PLANNING COMMUNITY OF PRACTICE WEBINAR

Section 106 Compliance under the RAPID Framework

23 July 2026

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US Army Corps of Engineers®

229-ULC-299

RAPID ASSESSMENT & SECTION 106 CROSS WALK

Section 106 Review Process

36 CFR § 800.3-7

INITIATE the process

- Determine undertaking
- Coordinate with other reviews
- Identify SHPO/THPO, Indian tribes/NHOs, and other parties
- Plan to involve the public

No undertaking with potential to affect historic properties?

NO

IDENTIFY historic properties

- Determine APE and scope of effort
- Make reasonable and good faith effort to identify
- Determine National Register eligibility
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

No historic properties present or affected?

NO

ASSESS adverse effects

- Apply Criteria of Adverse Effects
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

No historic properties adversely affected?

NO

RESOLVE adverse effects

- Develop and consider alternatives or modifications to avoid, minimize, or mitigate adverse effects
- Notify the ACHP
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

AGREEMENT or Council Comment

PROCEED

CONSULTATION

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Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to:

- Consider the effects of their projects ("undertakings") on historic properties.
- Provide the Advisory Council on Historic Preservation (ACHP) an opportunity to comment.

The process must be completed ***before*** the approval of any federal funds for the project.

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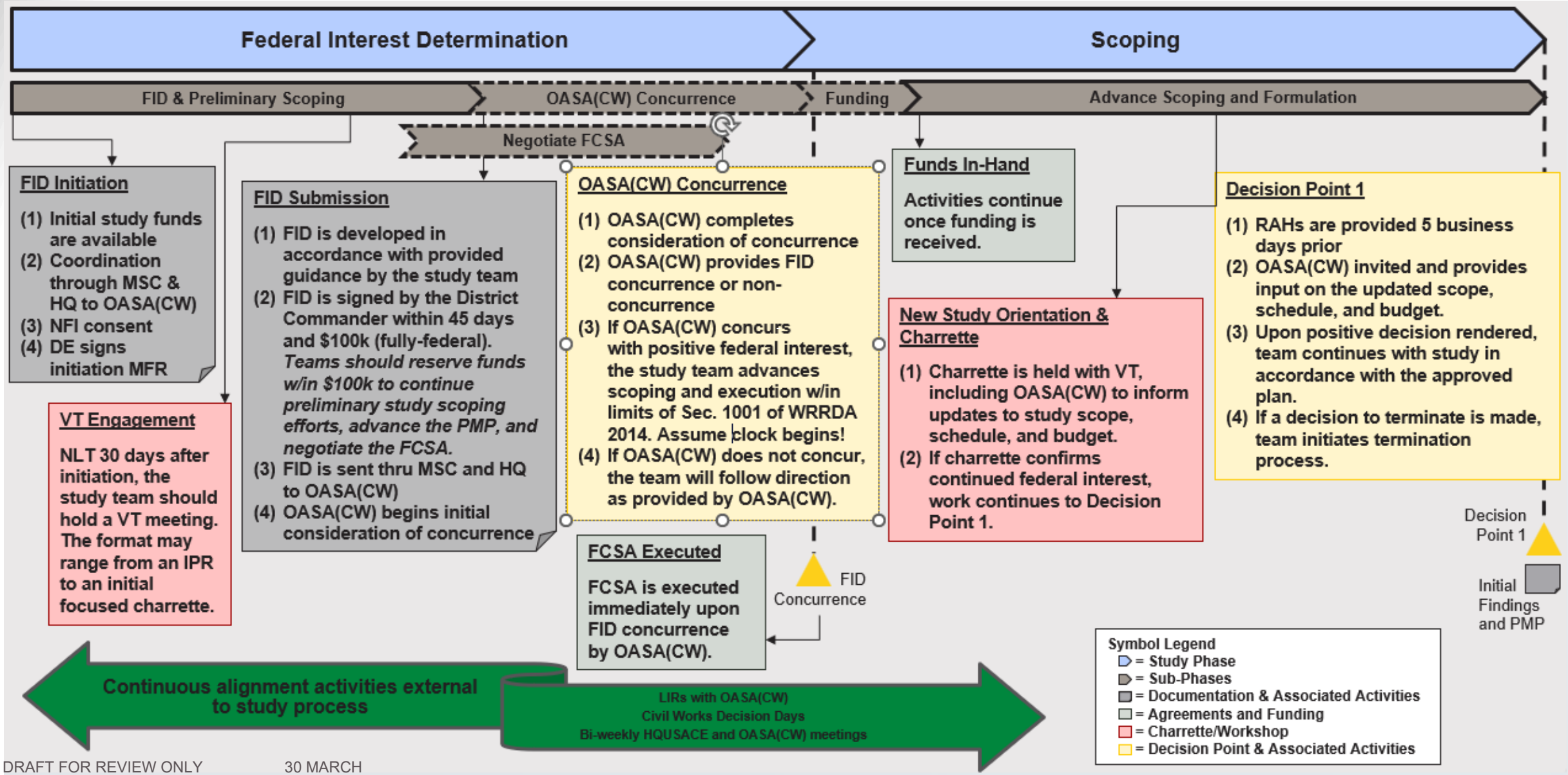

