

User's Guide Volume 5

Meeting Date	Comment Date	Commenter	Comment No.	Section	Page	Topic	Comment
	29-Apr-20	C.Shaver	1	3	6	Public Participation	Please add (SHPO) after State Historic Preservation Office.
	29-Apr-20	C.Shaver	2	4.1.21	9	Historic Properties Requirements	First sentence implies the Operator will make these decisions. Suggest modifying the first sentence to read "Operators must consult with the SHPO and Tribal authorities under Section 106 of the National Historic Preservation Act to determine whether a project may impact historic properties. Each project will be reviewed to assess:"
	29-Apr-20	C.Shaver	3	4.1.21	9	Historic Properties Requirements	Remove first bulleted item, "Will the project storm water controls require subsurface earth disturbance"
	29-Apr-20	C.Shaver	4	4.1.21	9	Historic Properties Requirements	Modify the last bulleted item to read, "Additional consultation may be required from local or regional historic authorities with additional information not contained at the SHPO or Tribal offices."
	29-Apr-20	C.Shaver	5	4.1.21	9	Historic Properties Requirements	Last paragraph of the section may confuse the reader by using "Historic Preservation Authorities" instead of SHPO. Recommend using SHPO and appropriate Tribes to read like this: SHPO and Tribal authorities will need the project name, a description of the project with entire acreages, contact information, an accurate map showing the project boundary to initiate their review for historic properties. To ensure compliance, copies of SHPO consultation letters are required in the storm water pollution prevention plan (SWPPP)."
	29-Apr-20	C.Shaver	6	4.1.21	9	Historic Properties Requirements	The section needs to also include information on the SHPO and Tribal 30-day review time line. Under 36 CFR § 800.3(c)(4) if the SHPO/THPO fails to respond within 30 days of receipt of a written request for review for a finding or determination, the agency official (DEQ) may either proceed to the next step in the process based on the finding or determination or consult with the Advisory Council on Historic Preservation in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the Section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.

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29-Apr-20	C.Shaver	7	General	As lead agency, DEQ needs to identify the appropriate SHPO (if other states are involved as well as Idaho) and/or Tribal Historic Preservation Officer (THPO). As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.
29-Apr-20	C.Shaver	8	General	A general statement in the document needs to address Section 106. It couple be something like this: Section 106 of the NHPA requires each federal agency to identify and assess the effects their actions will have on historic resources. The process requires each federal agency to consider public views and concerns about historic preservation issues when making final project decisions. The ultimate goal of Section 106 is to seek agreement among these participants regarding preservation matters arising during the review process.

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