

Department of the Interior

Departmental Manual

Effective Date: 2/20/85

Series: Real Property

Part 426: Protection of Properties in the National Register of Historic Places

Chapter 1: Policy and Procedures

Originating Office: National Park Service

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1.1 Scope. The provisions of this chapter shall govern bureaus, offices and agencies in this Department which have direct or indirect responsibility for or jurisdiction over any proposed Federal or federally assisted undertaking in any State and all such bureaus, offices and agencies having authority to license any undertaking.

1.2 Policy. In accordance with Section 106 of the National Historic Preservation Act, as amended, the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State or having authority to license any undertaking shall prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any such Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking.

1.3 Procedures. All bureaus, offices and agencies in this Department shall,

A. consult the National Register of Historic Places and the list of properties determined eligible for inclusion in the National Register of Historic Places to determine if listed or eligible properties may be affected by Federal, federally assisted, or federally licensed undertakings over which the bureaus, offices or agencies of the Department have direct or indirect jurisdiction;

B. take into account the effect of such undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register;

C. notify the Departmental Consulting Archeologist, pursuant to the Archeology and Historic Preservation Act of 1974 (P.L. 93-291) and its implementing regulations, when such undertakings affect scientific, prehistoric, historic or archeological data; and,

D. afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertakings under Section 106 of the National Historic Preservation Act.

1.4 **Regulations.** There are no Departmental regulations. See, however, 36 CFR Part 63, Determinations of Eligibility for Inclusion in the National Register of Historic Places, and 36 CFR Part 800, Protection of Historic and Cultural Properties.

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