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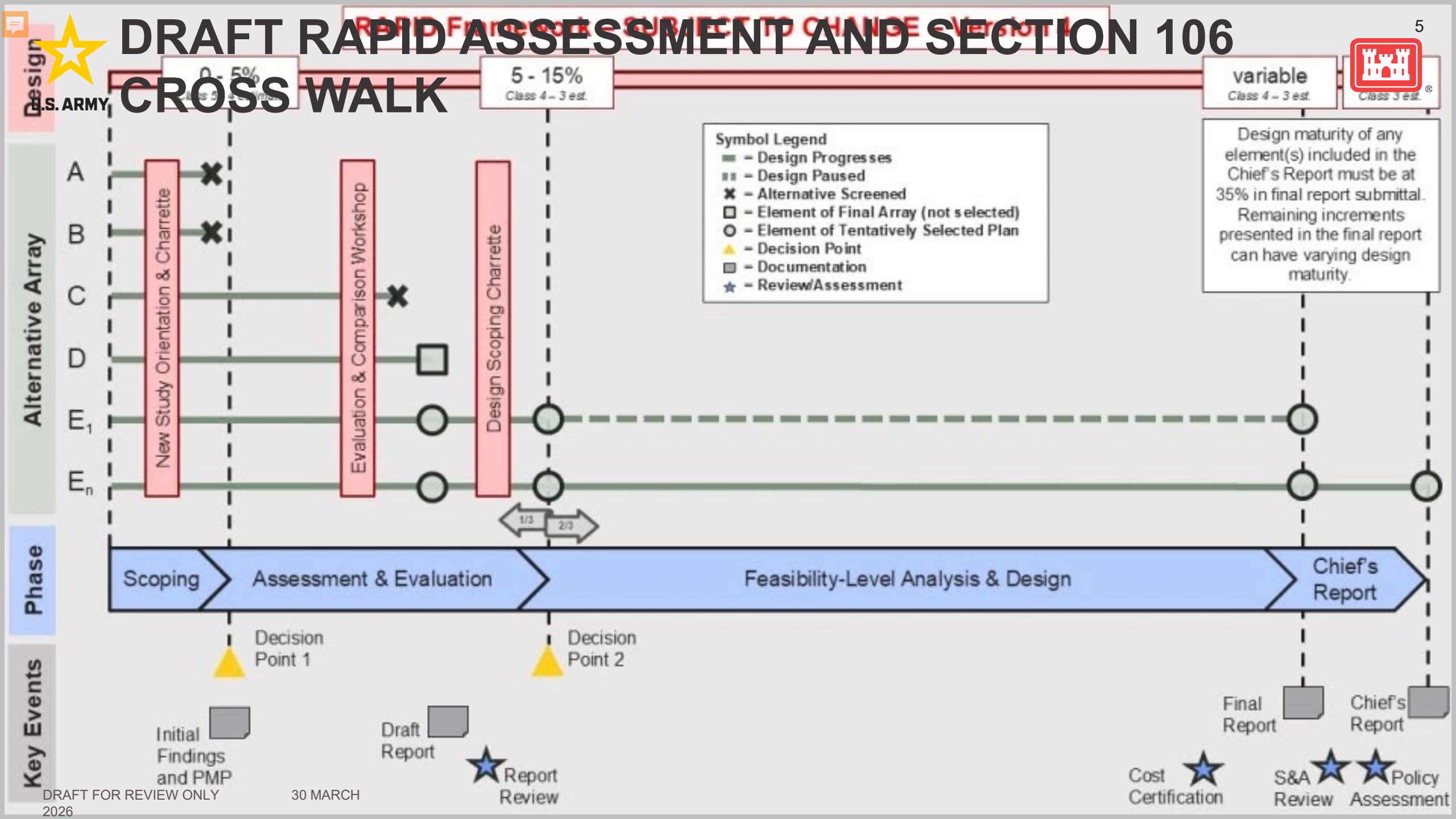

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The RAPID framework is:

Risk-informed: Focus on necessary data to make decisions at each decision point.
Aligned: Ensure team integration and share key information on cultural resources and historic properties.
Proportional: Match the level of detail to the scope, cost, and decision.
Iterative: Verify assumptions and adjust as needed throughout the study.
Decisive: Move forward once a decision is made, with clear communication to all parties.

