

APPENDIX III HISTORIC PROPERTIES REQUIREMENTS

I. Background

Facilities seeking coverage 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. Facilities 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 USC Sections 470 et seq. are **not** authorized to discharge under this permit.

II. Determination of Potential Impact

Facilities seeking coverage must determine whether their site's discharges or implementation of best management practices (BMPs) to control such discharges, has potential to affect a property that is either listed or eligible for listing on the National Register of Historic Places.

For existing dischargers whose water treatment systems and BMPs do not require construction activities (e.g., the treatment system is contained in a trailer), a simple visual inspection may be sufficient to determine whether historic properties are affected. However, for sites which are new dischargers and for existing sites which are planning construction activities related to treatment systems or BMPs, facilities seeking coverage should conduct further inquiry to determine whether historic properties may be affected by the discharge or BMPs to control the discharge. In such instances, facilities seeking coverage should first determine whether there are any historic properties or places listed on the National Register or if any are eligible for listing on the register (e.g., they are “eligible for listing”).

EPA suggests that facilities seeking 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 appendix. Facilities seeking 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 facilities seeking coverage can meet the permit eligibility criteria for protection of historic properties under this permit:

- (1) If historic properties are not identified in the path of a site's discharges or where construction activities are planned to implement BMPs to control such discharges (e.g., diversion channels or retention ponds), then the applicant is eligible for coverage under this permit.

(2) If historic properties are identified but it is determined that they will not be affected by the discharges or construction of BMPs to control the discharge, the applicant has met the NHPA eligibility criteria for coverage under this permit.

(3) If historic properties are identified in the path of discharges or where construction activities are planned to implement BMPs to control such discharges, 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 BMP Plan.

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.

Facilities 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. 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.

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