[Date]

Name

Title

Organization

Address Line 1

Address Line 2

City, State, Zip Code

Subject: USDA RD [Insert Agency] Staff [Choose THPO Finding of No Historic Properties Affected or THPO Finding of No Adverse Effects] (Other Tribal Land Involved)

[Insert Project Name]

[Insert Project Location]

Dear [Insert Recipient’s Title and Last Name]:

The [Choose: Rural Utilities Service (RUS), Rural Business-Cooperative Service (RBS), or Rural Housing Service (RHS)] is reaching out to the [Insert the tribe’s name] to ensure we have input from all tribes known to have an interest in the [Insert the project name or designation] (Project), which occurs on lands controlled by the [Insert the tribe’s name].

[Insert Name of Applicant] [Choose: is seeking or plans to seek] financial assistance from the USDA Rural Development (RD), [Choose: RUS, RBS, or RHS] under its [Identify the applicable Agency Program] for the Project. [Choose an NPA option].[[1]](#footnote-1)

[Insert a Complete Project Description].[Describe the Project Purpose and Need].

If [Choose: RUS, RBS, or RHS] elects to fund the [Choose: Project(s), Project construction work plan, or Project loan design], [Choose: it will become an undertaking or they will become undertakings] subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

[Choose: RUS, RBS, or RHS] defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas. Impacts that come from the undertaking at the same time and place with no intervening causes, are considered “direct” regardless of its specific type (e.g., whether it is visual, physical, auditory, etc.). “Indirect” effects to historic properties are those caused by the undertaking that are later in time or farther removed in distance but are still reasonably foreseeable.

The APE for the referenced project consists of [Describe the area of potential effects (APE)] as shown on the enclosed map. Additionally, [Choose: The APE does or does not include any federal and/or tribal lands as defined pursuant to 36 CFR § 800.16(x) OR The APE includes the following federal and/or tribal land(s) as defined pursuant to 36 CFR § 800.16(x)].

On [Insert Date] the following [Choose: Indian tribes, Native Hawaiian Organizations (NHOs), or Indian tribes and Native Hawaiian Organizations (NHOs)] were notified about the [Insert project name (s)]: [Insert names of Indian tribes and/or NHOs notified about the project(s)]. [Describe the response to the notification by Indian tribes and/or NHOs and how any requests have been addressed. Be sure to indicate if no response was received].

The enclosed [Choose: document or report] titled, [Insert the document or report title and date issued] describes the results of the [Choose: survey or investigation] of the area of potential effects (APE). [Describe what was found in the survey or investigation]. [Describe any conditions to which the applicant is willing to commit]. Based on the findings of the [report or document name and issue date], a finding of [no adverse effect in accordance with 36 CFR § 800.5(b) or no historic properties affected in accordance with 36 CFR § 800.4(d)(1)] is appropriate for the referenced project.

Accordingly, the [Choose: RUS, RBS, or RHS] is submitting a finding of [no adverse effect in accordance with 36 CFR § 800.5(b) or no historic properties affected in accordance with 36 CFR § 800.4(d)(1)] and supporting documentation for review and consideration by the [Insert the Recipient]. Please provide your concurrence or objection, **electronically** within 30 days of your receipt of this recommended finding. In accordance with 36 CFR § 800.3(c)(4), [Choose: RUS, RBS, or RHS] will proceed to the next step in review if we do not receive a response from you within thirty days. Please direct any questions you may have to [Insert RD reviewer contact information].

Sincerely,

[Delete and Insert Signature]

Name

Title

Organization

Enclosure(s)

CC

Delete this Section before Sending the Letter

Section 106 Finding Letter Completion Instructions

To complete the finding letter templates, staff and applicants will need to insert project specific information in the appropriate areas indicated by the red placeholder text. The information provided below explains what is needed to complete these sections. Before finalizing the letter, change all of the red text to black.

Staff and applicants will also notice that many of the red placeholder text sections are wrapped in form fields that appear as grey rectangles around that select text. The form fields that are not drop down menu selections can be turned off by right clicking on them and selecting “Remove Content Control”. Do not “Remove Content Control” for the drop down menu form fields, it will completely erase the text required to complete the letter.

**Insert Sender Contact Information**

Insert your contact information, or change to the appropriate RD agency’s contact information for the staff templates.

