

# Tribal Consultation in Section 106

Durant, Oklahoma

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Office of Environment and  
Energy

U.S. Department of Housing  
and Urban Development

Amended in 1992, the **National Historic Preservation Act of 1966 (NHPA)** is the basis for tribal consultation in the Section 106 review process. The two amended sections of NHPA that have a direct bearing on the Section 106 review process are:

- Section 101(d)(6)(A), which clarifies that properties of religious and cultural significance to Indian tribes may be eligible for listing in the National Register of Historic Places; and
- Section 101(d)(6)(B), which requires that federal agencies, in carrying out their Section 106 responsibilities, consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

These sections have since been renumbered to 54 U.S.C. 302706

Implementing regulations found in 36 CFR 800

# Tribal Consultation Requirement

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WHO: federally recognized Indian tribes, including native Alaskans

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WHAT: historic properties of religious and cultural significance to tribes

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WHEN: when a project may affect historic properties of religious and cultural significance to tribes

Only the “Agency Official” can conduct consultation with tribes



- Consultation is government-to-government, U.S. federal agency to sovereign Indian Nation
- In Part 50 reviews, HUD is the Agency Official
- In Part 58 reviews, the Responsible Entity (RE) is the Agency Official
- Lenders, consultants, applicants, etc. CANNOT conduct tribal consultation

# Assumption of review authority

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Some program statutes (e.g. CDBG, HOME, etc.) require REs to assume environmental review authority for projects in their jurisdictions

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24 CFR Part 58 directs REs to assume responsibility for all aspects of environmental review, including Section 106 and tribal consultation

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The REs (state, local, and tribal governments) have assumed the role of the federal agency official in tribal consultation

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Assumption authority for tribal consultation is sometimes challenged, but it is statutorily required for HUD programs that fall under Part 58

# Tools for Tribal Consultation

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Notice: Process for Tribal Consultation in  
Projects That Are Reviewed Under 24 CFR  
Part 58 (Extended to Part 50 by memo)

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TDAT: Tribal Directory Assessment Tool  
Version 3.0

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HP Fact Sheet #6: Guidance on  
Archeological Investigations in HUD  
Projects

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7015.15: Request for Release of Funds  
Certification

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# HUD NOTICE CPD-12-006



U.S. Department of Housing and Urban Development  
Community Planning and Development

Special Attention of:

All Regional Directors  
All Field Office Directors  
All CPD Division Directors  
All Regional Environmental Officers  
All Responsible Entities  
All Housing Directors  
All PIH Division Directors  
All Program Environmental Clearance Officers

Notice: CPD-12-006

Issued: June 15, 2012

Expires: This Notice is effective until amended, superseded, or rescinded.

Cross References:

SUBJECT: Process for Tribal Consultation in Projects That Are Reviewed  
Under 24 CFR Part 58

## I. Purpose

The "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," 24 CFR Part 58, outlines the review process for many projects assisted with HUD programs, including those funded through CDBG, HOME, HOPE VI, HOPWA, Emergency Shelter Grants, certain Indian Housing programs, Public Housing Capital Fund, and Economic Development Initiative grants, and certain loans guaranteed by HUD. Part 58 covers many environmental areas, including historic resources. It references the "Section 106" review process for historic resources, which requires federal agencies to consult with federally-recognized Indian tribes on projects that may affect historic properties of religious and cultural significance to tribes. Under Part 58, local, state, or tribal governments become Responsible Entities (REs) and assume the federal agency's environmental review authority and responsibility for projects within their jurisdiction, including those for which they are grantees. The RE must consult with tribes to determine whether a proposed project may adversely affect historic properties of religious and cultural significance, and if so, how the adverse effect could be avoided, minimized or mitigated. This applies to projects on and off tribal lands. This Notice clarifies the steps that REs should follow in the tribal consultation process. Following this protocol ensures compliance with the requirement for certification of tribal consultation on the Request for Release of Funds and Certification (form HUD 7015.15).

