

Section 106 Programmatic Agreement for Certain Transportation Undertakings in New Hampshire

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Implementation Team

- NHDOT – Bureau of Environment
- NHDOT – Bureau of Planning & Community Assistance
- NHDOT – Bureau of Highway Design
- Federal Highway Administration – NH Division
- NH State Historic Preservation Office
- NH Public Works Association
- American Council of Engineering Companies - NH



Presentation Outline

- Historic preservation and the transportation process
- What is a Programmatic Agreement?
- Goals and objectives for the Programmatic Agreement
- Programmatic Agreement review process
- Next steps
- Obtain public input/comment



FHWA Promotes Programmatic Agreements

- Every Day Counts 2 (EDC2)
- Moving Ahead for Progress in the 21st Century Act (MAP-21)
- Environmental streamlining



Section 106

Historic Preservation

- Purpose of the National Historic Preservation Act
- When is NHPA compliance required?
- Process
 - Establish whether there is an Undertaking
 - Consult/involve the public
 - Assess effects



What is a Programmatic Agreement?

- Document that spells out the terms of a formal, legally binding agreement between a State DOT and other state and/or federal agencies
- Establishes a process for consultation, review and compliance with one or more federal laws pertaining to historic preservation
- Program Alternatives (36 CFR 800.14(b))



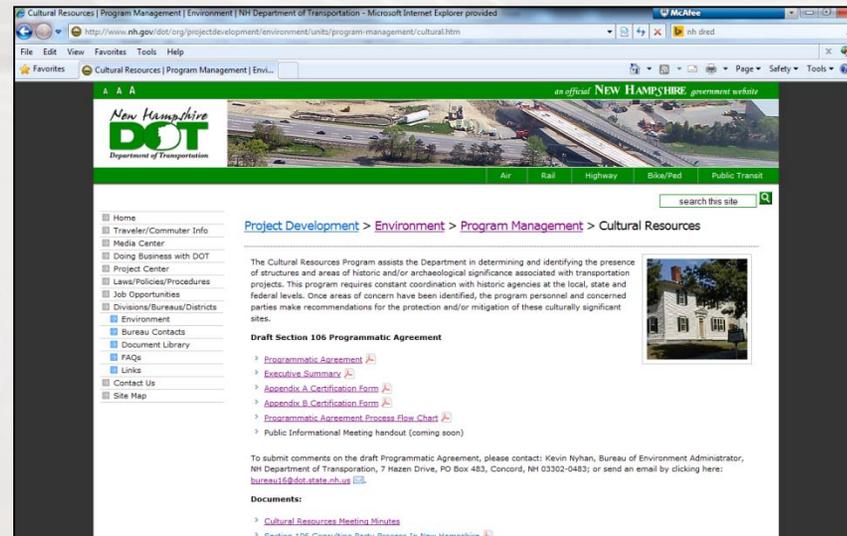
Programmatic Agreement Goals & Objectives

- Improve general understanding of the Section 106 review process
- Encourage an approach to projects in a more historically-sensitive way
- Recognize the importance of historic resources
- Define/shorten the review process, while providing appropriate level of protection to historic resources
- Enable NHDOT to make routine project decisions



Programmatic Agreement Review Process

- Information available at the Bureau of Environment website
- Begin process EARLY



<http://www.nh.gov/dot/org/projectdevelopment/environment/units/program-management/cultural.htm>



Appendix A Undertakings

No Potential to Cause Effects to Historic Resources



Appendix A Undertakings

No Potential to Cause Effects to Historic Resources

- Undertakings with *No Potential to Cause Effects* to historic resources
- Confirm that the undertaking type (“*project*”) is listed in Appendix A
- Complete and submit a hard copy of the Appendix A Certification Form to Bureau of Environment Cultural Resources Program (BOE-CR)

Cultural Resources Review Effect Finding – Appendix A Certification

Projects with No Potential to Cause Effects

Date Reviewed: [Click here to enter text.](#) Approved by: _____
NHDOT Cultural Resources Staff

Project Name: [Click here to enter text.](#)

State Number: [Click here to enter text.](#) FHWA Number: [Click here to enter text.](#)

