What makes a Project “Exempt” from Section 106?

During the Scoping of a project the Cultural Resource Professional determines if it is Exempt from further Section 106 review, according to rules established under a Statewide Programmatic Agreement (see link below).

Reasons that a project would be labeled Exempt?

- Property in project area is not older than 50 years.
- Project has little or no potential affect on property.
- Property does not meet eligibility and historical significance standards for National Register.

A list of the types of properties that are Exempt and why can be found in Appendix C of the Pennsylvania FHWA/ PennDOT Section 106 Programmatic Agreement - 2010.

When a project is labeled Exempt from Section 106 review it means “Section 106 complete”.

No Historic Properties Affected means that either there are no historic properties present, or that they will not be affected by the project.

No Adverse Effect means that the project will not negatively impact historic properties located within the Area of Potential Effect (APE).

Being Exempt from Section 106 review is not the same thing as No Adverse Effect or No Historic Properties Affected.