Communication with the project delivery team – PDT – and upwards to leadership will be a key part of RAPID Planning.

PCoP

PLANNING
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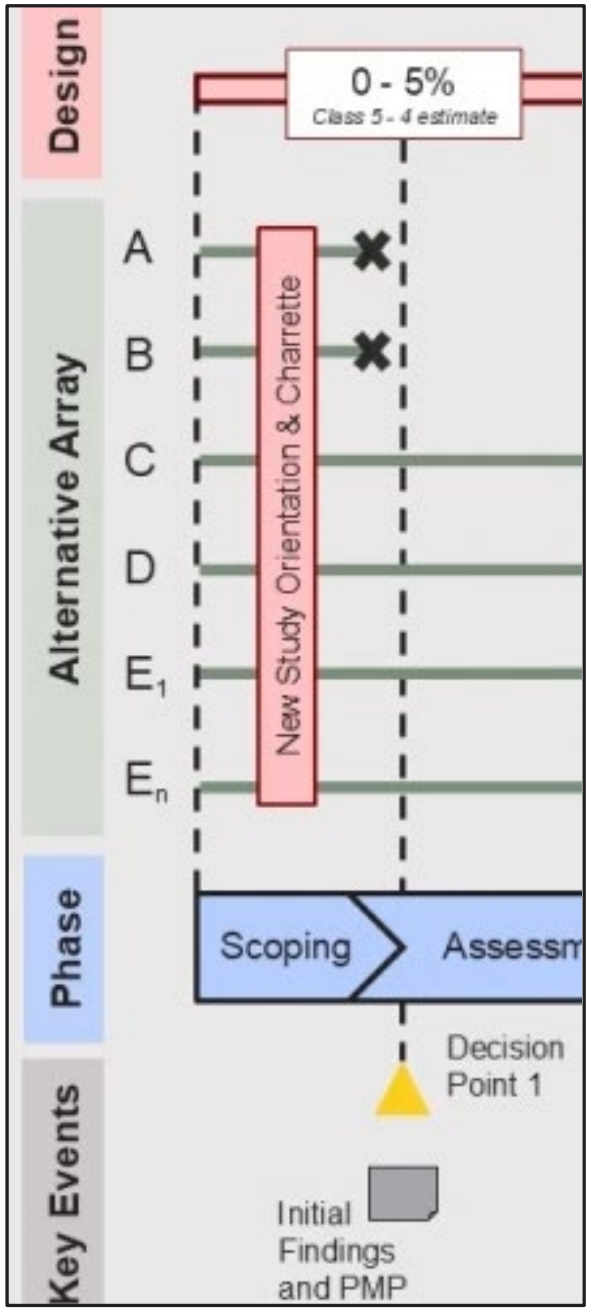
Study Scoping (Initiation to DP1)

Objective: Identify study problems, opportunities, objectives, constraints, and an array of alternatives. Develop a Project Management Plan (PMP).

Key Activities:

- Develop initial PMP and review plan.
- Hold New Study Orientation and Charrette.

Decision Point 1 (DP1): A checkpoint for vertical alignment on the alternatives analysis. The decision is to terminate the study, continue, or develop a technical report.



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Section 106 Activities – Study Scoping (Initiation to DP 1)

Initiation of Section 106 process:

- Identify consulting parties: This includes the State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officer (THPO), tribes, and others who have in interest in the cultural resources/ historic properties.
- *Develop a public involvement plan*: The goal is to gather input from the public, often aligned with NEPA and other public reviews based on the PMP.
- *Determine the Area of Potential Effects (APE):* The APE at this time should be based on the location of problems and opportunities and discussed with consulting parties.

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Role of the Cultural Resources Team from Scoping to DP 1

- Bring existing information: To the New Study Orientation and Charrette, including:
  - Known cultural resources and historic properties.
  - Information from NRHP, SHPO databases, tribes, local societies, previous surveys.
- Use professional judgment: what is the likelihood of encountering cultural resources.
- Collaborate with other teams: e.g., with the real estate team to gather data on buildings (age of structures, etc.)
- Inform the risk register: about the risks related to cultural resources.
- Brief the vertical team: on the risk of adverse effects to historic properties to inform alternative selection at DP1.

