



# NHPA Section 106: Mitigation Measures

Section 106 of the National Historic Preservation Act (NHPA) is a multi-step process by which federal agencies consider any effect or potential effect of projects they carry out, approve, or fund on historic properties listed in or eligible for listing in the National Register of Historic Places.

The U.S. Army has initiated the third step in the Section 106 process by providing the Virginia State Historic Preservation Office the agency's assessment of effects. Army National Military Cemeteries (ANMC) is soliciting participation from the public and other stakeholders to seek input and information on the assessment of effects and mitigations for adverse effects. The complete process is outlined below.



In Step 3: Assessment of Effects, if the agency and consulting parties find there are adverse effects to a historic property, then they must work to reach agreement on a resolution. To do this, the agency must explore measures to avoid, minimize, or mitigate adverse effects to historic properties and reach agreement with the State Historic Preservation Officer. If they agree on how to resolve the adverse effects, they then formalize this in a memorandum of agreement (MOA), or Programmatic Agreement (PA). An executed and implemented MOA or PA is a legally binding agreement that contains the stipulations and mitigations the federal agency must carry out in order to proceed with the project.

---

*Mitigations are measures designed to remedy, offset or balance the adverse effect to historic properties*

---

## What issues should be considered when consulting about mitigation?

- What is in the public interest?
- What are the benefits to, or concerns of, the consulting parties, those they represent, and those who ascribe importance and value to the property?
- If the proposed mitigation is designed to advance our knowledge about the past, how will this knowledge be provided to the public, to schools, to tribes or NHOs, and to professional preservationists?
- Will it enhance the preservation and management of listed or eligible historic sites in a region?
- Why is the affected listed or eligible site important?
- How is the importance of one historic property judged relative to that of other properties?

# NHPA Section 106: Mitigation Measures

## Examples of Section 106 mitigations:

- Preserving some eligible historic properties and incorporating them into heritage tourism plans while allowing others to be lost
- Rectifying the impact by repairing, rehabilitating, or restoring the affected environment
- Compensating for the impact by replacing or providing substitute resources or environments (i.e., “off-site mitigation”)
- Relocating a historic structure
- Collection of oral histories
- Development of websites
- Conducting archeological data recovery or historic building documentation
- Potential methods of interpretation such as exhibits, interpretative signs or brochures
- Managing and enhancing heritage tourism
- Interpretive or wayside panels
- Articles and white papers
- Development of school curriculum materials and vocational training
- Partnering with an Indian Tribe or Native Hawaiian organization for interpretation and education
- Involving community or youth groups in implementation of interpretation
- A comprehensive program of documentation and research leading to a variety of interpretive products
- Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action



Visit the Advisory Council on Historic Preservation website for more information about mitigations/stipulations:

- “A Citizen’s Guide to Section 106 Review”:  
<https://www.achp.gov/citizens-guide-section-106-review>
- Introduction to the Sample Stipulations:  
<https://www.achp.gov/guidance-agreement-documents/Sample%20Stipulations>
- Guidance on Agreement Documents:  
<https://www.achp.gov/initiatives/guidance-agreement-documents>

More information about this project can be found on the ANC website: <https://www.arlingtoncemetery.mil/About/Confederate-Memorial-Removal>.