## II. Background

Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) and its implementing regulations (36 CFR Part 800) direct federal agencies to undertake an open, consultative process to consider the impact of their projects on historic and archeological resources. The review must





## WHO to consult?

- Consultation required ON and OFF tribal lands
- Tribes with current or ancestral interest
- Multiple tribes may have interest
- RE may invite or allow participation by non-federally recognized Indian tribes



# TDAT - Tribal Directory Assessment Tool

<https://egis.hud.gov/tdat>

- Database that uses project address to identify federally recognized tribes with possible interest in a project
- Developed in 2010
- Expanded in 2015-16
- Contains links to tribal websites
- Information updated periodically

# TDAT - Tribal Directory Assessment Tool

**Tribal Directory Assessment Tool (TDAT)**

TDAT was developed by the Office of Environment and Energy (OEE) to help users identify tribes that may have an interest in the location of a HUD-assisted project, and provide tribal contact information to assist users with initiating Section 106 consultation under the National Historic Preservation Act (54 U.S.C. § 300101 et seq.).

Two key aspects of TDAT are its ability to:

- Link tribes' geographic areas of current and ancestral interest down to the county level, and
- Perform a variety of queries related to tribes.

State reports link tribes to their counties of interest in the particular state. Tribes may reside in or outside of that state. Check back frequently for updates. Click on any state below, choose one from the list at the bottom of the page or select a tribe from the drop down control.

**Search For Tribes**

**Option 1: Search by Address**

451 7th Street S.W., Washington, DC 20410

**Option 2: Select a Tribe**

---Select One---

**Option 3: Select by State/County**

---Select One---

Close

# TDAT - Searching By Address

Search For Tribes

Option 1: Search by Address

1200 South Quincy Street, Green Bay, Wisconsin 54301

Export To Excel

Print the Current Page

Contact Information for Tribes with Interests in Brown County, Wisconsin

Tribal Name	County Name
+ Forest County Potawatomi Community of Wisconsin	Brown
+ Fort Belknap Indian Community of the Fort Belknap Reservation of Montana	Brown
+ Hannahville Indian Community, Michigan	Brown
+ Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin	Brown
+ Little Traverse Bay Bands of Odawa Indians, Michigan	Brown
+ Menominee Indian Tribe of Wisconsin	Brown
+ Miami Tribe of Oklahoma	Brown
+ Oneida Tribe of Indians of Wisconsin	Brown
+ Ottawa Tribe of Oklahoma	Brown

1 - 9 of 9 results

Export To Excel

Print the Current Page

# TDAT - Searching by Address

<div> <div>Export To Excel</div> <div>Print the Current Page</div> </div>							
Contact Information for Tribes with Interests in Brown County, Wisconsin							
Tribal Name				County Name			
- Forest County Potawatomi Community of Wisconsin				Brown			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Harold Frank	Chairman	P.O. Box 340 Crandon, WI 54520	(715) 478-7200	(715) 478-5280		<a href="mailto:gus.frank@fcpotawatomi-nsn.gov">gus.frank@fcpotawatomi-nsn.gov</a>	<a href="https://www.fcpotawatomi.com/">https://www.fcpotawatomi.com/</a>
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana				Brown			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Michael Blackwolf	THPO	656 Agency Main Street Harlem, MT 59526	(406) 353-8471	(406) 353-2889		<a href="mailto:mblackwolf@ftbelknap.org">mblackwolf@ftbelknap.org</a>	<a href="http://www.ftbelknap.org/">http://www.ftbelknap.org/</a>
Mark Azure	President	656 Agency Main Street Harlem, MT 59526-9455	(406) 353-8303	(406) 353-4541		<a href="mailto:mazure@ftbelknap.org">mazure@ftbelknap.org</a>	<a href="http://www.ftbelknap.org/">http://www.ftbelknap.org/</a>
- Hannahville Indian Community, Michigan				Brown			
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Kenneth Meshigaud	Chairperson	N14911 Hannahville B1 Road Wilson, MI 49896	(906) 466-2932	(906) 466-2933		<a href="mailto:tyderyien@hannahville.org">tyderyien@hannahville.org</a>	<a href="http://www.hannahville.net">www.hannahville.net</a>
+ Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin				Brown			
+ Little Traverse Bay Bands of Odawa Indians, Michigan				Brown			
+ Menominee Indian Tribe of Wisconsin				Brown			
+ Miami Tribe of Oklahoma				Brown			
+ Oneida Tribe of Indians of Wisconsin				Brown			
+ Ottawa Tribe of Oklahoma				Brown			
1 - 9 of 9 results							« < 1 > » 10
<div> <div>Export To Excel</div> <div>Print the Current Page</div> </div>							

# TDAT - Searching by State

Search For Tribes

Option 1: Search by Address

451 7th Street S.W., Washington, DC 20410

Option 2: Select a Tribe

---Select One---

Option 3: Select by State/County

Minnesota

Select One or More Counties (hold shift to select more than one):

