

JOSH GREEN, M.D.
GOVERNOR
STATE OF HAWAII
*Kē Kia'āina o ka Moku'āina 'o
Hawai'i*

SYLVIA J. LUKE
LT. GOVERNOR
STATE OF HAWAII
*Ka Hope Kia'āina o ka Moku'āina
'o Hawai'i*



KALI WATSON
CHAIRMAN, HHC
Ka Luna Ho'okele

KATIE L. DUCATT
DEPUTY TO THE CHAIRMAN
Ka Hope Luna Ho'okele

STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS
Ka 'Oihana 'Āina Ho'opulapula Hawai'i

P. O. BOX 1879
HONOLULU, HAWAII 96805

December 21, 2023

James Tokioka, Director
Environmental Review Program
Office of Planning and Sustainable Development
Department of Business, Economic Development & Tourism
235 S. Beretania St #702
Honolulu, Hawaii 96813

Attn: Ms. Mary Alice Evans

Subject: REQUEST FOR INCLUSION OF CONSULTATION FOR PROGRAMMATIC AGREEMENT FOR DHHL EXPENDITURE OF HUD PROVIDED FUNDS WITHIN THE DECEMBER 23, 2023 ISSUE OF *THE ENVIRONMENTAL NOTICE* (DHHL Reference #- NH-23-29)

Dear Mr. Tokioka,

The Department of Hawaiian Home Lands (DHHL) has been awarded Native American Housing Assistance and Self Determination Act (NAHASDA) funds from the U.S. Department of Housing and Urban Development (HUD) to rehabilitate existing homes and build new homes on infill lots within existing neighborhoods. A programmatic agreement would improve DHHL's efficiency in addressing requirements under Section 106 of the National Historic Preservation Act (NHPA) of 1966, Public Law No. 89-665, as amended Public Law No. 96-515 (Title 54 of the U.S.C) and its implementing regulations (36 C.F.R. §800). The objectives of the PA are to develop a programmatic approach to expeditiously implement certain projects subject to Section 106 of the NHPA that will satisfactorily take into account the effects of certain Housing and Urban Development (HUD)-funded activities on historic properties, provide for consultation with the appropriate parties, and minimize redundant documentation of certain routine activities when historic properties will not be affected or when standard protocols and treatments can be applied.

In addition to inviting Native Hawaiian Organizations listed with the US Department of Interior, DHHL would like to provide the greater community within the State of Hawai'i, (and others that receive *The Environmental Notice*), with an opportunity to review and comment on the contents of the programmatic agreement.

REQUEST FOR INCLUSION OF CONSULTATION FOR PROGRAMMATIC AGREEMENT FOR DHHL
EXPENDITURE OF HUD PROVIDED FUNDS WITHIN THE DECEMBER 23, 2023, ISSUE OF *THE
ENVIRONMENTAL NOTICE*

Reference # NH-23-29

Page 2 of 2

DHHL respectfully requests that ERP include the invitation to participate be included in the December 23, 2023, edition of *The Environmental Notice*.

Should you have any questions or require further information regarding this undertaking, please contact DHHL's NAHASDA Compliance Specialist, Malia Cox by email at malia.m.cox@hawaii.gov or by phone at (808) 620-9500. Thank you for your assistance.

Mahalo,

A handwritten signature in black ink that reads "Kali Watson". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kali Watson
Chairperson
Hawaiian Homes Commission

Enclosure: Non-Chapter 343 Document Publication Form

**NON-CHAPTER 343 DOCUMENT
PUBLICATION FORM
ENVIRONMENTAL REVIEW PROGRAM**

Project Name: Programmatic Agreement for the DHHL Expenditure of HUD Provided Funds

Applicable Law: National Historic Preservation Act of 1996

Type of Document: Programmatic Agreement

Island: Statewide

District: Statewide

TMK: Various

Permits Required: HUD 7015.16

Applicant or Proposing Agency:

(Address, Contact Person, Telephone, E-mail)

Department of Hawaiian Home Lands
91-5420 Kapolei Parkway, Kapolei HI 96707
Malia Cox
(808)620-9500
Malia.m.cox@hawaii.gov

Approving Agency or Accepting Authority:

(Address, Contact Person, Telephone, E-mail)

Advisory Council on Historic Preservation
401 F Street NW, Suite 308, Washington D.C. 20001
Contact Person- Max Sickler
msickler@achp.gov
(202) 517 0220
Signatory- Reid Nelson, Executive Director

Consultant:

(Address, Contact Person, Telephone, E-mail)

Not applicable

Status: approval pending

Project Summary:

(Summarize proposed action and purpose/need in less than 200 words in the space below):

