

INDOT-CRO Section 106 Consultation Steps for Consultants

Consultants should follow the Section 106 consultation steps below unless specifically directed otherwise by INDOT-CRO or FHWA. See Part 5 of the Cultural Resources Manual (<https://www.in.gov/indot/crm/2341.htm>) for templates.

INDOT-CRO Steps for Distributing Section 106 ECLs

1. Consultant prepares ECL following consultation template for all FHWA projects not exempted from Section 106 consultation through the Minor Projects PA. Consultant submits ECL to INDOT-CRO (cc'ing both the INDOT-CRO Manager and both Team Leads). INDOT-CRO reviews ECL within five (5) business days. Consultant completes all revisions requested by INDOT-CRO.
2. After approval by INDOT-CRO reviewer, consultant uploads ECL to IN SCOPE and INDOT-CRO releases document to IN SCOPE.
3. Once notified of release, consultant sends ECL to all Section 106 consulting parties (CPs) except Tribes using Section 106 Consultation Email Template and cc'ing the INDOT-CRO reviewer and both Team Leads. A PDF copy of the ECL should be attached to the email. One email can be sent to all consulting parties. Individual emails are not necessary. A hard copy of ECL is to be sent to SHPO at this time.
4. INDOT-CRO reviewer or Team Lead will forward ECL notification email to Tribes. All Consulting Parties, including the Tribes, will have 30 calendar days to respond to email/IN SCOPE notifications.
5. INDOT-CRO will forward responses from Tribes to consultant for Section 106 documentation. Consultant will forward responses from non-tribal consulting parties to INDOT-CRO.

**Please read section below, "Important Things to Remember"*

INDOT-CRO Steps for Distributing Section 106 Reports/HBAA/Findings/Effects Letters/Other Documents

1. Consultant prepares documents following applicable templates and/or guidance. Consultant submits documents to INDOT-CRO (cc'ing both CRO Manager and both Team Leads). For HPRs, archaeology reports, and HBAAAs, consultant must submit Report Distribution Letter and email notification (using post-ECL email submission template) for review along with the report. For other types of documents, consultant must submit email notification (either the post-ECL email submission template or the finding/800.11 submission template) for review along with the document. INDOT-CRO reviews project (turnaround times vary depending on type of document), and consultant makes all necessary revisions.
2. After approval by INDOT-CRO reviewer, consultant uploads documents to IN SCOPE and INDOT-CRO releases document to IN SCOPE. For HPRs, archaeology reports, and HBAAAs, the consultant should upload the Report Distribution Letter to IN SCOPE in addition to the report/analysis.

3. Once notified of release, consultant sends email notification to non-tribal Section 106 consulting parties CPs who responded to the ECL, including the SHPO reviewers (both the above-ground and archaeology reviewer). In the case of an HPR, Archaeology Report, or HBAA, the Report Distribution Letter must be attached to the email notification. The email notification should cc the INDOT-CRO reviewer and both team leads. A hard copy of the documents must be sent to SHPO at this time.
4. INDOT-CRO reviewer or Team Lead will forward email notification to Tribes. CPs, including the Tribes, will have 30 calendar days to respond to email/IN SCOPE notifications.
5. INDOT-CRO will forward responses from Tribes to consultant for Section 106 documentation. Consultant will forward responses from non-tribal consulting parties to INDOT-CRO.

**Please read section below, "Important Things to Remember"*

Important Things to Remember

- Section 106 consultation should be initiated as early in project development as possible and before a final transportation alternative is approved. **The ECL should be submitted prior to the initiation of above-ground and archaeological surveys.** Preparing and submitting an ECL to CRO should be the first step that a consultant takes after they determine that the project needs Section 106 consultation and have identified potential consulting parties. Consultants should begin preparing Historic Property Reports (HPRs) and archaeological reports after they have submitted the ECL to CRO, but they should not submit a report to CRO until after the 30-day ECL comment period has ended. This will allow potential consulting parties--especially Tribes--to indicate if there are properties or locations of concern in the project area before an HPR or archaeological report is completed. The early submission of the ECL will generally shorten Section 106 timelines by allowing CRO to provide assistance during the identification phase and flag problematic projects early on.
- The early submission of an ECL is also required by the Tribal MOU, which states, "Consultation with Tribes shall begin when Section 106 consultation is initiated and before a final transportation alternative is approved."
- A list indicating what Tribes to invite as consulting parties by county is available here: https://www.in.gov/indot/files/Tribal%20Contacts%20for%20Website_April2020.pdf
- ECLs must include a labeled topographic map clearly depicting the project area.
- All submittals to SHPO must include a DHPA review request form. When submitting an archaeology report, additional instructions may be included in the approval email sent to consultants from the CRO reviewer.
- If project is confined to previously disturbed soils, an archaeological assessment prepared by a QP archaeologist must be included in the ECL or the HPR distribution letter.
- INDOT-CRO will forward Section 106 documents to Tribes but consultant is responsible for preparing email using Section 106 Consultation Email Template, sending to CRO reviewer and Team Lead, and emailing non-tribal consulting parties.

- In the case of archaeology reports prepared for MPPA reviews, consultant should prepare distribution email using Section 106 Consultation Email Template and send it to CRO reviewer and Team Lead.
- When a document is approved by INDOT-CRO, **it should not be uploaded to IN SCOPE until consultants are ready to notify the CPs of the document's release on IN SCOPE.**
- Tribal review of archaeology reports is to be concurrent with SHPO's 30-day review period.
- When a document is approved by CRO and released to IN SCOPE, consultants should email CPs as soon as possible.
- Consultants must strive to ensure that all consulting parties are afforded the same opportunities to comment within the same calendar-day time period. **INDOT-CRO strongly recommends that IN SCOPE review periods correspond, as closely as possible, to the time allotted in letters and correspondence.**