

ATTACHMENT C

NATIONAL HISTORIC PRESERVATION ACT REVIEW

I. Background

Facility owners/operators seeking coverage under this General Permit must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places and facilities seeking coverage are required to coordinate with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and others regarding effects of their discharges on historic properties. Discharges which adversely affect properties listed or eligible for listing in the National Registry of Historic Places under the National Historic Preservation Act (NHPA) of 1966, 16 U.S.C. Sections 470 et seq. are **not** authorized to discharge under this General Permit.

II. Determination of Potential Impact

Facility owners/operators seeking coverage under the General Permit must determine whether their discharge(s) has potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing facilities with no new or increased discharge, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, a detailed assessment to determine whether historic properties might be affected by the discharge should be conducted for facilities with a new or increased discharge. In such instances, the owners/operators of the facilities from which the discharge occurs owners/operators of facilities seeking permit coverage should first determine whether there are any historic properties or places listed, or eligible for listing, on the National Register of Historic Places in the identified path of the facility's discharge(s).

EPA suggests that facility owners/operators seeking permit coverage first access the "National Register of Historic Places" information listed on the National Park Service's web page: <http://www.cr.nps.gov/nr>. The addresses for State Historic Preservation Officers are listed in Section II of this Attachment. Facilities seeking permit coverage may also contact city, county or other local historical societies for assistance, especially when determining if a place or property is eligible for listing on the register.

III. Permit Eligibility Criteria

The following three scenarios describe how facility owners/operators seeking coverage under this General Permit can meet the Permit's eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties are not identified in the path of a facility's wastewater discharge(s), then the applicant is eligible for coverage under this permit.
- (2) If historic properties are identified in the path of the facility's wastewater discharge(s), but it is determined that they will not be affected by the discharge(s), and EPA reviews and affirms this determination, the applicant has met the NHPA eligibility criteria for coverage under this permit.
- (3) Historic properties are identified in the path of the facility's wastewater discharge(s), but the facility's discharge(s) have been authorized in a prior individual or general permit that addressed the effects of those discharges, if any, on all historic properties currently listed or eligible for listing on the National Register of Historic Places, and EPA reviews and affirms the continued validity of this prior evaluation. Any measures required in the prior permit (individual or general) to mitigate or prevent adverse effects on historic properties must be included in the facility's Discharge Management Program for this General Permit.
- (3) If historic properties are identified in the path of facility's discharge(s) and it is determined that there is the potential to adversely affect the property, the applicant can still meet the NHPA eligibility criteria under of this permit, if the owner or operator obtains and complies with a written agreement with the appropriate State or Tribal Historic Preservation Officer which outlines measures the applicant will follow to mitigate or prevent those adverse effects. The contents of such a written agreement must be included in the facility's Discharge Management Program for this General Permit.

In situations where an agreement cannot be reached between an applicant and the State Historic Preservation Officer, facilities seeking coverage should contact the Advisory Council on Historic Preservation listed in Section II.E. below for assistance.

The term "adverse effects" includes but is not limited to damage, deterioration, alteration or destruction of the historic property or place. EPA encourages facilities seeking coverage to contact the appropriate State or Tribal Historic Preservation Officer as soon as possible in the event of a potential adverse effect to a historic property.

Facility owners/operators seeking coverage are reminded that they must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places.

IV. Internet Information on the National Register of Historic Places

The National Register of Historic Places is the Nation's official list of cultural resources worthy of preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects

that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior. An electronic listing of the "National Register of Historic Places," as maintained by the National Park Service, can be accessed on the Internet at: <http://www.cr.nps.gov/nr>.

V. State Historic Preservation Officers (SHPO)

Massachusetts Historical Commission
220 Morrissey Boulevard
Boston, MA 02125
Phone: (617) 727-8470
Website: <http://www.sec.state.ma.us/MHC/>

NH Division of Historical Resources
State Historic Preservation Office
Attention: Review and Compliance
19 Pillsbury Street
Concord, NH 03301-3570
Phone: (603) 271-3558
Website: <http://www.nh.gov/nhdhr/>

VI. Tribal Historic Preservation Officer

Massachusetts

Wampanoag Tribe of Gay Head (Aquinnah)
Attn: Cheryl Andrews-Maltais
Tribal Historic Preservation Officer
20 Black Brook Road
Aquinnah, MA 02535-1546

Mashpee Wampanoag Tribal Council
Chuckie Green, Tribal Historic Preservation Officer
483 Great Neck Road, South
P.O. Box 1048
Mashpee, MA 02649
Phone: (508)

VII. Advisory Council on Historic Preservation

The Advisory Council on Historic Preservation (ACHP) is an independent federal agency that promotes the preservation, enhancement, and productive use of our Nation's historic resources, and advises the President and Congress on national historic preservation policy.

The goal of the National Historic Preservation Act (NHPA), which established ACHP in 1966, is to have federal agencies act as responsible stewards of our Nation's resources when their actions affect historic properties. ACHP is the only entity with the legal responsibility to encourage federal agencies to factor historic preservation into federal project requirements.

As directed by NHPA, ACHP serves as the primary federal policy advisor to the President and Congress; recommends administrative and legislative improvements for protecting our Nation's heritage; advocates full consideration of historic values in federal decision making; and reviews federal programs and policies to promote effectiveness, coordination, and consistency with national preservation policies.

Main Office

Advisory Council on Historic Preservation
Old Post Office Building
1100 Pennsylvania Avenue, NW, Suite 809
Washington, DC 20004
Phone: (202) 606-8503
Fax: (202) 606-8647/8672
Email: achp@achp.gov
Internet: <http://www.achp.gov/>