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Alternative Assessment & Evaluation (DP1 to DP2)

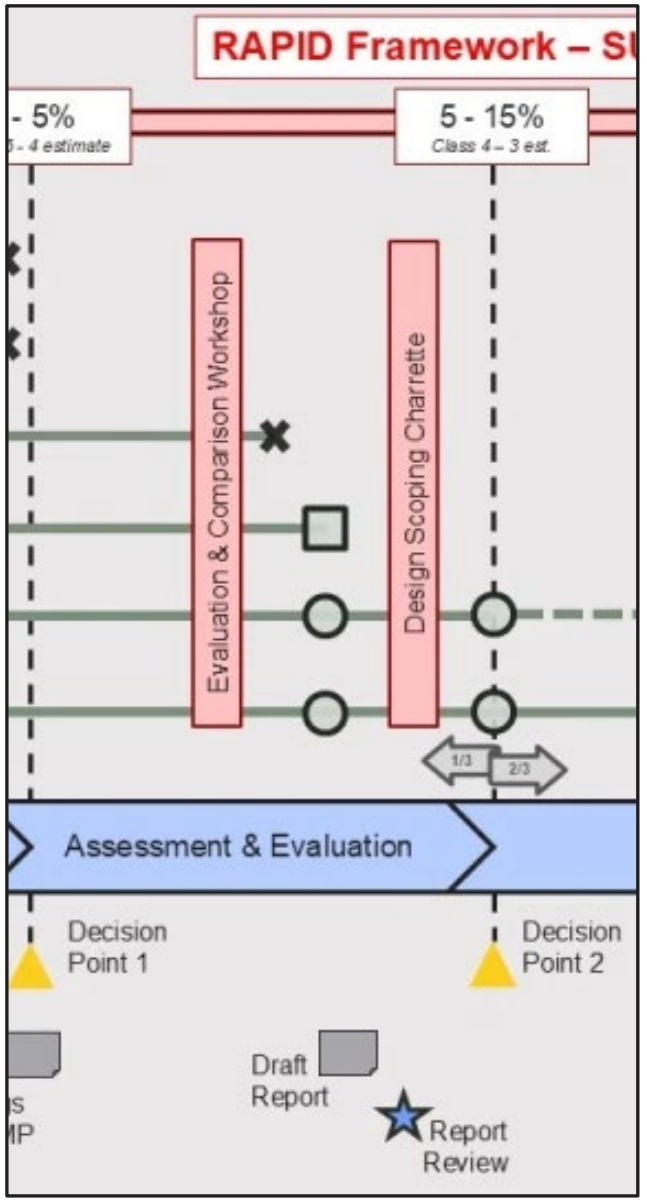
Objective: To select a technically sound, defensible, and supported recommended plan.

Key Study Activities:

– Evaluation and Comparison Workshop:
- Discuss problems, objectives, opportunities, and constraints.
- Review data sources and alternatives screening criteria.
- Identify criteria for evaluating the final array of alternatives.

– Design Scoping Charette:
- Discuss the scope needed to develop the selected plan to appropriate level of design (~35%) for the final report. The PDT will discuss the tasks, data needs, schedule, budget and the risks associated with the selected plan.
- The charette should include an exchange of information regarding what data is needed to move forward to 35% design.

Outcome: A documented recommended plan in a draft feasibility report.



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Role of Cultural Resources Team - Evaluation and Comparison Workshop

- Participate in the Evaluation and Comparison Workshop with all existing information, input from consulting parties, and professional judgement to provide input on the selection of the final array of alternative and selection of recommended plan.
- Develop, based on previous experience and professional judgement, a rough order of magnitude estimates to implement each of the final array of alternatives to assist in the comparison of alternatives.
- Consultation continues with the decision on the final array of alternatives and the selection of the recommended plan.
- Develop input to the draft feasibility/NEPA report.

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Role of Cultural Resources Team – Design Scoping Charette

Participate in the charette with input on what information the cultural resources team needs from Engineering, Real Estate, Environmental, and what information the cultural resources team needs to provide to the PDT

- Is Engineering going to conduct activities that might cause ground disturbance?
- Will cultural resources field work be needed before engineering activities can occur? Or are surveys needed to provide information to other disciplines?
- Set up a process by which engineering keeps the PDT informed regarding design details and to discuss those implications for additional work that may be required.
- Participate in the Cost and Schedule Risk Assessment (CSRA) or equivalent

Prepare draft feasibility/NEPA report. Cultural resources input should include at a minimum the information developed to date, including the following:

- Description of the undertaking with a description of the Area(s) of Potential Effect (APE) as currently defined.
- Efforts to identify cultural resources and historic properties; how was information developed
- Known cultural resources, historic properties, location of surveyed areas, potential/likelihood for encountering cultural resources

