HISTORIC PRESERVATION REVIEW

Historic preservation review is a consultation process which seeks to identify significant historic properties and to avoid or minimize harm to these properties from governmentally funded actions, including CDBG funded activities. It is intended to be a conflict-resolution process which balances the public interest in historic properties with the public benefit from government actions.

Properties significant for their history, architecture, archeology and/or engineering are recognized by both state and federal governments as resources to be preserved and interpreted for the benefit of all citizens. They are important to our individual and corporate identity, and worthy of proper protection, investigation, interpretation and management.

This policy does not mean that all properties of a sufficient age to be considered historic are significant resources, and it does not mean that all significant historic resources can or should be saved. Rather, it is a directive not to needlessly destroy tangible resources of our cultural heritage, and to seek conditions under which significant historic resources can exist in harmony with government-aided social and economic changes.

Early Consultation/Coordination Compliance

There are four major reasons for initiating review procedures for CDBG funded activities at the earliest stage of project consideration.

☐ Historic resources can be more easily identified before plans and schedules become relatively inflexible, and measures of avoidance, protection, preservation, and mitigation of adverse effects can be integrated into the overall planning process;

☐ The NHDHR can identify sources of technical and financial assistance appropriate to the project, and can often integrate project planning with NHDHR-assisted survey and planning activities;

☐ Historic preservation review is independent of other environmental review requirements (e.g., NH Intergovernmental Review Process or National Environment Policy Act procedures), and generic and case-specific coordination with other requirements, as provided for in the Advisory Council regulations and programmatic agreements, requires early consultation to be effective.

☐ While the NHDHR has developed expedited procedures for initial review of many projects and programs, there are legally-designated time frames for National Register and Advisory Council reviews when these agencies need to be involved, and timely compliance with procedures and preparation of documentation for these agencies to review is critical to avoiding delays in project approvals or funding.

The Process, in Broad Brush
It is somewhat difficult to predict what level of review will be necessary for any given project. The depth of review, as well as any "additional" process requirements, will be highly dependent on both the nature of project activities and the location of those activities. The following overview of the review process is intended only to give the grantee a general sense of the process (displayed graphically to the right) they may have to undertake in order to satisfy their historic preservation requirements under Section 106 of the National Historic Preservation Act. As suggested above, it is always highly desirable to contact NHDHR early in the process, in order to get guidance on the specific requirements their project will require.

The initial step in the process (other than contacting NHDHR!) is to determine if your project will directly affect existing structures (rehabilitation, demolition, relocation or any other kind of physical impact). If there is:

- **no known impact**, or only an indirect impact (such as rehabilitation or construction of utilities, construction of new buildings, etc., which will not require any demolition), on any structure, you will have to submit a project cover sheet (a copy is located at page 4 of this attachment), along with the required attachments, to NHDHR.

- **a direct impact**, the next question is whether the structures which will be affected are known. The answer to this question is likely to be:

  - "no", if the grantee is undertaking a housing rehabilitation project. In most instances, the specific houses to be improved are unknown until after the project is underway. It is likely, however, that the grantee will have some sense of the project area (whether it's the entire community or targeted neighborhoods). In either event, you must submit the project cover sheet with any NHDHR-required attachments to NHDHR.

  - "yes", if the grantee is renovating a specific building (such as a community center), renovating a known group of buildings (such as a downtown revitalization program), or under-taking demolition as part of a larger project (razing a structure to clear land for the new senior citizens
facility). In this event, you should conduct a **Resource Survey** for each affected structure. Submit the project cover sheet and the Resource Survey(s) with checklist(s) to NHDHR.

NHDHR will review the materials submitted, determining if the information is sufficient to fulfill required review responsibilities. Assuming that the information is adequate, NHDHR will then determine if there are any structures on, or eligible for, the Historic Register (resource present). If there are no such structures, NHDHR will send a letter of No Resource Present to the grantee, which completes the review process.

If there are such structures present, NHDHR will then determine if the project activities are likely to have any effect on them. If NHDHR determines that there is no likely effect, the grantee will receive a letter of No Effect, which completes the review process.