- This programmatic agreement (PA) is designed to improve efficiencies at both the Department of Hawaiian Home Lands (DHHL) and the State Historic Preservation Officer within the Department of Land and Natural Resources. It will apply to DHHL entitlement communities that meet the requirements outlined in the agreement document stipulations. This PA cannot be applied to all DHHL Section 106 consultations/undertakings. Undertakings must meet the previous agreed upon stipulations outlined within

the agreement document and its associated reports and must follow all agreed upon identification and reporting requirements outlined in the stipulations of the PA. Any comments relating to the PA must be received by DHHL by January 22, 2024. Comments may be mailed to DHHL, attn: Malia Cox at P.O. Box 1879, Honolulu, Hawai`i, 96805 or hand-delivered to DHHL at [91-5420 Kapolei Parkway, Kapolei, Hawaii 96707](#)

•

**PROGRAMMATIC AGREEMENT
AMONG
THE DEPARTMENT OF HAWAIIAN HOME LANDS (DHHL),
THE HAWAI‘I STATE HISTORIC PRESERVATION OFFICER (SHPO)
AND
THE ADVISORY COUNCIL ON HISTORIC PRESERVATION (ACHP)
FOR THE
EXPENDITURE OF HUD-PROVIDED FUNDS UNDER THE NATIVE AMERICAN
HOUSING ASSISTANCE AND SELF-DETERMINATION ACT (NAHASDA)**

WHEREAS, the DHHL has and continues to administer and fund projects, programs, and grants in its Entitlement Communities [defined as DHHL communities over 45 years old as identified in Appendix A] located across the State of Hawai‘i with monies from the U.S. Department of Housing and Urban Development (HUD) through the Native American Housing Assistance and Self-Determination Act (NAHASDA) of 1996, as amended 2000; and

WHEREAS, the DHHL, and the HUD, administer additional HUD grant programs that include, but are not limited to the Native Hawaiian Housing Block Grant Program (NHHBG) and HOME Investment Partnership (HOME) funds; and,

WHEREAS, the DHHL and HUD have determined that the administration and funding of projects, programs, and grants funded in-whole or in-part by HUD, through NAHASDA or any of the grant programs identified above are Undertakings as defined in 36 CFR § 800.16(y); and

WHEREAS, Environmental review responsibility for projects funded through NAHASDA is conferred to DHHL by HUD as described in the Code of Federal Regulations (CFR) 24 CFR Subtitle B, Chapter IX, Section 1006.350(a); and HUD regulations at 24 CFR § 58 implement statutory authorities that permit certain entities to assume HUD’s environmental responsibilities for various HUD programs; and included among the statutory authorities under which this responsibility is assumed in compliance with Section 106 of the National Historic Preservation Act of 1966 (NHPA), as amended Public Law No. 89-665, and Public Law No. 96-515 (Title 54 of the USC) (Section 106); and

WHEREAS, the DHHL has determined that implementation of the HUD programs may have an effect on historic properties, as defined at 36 CFR § 800.16(l); and,

WHEREAS, the DHHL and the SHPO share a common desire to develop a programmatic approach for expeditiously implementing certain projects subject to Section 106 of the NHPA that will satisfactorily take into account the effects of certain HUD-funded activities on historic properties, provide for consultation with the appropriate parties, and minimize redundant documentation of certain routine activities when historic properties will not be affected or when agreed upon protocols and treatments can be applied, pursuant to 36 CFR § 800.14(b)(1-2); and

WHEREAS, such effects are similar and repetitive and such undertakings consist of routine management activities undertaken at locations under the management of DHHL, in accordance with 36 CFR § 800.14(b)(1); and,

WHEREAS, in June of 2022, DHHL prepared and delivered five letters of invitation (“Invitation”) to consult in the development of a Programmatic Agreement and accompanying background materials describing the proposed undertaking to organizations and individuals with a potential interest in the proposed undertaking and its potential to affect historic properties including the Office of Hawaiian Affairs (OHA), the Historic Hawai‘i Foundation (HHF), the National Trust for Historic Preservation (NTHP), and the Advisory Council on Historic Preservation (ACHP); and

WHEREAS, HHF accepted the invitation to participate in consultation as a consulting party; and

WHEREAS, DHHL consulted with HHF regarding the effects of the undertaking on historic properties and has invited them to sign this Programmatic Agreement as a Concurring Party; and

WHEREAS, in accordance with 36 CFR § 800.6(a)(1), DHHL has notified the ACHP of the decision to prepare a Programmatic Agreement, and ACHP has chosen to participate in the consultation pursuant to 36 CFR § 800.6(a)(1)(iii) and to sign this Agreement as a Signatory.

NOW, THEREFORE, the DHHL, SHPO, and ACHP agree that certain actions funded by the HUD programs shall be administered in accordance with this Programmatic Agreement (PA) with all the stipulations herein to satisfy the Section 106 responsibilities of the DHHL that is party to this agreement. In the event that DHHL utilizes other funds under federal entities other than HUD, those entities will have the option to sign on to this agreement via an amendment to apply the terms of this PA in a similar manner. Alternatively, a separate PA with parallel parameters can be set up for use with other federal entities.

STIPULATIONS

The DHHL assures that the following stipulations will be carried out.

