**Category: Substantive Obligations**

**Sub-Category: Preservation of Cultural and Historic Places**

**Name of Good Practice: United States’ National Historic Preservation Act**

Key Words: Cultural, Indigenous, Local Community, Participation, Preservation

Implementing Actors: National Ministry: Advisory Council on Historic Preservation (ACHP), National Parks Service, and various other federal agencies; Sub-National Government: State Historic Preservation Offices; Local Communities

Location: United States of America

Description: The National Historic Preservation Act (NHPA), which was enacted in 1966, aims to preserve historic and archaeological properties by requiring federal agencies to consider the effects of their actions on such properties. The NHPA requires federal agencies to determine whether a proposed project is an “undertaking” which has the potential to affect historic sites, especially those of cultural significance for members of the local community and indigenous peoples. The agency must then consult with a designated State Historic Preservation Officer (and Tribal Representatives, if relevant) to determine whether the project will have any adverse effects on the historical site(s). If there are potential adverse effects, the agency must attempt to resolve them through a memorandum of agreement with the designated and effected parties. The NHPA also provides a process by which members of the public are afforded an opportunity to comment on proposed activities.

The National Parks Service operates a National Register of Historic Places, which serves as the official list of the Nation's historic places worthy of preservation. To be considered eligible for listing, a property must meet the publicly available National Register Criteria for Evaluation, which involves examining the property’s age, integrity, and significance. For example, questions relating to determining significance include whether the property is associated with events, activities, or developments that were important in the past or with significant architectural history, landscape history, or engineering achievements.

In addition, the NHPA created the Advisory Council on Historic Preservation (ACHP), an independent federal agency that promotes the preservation, enhancement, and productive use of the nation's historic resources, and advises the President and Congress on national historic preservation policy. According to the ACHP, it is “the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.”

Further Information: The ACHP’s website: [www.achp.gov](http://www.achp.gov); the NHPA is available at: <http://www.achp.gov/docs/nhpa%202008-final.pdf>; the National Register of Historic Places is available at: <http://www.nps.gov/nr/index.htm>.