**Insert date**

Do not forget to date this correspondence because it is essential in determining when the 30 day review period has ended. If it is not too costly, please consider obtaining a delivery receipt for this notification.

**Insert Receiver’s Contact Information**

Insert the State Historic Preservation Officer (SHPO), Native Hawaiian Organization (NHO), Tribal Historic Preservation Officer (THPO), or, in the absence of a THPO, the Official Tribal Designee, information. When writing to tribes, the addressee will be the THPO designated pursuant to Section 101(d)(2) of the National Historic Preservation Act. In the absence of a THPO, the tribe should have identified an official designee for Section 106 review. Sometimes this designee is a tribal employee and sometimes the designee is the SHPO. Please make sure you are writing to the correct designee. If you are unsure, please contact the SHPO and tribe. Please note that if this notification is directed to “Whom It May Concern,” it is not legally sufficient.

**Insert Agency (Located in the letter subject Line)**

Insert the name of the RD agency funding the project.

**Insert Project Name (Located in the letter subject Line)**

Insert the name of the project. The project name should be consistent across all of the project documents. When inserting the project name in the letter’s subject also include the SHPO or THPO project identification number when available.

**Insert Project Location (Located in the letter subject Line)**

Insert the project location. Include at least the City, County, and State.

**Insert Recipient’s Title and Last Name (Located in the letter salutation Line)**

Insert the title and last name of the letter’s addresses. Example: Ms. Smith, Dr. Sims, or Chief Sutton.

**Insert Applicant Name (Located in the letter body text)**

Insert the name of the RD applicant followed by their abbreviated name in parentheses. Example: Goals Total Inc. dba Fiscal Utilities Cooperative (Fiscal Utilities). The abbreviated name should be use throughout the rest of the letter.

**Choose: “is seeking” or “plans to seek” (Located in the letter body text)**

Choose “is seeking” whenever the applicant has filed an application with RUS for assistance. It matters only that the application is with the Agency, NOT whether or not the Agency has approved it for consideration. Choose “plans to seek” whenever the application for assistance has NOT yet been filed with the Agency.

**Insert the project name or designation (Located in the letter body text** Insert the project name that was used in the letter’s subject line. Exclude the SHPO/THPO project ID when using the project name in the letter’s body text.

**Choose a NPA option (Located in the letter body text)**

Select the appropriate choice based on if the Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA) is or isn’t being utilized for the project.

**Insert a Complete Project Description (Located in the letter body text)**

Provide a comprehensive project description. The description must include information about all new or in-kind replacement activities; the proximity to, or location of these activities in or near existing disturbed areas; the dimensions of any new facilities (buildings, structures, towers, poles, pipes, foundations, pads, etc.); and soil displacement and/or the installation lengths, widths, and depths for trenching, drilling, or related equipment. This information may be briefly described with references to expanded information included in the enclosures.

Remember the intended letter recipient may not be an expert in the project field and information should be presented and described in a manner accordingly. Two examples of using descriptive language are provided below:

This project involves approximately 24 miles of a new fiber cable placed in heavily disturbed Right of Way (ROW). The fiber will be direct buried using a tractor with a narrow plow. Temporary disturbance along the ROWs will involve a 6 to 8 foot width area that accommodates surficial construction equipment. This plow inserts a 6 inch wide by 30 inch deep (minimum) cut for the buried cable. The proposed cable route involves crossing minor creeks in several locations. For each creek location Fiscal Utilities will bore underneath the waterway. The surface of the 6 inch wide cut will be cleaned by repacking the cable slot and smoothing the rip. This will be accomplished directly behind the plow on a daily basis. In one growing season, all signs of surface disturbances will disappear.

The majority of cable placement will be installed using a static plow drawn by a crawler tractor. This process involves making a temporary opening with an approximately 3 inch wide blade or plow, at a depth of 36 to 48 inches. The maximum surface width of disturbance caused by the blade or plow will be 6 inches wide. The fiber is spooled off a reel mounted on the front of the machine and travels through the center of the blade and exits the back, near the bottom of the blade. The opening is repaired behind the plow following the insertion of the fiber.

The project scope should be the same across the engineering, environmental, and cultural resources documents.

**Describe the Project Purpose and Need (Located in the letter body text)**

Provide a brief description about the purpose and need for the project. This helps the consulting parties understand why the project is important.

