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Section 106 Regulations Flow Chart

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Initiate Section 106 Process

- Establish undertaking
- Identify appropriate SHPO/THPO *
- Plan to involve the public
- Identify other consulting parties

▶ *No undertaking/no potential to cause effects*

Undertaking is type that might affect historic properties

Identify Historic Properties

- Determine scope of efforts
- Identify historic properties
- Evaluate historic significance

▶ *No historic properties affected*

Historic properties are affected

Assess Adverse Effects

- Apply criteria of adverse effect

▶ *No historic properties adversely affected*

Historic properties are adversely affected

Resolve Adverse Effects

- Continue consultation

▶ *Memorandum of Agreement*

FAILURE TO AGREE

▶ **COUNCIL COMMENT**

Key Elements of the Section 106 Process			
The Roles of Participants	Involving the Public	Consultation	Documentation

[Click here to view all flow chart explanatory material in one long document—suitable for printing](#)

*** The regulations define the term "THPO" as those tribes that have assumed SHPO responsibilities on their tribal lands and have been certified pursuant to Section 101 (d)(2) of the NHPA. Nevertheless, remember that tribes that have not been so certified have the same consultation and concurrence rights as THPOs when the undertaking takes place, or affects historic properties, on their tribal lands. The practical difference is that during such undertakings, THPOs would be consulted *in lieu* of the SHPO, while non-certified tribes would be consulted *in addition* to the SHPO.**

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