I. APPLICABILITY AND PROFESSIONAL QUALIFICATION STANDARDS

A. The DHHL shall apply this PA only to Entitlement Communities when:

1. DHHL has submitted a historic properties identification package(s) as outlined in section II.B. to the SHPO and consulting parties, which include historic properties survey(s) and identification efforts for the Entitlement Community, and have received concurrence with their findings pursuant to Stipulation II of this PA.
2. DHHL shall employ staff person(s) or contract with consultant(s) who are identified as Secretary of the Interior (SOI) qualified professionals and meet the Secretary of the Interior's Historic Preservation Professional Qualification Standards (36 CFR § 800.2(a)(1)) for archaeology and either architectural history, historic architecture, or architecture (pursuant to Federal Register, volume 48, no. 190, pg. 44738-44739). Such qualified staff will be responsible for administering those terms of this PA that require this particular expertise and may assist the DHHL with coordinating consultation with appropriate agencies and parties.
 - a. SOI Qualified Professionals in archaeology may only identify historic properties and assess effects associated with archaeological resources.
 - b. SOI Qualified Professionals in architectural history, historic architecture, or architecture may only identify historic properties and assess effects associated with the built environment (architecture, engineering, landscape architecture, etc.).

II. IDENTIFICATION AND TREATMENT OF HISTORIC PROPERTIES

- A. Prior to the expenditure of any NAHASDA, or other HUD funds, for undertakings within a particular Entitlement Community, the DHHL shall prepare or contract a qualified consultant (pursuant to Stipulation I(A)(1), above) to prepare a Historic Properties Identification and Context Study (HPI&C Study or STUDY) for the Entitlement Community.
- B. The STUDY will include any survey(s) and research completed to identify historic properties within the Entitlement Community.
 1. The STUDY must include historic properties assessments made by an SOI Qualified Professional(s) that determine if there are historic properties within the Entitlement Community that:
 - a. are listed in the Hawaii and/or National Registers of Historic Places; and/or,
 - b. have been determined eligible for listing in the Hawaii and/or National Registers of Historic Places (individually, as a contributing resource to a historic district or multi-property designation, or as a Traditional Cultural Property).

2. The STUDY will also provide an archaeological/historical context sufficient to assess the significance of any identified resources, will provide significance and integrity evaluations where applicable, and will provide recommendations that may be implemented by the DHHL to prevent or mitigate impacts to any identified and inadvertently discovered potential historic properties that result from undertakings for which this PA may be applied.
- C. DHHL will submit the STUDY to all concurring parties for review and to SHPO for review and concurrence.
1. The SHPO shall submit comments and/or concurrence in writing within thirty (30) calendar days, for each STUDY submitted.
 2. The DHHL shall consider all input received from consulting parties during the review period for the STUDY.
 3. If the DHHL does not receive concurrence from the SHPO on the STUDY, DHHL shall consult with all interested consulting parties to resolve the dispute, pursuant to Stipulation IX.
 - a. This PA will not apply to any Entitlement Community for which SHPO has not concurred with the findings of the STUDY and prescribed treatment measures.

III. NAHASDA Undertakings Exempt from further Section 106 Consultation

- A. The DHHL shall proceed with any Entitlement Community undertaking, without further consultation, that involves residential buildings less than 50 years of age at the time of the proposed undertaking.
- B. The DHHL shall proceed with any undertaking within any Entitlement Community for which a STUDY has been concurred upon with the SHPO (in accordance with Stipulation II(C), above) without further consultation so long as the DHHL determines that the undertaking will result in “*no historic properties affected*” or “*no adverse effect*,” as identified and informed by the Entitlement Community’s STUDY, which following the requirements of Stipulation I (A)(2), was prepared by SOI Qualified Professional(s).
- C. The DHHL shall proceed with financing activities for projects within the State to assist homebuyers to purchase existing dwellings as well as acquisition (including leasing) of existing buildings and facilities or refinancing of dwellings, buildings and facilities that do not include physical changes to land or structures throughout the State.
- D. Any undertaking that is determined to be exempt from further Section 106 Consultation will be documented to reflect: the project TMK(s), the findings of the historic properties assessment as contained in the associated Entitlement Community STUDY, the project scope of work, name and qualifications of the SOI Qualified Professional who made the historic properties assessment, and determination of effect, as well as the date the determination was made and date the undertaking was completed.
1. This documentation will be included within DHHL’s annual report, with information on which undertaking took place as outlined in Appendix C and submitted to the SHPO and consulting parties for review in accordance with Stipulation V, below.
- E. For undertakings that are otherwise exempt from further Section 106 consultation as described above, but involve actions or activities that have the potential to affect as of yet unidentified archaeological historic properties, the following identification measures will apply:
1. Archaeological Monitoring will be conducted for:
 - a. Replacement of cesspools with individual wastewater systems.
 - b. Replacement of cesspools with connection to public sewer lines.