**Choose: Project(s), Project construction work plan, or Project loan design (Located in the letter body text)**

Choose “Project(s)” for non-electric or telecommunications undertakings. Choose “Project construction work plan” for electric program undertakings. Choose “Project loan design” for telecommunications program undertakings.

**Choose: it will become an undertaking OR they will become undertakings (Located in the letter body text)**

Choose either or selection depending on whether there’s one undertaking or multiple. Construction work plans and loan designs with multiple projects are consider to be a single undertaking, because they are a part of one funding package.

**Describe the area of potential effects (APE) (Located in the letter body text)**

RD defines the area of potential effect (APE), as an area that includes all Project construction and excavation activity required to construct, modify, improve, or maintain any facilities; any right-of-way or easement areas necessary for the construction, operation, and maintenance of the Project; all areas used for excavation of borrow material and habitat creation; all construction staging areas, access routes, utilities, spoil areas, and stockpiling areas; and at least a ½-mile radius for the indirect APE for towers and other above ground resources that will cause a visual or otherwise indirect impact to historic districts or properties.

A borrower, tribe, NHO, or SHPO can only make recommendations about the scope of the APE. RD makes the final determination. Therefore, please try to be accurate in the initiation letter. When in doubt, seek guidance from the environmental or cultural resources staff.

**Choose: Indian tribes, Native Hawaiian Organizations (NHOs), or Indian tribes and Native Hawaiian Organizations (NHOs) (Located in the letter body text)**

Choose the appropriate selection based on the consulting entities.

**Insert Name of Indian Tribe or Native Hawaiian Organization (NHO) (Located in the letter body text)**

List the names of the Indian tribes that were notified about the project(s). Indian tribe means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation, or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

Native Hawaiian organization means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of historic preservation that are significant to Native Hawaiians.

**Describe the response to the notification by Indian tribes and/or NHOs and how any requests have been addressed. Be sure to indicate if no response was received (Located in the letter body text**

Describe the response to the notification by Indian tribes and/or NHOs and how any requests have been addressed. Be sure to indicate if no response was received.

**Choose: document or report (Located in the letter body text)**

Choose document or report based on title of the reference being included.

**Insert the document or report title and date issued (Located in the letter body text)**

Include the complete name and date of the document or report being referenced.

**Choose: survey or investigation (Located in the letter body text)**

Choose investigation if document or report is not a survey.

**Describe what was found in the survey or investigation (Located in the letter body text)**

Briefly describe the results of the survey or investigation that support the finding.

**Describe any conditions to which the applicant is willing to commit (Located in the letter body text)**

Describe any mitigating or avoidance measures that the applicant is willing to commit to in order to achieve the finding being proposed. Delete this section if it is not applicable to the project.

**No adverse effect in accordance with 36 CFR § 800.5(b) or no historic properties affected in accordance with 36 CFR § 800.4(d)(1) (Located in the letter body text)**

In accordance with 36 CFR 800.5(b), an undertaking may be determined to have “No Adverse Effect” if there are historic properties present within the APE but the project will not alter the property to the extent that it is no longer eligible for the National Register of Historic Places (NRHP).

In accordance with 36 CFR 800.4(d)(1), an undertaking may be determined to be classified as “No Historic Properties Affected,” if no historic properties are identified within the APE or historic properties are present within the APE but the undertaking will have no effect on them. The no effect means the undertaking would not alter any aspects of integrity or character-defining features on any historic property.

**Insert RD Reviewer Name (Located in the letter body text)**

Insert the name of the RD environmental or cultural reviewer assigned to this project.

**Delete and Insert Signature**

This is placeholder text that should be deleted and replaced with a hand written signature or Section 508 of the Rehabilitation Act of 1973, as amended in 1998 (29 U.S.C. § 794 (d)) (508 compliant) digital signature.

**Enclosure(s)**

List all of the enclosures referenced and those that were not referenced in the letter but will be included.

**CC**

List the names and titles of people that should be carbon copied on the submission, and any replies to the letter.

1. Nationwide Programmatic Agreement among the U.S. Department of Agriculture Rural Development Programs, National Conference of State Historic Preservation Officers, Tribal Signatories, and The Advisory Council on Historic Preservation for Sequencing Section 106 (NPA). [↑](#footnote-ref-1)