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Prepare draft feasibility/NEPA report (cont'd)

- Based on the information provided by Engineering as part of the Design Scoping Charette, make initial findings of effect, if possible and/or identify the risk to historic properties.
- Status of consultation and comments provided to date – who are included as consulting parties, what data/information/comments did they provide
- Identify the next steps and futures cultural resources actions in feasibility; what will occur after decision point 2 based on the information from the Design Scoping Charette. This may include information on activities from other disciplines that may affect historic properties.
- Identify if anticipate the preparation of an agreement document, how will consultation be conducted moving forward, how will information be made available to the public regarding future cultural resources activities and determinations, how will the public be able to comment on any resolution of adverse effects, should they be anticipated.

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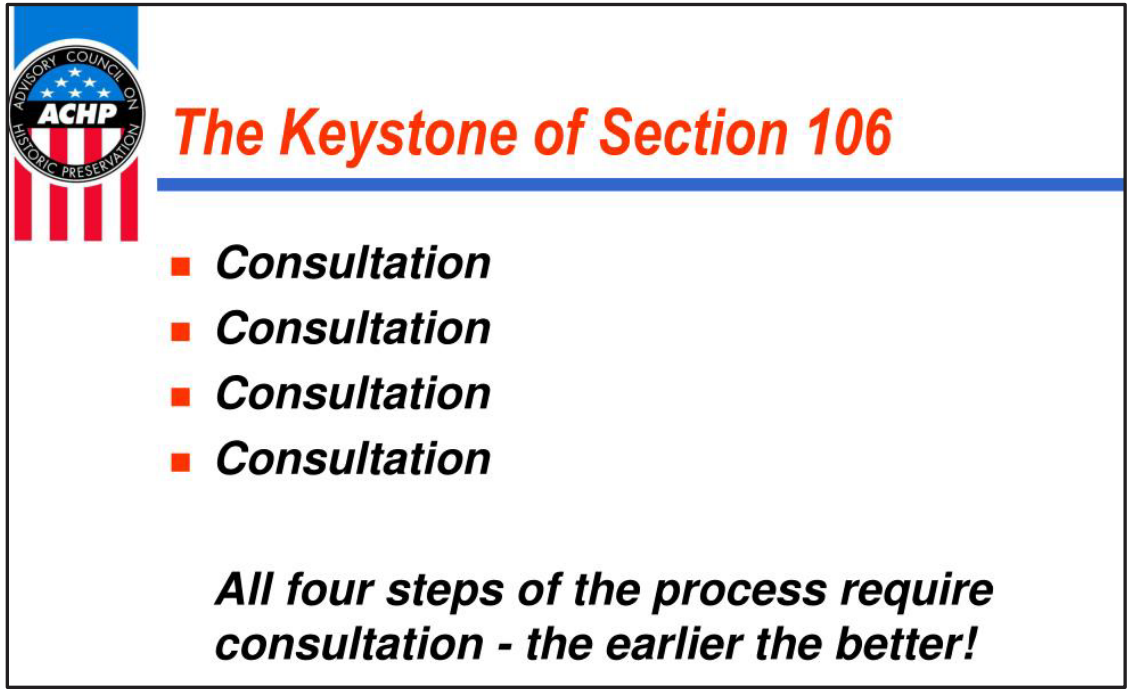
Review of Draft Feasibility/NEPA document:

- Document reviewed by the public, agencies, consulting parties (SHPO, tribes, others)
- Additional consultation during the review period
- Review and respond to comments
- Prepare information for Decision Point 2



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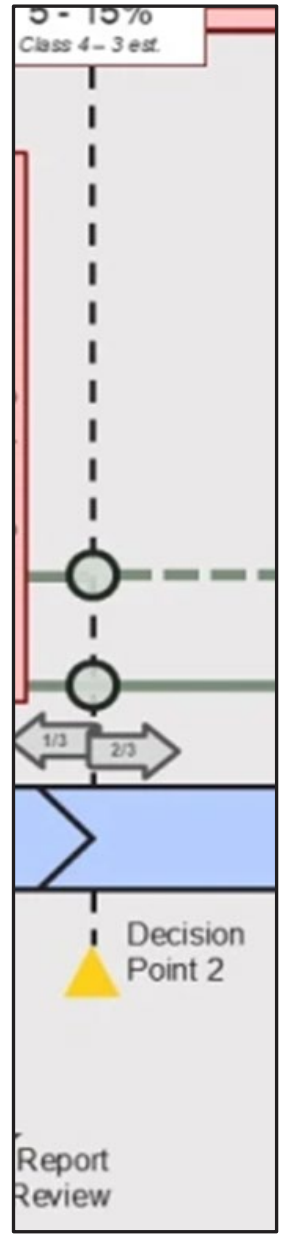
Decision Point 2

