# SECTION 106 HISTORIC PRESERVATION DELEGATION AND TRIBAL CONSULTATION TIMING

ORCF’s [March 24, 2021 Email Blast](https://lnks.gd/l/eyJhbGciOiJIUzI1NiJ9.eyJidWxsZXRpbl9saW5rX2lkIjoxMDEsInVyaSI6ImJwMjpjbGljayIsImJ1bGxldGluX2lkIjoiMjAyMjA2MjkuNjAwODM0MzEiLCJ1cmwiOiJodHRwczovL3d3dy5odWQuZ292L3NpdGVzL2RmaWxlcy9Ib3VzaW5nL2RvY3VtZW50cy9NYXJFbWFpbEJsYXN0MDMyNDIwMjEuZG9jeD91dG1fbWVkaXVtPWVtYWlsJnV0bV9zb3VyY2U9Z292ZGVsaXZlcnkifQ.PmyDtE32dVZAVn8SoDsxCvAA7xFrn7UTkpPvoST_I58/s/1356290768/br/134565806200-l) announced the Delegation Memo authorizing FHA Lenders and their Authorized Representatives to initiate Section 106 consultation with State Historic Preservation Offices (SHPOs) on HUD’s behalf.  As stated in the Delegation Memo, Lenders and authorized representatives must consider timely comments HUD receives from Indian tribes before reaching final determinations of effect and submitting the final determination of effect to SHPO for concurrence. This may take longer than 30 days if an Indian tribe identifies concerns or effects of the project on historic properties. The Delegation Memo also includes the list of circumstances that will require HUD to resume responsibility for completing the Section 106 review. Lenders should be seeking information about historic properties from the SHPO while HUD is completing the initial consultation with Indian tribes.  HUD must contact the Tribes directly. The process for notifying HUD that your project requires tribal consultation and obtaining results of that consultation is as follows:

* When preparing a mortgage insurance application for a project that requires tribal consultation (for example, a project that involves ground disturbance), and before contacting the SHPO, the Lender should notify LeanThinking@hud.gov that tribal consultation is required for the project.  Include the project’s name, FHA number and the exhibits listed under “Tribal Notification Information” in Section 2 of the ORCF Application Checklist with the Lean Thinking request.

* ORCF will initiate the Tribal consultation shortly after receiving the Lean Thinking request, and the Tribe(s) will be asked to respond within 30 days. The initial response period is expected to end approximately 35 days after HUD’s receipt of your project’s information.  Please note that ORCF may contact you for additional information if needed prior to sending out the Tribal letter(s), which may slightly delay the start of the initial response period.  After the response period has ended, please contact Terry Bessette (Terry.L.Bessette@hud.gov) to request the results of the initial Tribal consultation.  If you know the name of the ORCF environmental reviewer handling the consultation, please include them on the email as well.  If the initial results of HUD’s Tribal consultation do not require additional consultation, ORCF will then send you the Tribal correspondence, to provide to the SHPO with the Delegation Memo.