



Notice of Delegation of Authority Section 106 Consultation under the National Historic Preservation Act (NHPA), American Recovery and Reinvestment Act of 2009, Capital Improvement Project Grant Program

Dear Grantee,

The Health Resources and Services Administration's (HRSA) review of your organization's Capital Improvement Project or Facilities Investment Project Notice of Grant Award has identified one or more construction or alteration/repair/renovation project in your grant application that represents an "undertaking" under the National Historic Preservation Act (NHPA). Such projects will require further review and consultation under Section 106 of the NHPA.

Undertakings include any district, site, building, structure or object that is eligible for or listed on the National Register of Historic Places (NRHP). HRSA has determined that the following activities constitute an undertaking: 1) all new construction and expansion projects; 2) alteration and renovation projects where exterior changes to the building façade or surroundings may be made (including roof, windows and parking lots), and 3) where interior renovations may be made to a building that is over fifty (50) years old, or is historically, architecturally, or culturally significant. Under Section 106, prior commencing work outside of architectural and engineering services, or acquiring necessary licenses, permits and other approvals for the project, an assessment must be made of the potential effects of undertakings on historic properties, and a notification/consultation must take place with all interested parties.

The NHPA regulations 36 CFR § 800.2(c)(5), provide for applicants or their authorized representatives to initiate the section 106 compliance consultations when authorized to do so by the Federal agency. **All grant applicants and their authorized representatives are hereby authorized to initiate the Section 106 process directly with the State Historic Preservation Officer (SHPO) and Tribal Historic Preservation Officer (TPHO).** HRSA has notified the respective SHPO/TPHOs that your organization is authorized. The applicant will present its historic preservation findings to the SHPO and the SHPO will concur or disagree in writing with the finding.

HRSA will remain responsible for participating in the consultation process when: it is determined that the Criteria of Adverse Effect apply to an undertaking; there is a disagreement between the grantee or grantee's authorized representative, and the SHPO/TPHO regarding identification and evaluation, and/or assessment of effects; there is an objection from consulting parties or the public regarding findings and determinations, the implementation of agreed upon processions, or their involvement in a Section 106 review; or, there is a potential for anticipatory demolition, removal, or abandonment as specified in Section 110(k) of the NHPA.

HRSA funds may be used to hire consultants to complete the applicant's section 106 and other related historic preservation responsibilities. In most cases, it would be advantageous to the applicant. The SHPO should have a list of qualified consultants in the area. When consulting with SHPOs, the applicant/authorized representative should identify the organization they are representing, include an appropriate contact person within the organization, and describe the undertaking needing the section 106 review.

In accordance with 36 CFR § 800.2(c)(3), HRSA shall ensure that all consultations with Indian Tribes are conducted in a sensitive manner respectful of all tribal sovereignty and the government to government relationship between the Federal government and Indian Tribes. This letter, therefore, is not intended to modify or limit such requirements nor mandate that Indian Tribes consult with grantees or provide information if the Indian Tribes conclude that consultation should be directly with HRSA.

Information regarding the Section 106 process, and contact information for appropriate SHPO/TPHO can be found at <ftp://ftp.hrsa.gov/bphc/recovery/Section106.pdf>. Until the applicant/authorized representative formally consults with their SHPO, it should be assumed that construction or renovation of structures may potentially impact cultural and historic properties.

If you have any questions regarding this matter, please contact me at (301) 443-7362, or via email at mmueda@hrsa.gov.

Sincerely,

Mark Mueda
Acting Historic Preservation Officer
HRSA/Healthcare Systems Bureau
Division of Facilities Compliance and Recovery