

## California Office of Historic Preservation

### Detailed Recommendations for Section 106 Consultation Submittals

This document provides additional explanatory information about the items identified on the Office of Historic Preservation's (OHP) [Section 106 Consultation Submittal Checklist](#). This information is recommended for agencies consulting with the State Historic Preservation Officer (SHPO) under Section 106 of the [National Historic Preservation Act](#) and its implementing regulations at [36 CFR Part 800](#) (a [summary of the regulations](#) is also available).

#### Section I: General Information About the Undertaking

- Identify if submittal is a new undertaking (i.e., you are initiating consultation) or one that has already been submitted to the SHPO (i.e., you are continuing consultation).

If you are providing more information related to a submittal already sent to the SHPO, provide the OHP reference number if available.

- Indicate under which regulatory process or agreement document you are consulting.

For example, 36 CFR Part 800; 36 CFR Part 800.8(c); Programmatic Agreement; or Memorandum of Agreement.

If consulting under an agreement document, indicate the document's name and date, and the specific stipulation under which you are consulting, if applicable.

*Note: Further guidance regarding submissions under 36 CFR Part 800.8(c) will be forthcoming. Until that time, if you have questions, contact the OHP reviewer assigned to your agency and see [NEPA and NHPA: A Handbook for Integrating NEPA and Section 106](#).*

- Provide the name of the undertaking, street address (if applicable), city, and county.

Indicate the name the agency is using to identify the undertaking and its location. Include street address and city if those are applicable to the location. If the undertaking crosses into more than one city and/or county, list all cities and counties associated with the undertaking's location.

- Indicate if the federal agency has begun its review process under the National Environmental Policy Act (NEPA).

If NEPA review has begun, provide a description of what work has been done to date, which type of NEPA document is being prepared, and what the agency's schedule is for future NEPA compliance work.

#### Section II: Contact Information

- Provide the name of the federal agency responsible for the undertaking, and the agency representative's contact information.

Include full contact information (i.e., the representative's name, mailing and street addresses, phone number, fax number, and email address).

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

*Note: Every undertaking has a federal funding, licensing, or permitting agency. If you do not know your federal agency or the contact person, contact the party that is requiring you to request Section 106 consultation to obtain this information.*

- If you have been delegated responsibility for consultation by a federal agency, provide a letter of delegation from the agency.

- If applicable, provide the state agency name and information regarding the contact person at that agency.

Include full contact information (i.e., the representative's name, mailing and street addresses, phone number, fax number, and email address).

- If this consultation request is part of a grant program, include the name of the program.

For example, Land and Water Conservation Fund (under the National Park Service), Regional Trails Program (under the Federal Highway Administration), etc.

- If different from the contact people referenced above, provide information regarding the contact person for this specific consultation request.

Include full contact information (i.e., the representative's name, mailing and street addresses, phone number, fax number, and email address).

### Section III: Description of Undertaking and Area of Potential Effects (APE)

- Provide a detailed, narrative Project Description, including project schedule if known.

Describe in narrative form all the work that will be undertaken (plans, specifications, environmental documents, etc., are helpful but should be used to supplement, not replace, this description). Be sure to identify the undertaking's purpose (in brief), acreage, and location. Include any information about building removals, rehabilitation, and landscape alterations such as sidewalk or tree removals. The project description should include enough detail to fully communicate the action, especially with regard to its potential effects on historic properties. Include any known information about the anticipated project schedule.

*Note: The federal agency is mandated to assess the effects that an undertaking may have on historic properties only. Economic benefits and/or impacts to the natural and social environment are not relevant unless these bear some connection to the effects on historic properties.*

- Provide a Project Location Map depicting where the undertaking is located within the state.

- Provide a narrative APE Description. (36 CFR Part 800.4(a)(1))

*Note: All federal undertakings have an APE.*

Include the horizontal and vertical extents of proposed work (including ancillary and support locations such as staging and lay down areas, access routes, and mitigation parcels), a description of the steps taken to identify the APE, and a justification for the APE boundaries chosen. The APE should also take indirect effects into account (e.g., visual

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

and auditory effects, land use changes, traffic patterns, public access, etc.). The indirect APE should be clearly described.

*Note: The APE is defined in 36 CFR 800.16(d) as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.” In most instances, the APE is not simply the undertaking’s physical boundaries or right-of-way.*

- Provide an APE Map on a 7.5-minute USGS topographic quad or another map showing the APE in appropriate detail and scale. More than one map may be advisable.

Ensure the map(s) clearly outlines the APE and depicts and labels all work items discussed in the project description. Whatever type of map(s) is submitted, it needs to adequately portray the APE so that the OHP reviewer can understand the extent of the APE as well as the location of all items discussed in the project description. Consistency in mapping formats used is highly advisable.