Environmental Manager: [Click here to enter text.](#) Project Manager: [Click here to enter text.](#)

Project Description: [Click here to enter text.](#)

Please select the applicable project action(s):

<input type="checkbox"/>	Areas where the work is an in-kind replacement of modern facilities including driveway reconstruction, and re-installation of utilities.
<input type="checkbox"/>	Equipment and supply purchase and maintenance (vehicles, computers, brochures, etc.).
<input type="checkbox"/>	Pavement marking/stripping.
<input type="checkbox"/>	Crack sealing.
<input type="checkbox"/>	Pavement grinding, rehabilitation and resurfacing, provided there are no impacts below the roadway select materials.
<input type="checkbox"/>	Shoulder leveling and reconstruction, provided leveling material does not extend beyond 8" from the existing edge of pavement.
<input type="checkbox"/>	Installation of speed bumps, and speed tables.
<input type="checkbox"/>	Signal timing/program upgrades, with no ground disturbance.
<input type="checkbox"/>	Sign replacement when they are replaced in the same area.
<input type="checkbox"/>	Upgrades to lighting technology (i.e. fluorescent bulbs to LED bulbs).
<input type="checkbox"/>	Application of herbicide.
<input type="checkbox"/>	Planting of wildflowers.
<input type="checkbox"/>	Mowing and brush removal (does not include tree removal).
<input type="checkbox"/>	Bridge maintenance and repair on bridges less than 50 years old.
<input type="checkbox"/>	Bridge painting (provided the color is not changing on a bridge that is older than 50 years old, or the color is not changing on any bridge that is located within a known historic district).
<input type="checkbox"/>	Bridge washing and sealing when conducted in accordance with NHDOT EHS Procedure – 01 (Appendix D).
<input type="checkbox"/>	Culvert clean out.
<input type="checkbox"/>	Maintenance of sound walls.
<input type="checkbox"/>	Improvements to existing maintenance facilities, rest areas, weigh stations and park-and-rides less than 50 years old, provided there is no expansion of the facility and no additional lighting.
<input type="checkbox"/>	Installation of new or replacement guardrail, and/or median barriers within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
<input type="checkbox"/>	Installation of new roadway signs, within the New Hampshire interstate system (excluding the Franconia Notch State Parkway).
<input type="checkbox"/>	Grading to re-establish slopes, seeding and the removal of accumulated sediment from ditches and other drainage features.
<input type="checkbox"/>	This project does not comply with Appendix A. Please review the applicability under Appendix B or follow the standard Section 106 Process. Continue Consultation with NHDOT Cultural Resources Staff.