Aitkin

Anoka

Becker

Beltrami

Benton

Big Stone

Blue Earth

Brown

Carlton

Carver

Cass

Chippewa

Chisago

Get All Tribes for Minnesota

Close

# TDAT - Searching by State

[Export To Excel](#)[Print the Current Page](#)

## Contact Information for Tribes with Interests in Minnesota

Tribal Name							
- Apache Tribe of Oklahoma							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Bob Komardley	Chairman	PO Box 1330 Anadarko, OK 73005	(405) 247-9493	(405) 247-2763		Bkomardley@outlook.com	http://www.apachetribe.org/
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Michael Wiggins	Chairman	PO Box 39 Odanah, WI 54861	(715) 682-7111	(715) 682-7118		BRTchair@badriver-nsn.gov	www.badriver-nsn.gov
Edith Leoso	THPO	PO Box 39 Odanah, WI 54861	(715) 682-7123 ext. 1662	(715) 682-7118		THPO@badriver-nsn.gov	www.badriver-nsn.gov
- Bois Forte Band (Nett Lake) of the Minnesota Chippewa Tribe							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Kevin Leecy	Chairman	5344 Lakeshore Drive Nett Lake, MN 55772	(218) 757-3261	(218) 757-3312		kevin.leecy@boisforte-nsn.gov	www.boisforte.com
Bill Latady	THPO	1500 Bois Forte Road Tower Minnesota, MN 55790	(218) 753-6017	(218) 753-6026		blatady@boisforte-nsn.gov	www.boisforte.com
- Cheyenne and Arapaho Tribes, Oklahoma							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Margaret Sutton	THPO	P.O. Box 167 Concho, OK 73022	(405) 422-7484	(405) 422-8224		msutton@c-a-tribes.org	www.c-a-tribes.org
Eddie Hamilton	Governor	P.O. Box 167 Concho, OK 73022	(405) 422-7734	(405) 422-8224		ehamilton@c-a-tribes.org	www.c-a-tribes.org
Margaret Sutton	THPO	P.O. Box 167 Concho, OK 73022	(405) 422-7630	(405) 422-8224		msutton@c-a-tribes.org	www.c-a-tribes.org
- Flandreau Santee Sioux Tribe of South Dakota							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Anthony Reider	Chairperson	PO Box 283 Flandreau, SD 57028-0283	(605) 997-3891	(605) 997-3878		president@fsst.org	www.santeesioux.com
Elise Montoya	THPO	PO Box 283 Flandreau, SD 57028	(605) 997-3512	(605) 997-3878		elise.montoya@Fsst.org	www.santeesioux.com
+ Fond du Lac Band of the Minnesota Chippewa Tribe							
+ Fort Belknap Indian Community of the Fort Belknap Reservation of Montana							
+ Grand Portage Band of the Minnesota Chippewa Tribe							

# TDAT - Searching by Tribe

The screenshot displays the TDAT search interface. At the top, a search box titled "Search For Tribes" contains the text "Option 1: Search by Address" and a search input field with the address "451 7th Street S.W., Washington, DC 20410". Below the search box, a map shows the location of the search area. The search results are displayed in a table titled "Contact Information for Arapaho Tribe of the Wind River Reservation, Wyoming". The table has columns for Contact Name, Title, Mailing Address, Work Phone, Fax Number, Cell Phone, Email Address, and URL. The results show two contacts: Yufna Soldier Wolf and Dean Goggles. Below the table, there are buttons for "Export To Excel", "Print the Current Page", and "Download Excel". A list of tribes is shown below the table, with "Arapaho Tribe of the Wind River Reservation, Wyoming" highlighted. The list includes tribes such as Ali'i 'Aimoku Royal Order of Kamehameha I Heiau Mamalahoa, Helu 'Elua, Allakaket Village, Alturas Indian Rancheria, California, Angoon Community Association, Anvik Village, Apache Tribe of Oklahoma, Arapaho Tribe of the Wind River Reservation, Wyoming, Arctic Village, Arapahoe Band of Micmacs, Asa'carsarmiut Tribe, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana, Association of Hawaiian Civic Clubs, Atkasuk Village (Atkasook), Augustine Band of Cahuilla Indians, California, Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin, Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California, Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada, and Bay Mills Indian Community, Michigan.