- Chief of Engineers is the decision-maker (terminate, continue feasibility study, alternate product)
- Confirm non-federal sponsor support
- Are there substantive comments or critical issues that need to be resolved
  - Is there a Clearly defined plan, costs, benefits, and impacts
  - What are the documented risks and uncertainties
  - Is the plan alignment with policy and ASA (CW) priorities
  - What is needed to complete feasibility and the Chief's Report
- Decision Point 2 may have limited attendance – be sure to inform PL/PM in attendance and discuss in advance any substantive, critical issues.



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Role of Cultural Resources Team for Decision Point 2

- Identify any substantive comments regarding the tentatively selected plan received as part of the public review of the report or because of consultation
- Prepare information for the briefing for the Decision Point 2, as needed.
- Draft plan for moving forward through remainder of the process as await Decision Day review.

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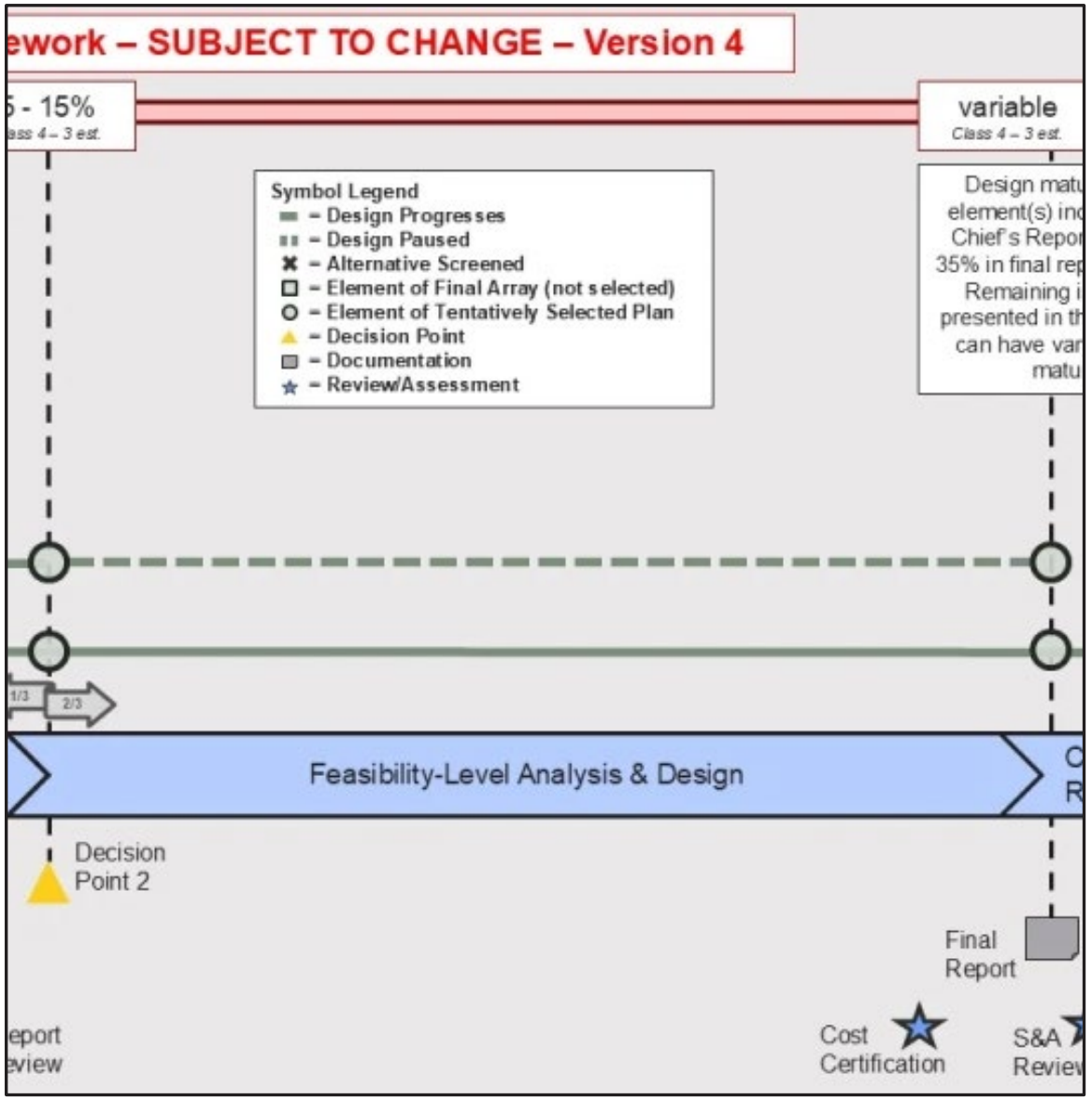
Decision Point 2 to Final Report (2 years?)