Appendix A Certification, created January 2014 Page 1 of 2



Appendix A Undertakings

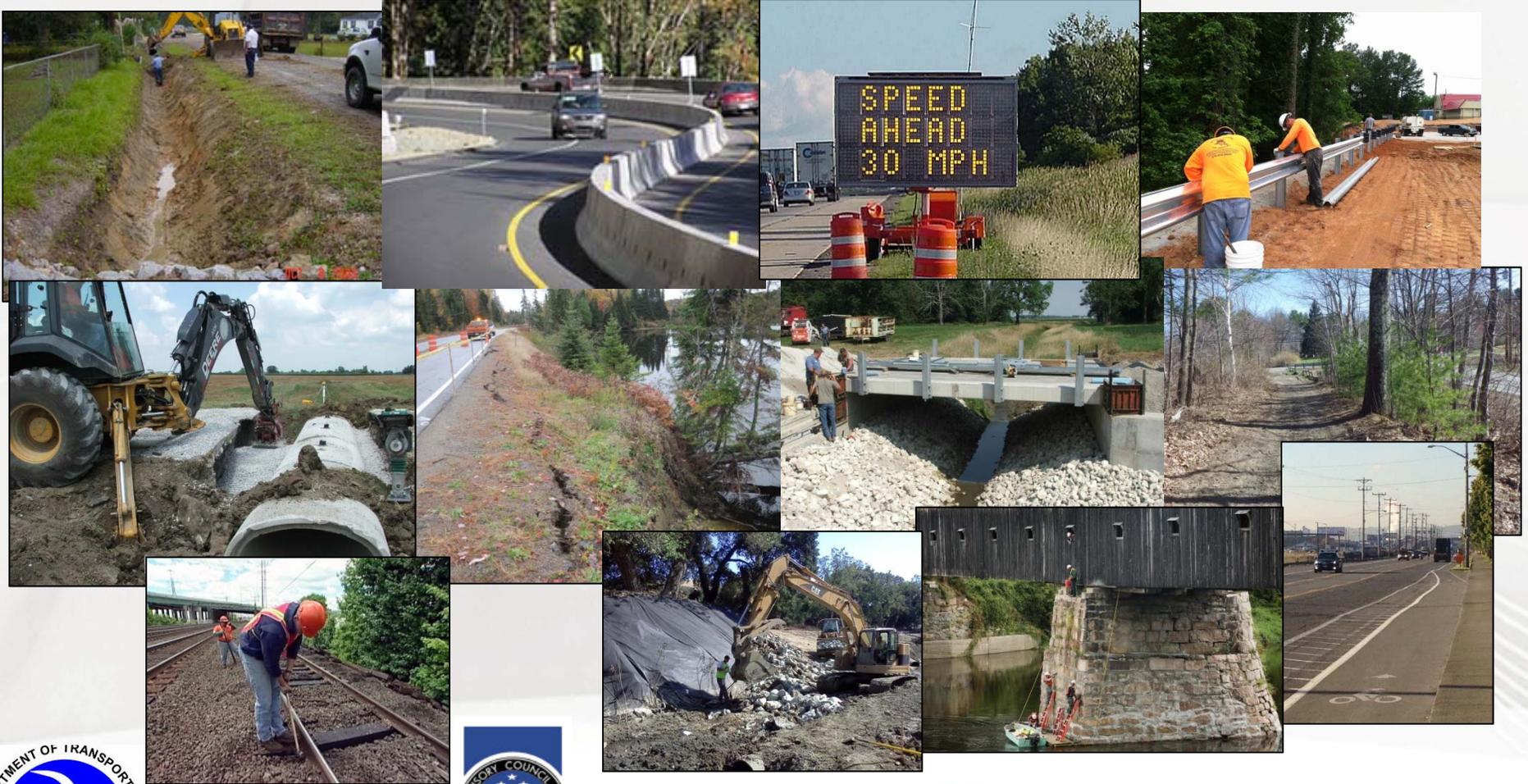
No Potential to Cause Effects to Historic Resources

- If project conforms to Appendix A, BOE-CR returns completed Appendix A Certification form to the project sponsor, completing the process
- If project does NOT conform to Appendix A, BOE-CR will direct the sponsor to:
 - Review the project under Appendix B, or
 - Follow the regular (current) review process, and continue to consult with BOE-CR staff



Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources



Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources

- Undertakings with *Minimal Potential to Cause Effects*
- Initiate review process
 - Confirm that the undertaking is listed in Appendix B
 - Plan to involve the public
 - Invite consulting parties
- Coordinate with the public
 - Letters
 - Public officials/info. meetings
 - Coordinating with abutters

Cultural Resources Review Effect Finding – Appendix B Certification

Projects with Minimal Potential to Cause Effects

Date Reviewed: [Click here to enter text.](#)

Project Name: [Click here to enter text.](#)

State Number: [Click here to enter text.](#) FHWA Number: [Click here to enter text.](#)

Environmental Manager: [Click here to enter text.](#) Project Manager: [Click here to enter text.](#)

Email If outside NHDOT: [Click here to enter text.](#)

Project Description: [Click here to enter text.](#)

Please select the applicable project action(s):