Search For Tribes

Option 1: Search by Address

451 7th Street S.W., Washington, DC 20410

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Contact Information for Arapaho Tribe of the Wind River Reservation, Wyoming

Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Yufna Soldier Wolf	THPO	PO Box 67 St. Stevens, WY 82524	(307) 856-1628	(307) 856-4611		Yufnanathpo@gmail.com	<a href="http://www.northernarapaho.com/">http://www.northernarapaho.com/</a>
Dean Goggles	Chairperson	PO Box 396 Fort Washakie, WY 82514-0396	(307) 332-6120	(307) 332-7543			<a href="http://www.northernarapaho.com/">http://www.northernarapaho.com/</a>

1 - 2 of 2 results

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Ali'i 'Aimoku Royal Order of Kamehameha I Heiau Mamalahoa, Helu 'Elua  
Allakaket Village  
Alturas Indian Rancheria, California  
Angoon Community Association  
Anvik Village  
Apache Tribe of Oklahoma  
Arapaho Tribe of the Wind River Reservation, Wyoming  
Arctic Village  
Arapahoe Band of Micmacs  
Asa'carsarmiut Tribe  
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana  
Association of Hawaiian Civic Clubs  
Atkasuk Village (Atkasook)  
Augustine Band of Cahuilla Indians, California  
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin  
Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California  
Battle Mountain Band of the Te-Moak Tribe of Western Shoshone Indians of Nevada  
Bay Mills Indian Community, Michigan



# TDAT – Export to Excel

Contact Information for Pamunkey Indian Tribe							
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Robert Gray	Chief	191 Lay Landing Road King William, VA 23086	(804) 339-1629			rgray58@hughes.net	http://www.pamunkey.net/
1 - 1 of 1 results							

Results from Query																
5	Tribal Name	First Name	Last Name	Title	Street Address	City	State	Zip-Code	Work Phone	Fax Number	Cell Phone	Email	THPO	URL	County Name	State Name
6	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Henrico	Virginia
7	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Hanover	Virginia
8	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Stafford	Virginia
9	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Richmond	Virginia
10	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Caroline	Virginia
11	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Charles City	Virginia
12	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Richmond city	Virginia
13	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Williamsburg city	Virginia
14	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Alexandria city	Virginia
15	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Petersburg city	Virginia
16	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	York	Virginia
17	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Surry	Virginia
18	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Accomack	Virginia
19	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Essex	Virginia
20	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	King William	Virginia
21	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Powhatan	Virginia
22	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Newport News c	Virginia
23	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Middlesex	Virginia
24	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	King George	Virginia
25	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Chesapeake cit	Virginia
26	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Gloucester	Virginia
27	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Isle of Wight	Virginia
28	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Westmoreland	Virginia
29	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Virginia Beach	Virginia
30	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Portsmouth city	Virginia
31	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Fredericksburg	Virginia
32	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Northumberland	Virginia
33	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Lancaster	Virginia
34	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Norfolk city	Virginia
35	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	King and Queen	Virginia
36	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Hampton city	Virginia
37	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Suffolk city	Virginia
38	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Mathews	Virginia
39	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Colonial Heights	Virginia
40	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Northampton	Virginia
41	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Fairfax	Virginia
42	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Chesterfield	Virginia
43	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Prince George	Virginia
44	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Washington D.C	District of Columbia
45	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Arlington	Virginia
46	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Prince William	Virginia
47	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	Goochland	Virginia
48	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	New Kent	Virginia
49	Pamunkey Indian Tribe	Robert	Gray	Chief	191 Lay Landing Road	King William	VA	23086	(804) 339-1629			rgray58@hughes.net	N	http://www.pamunkey.net/	James City	Virginia
50																

# TDAT – Print Current Page

	Tribal Name
+	Forest County Potawatomi
+	Fort Belknap Indian Comm
+	Hannahville Indian Commu
+	Lac du Flambeau Band of
+	Little Traverse Bay Bands
+	Menominee Indian Tribe of
+	Miami Tribe of Oklahoma
+	Oneida Tribe of Indians of
+	Ottawa Tribe of Oklahoma
1 - 9 of 9 results	



