



NEVADA PRESERVATION  
FOUNDATION

# Understanding Section 106

A Plain-Language Guide  
to Federal Historic  
Preservation Review

[nevadapreservation.org](http://nevadapreservation.org)

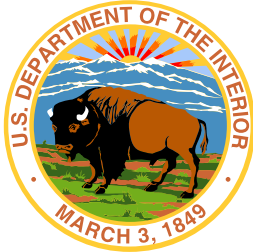


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**The Nevada Preservation Foundation's  
primary goal is the preservation and  
revitalization of historic buildings,  
communities, and places in the state of Nevada.**

**We work with a variety of stakeholders in  
accomplishing this mission, including  
property owners, residents, neighborhoods,  
developers, educational institutions, cultural  
heritage organizations, and public officials.**

**The retention and restoration of our built  
environment fosters not only a sense of place  
but also helps build an engaged community.**



Nevada structures listed  
in the **National Register of  
Historic Places**.

Front Cover Left:  
**Historic El Rancho Hotel  
and Casino, Wells, NV**

Front Cover Right:  
**Virginia Street Bridge,  
Reno, NV**

Left:  
**Old Mormon Fort,  
Las Vegas, NV**  
Illustration by  
Thaddeus Kenderdine

# What is Section 106?

Section 106 is a part of the National Historic Preservation Act (NHPA). It requires federal agencies to consider how their projects may affect historic places before making decisions.

## In simple terms:

If the federal government is funding, permitting, licensing, or carrying out a project, it must first consider whether that project could affect historic properties.

Section 106 does not automatically stop projects. Instead, it ensures that history is considered before decisions are made.

# Why Does Section 106 Exist?

Historic places are nonrenewable resources. Once a historic building is demolished or an archaeological site is disturbed, it cannot be replaced. Section 106 was created to make sure these places are identified, studied, and considered before federal actions move forward.

# When Does Section 106 Apply?

Section 106 only applies when there is a federal undertaking, meaning a project involving a federal agency through:

- ◆ Federal funding
- ◆ Federal permits
- ◆ Federal licenses
- ◆ Federal land
- ◆ Direct federal construction or management

Examples include highway projects, utility corridors, renewable energy developments, military construction, public housing projects, and many infrastructure improvements.

# What is a Historic Property?

A historic property is more than an old building.

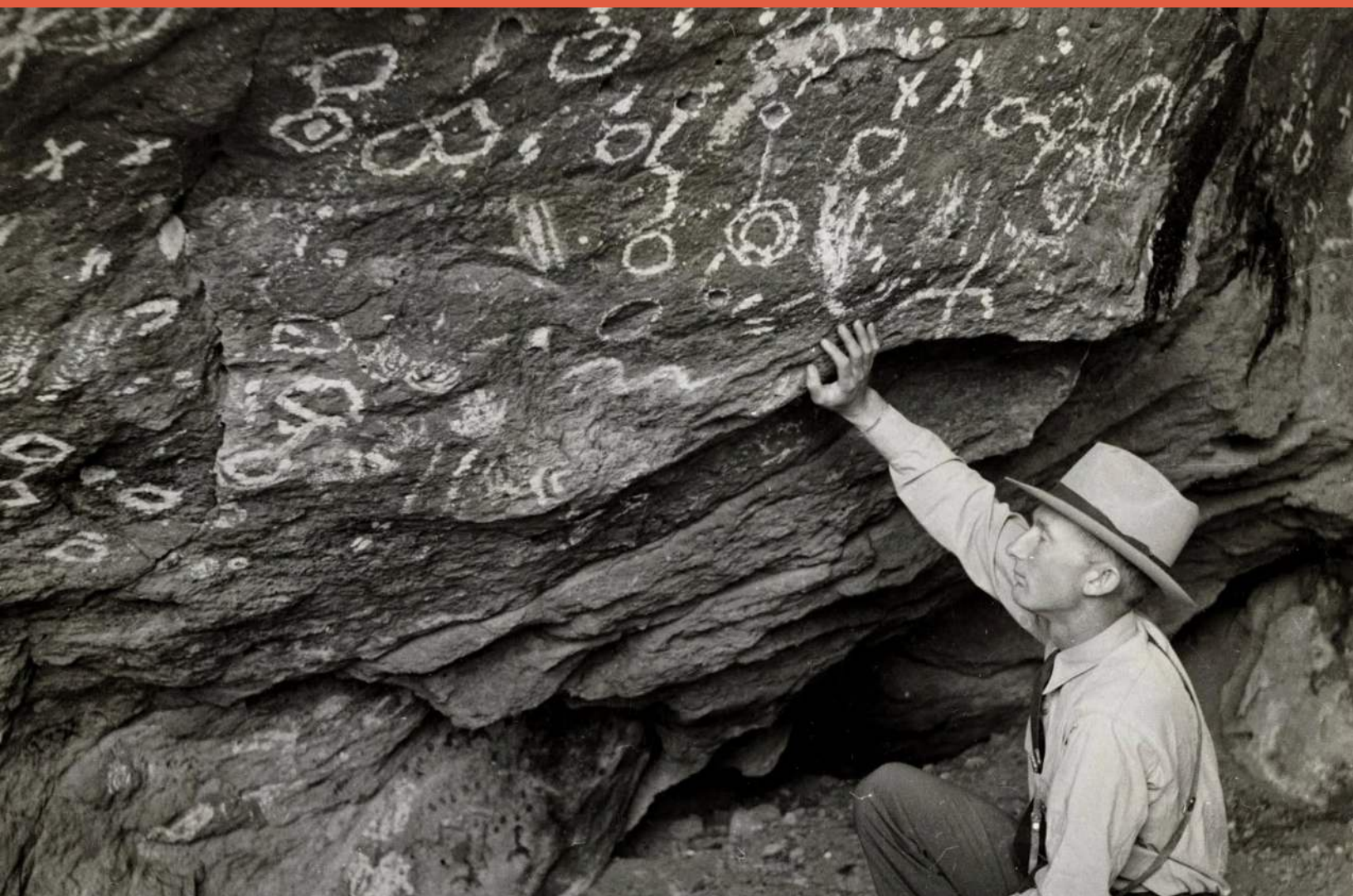
It can include:

- ◆ Historic homes
- ◆ Commercial buildings
- ◆ Schools
- ◆ Churches
- ◆ Archaeological sites
- ◆ Bridges
- ◆ Historic districts
- ◆ Traditional cultural properties
- ◆ Indigenous cultural landscapes
- ◆ Cemeteries
- ◆ Battlefields

Many historic properties are listed—or may be eligible for listing—in the National Register of Historic Places.

Top:  
**Nevada State Capitol**,  
Carson City, NV

Bottom:  
**Toquima Cave**,  
Toiyabe National Forest,  
near Austin, NV



# How Does Section 106 Work?

The process generally follows five basic steps.

## Step 1

### Identify the Federal Undertaking

A federal agency determines whether its project requires Section 106 review.



## Step 2

### Identify Historic Properties

Researchers determine whether historic properties are located within the project's area of potential effects.



## Step 3

### The agency determines whether the project will have:

- ◆ No effect
- ◆ No adverse effect
- ◆ An adverse effect on historic properties



## Step 4

### Consult

If adverse effects are identified, the federal agency consults with:

- ◆ State Historic Preservation Offices (SHPOs)
- ◆ Tribal Historic Preservation Offices (THPOs)
- ◆ Tribal Nations
- ◆ Local governments
- ◆ Property owners
- ◆ Preservation organizations
- ◆ Members of the public

The goal is to explore ways to avoid, minimize, or mitigate harm.

## Step 5

### Resolve Adverse Effects

Possible solutions include

- ◆ Redesigning the project
- ◆ Moving project features
- ◆ Protecting historic resources
- ◆ Conducting archaeological investigations
- ◆ Documenting historic buildings before alteration
- ◆ Other mitigation measures agreed upon during consultation



Left:  
**Map of State of Nevada,**  
Department of the Interior  
General Land Office,  
by James Alexander  
Williamson, ca. 1879



# Does Section 106 Stop Development?

**No.**

One of the biggest misconceptions about Section 106 is that it prevents projects from moving forward.

**It does not.**

Instead, it requires agencies to make informed decisions by considering historic resources before taking action. Projects often proceed after consultation is complete.



# Who Participates?

Section 106 is a collaborative process involving many different groups. Participants may include:

- ◆ Federal agencies
- ◆ State Historic Preservation Offices
- ◆ Tribal Historic Preservation Offices
- ◆ Tribal Nations
- ◆ Local governments
- ◆ Property owners
- ◆ Preservation organizations
- ◆ Interested members of the public
- ◆ The Advisory Council on Historic Preservation (in some cases)

Top:  
Virginia City, NV  
Historic District

Bottom:  
Illustration of  
Main Street in  
Virginia City, NV, 1878

# Why Is Public Participation Important?

Historic places belong to communities as much as they belong to history. Section 106 gives local residents, organizations, and Tribal Nations an opportunity to share information that federal agencies may not otherwise know, helping ensure that important places are recognized before decisions are finalized.

# Common Misconceptions

## **Myth:**

Section 106 stops construction.

## **Fact:**

It requires agencies to consider historic resources before proceeding.

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## **Myth:**

Only famous landmarks are protected.

## **Fact:**

Historic properties include neighborhoods, archaeological sites, cultural landscapes, schools, bridges, and many other types of places.

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## **Myth:**

Every construction project goes through Section 106.

## **Fact:**

Only projects involving a federal undertaking require Section 106 review.

## Why It Matters

Every community has places that tell its story. Section 106 helps ensure that, when federal projects have the potential to change those places, decisions are made with a full understanding of what could be lost—and whether those impacts can be avoided or reduced.

Rather than preventing progress, Section 106 encourages thoughtful planning that balances development and stewardship.



Top:  
**Sears-Ferris House,**  
Carson City, NV



Bottom:  
**Las Vegas High School,**  
Las Vegas, NV

# What Can You Do?

Proposed changes to Section 106 will replace the consultation process and reduce opportunities for communities, tribes, preservation organizations, and the public to have a voice in decisions affecting historic and cultural resources.

Preservation works the best when our communities have a seat at the table. Learn your rights, ask questions, and speak up for the places and stories that tell Nevada's history.

## Here's How You Can Help:

### Contact Your Members of Congress

Tell your representatives why Section 106 matters and ask them to support strong federal protections for historic and cultural resources. If possible, share a local example of a place or community that has benefited from Section 106.

### Contact your Governor and State Legislator

Ask your state leaders to recognize the importance of Section 106 and meaningful consultation in protecting the country's historic places, cultural resources, and communities.

### Share Your Section 106 Story

Have you participated in a Section 106 consultation that protected a historic place or gave your community a meaningful voice? Share your experience.

### Stay Informed and Ready to Act

The federal rulemaking process is ongoing. Follow updates from the Nevada Preservation Foundation and other preservation organizations so you know when opportunities to submit comments or take action become available.



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