- c. Home demolition and replacement with a home with a larger footprint, or greater floor area.
2. Archaeological Inventory will be conducted for:
 - a. New residential construction on a previously undeveloped parcel.
- F. The actions and activities identified above may be carried out only if the specified identification measures are implemented. If potential historic properties are identified the SHPO will be immediately contacted to develop a course of action in compliance with both state and federal rules and regulations. Activities and actions that result in negative findings with respect to historic properties will simply be documented in the DHHL annual report to the SHPO.

IV. NAHASDA Undertakings Not-Exempt from further Section 106 Consultation

- B. In those instances where the DHHL SOI Qualified Professional determines that the proposed undertaking has the potential to adversely affect historic properties identified in an Entitlement Community STUDY, the DHHL may not apply this PA. Instead, DHHL will initiate the Section 106 process in accordance with 36 CFR § 800.3 and complete the four-step Section 106 consultation process; as identified in 36 CFR § 800.

V. Reporting

- A. During the first year of implementation, DHHL shall prepare a bi-annual report to include the information outlined in Section V(B) (see below) for a preliminary review of implementation and to determine if any adjustments may be necessary prior to the annual review.
- B. After the first year of implementation, DHHL shall prepare an annual report (See Appendix A and C) of all Section 106 undertakings implemented under this PA at the end of every calendar year. The report will include:
 1. a list of all undertakings funded during the calendar year including the TMK number of each;
 2. the name of the Entitlement Community within which the project area is located;
 3. the findings of the historic properties assessment, cited in the associated Entitlement Community Historic Properties Identification Package;
 4. the project scope of work;
 5. stipulation of PA exemption;
 6. status and completed/estimated completion date of each Entitlement Community STUDY; and
 7. a determination of effect.

DHHL will submit the annual report to SHPO for review and comment. All annual reports will be submitted to the SHPO through the SHPD HICRIS database as a project supplement for HICRIS Project Number 2023PR00909.

- a. Be made available to interested NHO, local governments, and the public upon request.
- b. The SHPO shall submit comments and concurrence in writing within thirty (30) calendar days of submission of the annual report.
- c. The DHHL shall consider all input received from SHPO during the review period for the annual report.
- d. If the DHHL does not receive concurrence from the SHPO on the annual report, DHHL shall consult with SHPO to resolve the dispute, pursuant to Stipulation IX.
- e. If, as the body of HPI&C Studies (STUDY) for the Entitlement Communities specified under this agreement grows, the method of preparation and review of the annual report becomes impractical for any of the signatory parties; the process and requirements specified here may be

revisited and revised as necessary through consultation and agreement between the signatory parties.

VI. DISCOVERIES AND UNFORESEEN EFFECTS

Should the DHHL in the process of carrying out any action under this PA, find that such action has the potential to affect a previously unknown Historic Property that may be eligible for listing in the NRHP or that the action will affect a known Historic Property in an unanticipated manner, the DHHL will assume its responsibilities pursuant to 36 CFR § 800.13(b).

VII. OVERSIGHT

The SHPO may oversee the program activities carried out pursuant to this PA from a procedural standpoint, and the DHHL will coordinate access as needed for the SHPO to carry out such oversight.

VIII. AMENDMENT

If any party to this PA believes an amendment is necessary, that party shall request the consulting parties to consider an amendment to the PA pursuant to 36 CFR § 800.14. No amendment to the PA will be implemented without the concurrence of the signatories and invited signatories, and without providing all consulting parties the opportunity to comment on such amendments for a minimum of 30 days.

VII. ADOPTABILITY

In the event that a Federal agency, not initially a party to or subject to this Agreement, receives an application for financial assistance, permits, licenses, or approvals for the Project as described in this Agreement, such Federal agency may become a Signatory to this Agreement as a means of complying with its Section 106 responsibilities for its Undertaking. To become a Signatory to this Agreement, the agency official must provide written notice to the Signatories that the agency agrees to the terms of the Agreement, specifying the extent of the agency's intent to participate in the Agreement, and identifying the lead Federal agency for the Undertaking. The participation of the agency is subject to approval by the Signatories. Upon approval, the agency must execute a signature page to this Agreement, file the signature with the ACHP, and implement the terms of this Agreement, as applicable.

VIII. TERMINATION

Any signatory to this PA may terminate it by providing thirty (30) days' notice to the signatories in writing by certified physical mail and electronic mail, provided that the signatories will consult during the period prior to termination to seek agreement on amendments or other actions that would avoid termination. In the event of termination, the DHHL will comply with 36 CFR Parts 800.3 through 800.7 with regard to individual Undertaking actions covered by this Agreement.

IX. DISPUTE RESOLUTION

Should the SHPO object within thirty (30) days to any documents or actions as set forth in this PA, the DHHL as appropriate shall consult with the SHPO to resolve the objection. If the DHHL determines that the objection cannot be resolved, the DHHL shall request the recommendations of the ACHP.