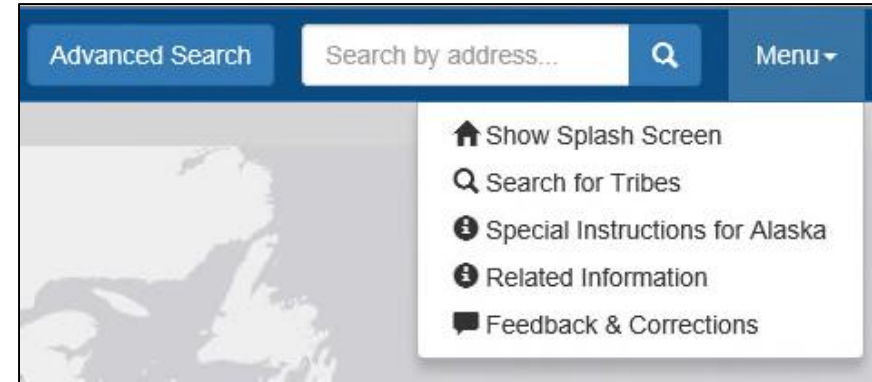
## Tribal Directory Assessment Information





### Contact Information for Tribes with Interests in Brown County, Wisconsin

Tribal Name		County Name					
- Forest County Potawatomi Community of Wisconsin		Brown					
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Harold Frank	Chairman	P.O. Box 340 Crandon, WI 54520	(715) 478-7200	(715) 478-5280		gus.frank@fcpotawatomi-nsn.gov	https://www.fcpotawatomi.com/
- Fort Belknap Indian Community of the Fort Belknap Reservation of Montana		Brown					
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Michael Blackwolf	THPO	656 Agency Main Street Harlem, MT 59526	(406) 353-8471	(406) 353-2889		mblackwolf@ftbelknap.org	http://www.ftbelknap.org/
Mark Azure	President	656 Agency Main Street Harlem, MT 59526-9455	(406) 353-8303	(406) 353-4541		mazure@ftbelknap.org	http://www.ftbelknap.org/
- Hannahville Indian Community, Michigan		Brown					
Contact Name	Title	Mailing Address	Work Phone	Fax Number	Cell Phone	Email Address	URL
Kenneth Meshigaud	Chairperson	N14911 Hannahville B1 Road Wilson, MI 49896	(906) 466-2932	(906) 466-2933		tyderyien@hannahville.org	www.hannahville.net

# Feedback and Corrections



 **Feedback and Corrections** 

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Send corrections and updates, as well as feedback on how the Tribal Directory Assessment Tool may be improved to [EnvReview@hud.gov](mailto:EnvReview@hud.gov)

To submit corrections and updates for the database:

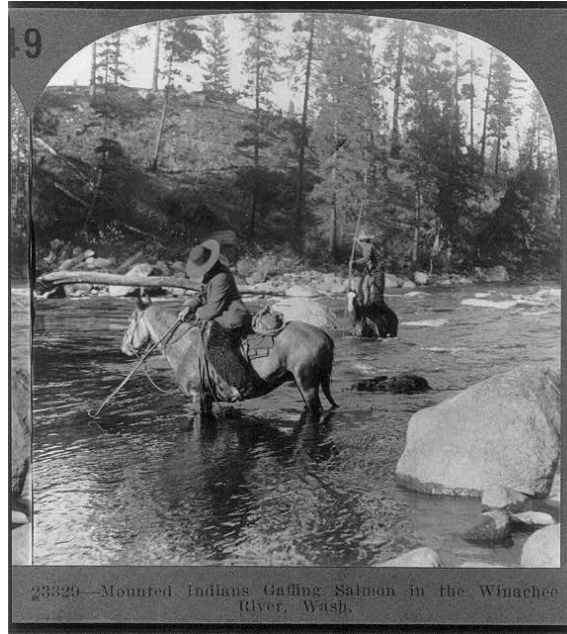
1. Use Select a Tribe to display existing database information.
2. Press Export to Excel button.
3. Revise the data as needed.
4. Save the revised file with the name "[tribe name] TDAT Revisions".
5. Send the revised Excel file as an email attachment to the email above.



WHAT to consult about?

- Historic properties of religious and cultural significance to tribes including:
  - archeological sites
  - burial grounds
  - sacred landscapes or features
  - ceremonial areas
  - traditional cultural landscapes and places
  - plant and animal communities
  - structures with significant tribal association





“The agency official shall acknowledge that Indian tribes and Native Hawaiian Organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.”



