

EXHIBIT 2-M.5

HUD CHECKLIST: WHEN TO CONSULT WITH TRIBES UNDER SECTION 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult (check all that apply):

Significant ground disturbance (digging)

Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads

New construction in undeveloped natural areas

Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas

Incongruent visual changes

Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area

Incongruent audible changes

Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience

Incongruent atmospheric changes

Examples: introduction of lights that create skyglow in an area with a dark night sky

Work on a building with significant tribal association

Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall

Transfer, lease or sale of a historic property of religious and cultural significance

Examples: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association

None of the above apply

Project Name	Reviewed by (signature)	Date
	Typed/Printed Name & Title	

Instructions:

- If none of the conditions apply, sign and date the checklist and place a copy in the Environmental Review Record
- If one or more of the conditions apply:
 - Sign and date the checklist
 - Prepare the Tribal Consultation Letter (**Exhibit 2-M.6**) for the signature of the Responsible Entity's Certifying Officer
 - If the HOME Grantee is a local government, the responsible entity is a the local government, and the letter must be prepared on the local government's letterhead and must be signed by the local government's Certifying Officer
 - If the HOME Grantee is a public housing authority (PHA) or community housing development organization (CHDO), the Responsible Entity is the Montana Department of Commerce. Prepare the draft letter and e-mail it to your assigned HOME Program liaison for processing