



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-7000

OFFICE OF COMMUNITY PLANNING  
AND DEVELOPMENT

## MEMORANDUM

**TO:** Regional Environmental Officers, Field Environmental Officers, Program Environmental Clearance Officers

**FROM:** Danielle Schopp, Director, Office of Environment and Energy

**DATE:** May 5, 2015

**RE:** Section 106 Tribal Consultation in Projects Reviewed Under 24 CFR Part 50

The purpose of this memo is to clarify HUD's procedure for Section 106 consultation with Indian tribes in projects that are reviewed under 24 CFR Part 50. HUD issued Notice CPD 12-006, "Process for Tribal Consultation in Projects That Are Reviewed Under 24 CFR Part 58" in June 2012 and plans to issue a parallel Notice for Part 50 projects. Until that is available, the following principles should apply to tribal consultation in Part 50 projects.

- The National Historic Preservation Act and its implementing regulations 36 CFR 800 require government-to-government consultation with federally-recognized Indian tribes.
- For Part 50 projects, HUD must initiate consultation and cannot delegate initiation of consultation to a consultant, contractor, lender, or Public Housing Authority.
- For purposes of initiating consultation, a HUD program official must sign the letter to the tribe, which must be on HUD letterhead.
- A contractor or consultant may prepare the letter to the tribe and provide the draft to the HUD program official for consideration, but cannot send the letter to the tribe or sign the letter.
- HUD remains responsible for all subsequent consultation with the tribe. HUD may require additional information or participation from a consultant, contractor, lender or Public Housing Authority to facilitate that consultation.
- Find a *Section 106 Tribal Consultation Letter Template for Part 50 Projects* here: <https://www.hudexchange.info/resource/3866/sample-section-106-letters-and-notices/>
- Specific instructions on what kinds of project activities require tribal consultation, which tribes and which tribal officials to contact, timeframes, etc. are included in Notice CPD 12-006 and should also guide tribal consultation in Part 50 projects. The Notice is available here: <https://www.hudexchange.info/resources/documents/Notice-CPD-12-006-Tribal-Consultation-Under-24-Cfr-Part-58.pdf>
- HUD's Tribal Directory Assessment Tool (TDAT) identifies federally recognized tribes, their counties of interest, and tribal contact information and is available here: <http://egis.hud.gov/tdat/Tribal.aspx>
- Additional tools and training on tribal consultation are available here: <https://www.hudexchange.info/environmental-review/historic-preservation/tribal-consultation/>

## Tribal Consultation Template Letter – Part 50

HUD letterhead

Date

«AddressBlock»

Re: Name and address of project  
HUD Program

«GreetingLine»

The {name of HUD grantee} is considering [funding, providing mortgage insurance for] the project listed above with federal funds from the U.S. Department of Housing and Urban Development (HUD) and we are reviewing the project under HUD regulation 24 CFR Part 50 and Section 106 of the National Historic Preservation Act and its implementing regulations 36 CFR Part 800 for possible impacts on 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.

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.

[Summarize and include known info from SHPO and other sources including non-confidential information from other tribes]

To meet project timeframes, if you would like to be a consulting party on this project, can you please let us know of your interest within 30 days? If you have any initial concerns with impacts of the project on religious or cultural properties, can you please note them in your response?

Enclosed is a map that shows the project area and, if applicable, an additional area of potential indirect effects. The project consists of [insert project description].

More information on the Section 106 review process is available at <http://www.onecpd.info/environmental-review/historic-preservation/>.

General information on HUD's process for tribal consultation under Section 106 is described in a Notice available at <https://www.onecpd.info/resource/2448/notice-cpd-12-006-tribal-consultation-under-24-cfr-part-58>.

if you do not wish to consult on this project, can you please inform us? If you do wish to consult, can you please include in your reply the name and contact information for the tribe's principal representative in the consultation? Thank you very much. We value your assistance and look forward to consulting further if there are historic properties of religious and cultural significance to your tribe that may be affected by this project.

If you have questions regarding this finding, please direct them to [ ]. Thank you for your attention to this matter.

Sincerely,

Name  
Title  
Phone  
E-mail  
FAX

cc: THPO