Any ACHP recommendation provided in response to such a request will be taken into account by the DHHL in accordance with 36 CFR § 800.6(c)(2) with reference only to the subject of the dispute; the DHHL's responsibility to carry out all actions under this PA that are not subjects of the dispute will remain unchanged.

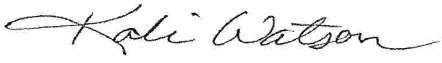
X. DURATION

This PA will continue in full force and effect for a period of ten (10) years from execution of this PA. Prior to such time, the DHHL may consult with other signatories to reconsider the terms of the PA, and the agreement may be extended as written, or amended, in accordance with Stipulation VII above, provided all signatories concur.

SIGNATORY PARTIES

Signed:

DEPARTMENT OF HAWAIIAN HOME LANDS

By  Date Dec 4, 2023

Printed Name: Kali Watson Title Chairman, Hawaiian Homes Commission

SIGNATORY PARTIES

Signed:

HAWAI'I STATE HISTORIC PRESERVATION OFFICER

By *Alan Downer* Date Dec 4, 2023
Alan Downer (Dec 4, 2023 12:10 HST)

Printed Name: Alan Downer Title Historic Preservation Administrator

SIGNATORY PARTIES

Signed:

ADVISORY COUNCIL ON HISTORIC PRESERVATION

By _____ Date _____

Printed Name: _____ Title _____

CONCURRING PARTIES

Signed:

