

Section 106
Historic Preservation Review and Compliance
as it relates to the
American Recovery and Reinvestment Act of 2009
“How Can State Agencies Assist Applicants”

Presented by
NH Division of Historical Resources
State Historic Preservation Office



Historical Resources are non-renewable and endangered resources. When they are lost, they are lost forever.



State Regulations

RSA 227-C for state permitted or funded.

Directs all state agencies and departments to cooperate in the identification and preservation of NH's historic resources.

Chapter 32, Laws of 1974 (RSA 227-C:1, 1974-1981)

Chapter 363, Laws of 1998 (RSA 227-C:1-a, 1998)

The legislature of New Hampshire has determined that the historical, archeological, architectural, engineering, and cultural heritage of New Hampshire is among the most important environmental assets of the state and that the rapid social and economic development of contemporary society threatens the remaining vestiges of this heritage; therefore, it is hereby declared to be public policy and in the public interest of this state to engage in a comprehensive program of historic preservation to promote the use and conservation of such property for the education, inspiration, pleasure, and enrichment of the citizens of New Hampshire.

Role of NH DHR

Federal Regulations

- *Any federally funded, licensed or permitted project requires consideration of historic resources under Section 106 of National Historic Preservation Act of 1966.*
- *American Recovery and Reinvestment Act of 2009 (ARRA) is a federal program that provides funding.*

ARRA is a Federal Program

All federally funded, licensed, or permitted projects are subject to review under the National Historic Preservation Act (NHPA) and Section 106 (36 CFR 800), regardless of the proposed activity.

Historic preservation review is a consultation process that identifies significant historic properties so that impacts caused from government-assisted actions can be avoided, minimized, or mitigated. It is intended to be a balance of public interest and concern for historic resources with public benefit generated from governmental initiatives.

All ARRA applicants, including State Agencies, must comply with Section 106.

Section 106 Review

4 Basic Steps:

- *Determine whether historical or archaeological resources are located within the project area.*
 - *Applicant is responsible for required surveys if property has not been previously surveyed (professional consultants do the work)*
- *Determine whether project will have an effect on identified resources.*
- *Determine whether effect is adverse, if so, can effect be avoided, minimized or mitigated.*
- *If adverse effects cannot be avoided or minimized, the federal agency and DHR work with applicant to create a mitigation package to address impacts.*

What Is a Historical Resource?



A district, site, building, structure or object that is significant in the history, architecture, engineering, archaeology or culture of this state, its communities, or the nation.

Historic Buildings and Structures





Archaeological Resources



Project Review

- *The DHR implemented a new Request for Project Review Form (RPR)*
 - *The form can be found on the DHR website:*
 - www.nh.gov/nhdhr
 - *Project review*
- *With the form applicants need to include a narrative of the proposed undertaking*
- ***INCLUDE SELF-ADDRESSED STAMPED ENVELOPE for an expedited response***

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

DHR Use Only	
R&C #	_____
Log In Date	___/___/___
Response Date	___/___/___
Sent Date	___/___/___

**Request for Project Review by the
New Hampshire Division of Historical Resources**

- This Project is funded by the American Recovery and Reinvestment Act of 2009
 This is a new submittal This is additional information relating to DHR Review #: _____

GENERAL PROJECT INFORMATION
Project Title _____
Project Location _____
Tax Map & Lot # _____
NH State Plane Geographic Coordinates: Easting _____ Northing _____
Lead Federal Agency (Agency providing funds, licenses, or permits) _____
Permit or Job Reference # _____
State Agency and Contact (if applicable) _____
Permit or Job Reference # _____
APPLICANT INFORMATION
Applicant Name _____ Phone Number _____
Street Address _____
City _____ State _____ Zip _____ Email _____
CONTACT PERSON TO RECEIVE RESPONSE
Name/Company _____ Phone Number _____
Street Address _____
City _____ State _____ Zip _____ Email _____

Please refer to the Request for Project Review manual for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, the Division of Historical Resources (DHR) may require additional information to complete our review. All items and supporting documentation submitted with a review request, including photographs and publications, must be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process, please visit our website at: <http://www.nh.gov/nhdhr/review> or contact the R&C Specialist at 603.271.3558.

New RPR Form

*Take note of the check
box for ARRA projects*

Information Needed

- *Contact information for project sponsor.*
- *State or federal program under which this review is required (ACOE, HUD, CDBG, Dept. of Ed., etc.)*
- *Description of project-Narrative*
 - *Raw land*
 - *Renovations*
 - *Nature or extent of renovations*
 - *Nature and extent of past land use activities on site if known*
- *Photographs-digitals acceptable (call DHR if there are questions)*

How State Agencies Can Facilitate Review or Assist Applicants with Section 106 Review for ARRA Projects

- *Explain to applicants that these projects are subject to review under the NHPA and Section 106, regardless of proposed undertaking.*
- *Encourage applicants to submit a RPR form early in project planning.*
- *Direct applicants to contact DHR with questions on RPR form prior to submitting incomplete or inaccurate information.*
- *Advise applicants to respond quickly to requests for additional information.*
- *Advise applicants that professional cultural resource consultants may be required.*
- *Refer applicants to DHR project review web site:*
<http://www.nh.gov/nhdhr/review/>

How State Agencies Can Facilitate Review or Assist Applicants with Section 106 Review for ARRA Projects

- *Encourage applicants to think creatively about ways to achieve project goals while avoiding or minimizing harm to historical or archaeological resources.*
 - *Projects that have little or no potential to impact resource move very quickly through the 106 process.*
- *Inform applicants of the need for cultural resource mitigation if project goals cannot be achieved without adversely affecting historical or archaeological resources.*
- *Keep records and report on the status of Section 106 compliance for individual recovery projects under your agency, for review by the federal Office of Management and Budget.*

*For more information on
Review and Compliance under the
American Recovery and Reinvestment Act of 2009*

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