

# TVA & Section 106 Review



Every federal agency, regardless of its mission, is responsible for protecting our nation's historic places. The Tennessee Valley Authority (TVA), a federal corporation whose mission is to improve the quality of life in the Valley through the integrated management of the region's resources, is no exception.

The National Historic Preservation Act of 1966 (NHPA), as amended, outlines the responsibilities of federal agencies. Additional preservation-related laws such as the Native American Graves Protection and Repatriation Act (NAGPRA), the Archaeological Resources Protection Act (APRA), the American Indian Religious Freedom Act, the National Environmental Policy Act (NEPA), executive orders, and regulations outline additional preservation responsibilities of TVA.

## What is Section 106 Review?

Section 106 review is a process outlined in the National Historic Preservation Act of 1966 (NHPA), as amended. Section 106 of the NHPA requires federal agencies and federal corporations like TVA to consider the effect of projects that they carry out, approve through permitting, or fund on historic properties.

## What are historic properties?

Historic properties are those resources— archaeological sites, historic sites or districts, buildings, structures, or objects—that are listed in or eligible for listing in the National Register of Historic Places (NRHP). Historic properties include those artifacts, records, or remains that relate to or are located within NRHP properties. It also includes properties of traditional, religious, and cultural importance to an Indian tribe if the property meets the criteria for listing in the NRHP.

## What is the National Register of Historic Places?

The NRHP is the official list administered by the National Park Service of properties recognized for their significance in American history, architecture, archaeology, engineering, and culture. To be eligible for listing in the NRHP properties must be significant, be at least 50 years old or have gained exceptional significance within the past 50 years, and have integrity. Integrity is the ability of a property to convey its significance based on its location, design, setting, materials, workmanship, feeling, and association.

## What is an Adverse Effect?

An adverse effect occurs when a project diminishes the integrity of a historic property. Adverse effects can be direct or indirect. They may include the following:

1. Physical destruction or damage,
2. Alteration inconsistent with the Secretary of the Interior's Standards for Treatment of Historic Properties,
3. Relocation of the property,
4. Change in the character of the property's use or setting,
5. Introduction of incompatible visual, atmospheric, or audible elements, neglect and deterioration, and
6. The transfer, lease, or sale of a historic property out of federal control without adequate preservation restrictions.

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## For more information:

### Federal Historic Preservation Laws, Regulations, and Orders

<https://www.nps.gov/subjects/historicpreservation/laws.htm>

### National Register of Historic Places

<https://www.nps.gov/subjects/nationalregister/index.htm>

### Protecting Historic Properties: A Citizen's Guide to Section 106 Review

[https://www.achp.gov/sites/default/files/documents/2021-01/CitizenGuide2021\\_011321.pdf](https://www.achp.gov/sites/default/files/documents/2021-01/CitizenGuide2021_011321.pdf)

### What is Historic Preservation?

<https://www.nps.gov/subjects/historicpreservation/what-is-historic-preservation.htm>

## What is TVA's role in Section 106 Review?

As a federal agency TVA must be in compliance with Section 106 regulations. When conducting a Section 106 review, TVA's role is to consider the projects effects on historic properties, consult with the State Historic Preservation Officers (SHPO) and federally recognized Indian tribes (Tribes), and consider the views of the public. The Section 106 process ensures TVA has adequately assessed any effects to historic properties. To successfully complete a Section 106 review TVA must:

1. Gather information to decide if historic properties may be affected by the proposed project,
2. Determine how those historic properties might be affected,
3. Explore measures to avoid or reduce harm, or adverse effect, to historic properties,
4. Seek input from SHPOs and Tribes on each step,
5. Reach agreement with the SHPO, Tribes, and any other consulting parties to resolve any adverse effects, or requesting comments from the Advisory Council on Historic Preservation (ACHP), and
6. If a project is determined to have an adverse effect, enter into a legally binding agreement that outlines how the federal agency will avoid, minimize, or mitigate the adverse effects.

## What does that mean to property owners and other stakeholders?

In order to comply with the Section 106 process outlined in federal regulations, TVA's Cultural Compliance staff or contractors assisting on their behalf may seek access to your property to survey and assess whether or not historic properties are present, to assess the adverse effects of the project, or to mitigate the adverse effect(s) of the project.

Architectural surveys will most likely require photography of the exterior or interior of your house or building, and any associated outbuildings or barns. Archaeological surveys may require shovel testing during field reviews or Phase I, II, or III archaeological investigations to assess if significant archaeological sites are present within the project area. Following the completion of all required surveys, TVA will then seek concurrence on the presence of any historic properties from the SHPO, Tribes, and any other consulting parties.