**Section 4180.350 Consultation Process for Adverse Effects**

a) To initiate the consultation process, the Director and the State agency shall consult to determine such further investigation of various alternatives as is necessary to determine all feasible and prudent alternatives to the undertaking as originally proposed in order to avoid, minimize or mitigate the identified adverse effects.

b) In addition to the State agency and the Department of Natural Resources, consulting parties may include State agencies, local governments, local not-for-profit groups and other parties of interest as agreed to by the State agency and the Director. The State agency and the Director may agree to call a public information meeting to obtain public comment concerning the proposed undertaking and its effects on historic resources pursuant to Section 4180.450.

c) After consideration of the information collected during the consulting process, if the State agency and the Director agree upon a feasible and prudent alternative which eliminates the adverse effect, the Director shall conclude that there is no adverse effect and, upon receipt of written notice to that effect from the Department of Natural Resources, the State agency will have fulfilled its responsibilities under the Act.

d) After consideration of the information collected during the consulting process, if the State agency and the Director agree upon a feasible and prudent alternative which minimizes or mitigates the adverse effect, or if they determine that there are no feasible and prudent alternatives, the Director shall execute a Memorandum of Agreement as provided in Section 4(d) of the Act within thirty (30) calendar days. Other consulting parties shall have the opportunity to concur with the Agreement if they will be responsible for carrying out any of the terms specified in the agreement. Upon ratification of the Memorandum of Agreement and carrying out its terms, the State agency will have fulfilled its responsibilities under the Act.