<input type="checkbox"/>	1. Modernization and general highway maintenance that may require additional highway right-of-way or easement, and which is not within the boundaries of a historic property or district, including: Choose an item. Choose an item.
<input type="checkbox"/>	2. Non-historic bridge and culvert maintenance, renovation, or total replacement, that may require minor additional right-of-way or easement, and which is not within the boundaries of a historic property or district, including: Choose an item. Choose an item.
<input type="checkbox"/>	3. Historic bridge maintenance activities within the limits of existing right-of-way, including: Choose an item. Choose an item.
<input type="checkbox"/>	4. Stream stabilization and restoration activities (including removal of debris or sediment obstructing the natural waterway, or any non-invasive action to restore natural conditions).
<input type="checkbox"/>	5. Construction of bicycle lanes and pedestrian walkways, sidewalks, shared-use paths and facilities, small passenger shelters, and alterations to facilities or vehicles in order to make them accessible for elderly and handicapped persons, not within the boundaries of a historic property or district.
<input type="checkbox"/>	6. Installation of bicycle racks, not within the boundaries of a historic property or district.
<input type="checkbox"/>	7. Recreational trail construction, not within the boundaries of a historic property or district.
<input type="checkbox"/>	8. Recreational trail maintenance when done on existing alignment.
<input type="checkbox"/>	9. Modernization, maintenance, and safety improvements of railroad facilities within the existing railroad or highway right-of-way, not within the boundaries of a historic property or district, and no historic railroad features are impacted, including, but not limited to: Choose an item. Choose an item.
<input type="checkbox"/>	10. Scenic easements
<input type="checkbox"/>	11. Installation of Intelligent Transportation Systems.
<input type="checkbox"/>	12. Acquisition of scenic, conservation or other habitat or land preservation easements where no construction activities will occur.

Please describe how this project is applicable under Appendix B of the Programmatic Agreement.
[Click here to enter text.](#)

Appendix B Certification, created January 2014

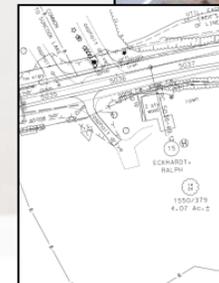
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Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources

- Assess potential impacts (archaeology/above ground)
- Submit to BOE-CR the following:
 - Appendix B Certification Form
 - Request for Project Review Form
 - Topographical map(s)
 - Photographs
 - Design plans (if available)
 - As-built plans (if available)

A screenshot of the Appendix B Certification Form, which is a detailed document with multiple sections for project information, certification, and signatures.A screenshot of the Request for Project Review Form, which includes a title block, project description, and a section for project objectives.

Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources

- BOE-CR will determine whether archaeology/above ground surveys are needed based on the following:
 - Potential for direct/indirect impacts to an historic resource
 - Compromises to the physical integrity of potential historic resources
 - Degree of recent development/change
 - Density of potential historic resources
 - Modifications to the project that could be made to avoid impacts to historic resources
 - Potential archaeological sensitivity



Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources

- In house projects
 - Initiate field surveys for properties that may be eligible for the National Register
 - Phase IA reviews reviewed by BOE-CR
 - Phases beyond IA follow regular review process
- LPA projects
 - BOE-CR will direct the sponsor to initiate field surveys for properties that may be eligible for the National Register
 - Phase IA reviews reviewed by BOE-CR
 - Phases beyond IA follow regular review process



Appendix B Undertakings

Minimal Potential to Cause Effects to Historic Resources

- Eligibility findings for the National Register follow regular Section 106 process
- Review of archaeological reports and findings of eligibility for the National Register follow regular process
- Effects Findings
 - If the project conforms to Appendix B, BOE-CR makes a finding:
 - No Potential to Cause Effects
 - No Historic Properties Affected