For example, if no historic properties are present, the project’s APE map should simply be of sufficient scale to document the APE. However, if historic properties are present, the project’s APE should be projected on aerial photos and be of sufficient scale (1 inch=200 feet is preferred) and have enough project detail to demonstrate the relationship of historic properties to the APE. This is especially important in order to document a finding of No Historic Properties Affected or a finding of No Adverse Effect. The map(s) should clearly show the APE, the location of all properties discussed, the boundaries of any eligible or listed historic properties, and the boundaries of any Environmentally Sensitive Areas (ESAs), if applicable.

All maps and aerial photographs should include a scale, a North arrow, and clear labels.

If using a USGS map that doesn’t clearly show the name of the USGS quadrangle as well as the Township Number, Range, and Section number(s), include this information. The USGS quadrangle site is [geonames.usgs.gov/pls/gnispublic/f?p=111:1:270765758809663](http://geonames.usgs.gov/pls/gnispublic/f?p=111:1:270765758809663).

### Section IIIA: Ground-Disturbing Activity

*Note: Ground-disturbing activities include excavation, grading, tree removal and planting, utility installation, etc.*

If the undertaking involves ground-disturbing work:

- Provide a USGS 7.5 minute quadrangle map, or another map of an appropriate scale, with the location of the ground-disturbing activity clearly marked.

Like with the APE map, this map needs to be of sufficient scale to allow the OHP reviewer to understand the extent (horizontal and vertical) and location(s) of proposed ground-disturbing activities.

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

If using a USGS map that doesn't clearly show the name of the USGS quadrangle as well as the Township Number, Range, and Section number(s), include this information.

- Describe, in narrative form, the proposed length, width, and maximum depth of ground-disturbing activity.

For example, "The proposed trench line will be 4 feet long, 20 feet wide, 2 feet deep."

- Describe the current and previous use(s) of the land and any known previous ground disturbances.

If previous ground disturbance is used to determine an absence of archaeological resources, provide supporting evidence for the determination, such as indicating the area has imported landfill, there was prior grading down to bedrock or into strata predating prehistoric occupation, etc.

### Section IV: Identification of Historic Properties

*Note: Historic properties are defined at 36 CFR Part 100.16(l)(1) as properties included in or eligible for inclusion in the National Register of Historic Places. The agency is responsible for making a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, field investigations, and field surveys. The [California Historical Resources Information System's Information Centers](#) maintain an inventory of listed and previously identified cultural resources; however, simply conducting a records search at one of these centers does not fulfill your responsibility to identify historic properties. The OHP does not conduct research.*

- Describe the archival research conducted in order to identify historic properties. Attach evidence of having completed a records search at the appropriate [Regional Information Center\(s\)](#) and attach the results of that search. (36 CFR Part 800.4(a)(2))

The SHPO recommends that identification efforts include a recent (not more than two years old) CHRIS records search, in addition to research through other sources as appropriate to the undertaking's scale and location. More recent information should be included if there have been major impacts to the landscape in which the undertaking is located (e.g., development, fire, flooding, quarrying, etc.).

- Describe Native American consultation conducted and efforts to identify Native American resources. Attach copies of correspondence to and from tribal groups and the Native American Heritage Commission. (36 CFR Part 800.4(a)(4))

You will need to provide the [Native American Heritage Commission](#) (NAHC) with an APE and project description, as well as locational information comparable to that discussed in Section III above. The NAHC uses a [Sacred Lands File and Native American Contacts List Request Form](#) for this purpose. We strongly advise that you consult with all contacts identified by the NAHC.

Tribal consultation should be initiated prior to initiation of the Section 106 review process with the SHPO to ensure that tribal comments are taken into consideration during the

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

review process and to identify tribal resources in the APE. In rare instances, tribal consultation may be initiated at the same time as initiation of the process with the SHPO and the reason for this should be explained in the information submitted to the SHPO.

Letters to tribes or interested Native American individuals are adequate for the initial contact, but should be followed by telephone/email or other reasonable and appropriate attempts to engage responses. In addition to attaching correspondence to or from tribal groups, the agency should also describe these other attempts to contact tribal groups and summarize the responses received.

Additionally, the submittal should discuss meetings held with tribes and any studies that resulted from consultation. The agency's response to all comments received should also be included in the submittal, describing the issues that remain to be resolved, if any.

For more information about consulting with Native American tribes, see the ACHP's [Consultation with Indian Tribes in the Section 106 Review Process: A Handbook](#).

