

Section 106 Consultation: Update on Programmatic Approaches

Hopi Tribe Partnership
Steering Committee Meeting
August 27, 2014

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Section 106 Consultation

- FHWA currently consulting individually on projects throughout Arizona
- All parties agree that some types of projects can be addressed programmaticly
- Hopi Tribe has suggested narrowing the geographic region within which FHWA should consult for some kinds of projects

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What about actions not covered by Section 106?

- Maintenance activities with no federal nexus
- Natural resource activities with no federal nexus
- Federal or state projects affecting culturally sensitive resources not protected by Section 106
- Early consultation before Section 106 is initiated

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Memorandum of Understanding

- Not legally binding, but a formal document that all parties agree to
- Would have the flexibility to facilitate consultation and coordination on all issues of mutual concern, whether covered by Section 106 or not

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SHPO Programmatic Agreement

- FHWA and ADOT developing overarching PA with SHPO
- Will address how FHWA conducts Section 106 consultation for ADOT projects
- Will include list of actions that can be exempted or addressed programmatically
- Tribes and agencies will be consulted on the PA and will be invited to participate

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SHPO Programmatic Agreement: How does this affect Hopi?

- If Hopi Tribe chooses to participate in the SHPO PA, the stipulations included in the PA can guide FHWA and ADOT's Section 106 consultation with Hopi
- PA can reference the Hopi/FHWA/ADOT MOU and vice versa
- The two documents together can address full range of issues relating to protection and treatment of culturally sensitive resources

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Beyond Cultural Resources?

MOU can address natural resources as well as cultural resources

- Application of herbicides
- Burning
- Culvert and pipe cleaning
- Other maintenance activities

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**Questions or Comments?
Contact us!**

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