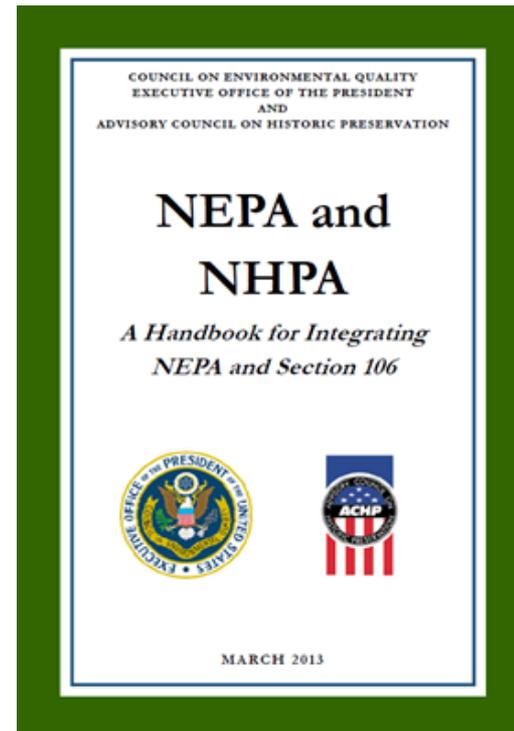
Project Examples



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Helpful Resources



www.achp.gov/nepa106.html

<http://www.achp.gov/docs/citizens-guide-2015.pdf>

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