

PROCEDURE FOR SECTION 106

Section 106

As stated in the Land and Water Conservation Fund (LWCF) Application Guide, compliance with 36 CFR Part 800, Executive Order 11593 and Section 106 of the National Historic Preservation Act of 1966, as amended, is required. Applicants 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 the State Historic Preservation Officer (SHPO) for approval.

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

Step-by-Step External Guide

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

Step	Phase	Action	Who
1	Initial Contact	Contacts the Local Agency to indicate Section 106 is required for the LWCF application.	OGALS
2	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>The Applicant hires a consultant that meets the professional qualifications standards set by the Secretary of the Interior, found in 36 CFR Part 61. Agencies may wish to refer to the California Historical Resources Information System (CHRIS) Consultant List as a tool: http://www.chrisinfo.org. Please note that the Consultants List is maintained by the Eastern Information Center (EIC), and CA State Parks is not endorsing nor guaranteeing the consultants on the list are qualified to perform Section 106. It is the responsibility of the Local Agency to determine if the consultant is indeed qualified.</p> <p>As part of the submittal described in Step 3, consultants/individuals assisting with the Local Agency's Section 106 preparation must submit a resumé that demonstrates that they meet the professional qualifications standards found in 36 CFR Part 61.</p>	Applicant

3	Determine Undertaking and Develop APE	<p>Propose 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) of the OHP checklist for Section 106 and include the resume(s) from Step 2. Request and use the template APE cover letter provided by OGALS.</p> <p>All parties must have a mutually agreed upon APE before proceeding to the next phase of the Section 106 process; this is the most critical step of the Section 106 process to ensure the adequacy of the boundaries for the area of study. See Step 4 and the gray box below.</p>	Applicant/ Consultant
4	APE Approval	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	Identify Finding of Effect	<p>Identification of Historic Properties and Finding of Effect (Proceed with Section IV and V in the OHP Checklist):</p> <ul style="list-style-type: none"> • Request a record search through the CHRIS Information Center. • Conduct tribal consultation through the California Native American Heritage Commission. • Conduct survey, criteria for evaluation, evaluation work, and provide results of the evaluation. • Identify the appropriate Finding of Effect. 	Consultant
6	Section 106 Findings Letter	<p>Consultant prepares and submits a cover letter to OGALS* in Word format. Please request and follow the consultation template letter provided by OGALS. The template follows the chronological order of the OHP Checklist. The cover letter should include an exhibit list followed by all applicable attachments such as maps, cultural survey report, etc. Page number references are also very helpful.</p>	Consultant

7	Concurrence	<p>OGALS submits request for consultation with OHP. SHPO has thirty calendar days to make a determination on an initial consultation request.</p> <p>OGALS will notify the applicant upon SHPO concurrence on the project. <u>Do not start construction (any groundbreaking) until you have a Section 106 concurrence letter and a fully executed grant agreement is signed by the State of California.</u></p>	OGALS and OHP
---	-------------	---	---------------

***Email Address for Section 106 Submittals:**

Natalie.Bee@parks.ca.gov

Natalie Bee, LWCF Supervisor
CA Department of Parks and Recreation
Office of Grants and Local Services