



HISTORIC PRESERVATION CONSULTATION BEST PRACTICES and TIPS for SUCCESS

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PART IV HISTORIC PRESERVATION & SECTION 106 CONSULTATION

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PART IV

Historic Preservation & Section 106 Consultation

Consultation is the process of seeking, discussing and considering the views of other participants, and, where feasible, seeking agreement with them on matters arising in the Section 106 process.¹

FOR PROJECT PROPONENTS/FEDERAL AGENCIES: Develop a Consultation Plan

Consultation meetings don't just happen or end with the adjournment of the meeting. Effective consultation requires deliberate preparation and meaningful follow-through.²

1. Develop a “Consultation Plan” that describes:

- the basis/rationale for consultation;
- the means of consultation (in-person vs. telephonic, etc.);
- any informational materials;
- an agenda or outline of the consultation process, and
- a schedule with milestones.

2. Maintain an Administrative Record:

- of all input received;
- agency deliberations and findings;
- timely notice; and
- distribution of decisions or reports.

¹ 36 CFR Part 800.16(f)

² Department of the Interior Office of Native Hawaiian Relations. Communication to Historic Hawaii Foundation, June 2020.

FOR PROJECT PROPONENTS/FEDERAL AGENCIES: Adapt federal consultation conventions to respect Native Hawaiian culture and protocols.

The key to success in any consultation relationship is building trust, having common goals, and remaining flexible.³

1. Respect is Essential.

- Become aware of and respect Native Hawaiian conventions and protocols. Understand that they may vary from island to island.
- Do not voice your opinion on what is best for the Native Hawaiian organization; that is for its members to determine.
- Be mindful of the significance of history. The history of U.S. government relations with Native Hawaiian organizations may color current perceptions and attitudes and cause distrust or suspicion. Take the time to learn about the unique history of Hawai'i and Native Hawaiians.

2. Communication is Key.

- Provide project information and timelines for the project as early in consultation as possible.
- Clarify any constraints or additional requirements. Do not assume silence means concurrence; it could signal disagreement.
- Always ask the representatives of Native Hawaiian organizations about their preferred way of doing business and any specific protocols for meetings.

3. Consultation: Early and Often.

- Suggest a process for consultation and discuss it with the Native Hawaiian organizations.
- Collaborate in a way that accommodates the protocols and schedules of Native Hawaiian organizations.
- Remember to document all correspondence, follow-up telephone calls, consultation meetings, and visits to project sites. Be sure to include the content of your communications in your documentation.

4. Effective Meetings Are a Primary Component of Successful Consultation.

- Inform participants in advance of the meeting’s goal and what needs to be accomplished in the time you have, so that participants can stay focused.
- Give plenty of notice beforehand so that Native Hawaiian organization representatives have adequate time to prepare.
- Provide participants with a list of all attendees, an agenda, and most importantly, complete project documentation.

FOR CONSULTING PARTIES: Be Prepared and Strategic⁴

1. Prepare for Consultation

- Be known to federal agencies
- Establish relationships
- Know about the location and significance of historic and cultural properties
- Have a management plan or strategy
- Be aware of opportunities to consult on proposed actions
- Know the federal, state and local processes, including the laws and regulations

2. Consult Effectively

- Communicate effectively with clear, concise comments, questions and statements.
- Be timely with communications. Meet timeframes and submit comments in writing; follow up on verbal discussions with written summaries. Document all communications.
- Be mindful of opposing or different perspectives. Seek areas of agreement or collaboration.
- Be proactive. Utilize terminology that fits the relevant laws and regulations.
- Prioritize resolution actions: benefit, avoid, minimize, mitigate effects on historic properties. Be resolute in acting in the best interest of the historic and cultural resources.
- Ensure agreement documents are clear and commitments provide accountability

⁴ Advisory Council on Historic Preservation and Department of Interior Office of Native Hawaiian Relations. “Native Hawaiian Organizations in the Section 106 Process Online/On Demand Course.” January 2020.

3. Participate in Good Faith

- Be consistent in objectives, goals, and outcomes
- Be reasonable and responsive
- Avoid making conflicts personal. Keep to the substance and principles at stake, not the personalities involved.

4. Follow Through on Commitments

- Provide information or follow-through as promised
- Monitor agreement documents and follow through by federal agencies and other parties.