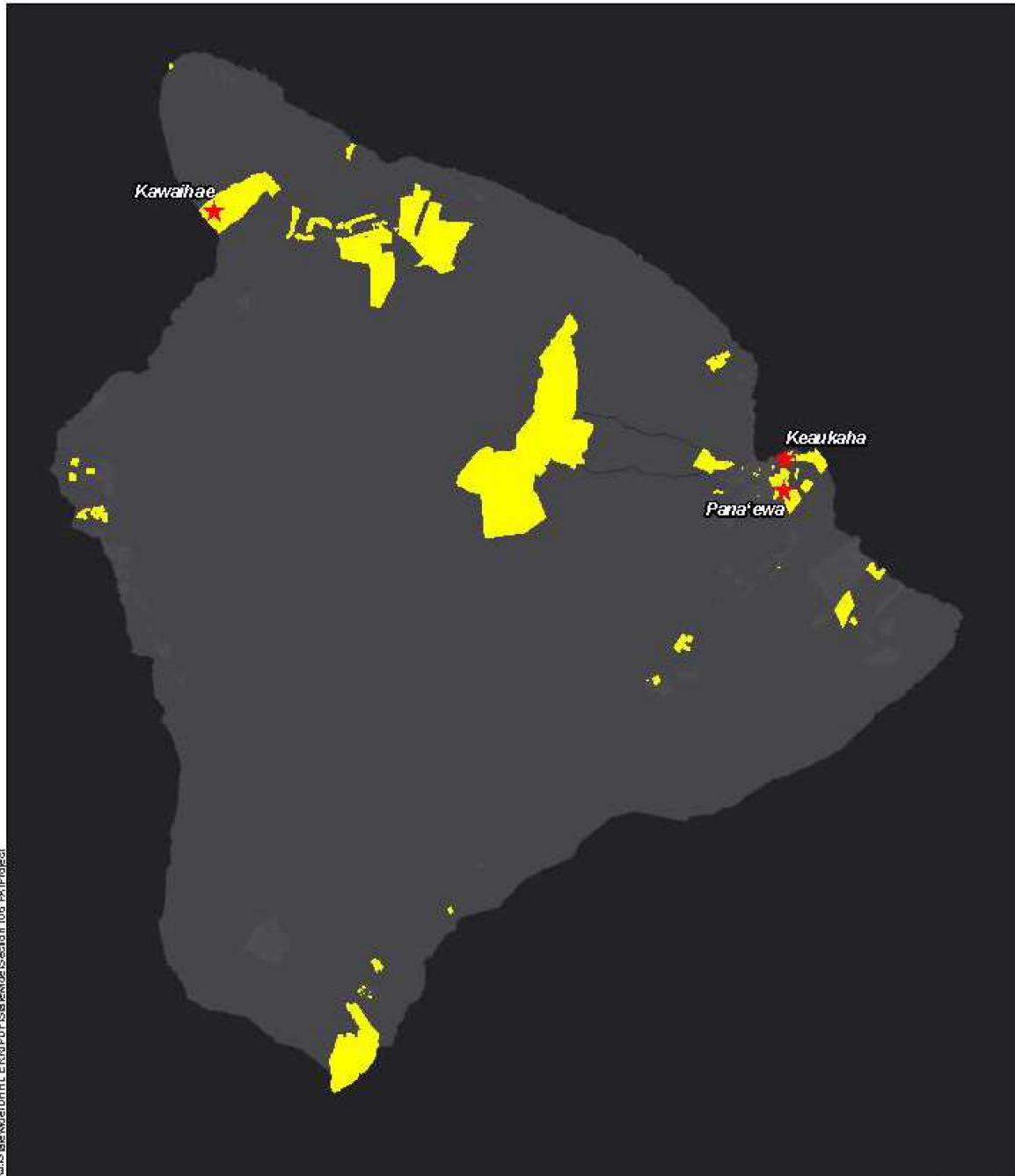
HISTORIC HAWAI'I FOUNDATION

By _____ Date _____

Printed Name: _____ Title _____

APPENDIX A: Entitlement Communities

Name	STUDY Status (In Process/Under Review/Approved)	STUDY Completion/ Target Date	SHPD Review Completion Date	SOI Professional	Notes
Keaukaha					
Nānākuli					
Kawaihae					
Waimānalo					
Papakōlea (combined- Papakōlea & Kewalo)					
Pana‘ewa					
Anahola					
Paukūkalo					
Kalama‘ula					
Kekaha					



CONSISTENT WITH DHHL ERG/PPF/ST/ENR/SECTION 106 PA/FINAL

DATE: 8/8/2023

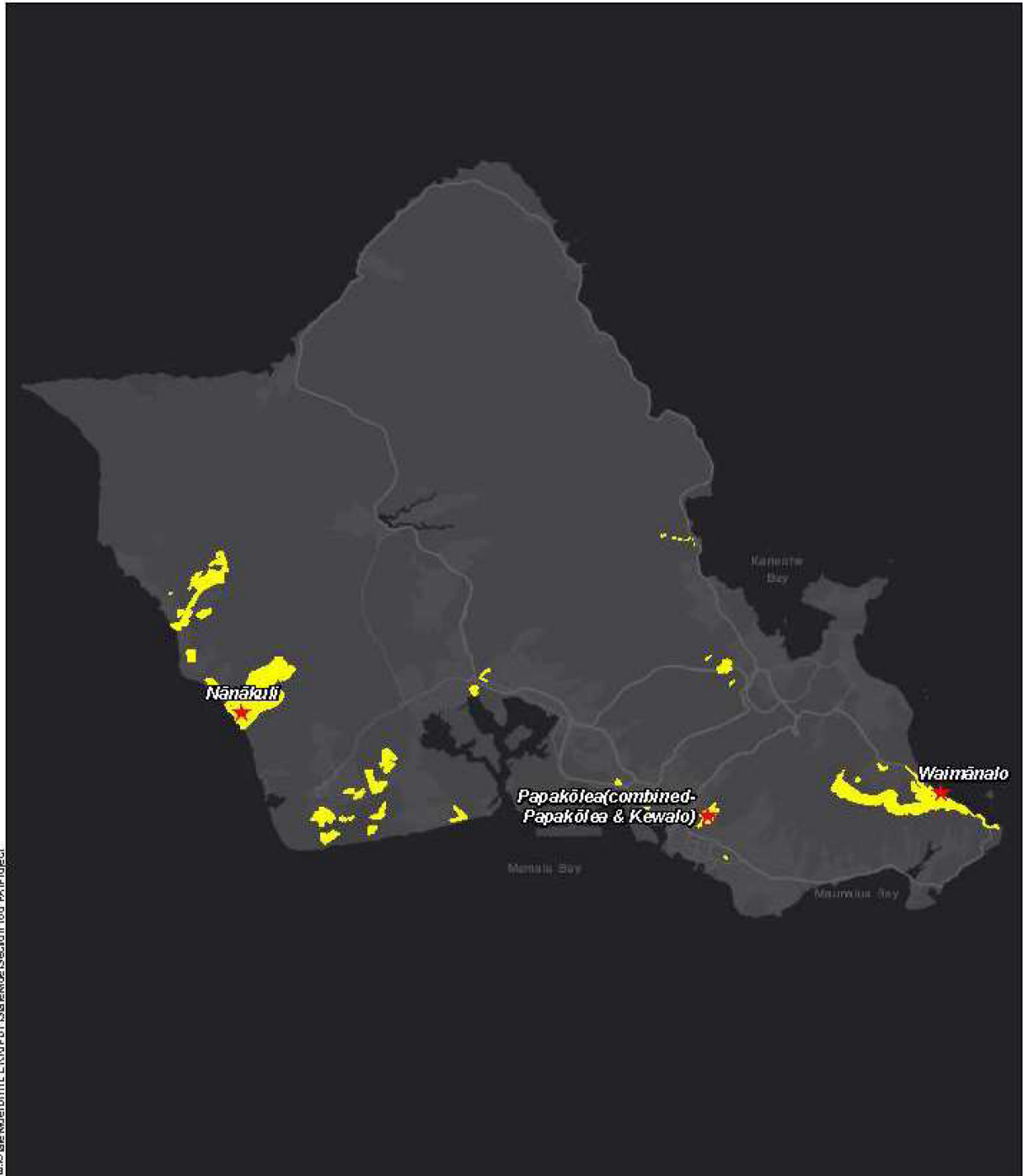
LEGEND

- ★ Entitlement Communities in Hawai'i County
- DHHL Lands

**Entitlement Communities:
Hawai'i County
DHHL NAHASDA
Section 106 PA**





Source: County of Hawaii, 2022 CSR | Online Base Maps.
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



GIS Services/DHHL/ERR/PDF/Statewide/Section 106 PA/Project

DATE: 11/14/2023

LEGEND

-  Entitlement Communities in Honolulu County
-  DHHL Lands

**Entitlement Communities:
Honolulu County
DHHL NAHASDA
Section 106 PA**



Source: County of Honolulu, 2022, ICRIS Online Basemap.
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.



