



OFFICE OF COMMUNITY PLANNING
AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

MEMORANDUM

TO: Regional Environmental Officers, Field Environmental Officers, Program Environmental Clearance Officers

FROM: Danielle Schopp, Director, Office of Environment and Energy

DATE: May 5, 2015

RE: Section 106 Tribal Consultation in Projects Reviewed Under 24 CFR Part 50

The purpose of this memo is to clarify HUD's procedure for Section 106 consultation with Indian tribes in projects that are reviewed under 24 CFR Part 50. HUD issued Notice CPD 12-006, "Process for Tribal Consultation in Projects That Are Reviewed Under 24 CFR Part 58" in June 2012 and plans to issue a parallel Notice for Part 50 projects. Until that is available, the following principles should apply to tribal consultation in Part 50 projects.

- The National Historic Preservation Act and its implementing regulations 36 CFR 800 require government-to-government consultation with federally-recognized Indian tribes.
- For Part 50 projects, HUD must initiate consultation and cannot delegate initiation of consultation to a consultant, contractor, lender, or Public Housing Authority.
- For purposes of initiating consultation, a HUD program official must sign the letter to the tribe, which must be on HUD letterhead.
- A contractor or consultant may prepare the letter to the tribe and provide the draft to the HUD program official for consideration, but cannot send the letter to the tribe or sign the letter.
- HUD remains responsible for all subsequent consultation with the tribe. HUD may require additional information or participation from a consultant, contractor, lender or Public Housing Authority to facilitate that consultation.
- Find a *Section 106 Tribal Consultation Letter Template for Part 50 Projects* here:
<https://www.hudexchange.info/resource/3866/sample-section-106-letters-and-notices/>
- Specific instructions on what kinds of project activities require tribal consultation, which tribes and which tribal officials to contact, timeframes, etc. are included in Notice CPD 12-006 and should also guide tribal consultation in Part 50 projects. The Notice is available here:
<https://www.hudexchange.info/resources/documents/Notice-CPD-12-006-Tribal-Consultation-Under-24-Cfr-Part-58.pdf>
- HUD's Tribal Directory Assessment Tool (TDAT) identifies federally recognized tribes, their counties of interest, and tribal contact information and is available here: <http://egis.hud.gov/tdat/Tribal.aspx>
- Additional tools and training on tribal consultation are available here:
<https://www.hudexchange.info/environmental-review/historic-preservation/tribal-consultation/>