| HISTORIC PRESERVATION/SECTION 106 CONSULTATION CHECKLIST (Suggested Format) |  |
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| Project   | Name: Address:   |
|   | etion 106 process, as described in 36 CFR Part 800, consists of four basic steps, with each step having a series of tasks to the expenditure of the section 106 needs to be completed "prior to the approval of the expenditure of any Federal funds"  |
| Step 1: Initiate Consultation (§ 800.3)                                     |  |
|   | Yes/No - Project meets the definition of an "undertaking" 1  |
|   | Yes/No - "Undertaking" has no potential to cause effects to historic properties <sup>1</sup>   |
|   | Yes/No - Review of "undertaking" is subject to an existing Programmatic Agreement (PA) <sup>2</sup>  |
| _   | Identify appropriate State/Tribal Historic Preservation Office (SHPO/THPO) and federally-recognized Indian tribes/Native Hawaiian organizations, as appropriate  |
|   | Plan to involve the public (may use existing agency public participation procedures)   |
|   | Consider if, what, and how some project information may need to remain confidential  |
|   | Identify other consulting parties (e.g., developers, interested parties, local government); proceed to Step 2  |
|   | <sup>1</sup> If no, then you have completed Section 106 review and are in compliance. These first two Step 1 tasks do not require consultation with SHPO/THPO. Refer to the lists of "exempt activities" and/or "categorical exclusions not subject to related laws" in Part 50 or 58.   |
|   | <sup>2</sup> If yes, once you record how the project complies with the terms of the PA, Section 106 review is complete and you are in compliance. To remain in compliance, you must implement the project in accordance with the PA.   |
| Step 2: Identify and Evaluate Historic Properties (§ 800.4)                 |  |
|   | Define the Area of Potential Effects (APE)   |
|   | Review existing information regarding the APE (e.g., previous historic surveys, land use records, maps, SHPO information)  |
|   | Seek information from consulting parties to identify issues related to the undertaking's potential effects   |
|   | Gather information from federally-recognized Indian tribes, as appropriate   |
|   | Identify any known National Register (NR)-eligible or -listed properties   |
|   | Evaluate all other properties in APE for NR eligibility, regardless of age   |
| _   | Submit finding and supporting documentation of "no historic properties affected" or "historic properties affected" to SHPO/THPO for 30-day review  |
|   | Notify all consulting parties of finding and provide supporting documentation  |
|   | If SHPO/THPO does not object to a "no historic properties affected" finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process) <sup>3</sup>   |
|   | If historic properties are affected, proceed to Step 3   |
|   | <sup>3</sup> If there are no objections to a "no historic properties affected" finding, then you have completed Section 106 review and are in compliance. Per § 58.34(a)(12), if there are no other environmental circumstances which require compliance, you may at this point convert the project to an exempt activity and forego the EA/FONSI and NOI/RROF process. If SHPO/THPO does objection, you must consult with them to resolve the matter. For further assistance, contact your HUD Field Environmental Officer. |

| Step 3: Assess Effects (§ 800.5)          |  |  |
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|   | Apply criteria of adverse effect, in consultation with SHPO/THPO and consulting parties  |  |
| _   | Submit finding and supporting documentation of "no adverse effect" or "adverse effect" to all consulting parties for 30-day review   |  |
|   | If adverse effect, consider modifications to the project or agree to conditions that avoid adverse effects   |  |
| _   | Notify all consulting parties of finding and provide supporting documentation  |  |
| _   | If SHPO/THPO and/or consulting parties do not object to a "no adverse effect" finding, make the finding/documentation available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process) <sup>4</sup>   |  |
|   | If there are still adverse effects, proceed to Step 4  |  |
|   | <sup>4</sup> If there are no objections to a "no adverse effect" finding, then you have completed Section 106 review and are in compliance. If there are objections, you must consult with each objecting party to resolve the matter. For further assistance, contact your HUD Field Environmental Officer. |  |
| Step 4: Resolve Adverse Effects (§ 800.6) |  |  |
|   | Notify the Advisory Council on Historic Preservation (ACHP) of the adverse effect finding and provide documentation outlined in § 800.11(e)  |  |
|   | Invite ACHP to participate 1) if you want to, 2) if the project directly and adversely affects a National Historic Landmark, or 3) if you will develop a PA  |  |
|   | Continue consultation with consulting parties to consider ways to avoid, minimize, or mitigate adverse effects   |  |
|   | Negotiate and draft agreed upon terms in an agreement document (Memorandum of Agreement or Programmatic Agreement (MOA/PA)) <sup>5</sup>   |  |
|   | Have signatories and concurring parties sign the MOA/PA, as appropriate, and distribute copies to all consulting parties   |  |
| _   | File a copy of the signed MOA/PA with ACHP and make it available for public review before approving the undertaking (e.g., through the appropriate NOI/RROF process) <sup>6</sup>  |  |
|   | Implement the undertaking in accordance with the signed MOA/PA   |  |
|   | <sup>5</sup> If consultation does not produce an agreement, you must seek ACHP participation. Should ACHP participation not result in agreement, the "Head of the Agency" may consider terminating consultation. For further assistance, contact your HUD Field Environmental Officer.                       |  |
|   | <sup>6</sup> At this point, you have completed Section 106 review and are in compliance.   |  |
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- YOU MAY NEED TO RECONCILE THE PROCESS DESCRIBED HEREIN WITH SPECIFIC REQUIREMENTS ESTABLISHED BY THE VARIOUS SHPO/THPOs.
- IF PROJECT PLANS CHANGE AFTER COMPLETION OF THE ENVIRONMENTAL/SECTION 106 REVIEW, YOU MUST NOTIFY THE CONSULTING PARTIES AND REEVALUATE YOUR FINDINGS (SEE 24 CFR § 50.36 OR § 58.47).