# WHEN to consult?

- When the project involves the types of activities that may affect historic properties of religious or cultural significance to tribes including:
  - ground disturbance (digging)
  - new construction in undeveloped natural areas
  - introduction of incongruent visual, audible, or atmospheric changes
  - work on a building with significant tribal association
  - transfer, lease or sale of historic properties of religious and cultural significance





Consult early, before decisions are made

## Native American Groups Sue to Stop Solar Projects

Feb 27, 2011 – 3:04 PM

- BLYTHE, Calif. -- Native Americans are clashing with the federal government over plans to fast-track approval and construction of massive solar energy project that the Indians fear will harm sacred and culturally significant sites in Western deserts.

Recent lawsuits by two native groups pose a threat to half dozen proposed solar developments that the

Obama administration has identified as a high priority

in its quest for more clean energy production. One

suit already has halted work on a major solar farm

in Southern California.....



# Section 106 – Step 1 Initiate Consultation

Using information from TDAT, write a letter to the tribe(s) and invite them to consult

Template letter available

- Inquire about historic properties
- Include project description and map
- Include previous surveys (if any)

Letters to tribal leader and THPO

Letter on letterhead of RE, signed by RE official

- -- if Part 50, letter is from HUD official

Letter may be transmitted by email

# Tribal Historic Preservation Officer (THPO)

- About a third of tribes have a THPO
- HUD guidance directs REs to initiate consultation with tribal leader and THPO on projects off tribal lands
- THPO may have assumed role of SHPO on tribal lands and on projects that affect tribal lands
  - Consult with them in lieu of SHPO
  - Unless THPO or non-tribal owner of land within reservation boundaries or affected by project within reservation boundaries requests SHPO participation



[Home](#) > [Resources](#) > Sample Section 106 Letters and Notices

Tools and Templates

## Sample Section 106 Letters and Notices

Date Published: March 2014

### Description

These documents contain sample Section 106 letters and notices.

### Resource Links

- [Sample Consulting Parties Invitation Language](#) (DOCX)
- [Sample No Historic Properties Affected Letter](#) (DOCX)
- [Sample No Adverse Effect Letter](#) (DOCX)
- [Sample Adverse Effect Letter](#) (DOCX)
- [Section 106 Tribal Consultation Letter Template for Part 58 Projects](#) (DOCX)
- [Section 106 Tribal Consultation Letter Template for Part 50 Projects](#) (DOCX)
- [Sample Project Descriptions](#) (PDF)

Tags: [Environmental Review](#)

# Letter includes:

- RE or HUD letterhead
- Project description
- Map showing location
- Photographs
- Date for response
- Information already known about cultural resources on the site
- Copy of previous surveys (if any)
- Template can be used in mail merge with Excel from TDAT

## Tribal Consultation Letter Template – Part 58

[Letterhead of the Responsible Entity]

Date

[Name], [Title]

[Name of Tribe]

[Address]

Re: Name and address of project  
HUD Program

Dear [Title] [Last Name],

The [name of HUD grantee] is considering funding the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the [name of HUD grantee] has assumed HUD's environmental review responsibilities for the project, including tribal consultation related to historic properties. Historic properties include archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places and landscapes, plant and animal communities, and buildings and structures with significant tribal association.

[Name of HUD grantee] will conduct a review of this project to comply with Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800. We would like to invite you to be a consulting party in this review to help identify historic properties in the project area that may have religious and cultural significance to your tribe, and if such properties exist, to help assess how the project might affect them. If the project might have an adverse effect, we would like to discuss possible ways to avoid, minimize or mitigate potential adverse effects.

## Section 106 – Step 1 Initiate Consultation

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Response requested within 30 days of receipt

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If tribe responds with no interest, or there is no response, tribal consultation is complete

---

Tribe asked to accept or decline consultation within 30 days, not to provide information within 30 days

---

RE may invite non-federally recognized tribes to be consulting parties; they may also participate as members of the public



## Section 106 – Step 2

### Identify and Evaluate Historic Properties

---

- Consultation meetings with tribes
  - face-to-face, web, phone
  - joint consultation with other tribes and consulting parties
- Confidentiality
  - inability to share information
  - protection of sensitive information
    - practical means, state and federal laws
- Fees
  - no fees to consulting parties for consultation
  - detailed survey documentation may be eligible project expense similar to consultant

# Archeological Consultants

- Eligible project expense
- Must meet Secretary of the Interior's Professional Qualification Standards (36 CFR 61)
  - Masters degree, specialized training and experience in research, supervisory experience in field investigations
- SHPO often has list of consultants who meet Professional Qualifications
- SHPO often has archeological study guidelines
- THPO or Tribal member with traditional cultural knowledge may act as a consultant



# Section 106 – Step 2 Identify and Evaluate Historic Properties

- If parties disagree on eligibility of a site for the National Register, they can invite ACHP to consult.
- On tribal lands, if tribe and RE disagree, RE must obtain a formal Determination of Eligibility.
- Off tribal lands, tribe can ask ACHP to request that RE or HUD official obtain a formal Determination of Eligibility.

