

## Historic Preservation Checklist

24CFR Part 58

| General requirements  | Legislation   | Regulation                          |
|---|---|-------------------------------------|
| Protect sites, buildings, and objects listed on or eligible for the National Register of Historic Places. Identify effects of project on properties | National Historic Preservation Act, 16 U.S.C. 470(f), section 106 | 36 CFR part 1294<br>36 CFR Part 800 |

**1. Does the project include repair, rehabilitation or conversion of existing properties, new construction, the acquisition of undeveloped land, or any construction that requires ground disturbance?**

- No: STOP here. The Section 106 Historic Preservation review is complete. Record your determination on the Statutory Worksheet or Environmental Assessment.
- Yes: PROCEED to #2

**2. Does the project involve only those activities permitted without further consultation under the programmatic agreement between the Tribe and the State Historic Preservation Officer (SHPO)/Advisory Council on Historic Preservation (The Tribe must be a party to this agreement, if you are unsure contact your HUD Representative, i.e.Grants Management Specialist or CPD Representative.)**

- Yes: STOP here. The Section 106 Historic Preservation review is complete. Record the date of the programmatic agreement and your determination on the Statutory Worksheet or Environmental Assessment.
- No: PROCEED to #3

**3. Will the project have an adverse effect on any property(ies) listed or eligible for inclusion on the National Register of Historic Places (NR)?**

- Consult the State Historical Preservation Officer (SHPO) or DOI approved Tribal Historical Preservation Officer (THPO) with details of the project and project site and your determination concerning if the project will alter, directly or indirectly, any of the characteristics of the property, or properties within the geographical area that the project may impact either directly or indirectly, that qualifies it/them for inclusion in the NR in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association. SHPO or THPO has 30 days from receipt of the request to make a determination. We recommend sending the letter with a return receipt form to document the contact. If they do not respond within the timeframe, you may proceed with your determination or consult with the Advisory Council on Historic Preservation (ACHP).
- Determine if there are tribes or groups that have demonstrated interest in the historic aspects of the project and invite them to participate in the consultation. You must make a reasonable and good faith effort to identify Indian tribes that may have an interest. Information may be available at [www.doi.gov/bureau-indian-affairs](http://www.doi.gov/bureau-indian-affairs).

- No: STOP here. The Section 106 Historic Preservation review is complete.  Attach SHPO concurrence to the ERR (If SHPO/THPO did not respond within 30 days, your dated letter described above and the return receipt documents compliance) and copies of letters to and from other interested parties and your response. Record your determination on the Statutory Worksheet or Environmental Assessment.

- Yes: Resolve Adverse Effects per 800.6--In consultation with SHPO/THPO, the ACHP if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to 800.6 or you have considered ACHP comments.

**DISCLAIMER:** This document is intended as a tool to help grantees and HUD staff complete NEPA requirements. This document is subject to change. This is not a policy statement. Legislation and Regulations take precedence over any information found in this document.

