

## Catawba Indian Consultation Guidelines

### Findings

When you consult with the Catawba Indian Nation it is important to submit an “adequately documented finding” in accordance with 36 CFR § 800.11. In accordance with 36 CFR § 800.11 an “adequately documented finding” includes:

- Finding of “No Historic Properties Affected”:
  1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps and drawings as necessary.
  2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
  3. The basis for determining that no historic properties are present or affected.
- Finding of “No Adverse Effect or Adverse Effect”:
  1. A description of the project (undertaking) that specifies – a.) federal involvement, b.) area of potential effects, including photographs, maps and drawings as necessary.
  2. A description of the historic property identification process, including, as appropriate efforts to seek information (i.e., background research, consultation, oral history, sample field investigation and field survey).
  3. A description of the historic properties, including information on the characteristics that qualify them for the National Register.
  4. A description of the project’s (undertaking’s) effects on historic properties.
  5. An explanation of why the criteria of adverse affect (see 36 CFR § 800.5([a]) were found inapplicable, including any future actions to avoid, minimize or mitigate adverse effects.
  6. Copies or summaries of any views provided by consulting parties and the public.
- Findings of “Adverse Effect”
 

If this finding is made, the consultation process will not end until the project is modified so as to have a finding of “No Historic Properties Affected” or a Memorandum of Agreement is developed for the purpose of mitigating adverse effects.

To assist with the collection of the information that would be requested by the Catawba Indian Nation, a copy of the USDA Rural Development consultation sheet is attached. **This sheet is intended for use as a guidance document. At a minimum you must provide the following information:**

- Has the property ever been graded or paved to the subsoil level?
- If “YES”, will the proposed ground disturbance be any deeper or wider than initial ground disturbance activity?
- Provide a list of all archeological sites within a one-half mile radius of the project area – historic & pre-contact.
- Copy of any archeological surveys performed within the same radius.
- Copy of State Historic Preservation Offices Letter of Concurrence with your findings.
- Photographs of the project area from all four directions.

In accordance with the attached Advisory Council on Historic Preservation Memorandum, neither HUD nor the Regulatory Entity (RE) should pay fees to the tribe unless HUD or the RE enters into a contract with the tribe.