**HISTORIC PRESERVATION/SECTION 106 CONSULTATION WORKSHEET FOR FTA PROJECTS**

Project Name: Physical Address of Proposed Project Site or Length and Reference Points of Proposed Project Corridor:

The Section 106 process, as described in 36 CFR Part 800, consists of four basic steps, with each step having a series of tasks to complete. You may use this checklist to track the progress of your Section 106 evaluation. **Remember: Section 106 must be finalized before NEPA approval, which must be completed “prior to the approval of the expenditure of any Federal funds.”**

**Step 1: Initiate Consultation (§ 800.3)**

Yes or No - Project meets the definition of an “undertaking?”1

 Yes or No - “Undertaking” has potential to cause effects to historic properties.1

 Identify appropriate State/Tribal Historic Preservation Office (SHPO/THPO) and federally-recognized tribal governments and notify FTA regional office. If needed, work with FTA regional office to draft government-to-government consultation plan. **Only FTA should draft letters to tribal governments**.

 Plan to involve the public (may coordinate with NEPA public involvement).

 Consider if, what, and how some project information may need to remain confidential (sensitive archaeological sites).

 Identify other consulting parties (e.g., local historic preservation groups, developers, neighborhood associations, local governments); proceed to Step 2.

Send project location map and detailed project description to FTA.

*1If no, then you have completed Section 106 review and are in compliance. The first Step 1 task does not require consultation with SHPO/THPO. The second Step 1 task does involve coordination with the SHPO/THPO and the most up-to-date project information should be sent directly to the FTA regional office to initiate the Section 106 process. If there is no potential to cause effects to historic properties with the second Step 1 task, then FTA will request a No Historic Properties Affected determination in their letter to SHPO/THPO. SHPO/THPO concurrence with this determination should then be discussed in the appropriate section of the NEPA document and a copy of the concurrence should be included as an attachment with the NEPA document submittal to FTA.*

**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 of Historic Places (NRHP)-eligible or NRHP-listed properties or National Historic Landmarks. National Historic Landmarks will require outreach to the National Park Service to be included in the Section 106 consultation process.

 Evaluate all other properties in APE for NR eligibility, regardless of age.

FTA makes determination of eligibility and submits a letter to the SHPO for a 30-day review or If no known NRHP-eligible or NRHP-listed properties are identified within the APE, FTA will submit finding and supporting documentation of “No Historic Properties affected.”

 FTA will notify all consulting parties of finding and provide supporting documentation.

If SHPO/THPO does not object to a “no historic properties affected” finding, include a discussion of the finding and concurrence with the finding with the NEPA document that will be submitted to FTA.2

 If there are NRHP-eligible historic properties identified within the APE proceed to Step 3.

*2 If there are no objections to a “No Historic Properties Affected” finding, then you have completed Section*

*106 review and are in compliance.*

**Step 3: Assess Effects (§ 800.5)**

 Apply criteria of adverse effect, in consultation with SHPO/THPO and consulting parties.

FTA will submit finding and supporting documentation of “No Adverse Effect” or “Adverse Effect” to the SHPO and all other consulting parties for 30-day review. This is a letter to the SHPO copying all other consulting parties. FTA will request for the SHPO to concur within 30 days or receipt.

 If there is an adverse effect, consider modifications to the project or agree to conditions that avoid adverse effects.

 FTA will 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.3

 If there are still adverse effects, proceed to Step 4.

3*If there are no objections to a “No Adverse Effect” finding, then you have completed Section 106 review and may proceed following FTA’s directions. If there are objections, you must work with FTA to consult with each objecting party to resolve the matter.*

**Step 4: Resolve Adverse Effects (§ 800.6)**

If it is clear that there will be conflicts and/or if the project directly and adversely affects a National Historic Landmark, FTA regional office will consult FTA’s Federal Preservation Officer to determine if the Advisory Council on Historic Preservation (ACHP) should be invited to participate in the resolution of adverse effects. Notify the ACHP of the adverse effect finding and provide documentation as outlined in § 800.11(e).

Continue consultation to consider ways to avoid, minimize, or mitigate adverse effects.

Negotiate and draft agreed upon terms in an agreement document (Memorandum of Agreement (MOA).

 Have signatories, invited signatories (the project sponsor) and concurring parties sign the MOA, as appropriate, and distribute copies to all consulting parties.

File a copy of the signed MOA with ACHP and make it available for public review before approving the undertaking.

 Implement the undertaking in accordance with the signed MOA upon NEPA approval.

**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 FTA WHO WILL THEN NOTIFY THE CONSULTING PARTIES AND REEVALUATE YOUR FINDINGS (SEE 24 CFR § 50.36 OR § 58.47).**