## Section 106 – Step 3 Assess Effects

### Criteria of Adverse Effect

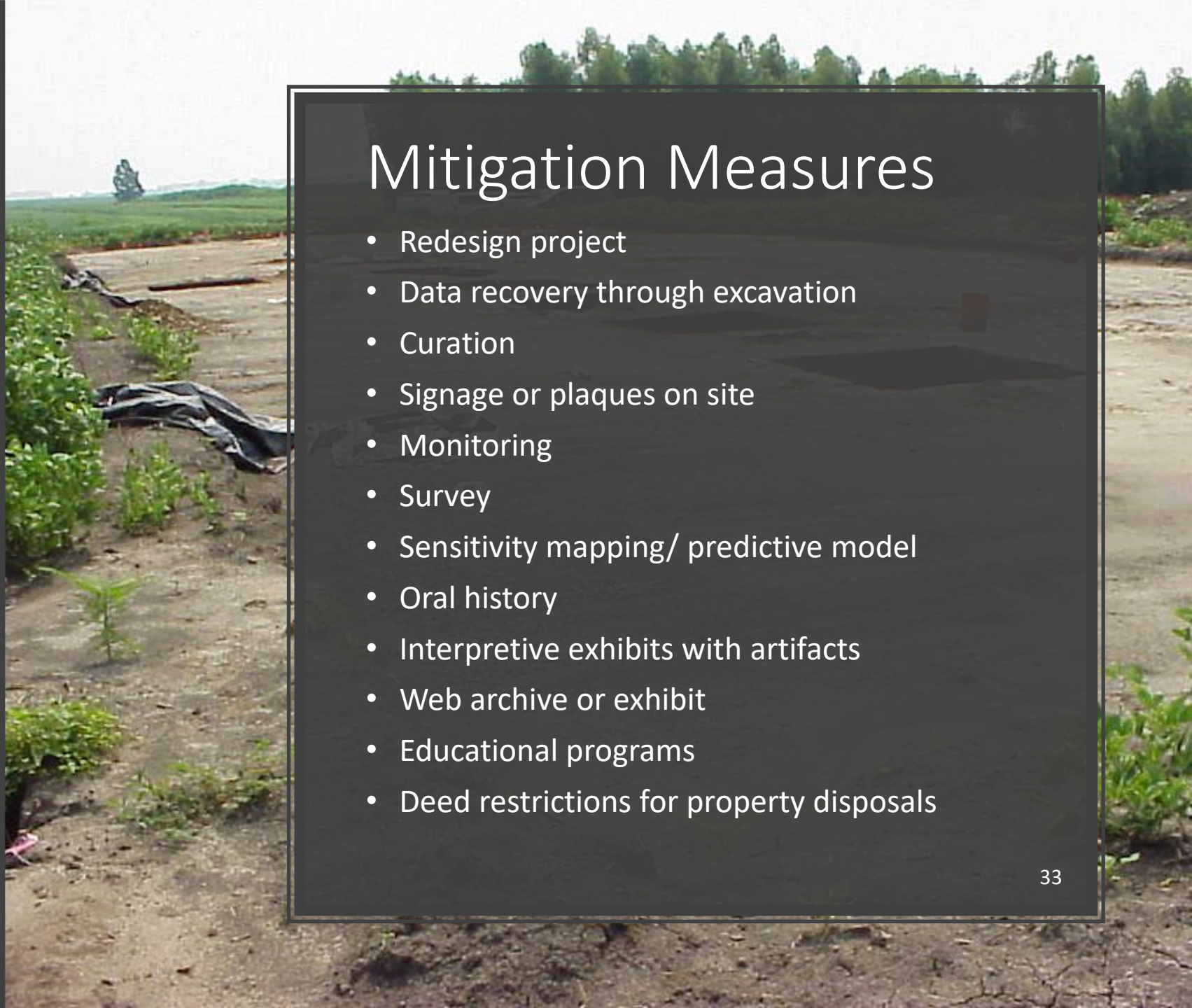
- physical destruction or damage of historic properties
- alteration of building or setting or use that does not meet Secretary of the Interior's Standards
- removal of property from its historic setting
- introduction of incongruent visual, audible, or atmospheric changes
- transfer, lease or sale of historic properties of religious and cultural significance