G:\Selenium\DHHL\ERR\PDF\Section 106 PA\Project

DATE: 8/8/2023

LEGEND

- ★ Entitlement Communities in Maui County
- DHHL Lands

**Entitlement Communities:
Maui County
DHHL NAHASDA
Section 106 PA**

Department of Natural Resources | Bureau of Land Management

Linear Scale (feet)
0 25,000 50,000

FBK HAWAII
2023-12-08



Source: County of Maui, 2022, ESRI Online Basemaps.
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other digital analysis.



GIS based on DHHL ERIP/D FIS/NAHASDA Section 106 PA Project

DATE: 8/8/2023

LEGEND

-  Entitlement Communities in Kauai County
-  DHHL Lands

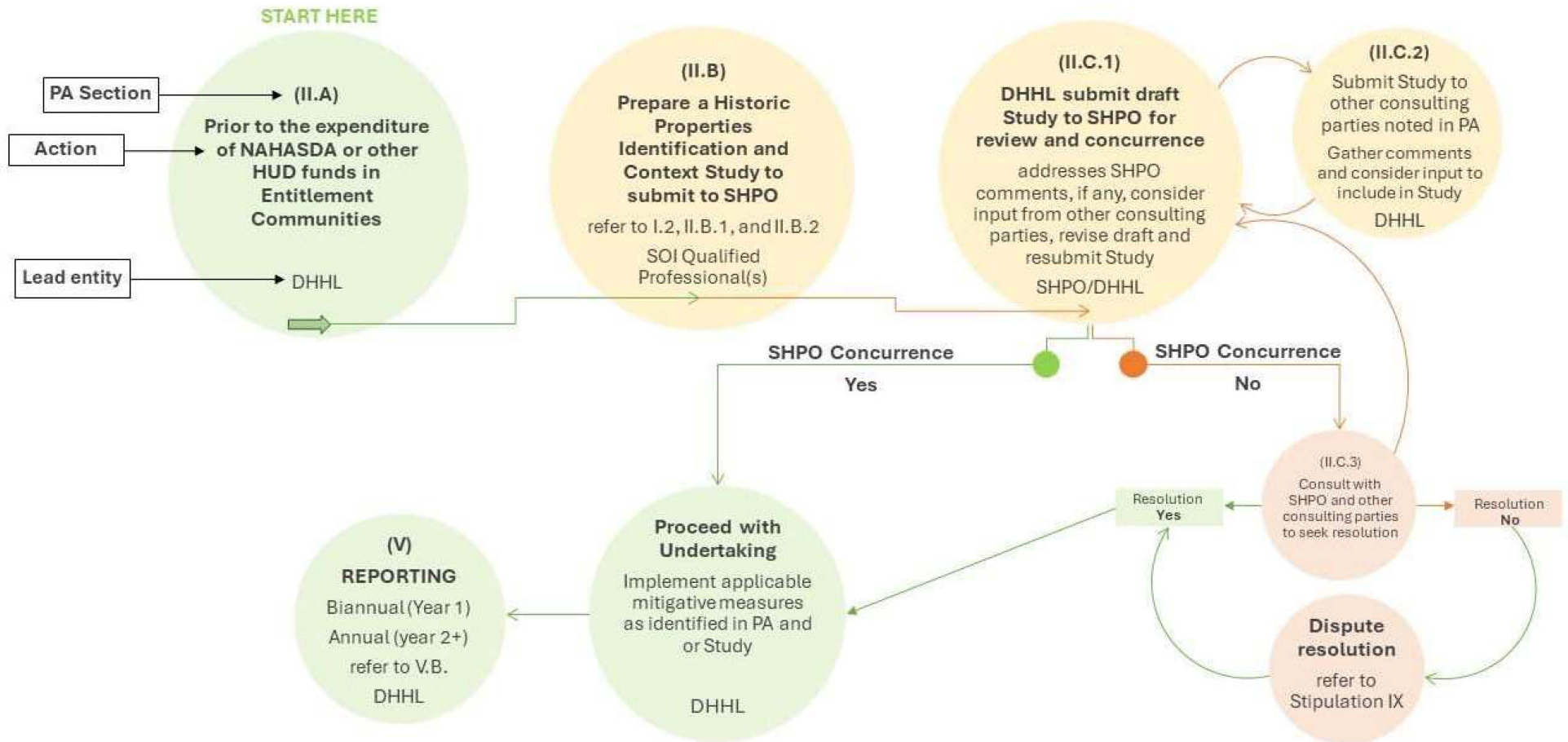
**Entitlement Communities:
Kauai County
DHHL NAHASDA
Section 106 PA**



Source: County of Kauai, 2022, GIS/IO Data Base Maps.
Disclaimer: This graphic has been prepared for general planning purposes only and should not be used for boundary interpretations or other spatial analysis.

