

Important Legislation

Section 7 (a) of the Wild and Scenic Rivers Act

“ . . . no department or agency of the United States shall assist by loan, grant, license or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary of the Interior charged with its administration.”

Section 7(a) Process

Administered by the National Park Service

- Step 1:** Based on the legislative history, describe the values for which the river was established.
- Step 2:** Secretary of the Interior's designee evaluates the effect of the project on the values for which the river was established.
- Step 3:** Secretary of the Interior's designee makes Section 7 (a) determination; either no direct and adverse effect or direct and adverse effect.
- Step 4:** If no direct and adverse effect, proceed with project. If direct and adverse effect, modify project to eliminate impacts.

Section 4(f) of the Transportation Act of 1966

“The Secretary of Transportation may approve projects requiring use of publicly owned land of a public park, recreation area, or wildlife/waterfowl refuge, or land of a historic site of National, State, or local significance (as determined by the officials having jurisdiction over the park, recreation area, refuge or site) only if:

1. There is no feasible and prudent alternative to such use, and
2. The project includes all possible planning to minimize harm.”

Section 4(f) Process administered by the Federal Highway Administration

Examples of 4(f) resources include:

- Lower St. Croix national Scenic Riverway
- Kolliner Park
- Aiple property
- Stillwater Commercial Historic District
- Stillwater Lift Bridge
- Other identified cultural resources

Section 106 of the National Historic Preservation Act

“The head of any federal agency having direct or indirect jurisdiction over a proposed federal, or federally assisted, undertaking. . . shall, prior to the approval of the expenditure of any federal funds, . . . 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.”

Section 106 Review Process

Administered by the Advisory Council on Historic Preservation

- Step 1:** Identify historic properties.
- Step 2:** Assess effects.
- Step 3:** Consult with the State Historic Preservation Office to avoid harm or mitigate adverse effects.
- Step 4:** Comment by the Advisory Council on Historic Preservation.
- Step 5:** Proceed with the project.