

# Historic Preservation for Idaho

## 24 CFR Part 58

General requirements	Legislation	Regulation
Protect sites, buildings, objects, structures, and districts with national, state or local historic, cultural and/or archeological significance. Identify effects of project on historic properties	National Historic Preservation Act, 16 U.S.C. 470(f), section 106	36 CFR Part 800 24 CFR Part 58.5(a)

**1. Does the project include repair, rehabilitation or conversion of existing properties; new construction; the acquisition of undeveloped land; or any activity that requires ground disturbance (defined as one cubic foot of disturbed soil)?**

☐ 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 a structure that is less than 50 years old, is not in a historic district and has no ground disturbing activities? View previously recorded historic properties in the [Idaho Cultural Resource Information System \(ICRIS\)](#).**

☐ Yes: STOP here. The Section 106 Historic Preservation review is complete.

**Record your determination that there is no potential to cause effect, including the age of the existing building and information from the National Register to show that the activity is not in a historic district, on the Statutory Worksheet or Environmental Assessment.**

☐ No: PROCEED to #3

**3. Has the Responsible Entity signed the [Idaho Programmatic Agreement](#)?**

☐ Yes, my jurisdiction has signed the PA: Use the PA to determine if the project activity is excluded.

**If excluded, document for annual reporting requirements in HEROs and ICRIS. Consultation with SHPO is complete (Tribal consultation is still required).** If not excluded, PROCEED to #4.

☐ No: PROCEED to #4

**4. Consult with SHPO or THPO and any tribes or groups that may have an interest in the project to determine if the project will affect to properties with cultural significance or that are eligible for listed in the National Register of Historic Places. Submittal process is below.**

- You must define and consider the Area of Potential Effect (APE). The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of an undertaking. (36 CFR Part 800.16).
- Determine if there are tribes or groups that have an interest in the historic aspects of the project and invite them to participate in the consultation. For ground disturbing activities, you must make a reasonable and good faith effort to identify Indian tribes that may have an interest. HUD's website lists interested tribes by county: <https://egis.hud.gov/tdat/>. It is suggested that you go to Tribal websites or contact the SHPO to make sure contact information is current.
- Use the Idaho [SHPO Consultation Request](#) form and Follow Idaho State Historic Preservation Office guidance to "[Create and Submit a Project Review in ICRIS](#)" with details of the project and project site and your determination if it is eligible for the National Register of Historic Places. Follow HUD guidance linked below to reach out to interested tribes. SHPO and THPO have 30 calendar days from receipt of adequate documentation to review and concur or comment on your determination of eligibility and finding of effect. If SHPO does not respond within the timeframe or provide a description of additional information needed, you may proceed with the next step of the process based on your finding or consult with the Advisory Council on Historic Preservation (ACHP).
  - State Historic Preservation Office Guidance:** <https://history.idaho.gov/shpo/icris/guidance/>
  - HUD Tribal Consultation Guidance:** <https://www.hudexchange.info/environmental-review/historic-preservation/tribal-consultation/>
  - Tribal Directory Assistance Tool (TDAT):** <https://egis.hud.gov/tdat/>

Proceed as appropriate based on the Finding:

☐ **No Historic Properties Affected:** STOP here. The Section 106 Historic Preservation review is complete. Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. If SHPO/THPO did not respond within 30 days, your dated letter documents compliance. Record your determination of no historic properties affected on the Statutory Worksheet or Environmental Assessment.

☐ **No Adverse Effect on Historic Property:** STOP here. The Section 106 Historic Preservation review is complete. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**

Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. Record your determination of no adverse affect on historic properties on the Statutory Worksheet or Environmental Assessment.

☐ **Adverse Effect on Historic Property** 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 complied with 36 CFR Part 800. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**

Make sure that the resolution is fully documented in your ERR with all SHPO/THPO correspondence, copies of letters to and from other interested parties and the tribes, surveys, MOAs etc.

#### **Submittal Processes for the Idaho SHPO:**

Register and/or log in to the [Idaho Cultural Resource Information System \(ICRIS\)](#) to submit a [Section 106 review](#). Follow guidance to “[Create and Submit a Project for Review in ICRIS](#)”.

#### **Reporting Process for Idaho Programmatic Agreement signatories:**

Idaho Section 106 PA Reporting Process: <https://history.idaho.gov/wp-content/uploads/HUD-Annual-Report-Guide.pdf>

Idaho Section 106 PA [Reporting template](#)