APPENDIX B: FLOW CHART

Programmatic Agreement Flowchart



APPENDIX C: ANNUAL REPORT TO SHPD TEMPLATE

DHHL Project No.	Project Name	TMK No.	Entitlement Community	Scope of Work	PA Exemption Stipulation	Effects Determination	HUD AUGF Date

Name	STUDY Status (In Process/Under Review/Approved)	STUDY Completion/ Target Date	SHPD Review Completion Date	SOI Professional	Notes
Keaukaha					
Nānākuli					
Kawaihae					
Waimānalo					
Papakōlea (combined-Papakōlea & Kewalo)					
Pana'ewa					
Anahola					
Paukūkalo					
Kalama'ula					
Kekaha					

APPENDIX D: FORM TO DETERMINE PROJECT EXEMPTION STATUS, FOR USE IN HUD TIERED REVIEWS

Historic Preservation National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800

1. Does the undertaking include activities that have the potential to effect historic properties OR does the Undertaking include properties eligible for listing in the Hawaii or National Register of Historic Places?

No, because the undertaking consists solely of actions that have no potential to effect historic properties as listed within this Programmatic Agreement (PA) signed by the Department of Hawaiian Home Lands (DHHL) and the State Historic Preservation Officer (SHPO), OR because this undertaking solely consists of actions that are located within one of the Entitlement Communities listed under this signed PA where no potentially eligible historic properties were found to be present during the course of preparing the associated historic resources identification package. The PA determined that such parcels have ‘No Potential to Cause Effects’ [36 CFR 800.3(a)(1)]. **Continue to Step 4, below.**

Yes, the undertaking includes actions that have the potential to effect historic properties OR includes actions located within Entitlement Communities listed under this PA signed by the DHHL and the SHPO where potentially eligible historic properties were found to be present during the course of preparing the associated Historic Properties Context and Identification Study. **Continue to Step 2, below.**

2. Is further Section 106 review required for the undertaking?

No, because the undertaking is limited to exempt activities as specified in III. of the PA that would not impact any historic properties. Thus, the DHHL will document a determination that the undertaking will have no potential to cause effects to historic properties. **Continue to Step 4, below.**

Yes, because the undertaking includes actions with the potential to affect (direct or indirect) eligible historic properties as identified in the Entitlement Community’s Historic Properties Context and Identification Study. **Continue to Step 3, below.**

3. Is there an adverse effect on historic properties? An analysis of the potential effect on the historic property(ies) will be conducted by individuals meeting the SOI Qualified Professional for their respective disciplines (Archaeology and Architectural History). Through an analysis of effect, was it determined that the undertaking **will adversely affect historic properties?**

No. Through an analysis of effect, it has been determined that the undertaking **will not** adversely affect historic properties. The DHHL will document a determination of no historic properties affected. **Continue to Step 4, below.**

Yes. Through an analysis of effect, it has been determined that the undertaking **will** adversely affect historic property(ies). The DHHL will either a) modify the undertaking sufficiently to render a determination of no historic properties affected, b) revert to a four-step consultation process for undertakings that fall outside of the scope of the PA, or c) render a determination of adverse effect and enter into a Memorandum of Agreement with consulting parties to resolve said effects.

4. Choose one of the findings below to recommend to the RE.

Please note: this is a recommendation only. It is not the official finding, which will be made by the RE, but only your suggestion as a Partner entity.

No Historic Properties Affected

Document reason for finding of No Historic Properties Affected:

No historic properties were found to be present in the historic properties identification package associated with the project's Entitlement Community.

Historic properties were found to be present, but the undertaking is exempt as per III. of the PA.

No Adverse Effect

Document reason for finding and provide any comments below, which may include recommendations for mitigation, monitoring, a plan for unanticipated discoveries, etc.

Adverse Effect

Document reason for finding:

[Add applicable Criteria into text box with summary and justification under Criteria of Adverse Effect: 36 CFR 800.5]

Provide any comments below, which may include recommendations for avoidance, minimization, and/or mitigation.

[Enter text here]

*Remember to provide all documentation (including a copy or citation of the historic properties identification package associated with the Entitlement Community and concurred with by SHPD) that justifies your National Register Status determination and recommendations along with this worksheet.

Post-review Discoveries.

If historic properties are discovered during the demolition of structures or unanticipated effects on historic properties are found, the DHHL shall consult with the SHPO in developing a strategy for investigation and evaluation of the resource, as outlined in IV of the PA.