

Section 106 Compliance under the RAPID Framework
23 July 2026
Q&A Summary

This webinar provided an overview integrating historic properties considerations into the RAPID Framework. Nancy Brighton (HQ Planning & Policy Division, Cultural Resources Community of Practice lead) emphasized the synchronization of steps of the Section 106 process with the activities and decision points in the RAPID framework, with a goal of incorporating the identification of historic properties, consultation, and resolution of adverse effects appropriately within the study process.



This summary of the Question/Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

Resources

- [RAPID Feasibility Study Framework on the Planning Knowledge Management Portal \(KMP\)](#)
- [36 CFR Section 800.3-7](#)
- [Guidance on National Historic Preservation Act Section 106 Agreement Documents](#)

Potential Updates to 36 CFR Section 800

Could the potential changes to 36 CFR Section 800 that may be proposed by the Advisory Council on Historic Preservation (ACHP) impact existing agreements, or would it only apply to Section 106 work moving forward?

The changes to Section 106 and the regulations for its implementation are currently unknown. The updated regulations will have information on grandfathering and transitioning to the updated regulations when they are published.

The Section 106 Process during Study Scoping

Is the public involvement plan described (slide 8) the same as the public involvement plan in the Project Management Plan (PMP)?

The public involvement plan in the PMP for the overall study should consider and incorporate all the requirements for public engagement, including Section 106.

Agreements: Memorandum of Agreement / Programmatic Agreements

Should the draft feasibility report include a copy of the draft agreement required by the Section 106 process?

Because the project delivery team will not have sufficient information to draft the agreement document under the RAPID feasibility framework in time for distribution with the draft feasibility report, the draft agreement would not be appropriate to include in the draft report. Agreement documents require, in accordance with 36 CFR 800.6(a)(4), agencies to provide an opportunity for members of the public to express their views on the resolution of adverse effects of the undertaking. Districts will develop

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methods for making draft agreement documents available for public review, such as availability on websites and through social media.

Has the advice not to include a draft agreement been communicated to the Enterprise Review Team?

Yes, it has. If a team wants to include it, they can, but it does increase risk for changes with the work to proceed to a 35% level design. It would likely require additional consultation and go out for review again. You may receive a comment that the agreement is missing from the reviewers to facilitate the backcheck, so everybody knows that it is coming.

Why does the MOA or Programmatic Agreement need to be signed before the Final Feasibility Report?

The process calls for the agreement to be signed by the District Commander and State Historic Preservation Officer (SHPO) by the time the final feasibility report is submitted for its final backcheck review. This will facilitate getting the backcheck completed and moving the process forward to State and Agency Review. The Advisory Council for Historic Preservation may also choose to sign the Agreement; this can typically be done after the other two signatories. The agreements must be signed prior to the Record of Decision (ROD) or Finding of No Significant Impact (FONSI).

Remember that there is still a 30-day public comment period on the agreement prior to signature.

What about the timing of signing an MOA for the Continuing Authorities Program (CAP) or Tribal Partnership Program vs. the General Investigations feasibility study?

The agreement must be signed before the FONSI, so signing the agreement prior to the completion of the study would be appropriate. Note that studies under the Tribal Partnership Program can end either in a Chief's Report or a programmatic effort that is more aligned with the CAP process.