

**Notice of Authority Section 106 Consultation under the National Historic Preservation Act (NHPA),
Health Resources and Services Administration
FY 2023 Congressionally Directed Spending Projects**

Dear Award Recipient/Grantee,

The Health Resources and Services Administration's (HRSA) review of your organization's funded grant application has identified one or more construction or alteration/repair/renovation projects 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. Interior renovations to a building that is over fifty (50) years old, or is historically, architecturally, or culturally significant.

Under Section 106, prior to 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 resources, and a notification/consultation must take place with all interested parties, which includes State Historic Preservation Officers (SHPOs) and possible Tribal Historic Preservation Officers (THPOs) among others.

The NHPA regulations 36 CFR § 800.2, 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 SHPO and THPO.** The applicant will present its historic preservation findings to the SHPO/THPOs and the SHPO/THPOs will concur or disagree in writing with the finding within 30 calendar days.

HRSA will be responsible for participating in the consultation process, including when one or more of the following occur:

- A determination that the Criteria of Adverse Effect apply to an undertaking;

- A disagreement between the grantee or grantee's authorized representative, and the SHPO/THPO regarding identification and evaluation, and/or assessment of effects;
- 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
- 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)(2), HRSA ensures 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 direct with HRSA. In this instance, please notify HRSA if a THPO requires direct consultation with HRSA.

Additional information regarding the Section 106 process and contact information for appropriate SHPO/THPO can be found at:

- National Conference of State Historic Preservation Officers ([NCSHPO](#)) [Directory](#) for SHPOs
- [Tribal Leaders Directory](#) or [NATHPO](#) for tribal contact information. For specific THPOs, please contact your HRSA environmental and historic preservation reviewer.

Until the applicant/authorized representative formally consults with their SHPO, it should be assumed that the construction or renovation of structures may potentially impact cultural and historic properties.

If you have any questions regarding this matter, please contact Keith Kizzie at 301-443-2381, or via email at kkizzie@hrsa.gov.