- Engineering Division works to design the recommended plan to an appropriate design maturity (~35%)
  - Conduct studies such as Geotech?
  - Develop and situate plan features
  - Develop construction costs
- Cultural Resources team
  - working with EN regarding EN tasks that have the potential to have adverse effects to historic properties (soil coring, subsurface investigations, etc.); May provide opportunity to get field data (archaeological survey, etc.)
  - Gather additional information to input to the Section 106 process depending on study schedule and budget



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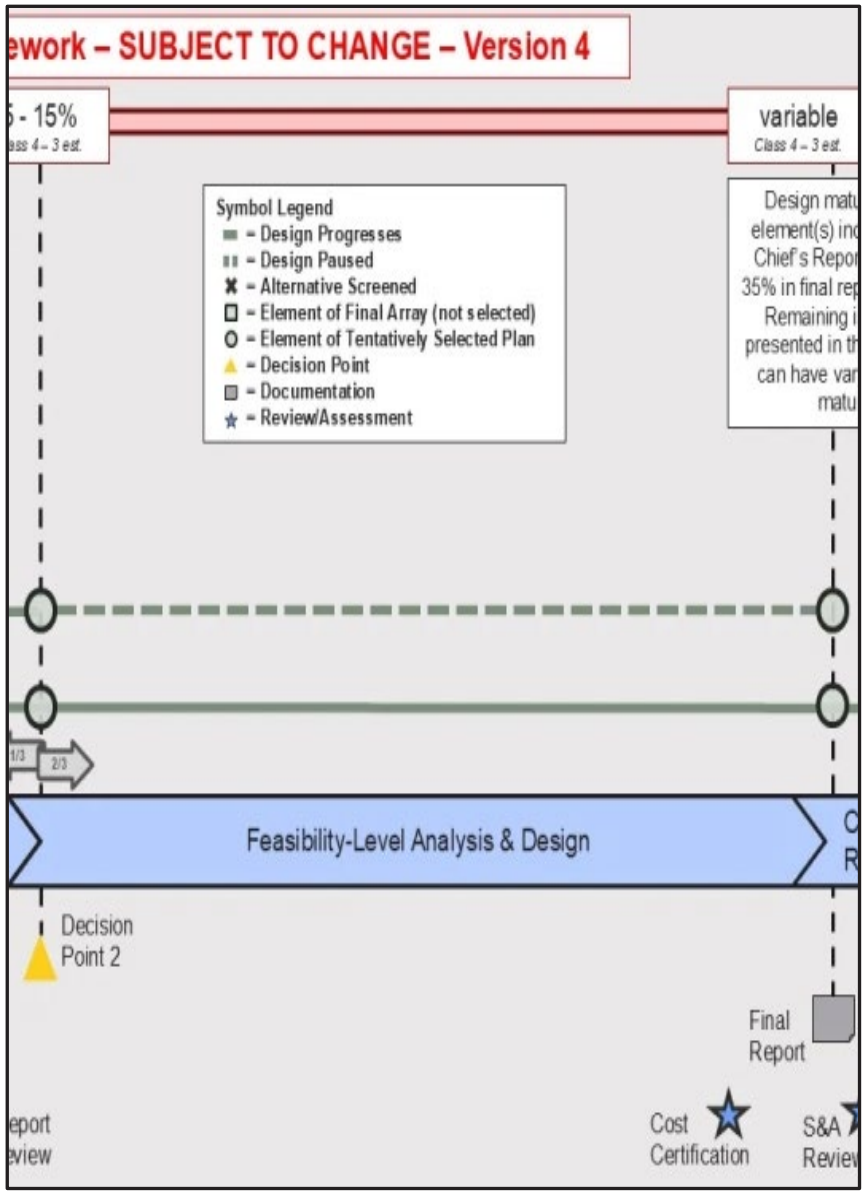
Decision Point 2 to Final Report (2 years?)

