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TO: Federal and State Agencies, Local Governments

FROM: Mary-Ellen Walsh, Compliance Program Manager
State Historic Preservation Office

DATE: January 25, 2024

RE: Best Consultation Practices 2024

CC: Arizona's 22 Federally Recognized Tribes

Happy New Year!

We all expect 2024 to be a busy year and we would like to remind you of best practices to facilitate consultation with our office. The last quarter of 2023 was especially busy for us and we greatly appreciate the extended review times. We have recently welcomed an additional member to our compliance team which will allow us to better address the high volume of consultations we are receiving. Below, please find a few tips and reminders to ensure that reports and associated consultation can be expeditiously processed.

Best Practice Reminders

1. To ensure consultation is logged appropriately, use the designated email azshpo@azstateparks.gov for *initiating* consultation. When *continuing* consultation, you can send documentation either to the azshpo email or directly to your SHPO reviewer.
2. Plan ahead. SHPO is mandated 30 calendar days to complete Section 106 review, and 30 business days to complete review under the State Historic Preservation Act. If additional information is requested by SHPO, the 30-day "clock" resets, so please take the extra effort to make sure reports are adequate and consultation letters have the appropriate information. Review of agreement documents does not have a mandated review time, and may take longer than 30 days.
3. A complete initial consultation package defines the undertaking / project and area of potential effects (APE) / project area, identifies consulting parties, and the level of effort used or to be used to identify historic properties. If cultural resources are located in the APE/project area, their Arizona and/or National Register of Historic Places eligibility should be presented. It should be clear whether properties have been determined Register-eligible through prior consultation. For properties not previously evaluated by SHPO, please include the appropriate report documentation.
4. Please ensure the APE, project area and survey area are clearly defined if they are not one and the same.
5. Early consultation can occur before plans are finalized, and in the cases of large/complex projects, early consultation is preferred; when consulting early on in the life of a project (i.e., before an APE has been defined or identification efforts completed) use the letter to inform us of the Undertaking or Project, and minimally state that consultation will continue.

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6. Submit the agreement document, treatment plan, or monitoring and discovery plan in continuing consultation. For projects affecting the built environment, continuing consultation involves review of associated plans.
7. For Federal undertakings, the agency makes determinations of eligibility and finding of effect; SHPO concurrence is requested. The appropriate findings are “No Historic Properties Affected,” “No Adverse Effect,” and “Adverse Effect.”
8. When defining the APE, consider more than just the physical effects of the Undertaking on historic properties. We recommend consulting with Tribes first on the proposed APE, to ensure that it encompasses concerns about viewsheds and to ascertain what level of effort may be necessary to identify and evaluate cultural landscapes and/or traditional cultural properties (TCPs).
9. For State projects, the agency requests SHPO review and comment on the project and provides associated documentation. SHPO provides the finding of impact and determinations of eligibility. Findings of impact are “No Impact,” “No Adverse Impact,” and “Adverse Impact.”
10. Requests to expedite consultation should be restricted to life and property emergencies whenever possible, not funding and/or scheduling requirements. Plan accordingly. SHPO will always try to accommodate requests for shortened review periods, but cannot guarantee response prior to 30 days.
11. Use the Government-to-Government Consultation Toolkit to identify consulting tribes (see <https://sites.google.com/view/az-consultation-toolkit/home>).
12. Always, and continuously throughout the project, keep SHPO informed of Tribal concerns. Tribal consultation is required under both Section 106 (for federal undertakings) and A.R.S. 41-2059 (for state actions); SHPO recommends local governments should also consult with Tribes.
13. Concurrent consultation with the Arizona State Museum is recommended for all projects involving State, County, and Municipal land (i.e., projects subject to the Arizona Antiquities Act). This consultation is separate from consultants submitting their reports to ASM to fulfill their permitting responsibilities.
14. SHPO’s *Guidance for the State Historic Preservation Act* (2001) has been filed with the Secretary of State’s Office and is official substantive policy (see <https://azstateparks.com/shpo-forms-and-publications#Guidance>).
15. Additional SHPO guidance can be found at <https://azstateparks.com/shpo>.