Environmental Review Section 106
Process For Implementation Grants

Acronym Key

ACCD – Agency of Commerce and Community Development
CCC – Consultant Compliance Confirmation
EO – Environmental Officer
ER – Environmental Review
HP – Historic Preservation
MOA – Memorandum of Agreement
PRF – Preliminary Review Form
RITC – Rehabilitation Investment Tax Credit
VCDP – Vermont Community Development Program
VDHP – Vermont Department of Historic Preservation
Environmental Review Section 106
Process For Implementation Grants

MOA (Tax Credit Project)

HP Condition of ER Release: Compliance with MOA

2.1

See Warning C

HP Condition of ER Release: Compliance with MOA

Required Procedure is Outlined in MOA OR Preliminary Section 106

Consultation with VDHP

NO

2A

Submit to ACCD’s EO & VDHP

HP Condition Satisfied

GoTo 2B

Consultation with VDHP until Concurrency is Received.

Consultant Submits Preliminary Section 106 Comment Letter (No Determination) to VDHP

Consultant Submits Final Section 106 Letter to VDHP

Final Section 106 @ ER Release (Section 106 Only Project)

Final Section 106 Letter to VDHP

See Warning D

HP Condition of ER Release: CCC

Consultation with VDHP

NO

Concerns Resolved?

Concerns Resolved?

YES

Unresolved Adverse Effects: Invite federal ACHP to Comment

YES

Consultation with VDHP

Concurrence of Final Section 106 Letter to Consultant and Applicant

 CCC Documentation Submitted to ACCD’s EO and VDHP

HP Condition Satisfied

Potential for Consultation w/ VDHP to be Re-Opened if Design Plans Change

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If a project’s PRF has identified potential for archaeological resources to be effected, any and all archaeological investigation must be completed prior to receiving the ER Release for the project. Archaeological investigation can be very time-consuming and seasonally dependent. Therefore, any required archaeological investigation should be initiated as early in the process as possible.

Warning A

If a project follows this path, receives Final Section 106 concurrence from VDHP, and THEN determines that Tax Credits will be pursued, the existing Final Section 106 sign-off in NO WAY guarantees that a project will receive Tax Credit approval. The National Park Service provides Tax Credit approval, NOT VDHP.

Warning B

Conditional ER Release has been received. What is allowed: Acquisition and requisition of funds for planning activities. What is NOT allowed: Initiation of construction related activities until Final Section 106 Letter with VDHP Concurronce OR Signed Part 2 is received (Grant Agreement Special Condition). If a Final Section 106 Letter has been received (not a Signed Part 2), see Warning D for more information.

Warning C

All Final Section 106 Letters need to include a post-review discovery clause that requires the grantee to alert the consultant and VDHP if project plans change and there are unexpected effects after final concurrence, then Section 106 consultation will recommence to ensure these new effects are resolved in compliance with the regulations prior to construction commencing (or continuing if already under way). Work cannot commence or continue until a Final Section 106 concurrence is provided by VDHP. Without a Final Section 106 the grantee runs the risk of foreclosing the Vermont Community Development Program’s (functioning as Agency Official) ability to complete environmental review prior to construction commencing pursuant to §800.9(b).