

**DEPARTMENT OF PARKS AND RECREATION
OFFICE OF GRANTS AND LOCAL SERVICES**

PROCEDURE FOR SECTION 106

Section 106

As stated in the Land and Water Conservation Fund (LWCF) Application Guide, compliance with 36 CFR 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966, as amended, is required. The Applicant must complete the following process to document that Section 106 compliance has been met. Section 106 documentation cannot be older than 5 years from the date submitted to SHPO for approval. (SHPO refers to the State Historic Preservation Officer).

Section 106 should be completed early in the project planning process, and must be completed before any ground disturbance/construction.

Step-by-Step In-Depth External Guide

This section provides a description of each step in the Section 106 process.

Step	Phase	Action	Who
1	Initial Contact	Contacts Local Agency to indicate Section 106 is required for the LWCF application.	OGALS
2	Consultant Qualifications and Consultant Selection	<p>Review the Office of Historic Preservation (OHP) checklist for Section 106. The checklist outlines the Section 106 process and requirements.</p> <p>Agency selects consultant off the California Historical Resources Information System (CHRIS) Consultant List: http://www.chrisinfo.org</p> <p>Note: If agency selects an individual not on the CHRIS consultant list a resume is required from the individual and submitted to OGALS and he/she must meet the professional qualification standards by the Secretary of Interior's found in 36 CFR Part 61.</p> <p>As part of the submittal described in Step 3, provide the curriculum vitae (CV's) of the consultant (or individual) that will assist the applicant with the Section 106 preparation.</p>	Local Agency

3	Determine Undertaking and Develop APE	<p>This step involves proposing a Description of Undertaking (detailed project scope) and development of the Direct Area of Potential Effect (APE) and Indirect Area of Potential Effect.</p> <p>Prepare and submit a letter to OGALS* that addresses all elements in Section III and III(A) in the OHP checklist and include the CV's from Step 2.</p> <p>See step 4 and the gray box below. All parties must have a mutually-agreed upon APE before proceeding; this is the most critical step of the Section 106 process to ensure the adequacy of the boundaries for the area of study.</p>	Local Agency/ CHRIS Consultant
4	Approve Consultant/ APE	Approves adequacy of the Direct APE and Indirect APE.	OGALS and OHP
Do not proceed with the steps below until OGALS sends applicant written confirmation that Steps 1 – 4 are complete.			
5	Consultant Letter	<p>Identification of Historic Properties and Finding of Effect (Proceed with Section IV and V in OHP Checklist):</p> <ul style="list-style-type: none"> • CHRIS Information Center – request record search and obtain recommendation • California Native American Heritage Commission – tribal consultation • Survey, criteria for evaluation, evaluation work, and results of evaluation • Identify appropriate Finding of Effect 	CHRIS Consultant
6	Consultant Letter	Applicant prepares and submits cover letter to OGALS* in Word format following the chronological order of the <u>OHP Checklist</u> . Reference all included attachments (maps, surveys, etc.) in the cover letter by naming the document and what page number the document can be found.	CHRIS Consultant
7	Concurrence	<p>OGALS submits request for consultation with the Office of Historic Preservation.</p> <p>OGALS will notify applicant upon concurrence. Do not start construction (any groundbreaking) until you have a Section 106 concurrence letter and a fully executed grant</p>	OGALS and OHP

		agreement is signed by the State of California.	
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*Email Address for Section 106 Submittals:

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CA Department of Parks and Recreation

Office of Grants and Local Services