

FEDERAL REQUIREMENTS

Historic properties and archaeological resources that are listed, or eligible for listing, in the National Register of Historic Places are afforded protection by **Section 106** of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and **Section 4(f)** of the (federal) Department of Transportation Act (DOT) of 1966 (amended 1983). Under Section 4(f), the U.S. Department of Transportation cannot approve a federally-assisted project or program that requires the use of any publicly owned land from a park, recreation area, wildlife refuge, or any land from a historic site of national, state or local significance, unless there is no feasible and prudent alternative to the use of such land, and the action includes all possible planning to minimize harm to the property resulting from such use. Section 106 requires a federal agency with jurisdiction over a federal, federally assisted or federally licensed undertaking to take into account the effect of the agency's undertaking on properties included

in, or eligible for, the National Register of Historic Places. Prior to approval of an undertaking, the Advisory Council on Historic Preservation (www.achp.gov) must be afforded a reasonable opportunity to comment on the proposed action. Before the Advisory Council comments on a project, the resources and the anticipated effects on those resources are evaluated by the State Historic Preservation Officer (SHPO) and the federal agency having jurisdiction. [For highway projects, the federal agency would be the Federal Highway Administration (FHWA) or, if no FHWA funding were involved, the U.S. Army Corps of Engineers (ACOE) if surface waters or wetlands could be affected.] The Section 106 process requires review by the SHPO and FHWA or ACOE of projects with federal involvement. In New Hampshire the State Historic Preservation Office (SHPO) is the New Hampshire Division of Historical Resources (NHDHR) of the Department of Cultural Resources (www.nh.gov/nhdhr).

STATE REQUIREMENTS

The New Hampshire Division of Historical Resources, in cooperation with NHDOT and FHWA, has established a methodology to meet the requirements of the historic preservation review process established under RSA 227-C:9. The purposes of this process are to (1) locate and identify historical, architectural and archaeological resources within a project impact area; (2) apply the criteria for evaluation of

significance of a resource for possible eligibility for the National Register of Historic Places, if not already listed or nominated; (3) assess the probable effects a project would have on resources listed on, or eligible for, the National Register; and (4) develop appropriate mitigation methods to lessen the impact.

LOCAL REQUIREMENTS

Although the main consulting parties in the historic preservation review process are the federal and state agencies, members of the public must also have adequate opportunities to receive information and to share their views. In addition, provision is made by the Advisory Council's regulations for other interested parties to become consulting parties. These interested parties may include local governments, applicants for federal licenses and assistance permits, Indian tribes, and the public,

e.g. historical societies or advocacy groups. *Protecting Historic Properties: A Citizen's Guide to Section 106 Review*, online at www.achp.gov/citizensguide.html, explains the Section 106 process to the general public and shows how citizens can get involved in the process. See especially "Influencing Project Outcomes," which describes how citizens may ask to become consulting parties and the roles of consulting parties in the Section 106 review procedures.

MITIGATION

If a project cannot be designed to avoid historic properties, appropriate mitigation to reduce impacts must be provided. This mitigation may involve minimizing land acquisition and maximizing the distance between the highway corridor and the historic structure; providing access as necessary to maintain existing land uses; and providing landscaping (sometimes including elements such as stone walls) and suitable vegetative or other screening where appropriate to minimize visual and noise impacts. Mitigation may also include documenting the adversely affected properties using HABS (Historic American Building Survey) or HAER (Historic American Engineering Survey) standards; salvaging and displaying or reusing important elements of the historic

properties in an appropriate manner; developing interpretive materials; or producing historic preservation publications. If removal of a historic property cannot be avoided, efforts are made to relocate it on its existing site (subject to the owner's wishes and to sufficient available land); if that cannot be done, it may be publicly advertised for relocation to a new site, with historic preservation easements to ensure its protection. A financial incentive, in an amount equal to the cost of demolition, may be provided to assist the relocation and preservation effort. However, if relocation and marketing are unsuccessful, after HABS/HAER documentation has been completed, the historic property may be demolished.

HISTORIC RESOURCES DATABASE

The database of historic resources developed by state and federal agencies for highway-related projects is available to the general public, the community, citizens, and local officials, and can become a tool for long-term recognition and protection of the historic character of New Hampshire communities. The database - which is also an integral part of the statewide inventory of historic properties - can be used to prepare nominations to the State and National Registers of Historic Places, and to enact local ordinances to protect historical resources and places. The material can also be incorporated in the community master plan, to identify historical resources and preserve them for the future enrichment of the community. All of this documentation provides interested citizens, the local governing body,

other town officers, historic district or heritage commissions, planning boards, school classes, and individual researchers with a way to quickly understand the broad patterns of history reflected in the built environment of their town. It locates key resources or areas of resources on which preservation planning, heritage tourism, economic development, business promotion, local publications, other information and publicity projects, and educational programs (for schoolchildren, adults, and senior citizens) might focus. In addition, the database helps to delineate areas where more intensive survey work should be conducted, and it helps to prioritize those decisions. It provides a sound basis for addressing all kinds of local historic preservation concerns and opportunities.