## Section 106 – Step 4 Resolve Adverse Effects

- If Adverse Effect, notify Advisory Council and invite their participation in consultation
- Criteria for Council participation
  - “Presents issues of concern to Indian tribes and Native Hawaiian organizations”
- Continue consultation to **AVOID, MINIMIZE, OR MITIGATE**







# Mitigation Measures

- Redesign project
- Data recovery through excavation
- Curation
- Signage or plaques on site
- Monitoring
- Survey
- Sensitivity mapping/ predictive model
- Oral history
- Interpretive exhibits with artifacts
- Web archive or exhibit
- Educational programs
- Deed restrictions for property disposals





## MOA Signatories

- Required signatories: execute, amend, terminate
  - Tribe and THPO on tribal land
- Invited signatories: amend, terminate
  - Should include any party who has a role in carrying out stipulations
  - Refusal to sign does not affect validity of agreement
  - RE or HUD can invite Tribe and/or THPO to sign
- Concurring Parties: documents participation
  - Refusal to sign does not affect validity of agreement
  - Tribe and/or THPO can be invited to be a Concurring Party

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**Part 2. Environmental Certification (to be completed by responsible entity)**

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did ☐ did not ☐ require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.

3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.

9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity	Title of Certifying Officer
<input type="text"/>	<input type="text"/>
X	Date signed
Address of Certifying Officer	<input type="text"/>

**Part 3. To be completed when the Recipient is not the Responsible Entity**

The recipient requests the release of funds for the program and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient	Title of Authorized Officer
<input type="text"/>	<input type="text"/>
X	Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012, 31 U.S.C. 3729, 3802)

Previous editions are obsolete

form HUD-7015.15 (1/00)


## Revised Request for Release of Funds (RROF) form (7015.15)

- Old form required certification of compliance with all relevant environmental laws and regulations
- Revision added certification of compliance with Section 106 process including consultation with SHPO and Indian tribes
- Ties consultation to approval of release of funds

# Record of Compliance

# Discoveries during construction

If historic properties are discovered during construction, stop construction and notify tribes, THPO, and SHPO within 48 hours, and reenter consultation  
Site visit recommended to resolve potential adverse effects



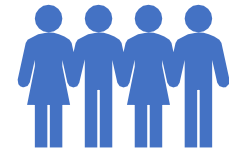
If discovery includes human remains, respectfully cover over and secure the remains, and notify same parties plus local law enforcement officials

**Follow ACHP “Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects”**



# “Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects”

- <http://www.achp.gov/docs/hrpolicy0207.pdf>
- Prescribes a consultation process, not an outcome
- Priority to leave burials undisturbed in place
- Develop and implement treatment plan in consultation with lineal descendants or descendant communities, which may include tribes





# Quick Quiz True or False ?

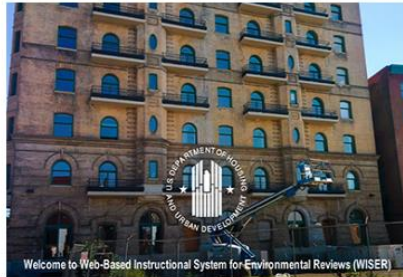
I don't need to consult with a tribe because:

- That tribe doesn't live here now
- We consulted with the SHPO on archeology
- I don't even know what tribes might be interested
- My consultant is doing it

# Resources

- Search for “HUD Historic Preservation”
- <https://www.hudexchange.info/environmental-review/historic-preservation/>

- WISER



## Historic Preservation

This module describes the regulations and processes, including Section 106, that promote the preservation of historic properties, including a detailed discussion of the steps within the Section 106 process. In addition, the module reviews how to identify historic properties, and how to make a determination as to impact and mitigation requirements for a project affecting an historic property.

## Quiz and Feedback

### ▼ 5.6. Consultation with Indian Tribes and Native Hawaiian Organizations (NHO)

5.6.1. Who initiates tribal consultation?

5.6.2. Consulting with THPO

5.7. Steps to Consultation with Tribes

5.8. Tribal Directory Assessment Tool (TDAT)

5.9. Using the Tribal Directory Assessment Tool (TDAT)

5.10. Knowledge Check 2