

ACHP Program Comment Process



This chart illustrates the steps the ACHP recommends a federal agency take to develop a program comment. Citations identify the required steps outlined in the ACHP's regulations. The left column shows the steps a federal agency is recommended to take in the program comment development process, while the middle column shows corresponding ACHP actions. The left column adds information about best practices for some of the steps. When agencies follow these recommendations, it helps the ACHP review an agency's needs and goal for a program comment and plan appropriate consultation. The recommendations also aim to reduce delays in issuing program comments.

	AGENCY	ACHP	RELEVANT BEST PRACTICES
PHASE 1 Concept Development	Discuss the agency's goals and the process improvements it would like to pursue with ACHP staff to determine the best program alternative approach.	Offer advice on advantages and disadvantages of various approaches based on agency goals and circumstances.	
	Identify the category of undertaking, the likely effects on historic properties, steps the agency official proposes to take effects to historic properties into account, and the time period for which the program comment is requested.		Agency coordinates early on concept with NCSHPO, NATHPO, NTHP, and other relevant stakeholders.
	If a program comment is the selected approach, discuss development timeline, consultation needs, and public outreach with ACHP staff. Develop a goal statement.	Share ideas, examples, and best practices with agency staff. Specify the steps the agency and the ACHP must take per the regulations. Offer recommendations for the agency's consultation and outreach strategies and timeline.	See "Goal Statement Questions for Program Alternative Development" at www.achp.gov .
	Notify the ACHP that the agency proposes to develop a program comment to mark the start of the development phase (different from the formal request initiating the 45-day review period, which is referenced below). Notify stakeholders and explain what the agency intends to accomplish through the development of a program comment.	ACHP staff inform members that the agency intends to develop a program comment.	
PHASE 2 Consultation/Public Participation and Preparation for Request	Work with ACHP staff on development of an outline/plan describing the substantive content of the program comment.	Staff provides informal feedback to agency, briefs chairman.	
	Consult with consulting parties, conduct public outreach. Use information gathered to refine outline/plan. [800.14(e)(2) and 800.14(f)]	Staff provides status updates to members on progress at routine communication points.	Agency publishes a <i>Federal Register</i> notice about its intent to seek a program comment to gather public input.
	Share outline/plan with ACHP for optional review.	ACHP staff drafts comments on outline/plan and circulates them to members. Members respond with any comments or questions on the ACHP staff analysis.	
	Revise outline/plan and other materials to prepare formal request. Conduct additional consultation or outreach as needed.		Depending on feedback received, agency should consider seeking additional public input on the proposed program comment.
PHASE 3 Formal Request and ACHP Consultation	Agency submits formal request for a program comment including the information specified in 36 CFR 800.11(e)(1) to the ACHP, starting 45-day clock.	ACHP staff briefs chairman and develops member briefing materials.	
		ACHP consults with SHPOs/THPOs, Indian tribes, and Native Hawaiian organizations per requirements in the regulations. [800.14(e)(3-4)]	
	May revise program comment language in response to results of consultation.	May request revisions to program comment language in response to results of consultation.	
PHASE 4 ACHP Action		Members receive voting materials.	
	If the ACHP declines to comment, agency official shall continue to comply with the requirements of 800.3-800.7 for individual undertakings. [800.14(e)(5)(ii)]	Members vote. The ACHP may request additional time or documentation to support the proposal. The ACHP either declines to comment or issues program comments on the agency's proposal. [800.14(e)(5)]	
PHASE 5 Post Approval Actions	If the ACHP issues the program comment, the agency (or the ACHP if agency and the ACHP choose) publishes a notice in <i>Federal Register</i> and takes the ACHP's comments into account in carrying out its undertakings. [800.14(e)(5)(i)]		Agency issues guidance to field offices on program comment implementation and establishes a periodic monitoring process for how the program comment is fulfilling goal and how effects to historic properties are being treated.
	Agency can request withdrawal of program comments no longer used or needed.	If the ACHP determines the agency is not considering historic properties consistent with the program comment, it may withdraw the program comment. [800.14(e)(6)]	Withdrawal of a program comment is published in the <i>Federal Register</i> .

