

WHAT IS MEANT BY THE TERM “CONSULTING PARTIES”

As Defined in 36CFR Part 800 The Regulations of the Advisory Council On Historic Preservation

The term “consulting party” identifies a person or organization that may become involved in the planning process of a federal undertaking. A federal undertaking can be a project that contains any type of federal involvement including assistance, permit or license. A federal undertaking that has the potential to impact historic resources ie: structures or sites listed in or eligible for the National Register of Historic Places, must comply with Section 106 of the National Historic Preservation Act. Simply stated Section 106 requires that the Federal Agency take into account the impact to historic resources when planning the undertaking, and must allow the Advisory Council and State Historic Preservation Office (SHPO) the opportunity to comment upon whether the undertaking will have an impact upon these resources.

Groups that are automatically entitled to consulting party status include:

**State Historic Preservation Officers
Tribal Historic Preservation Officers and Federally Recognized Indian Tribes
Local Governments
Applicants for Federal assistance, permits, licenses, and other approvals**

Individuals or organizations that have a demonstrated interest in the undertaking, or concern regarding the undertaking’s impact on historic properties, may request consulting party status from the federal agency. The request, usually made in writing, should clearly state the applicant’s interest in the project.

Granting consulting party status to a person or organization obligates the federal agency to involve the party in the Section 106 process. This includes but is not limited to, the receipt of planning information, determination of area of potential effect, and historic identification and analysis. Most importantly if potential adverse effects to historic resources are found, then the consulting party may be involved in the development of a Memorandum of Agreement to minimize or mitigate these impacts. As a consulting party you will be obligated to provide information, attend meetings, and work toward an agreement that will be acceptable to all parties.

For more information regarding Section 106 review you may contact the Kentucky Heritage Council, the SHPO, at 300 Washington Street, Frankfort, Kentucky, 40601 (502)564-7005, web site: www.kyheritage.org. The Advisory Council on Historic Preservation also provides guidance on this process and they may be contacted at the following address: Office of Planning and Review, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, DC 20004, (202)606-8503, web site: www.achp.gov.