Cultural Resources team

- Completing the Section 106 process (*Assess and Resolve Adverse Effects*)
  - Consultation on any additional identification of historic properties
  - Consultation on determinations of adverse effect on historic properties if identified
  - Determination on how to complete Section 106 – concurrence letters – no historic properties present or no historic properties adversely affected OR agreement document (MOA/project PA).
  - Develop cost estimates if mitigation or other work needed for implementation of design/construction (carrying out MOA/project PA).



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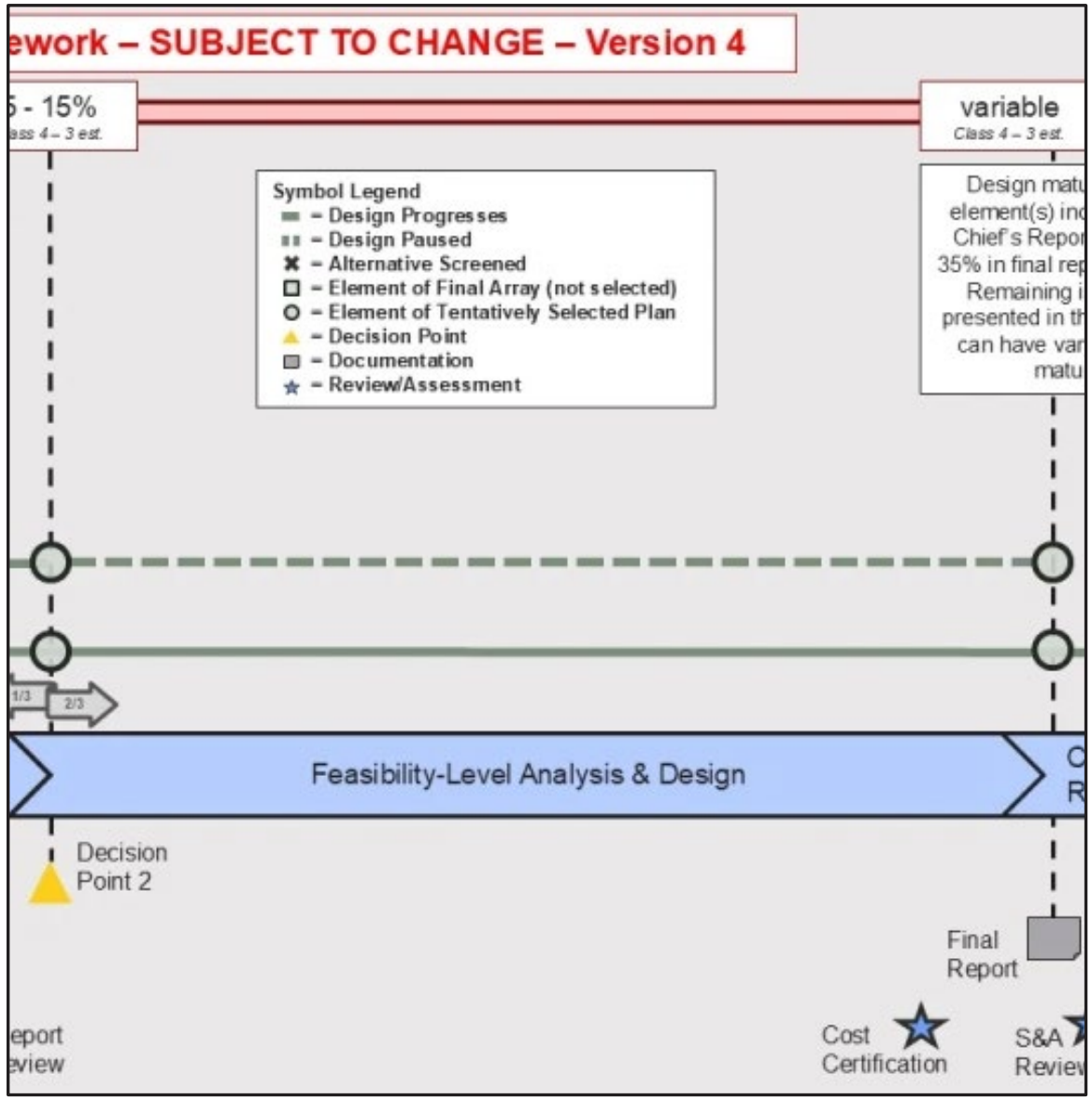
Decision Point 2 to Final Report (2 years?)

Cultural Resources team:

- Consultation on agreement document (MOA/project PA), if needed
- For adverse effect determinations and preparation of agreement documents, provide to the public for comment (via project website, social media, email/mail to NEPA public review list, etc.).
- Prepare input in accordance with 800.11 regarding documentation for the final report
- Execution of agreement document (MOA/project PA) for final report.



Questions?