

FEMA Region IV Tribal Consultation Quick Guide

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies take into account the effect of their undertakings on historic properties. The NHPA requires that agencies must complete this process prior to the expenditure of any Federal funds on the undertaking. In order to fulfill requirements, the federal agencies must consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Offices (THPO). Any project that requires tribal consultation will also require SHPO consultation.

Tribes have traditions and places that they and their ancestors have valued for thousands of years and should be respected. Through the consultation process, FEMA learns about these cultural resources, and ways to possibly avoid, minimize, or mitigate affecting these resources.

Types of activities that may trigger tribal consultation

Any project disturbing ground or moving soil, including but not limited to:

- Drainage projects
- Demolition
- Elevation
- Utility improvements
- Communication Towers
- Construction
- Tree Removal

Process

- Consultation with federally recognized tribes cannot be delegated by federal agencies due to the sovereign nation-to-nation relationship tribes have with the Federal government.
- Consultation letters are drafted by FEMA historic preservation specialists and sent to tribes that have tribal or ancestral lands within the project's designated area of potential effect (APE). The APE is determined by FEMA's historic preservation specialists.
- Tribes have 30 days to respond to a consultation request. The 30-day time period starts the day the tribes receive the letter, not the date FEMA sends the letter.
- If a tribe requests additional information, time to respond, or non-concurrence with FEMA's determination of eligibility, additional time is required to complete the consultation process.

Additional Information

In order to draft a tribal consultation letter, the following project information is required:

- A complete and accurate project Scope of Work (including horizontal limits and vertical depths of ground disturbance)
- Street address and geographic latitude / longitude
- Color photographs of the site
- Project location map
- Project site plan

In addition to these documents, copies of consultation letters sent to and received from the State Historic Preservation Office will expedite drafting the tribal letters.

The earlier tribal consultation is included in the project life cycle and planning process, the more effective and successful the consultation process will be. This may help reduce project disruptions, delays, and project delay and compliance costs.