Appendix B Undertakings

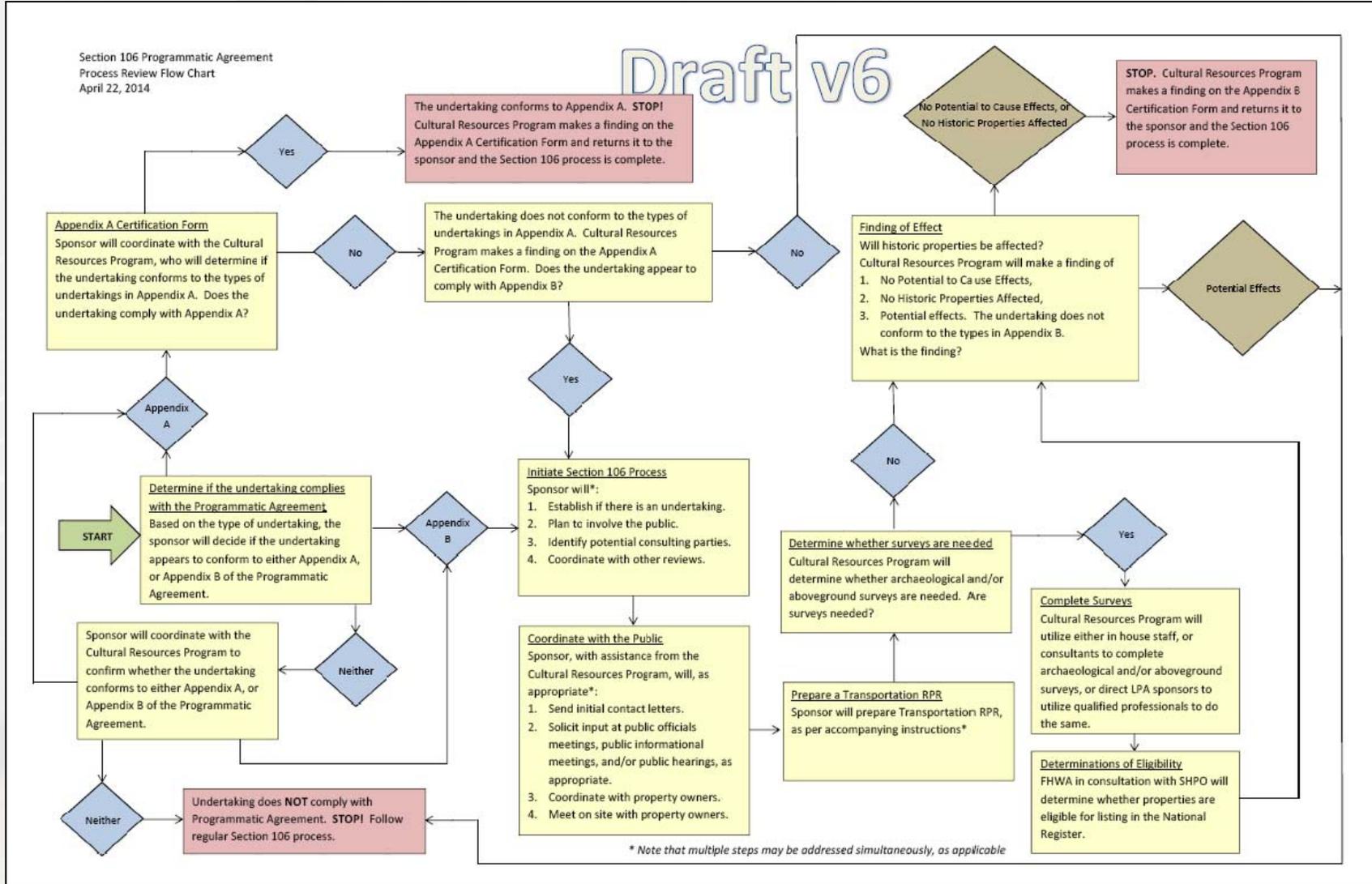
Minimal Potential to Cause Effects to Historic Resources

- Effects Findings (continued)
 - If the project does NOT conform to Appendix B, BOE-CR notifies the project sponsor that the project does not qualify for processing under the Programmatic Agreement
 - Regular review process must be followed
 - BOE-CR will forward copies of project documentation to SHPO



Section 106 Programmatic Agreement
Process Review Flow Chart
April 22, 2014

Draft v6



General Notes

- Appendix A & B Certification Forms serve as the project effect memos
- NHDOT professional qualifications and staffing
- Consultants must meet the requirements of 36 CFR 800
- Monitoring of the Programmatic Agreement
- Duration
- Option to use the regular process
- Definitions



Next Steps

- Close of public comment period – June 18, 2014
- Implementation Team Meeting – June 24, 2014
- Submit final Agreement for signature – July 16, 2014
- Anticipated effective date – August 15, 2014



Questions?

