[Date]

Name

Title

Organization

Address Line 1

Address Line 2

City, State, Zip Code

Subject: USDA RD [Insert Agency] Staff [Choose: SHPO Recommended Finding of No Historic Properties Affected or SHPO Recommended Finding of No Adverse Effects]

[Insert Project Name]

[Insert Project Location]

Dear [Insert Recipient’s Title and Last Name]:

The [Choose: Rural Utilities Service (RUS), Rural Business-Cooperative Service (RBS), or Rural Housing Service (RHS)], which is one of the three federal agencies that comprise the U.S. Department of Agriculture’s Rural Development (RD), is considering an application for financial assistance from [Insert Name of Applicant] for [Insert the project name or designation].

[Choose: RUS, RBS, or RHS] may fund the [Choose: Project(s), Project construction work plan, or Project loan design], [Choose: it will become an undertaking or they will become undertakings] subject to review under Section 106 of the National Historic Preservation Act, 54 U.S.C. 306108, and its implementing regulations, 36 CFR Part 800.

Pursuant to 36 CFR § 800.2(c)(4), and 7 CFR § 1970.5(b)(2) of the regulations, “Environmental Policies and Procedures” (7 CFR Part 1970), [Choose: RUS, RBS, or RHS] has issued a blanket delegation for its applicants to initiate and proceed through Section 106 review if there is agreement. [Choose: RUS, RBS, or RHS] recognizes that tribal consultation is a federal responsibility. Therefore, [Choose: RUS, RBS, or RHS] wants to thank the [Insert the name of the tribe] for their willingness to work directly with our applicants as they proceed through the steps of Section 106 review.

As part of that effort, the potential applicants noted above have recently submitted information to you regarding their proposed [Choose: Project(s), Project construction work plan, or Project loan design] for the [Insert Project name].

In your response you requested that [Insert applicant name] pay a processing fee. [Choose: RUS, RBS, or RHS] recognizes that under applicable Federal statute (NHPA) and in regulations (36 CFR Part 800) there is no requirement for federal agencies or their applicants to remunerate any party, including an Indian tribe, for its participation in Section 106 review. Accordingly, when a federal agency or its applicant is seeking the views of an Indian tribe to fulfill the agency’s legal obligations under a specific provision of 36 CFR Part 800, the agency or applicant is not required to pay the tribe for providing its views. Because the legal basis for the THPO’s request is absent in federal law and regulations, [Choose: RUS, RBS, or RHS] has advised these applicants not to pay the processing fee as requested.

However, it is the hope of [Choose: RUS, RBS, or RHS] that you will elect to continue participating in Section 106 review for the referenced undertakings as we value your opinion and recommendations. Please submit your recommendations within 30 days of your receipt of this request to [Insert Applicant or consultant contact name, phone number and email address]. If no timely response is received, [Insert applicant name] will notify [Choose: RUS, RBS, or RHS] so the federal agency may determine how to proceed with Section 106 review in accordance with 36 CFR § 800.3(b)(4).

In the hope that you do participate, or should you have any questions, we ask that you please contact [Insert RD reviewer contact information] for any additional information that you might need for your review.

Sincerely,

[Delete and Insert Signature]

Name

Title

Organization

Enclosure(s)

CC