

SHPO REQUEST PROCESS from PROJECT PROPONENTS for DEQ/LQD Non-Coal Projects (10/11/07)

This Protocol/Guideline applies to: Non-Coal Projects, Private Surface/Private Minerals ONLY.

This is a state level consultation between the SHPO and LQD per DEQ/LQD "Guideline 11." All information pertaining to cultural resources are held confidential by LQD and SHPO.

Project proponents may request a comment letter for a proposed project from the Wyoming SHPO. Please provide the following information in order for the SHPO staff to properly review the project. Based on a file search and our review of the project area, SHPO will provide written comments to the project proponent and DEQ/LQD on the potential for the project to affect historic properties (i.e. eligible sites) and provide suggestions for further cultural resource investigations if warranted.

Please provide the following:

- Name and adequate description of project. Include access to project and project footprint
- Name of Project Proponent
- Land and Mineral Ownership by parcel (identify surface ownership on map)
- Project Location (Township, Range, Section)
- Current Land Use and Nature of Any Previous Disturbances in Project Area
- A Copy of a U.S.G.S. 7.5 Minute Topographic Map with the Project Area Outlined or Highlighted
- Project area photographs are helpful and necessary (aerial photographs are great)
- Date of Building/Structure Construction (for Architectural Reviews)
- DEQ Office involved in the project, staff contact, office address

SHPO will respond to the project proponent within 30 days and will notify the proponent if said project will require more review time; a written response is required by DEQ/LQD from the SHPO in the proponent's application to DEQ/LQD. SHPO will cc DEQ/LQD as appropriate.

If a cultural resource inventory report has already been prepared for a specific project, it should first be reviewed by DEQ/LQD for the project. DEQ/LQD will then send a copy of the report to the SHPO with their comments and determinations and a request for SHPO review. If the permitting agency has authorized a project proponent or cultural resource consultant to send a copy of the report directly to the SHPO, send a cover letter along with the report that explains the situation, request SHPO review and comment, and provide information about who should receive the SHPO response letter.

Send your request in writing (e-mail requests are not acceptable) to:

Mary Hopkins
Interim SHPO
Wyoming State Historic Preservation Office
2301 Central Ave., Barrett Building, Third Floor
Cheyenne, WY 82002

Please be sure to include your name, return address, and phone number. Be aware that it may take up to 30 days for a response depending on our current workload. So be sure to allow adequate advance time for SHPO review and comment.

There are four potential outcomes of literature review:

1. No previous inventory - do a survey
2. No previous inventory - previous disturbance-low potential - no survey needed
3. Previously inventoried - no historic properties - no work needed - project is "complete"
4. Previous adequate inventory - with historic properties - more work is needed

DEQ needs clear statement on whether a survey is needed or not from the SHPO.

If more work is recommended:

Consultant prepares report per SHPO report standards and makes recommendations to LQD - Consultant will submit three copies of the report to LQD. The copies are for the following offices: DEQ/LQD District, DEQ/LQD Cheyenne, and SHPO (DEQ/LQD will prepare cover letter to SHPO and send copy of report).

The report from the cultural resource consultant should address eligibility of resources and effect of project in report. They should include the following:

Consultant should make recommendations to reduce effect.

Consultant and project proponent should work to reduce the effect as much as possible before submitting the report to DEQ/LQD and consulting with SHPO.

LQD reviews consultant report and recommendations

LQD prepares cover letter to SHPO

LQD will make the determination of:

No effect

No adverse effect

Adverse effect

SHPO will review the report, the eligibility recommendations, and the statement of effect.

SHPO will respond in writing within 30 days to LQD; if no response has been received by LQD within 30 days, LQD shall assume SHPO concurrence.

If SHPO agrees with no effect and no adverse effect, LQD may proceed.

If SHPO disagrees or if there is an adverse effect, DEQ/LQD will consult further with SHPO.