- Describe consultation conducted with other consulting parties (such as representatives of local governments, project applicants, and additional consulting parties) and the public pursuant to 36 CFR Part 800.2(c)(3-5) and Part 800.2(d). Attach copies of correspondence to and from such agencies, organizations, and individuals. (36 CFR Part 800.4(a)(3))
- Identify any previously recorded historic properties. (36 CFR Part 800.4(a)(2))
- Describe the survey work completed to identify historic properties. (36 CFR Part 800.4(b)(1))

Discuss, for example, any field surveys, excavation, building surveys, etc.

Architectural surveys may need to be updated if they are more than five years old to ensure the identification efforts reflect the current state of the resources.

Resources identified in field inventories that are more than two years old should be re-examined to determine site integrity and project effects. Archaeological property surveys less than two years old may require updating if there have been changes to the landscape such as fire, flooding, slides, etc.

If the identification and evaluation efforts will be based on older surveys, the agency should provide justification for why those results remain valid.

- For archaeological surveys, provide a map of the APE depicting the areas surveyed, types of survey coverage (e.g., intensive, reconnaissance), and survey methods and strategies.

Archaeological survey reports must include the field methodology used and a reference to the state and/or federal standards under which the survey was conducted. Specify whether the survey was a pedestrian surface survey, a windshield survey, etc. Pedestrian surveys should be conducted using transects of 15 meters or less. If this was not possible due to topography or vegetation, discuss what the restrictions were and efforts to facilitate identification. Also include the percentage of surface visibility during the survey. If visibility was poor include what actions were taken to adapt identification efforts (e.g., raking surface leaves or vegetation at intervals along transects).

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

- Provide a site location map that depicts the location of all historic properties and isolated finds identified within the APE.
- Evaluate the potential eligibility of identified resources for listing on the National Register of Historic Places and provide substantive evidence of Determinations of Eligibility (DOEs) for each property evaluated (the DPR 523 form, or an appropriate agency form, may be used to provide this evidence). (36 CFR Part 800.4(c))

If properties were previously determined eligible or ineligible, provide a copy of the letter indicating SHPO concurrence.

DOEs should demonstrate that all four of the Criteria for Evaluation found at 36 CFR Part 60.4 have been applied and the historic integrity of the property assessed. DOEs should also evaluate eligibility of properties within the context of a potential historic district, as well as individual eligibility. Your submittal should indicate the reason(s) each resource meets or doesn't meet the criteria and if certain criteria are not applicable to the resource, as well as addressing the seven aspects of integrity found in [National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation](http://www.nps.gov/nr/publications/bulletins/nrb15/) (found at <http://www.nps.gov/nr/publications/bulletins/nrb15/>).

For new DOEs, SHPO concurrence with the eligibility findings is required. In some instances and through consultation with the SHPO, a federal agency may assume that a property or site is eligible. In any case, the agency should provide a rationale for its findings.

### Section V: Finding of Effect

- Based on the above information, identify which ONE of the findings of effect applies to this undertaking: No Historic Properties Affected pursuant to 36 CFR Part 800.4(d)(1); No Adverse Effect pursuant to 36 CFR Part 800.5(b); or, Adverse Effect pursuant to 36 CFR Part 800.5(d)(2).

- Provide a justification for the finding of effect.

To make a finding of No Historic Properties Affected, resources within the APE must have been evaluated. However, resources may be assumed eligible for the National Register of Historic Places for purposes of the project when they can be completely avoided by the project activities, in which case a finding of No Adverse Effect with Conditions would be appropriate.

- For findings of Adverse Effect, describe the adverse effects to historic properties pursuant to 36 CFR Part 800.5(a)(1) and examples provided at 36 CFR Part 800.5(a)(2).

Adverse effects result when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register. The assessment of effect should explain why and how historic properties will be adversely affected.

*Note: Further consultation will be required to resolve adverse effects if the SHPO concurs with a finding of adverse effects. If the undertaking results in an adverse*

## California Office of Historic Preservation - Section 106 Consultation Submittal Checklist

*effect, the agency will consult on an agreement document (Memorandum of Agreement or Programmatic Agreement) with consulting parties, including the SHPO and the Advisory Council on Historic Preservation (ACHP), should the ACHP choose to participate. For more information about agreement documents, see the [ACHP's Guidance on Agreement Documents](#).*

The checklist above is specifically focused on documentation to submit for SHPO review of a federal undertaking. For information about the process of consultation under Section 106 of the NHPA, see the following resources:

[Advisory Council on Historic Preservation's Archaeology Guidance](#)

[Section 106 Applicant Toolkit](#)

[Meeting the "Reasonable and Good Faith Identification Standard" in Section 106 Review](#)

[Tribal Consultation: Best Practices for Historic Preservation](#)

[Section 106 Assistance for Users](#) (this page has links to many different types of information, including some of the resources noted above)