If there is likely to be some effect on these structures, NHDHR will evaluate if those effects are adverse or not. If they are not, the grantee will receive a letter of No Adverse Effect, which (you guessed it) completes the review process.

If the evaluation determines that there is likely to (or will) be an adverse effect, the grantee will then be required to enter into one of the following agreements with NHDHR:

- **Programmatic Agreement**, covering a project with multiple activities at more than one site at varying times. This is most likely to occur in a housing rehabilitation project. The purpose of this agreement is to establish the **process** for compliance review and mitigation for each individual "activity". *(See page 5 of this attachment for a sample Agreement.)*

- **Memorandum of Agreement**, covering a "single", unified project, such as rehabilitation of a specific building(s), utility project (water, sewer, etc.). The purpose of this agreement is to spell out the specific mitigation activities and review processes which must take place as the project progresses.

After the appropriate agreement is completed, it will be sent, along with other required documentation, to the Advisory Council on Historic Preservation for review and approval. Assuming that the Council approves the submission, the project may then commence, consistent with the conditions of the agreement.

The survey forms and checklists mentioned above are not included in this attachment. Since they are subject to periodic revision, and because the appropriate form for your project is best determined by NHDHR, contact NHDHR to obtain the proper forms.
## REVIEW & COMPLIANCE INFORMATION COVER SHEET
New Hampshire Community Development Block Grant Program

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<tr>
<th>Grantee Name:</th>
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<th>Grantee Address:</th>
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<th>Telephone No.:</th>
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**Type Project:**
- [ ] Housing Rehabilitation
- [ ] Economic Development
- [ ] Public Facility

Provide a brief description of the project receiving CDBG funding assistance:

The following attachments are included with the submission of this Cover Sheet:

- [ ] Project Scope of Work or Additional Narrative or Grant Application
- [ ] Photocopy of USGS quadrangle map with project area indicated
- [ ] Soils Map
- [ ] Soils Boring Logs
- [ ] Area Map (Large scale)
- [ ] Survey Form, with Checklist (if required by NHDHR)
WHEREAS, the Town of Anywhere, New Hampshire (Town), proposes to administer its Community Development Block Grant (CDBG) Program with funds from the U.S. Department of Housing and Urban Development, under Title I of the Housing and Community Development Act of 1974 and the Housing Act of 1937, and

WHEREAS, for the purposes of the Agreement, the Town's CDBG program assists [cite the principal program activities, e.g.: programs and/or projects for housing rehabilitation, economic development, or public facilities] in the Town of Anywhere, New Hampshire, and

WHEREAS, the Town has determined that the administration of its CDBG program may have an effect upon properties included in or eligible for the National Register of Historic Places and has consulted with the New Hampshire State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (Council) pursuant to 36 CFR 800.13 of the Council's regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f),

NOW THEREFORE, the Town of Anywhere and the New Hampshire SHPO and the Council agree that the programs shall be administered in accordance with the following stipulations to satisfy the Town's Section 106 responsibilities for individual undertakings of the program.

Stipulations

The Town will ensure that the following measures are carried out:

I. Identification

A. All target properties located within the boundaries of any local historic district shall be considered eligible for the National Register of Historic Places.

B. For all target properties not located in any local historic district, the Town will seek assistance from the New Hampshire SHPO in determining which properties are on, or considered eligible for, the National Register. The Town will forward all necessary information on the property to the New Hampshire SHPO for a determination of eligibility. If the Town and New Hampshire SHPO do not agree as to whether a property meets the National Register criteria, the Town will request a formal determination of eligibility from the Secretary of Interior in accordance with 36 CFR 63 prior to the initiation of any work on the property.

II. Treatment

Properties that are listed on the National Register, or that are considered individually eligible for the National Register, or that are located within a district considered eligible for the National Register, will be treated in the following manner:

A. Properties that are to be rehabilitated will be rehabilitated in accordance with the recommended approaches in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Standards).

B. Prior to undertaking any activities that are not exempt under stipulation III, below, the Town will forward information on the rehabilitation projects (including work write-ups and photographs, as necessary) to the New Hampshire SHPO for review and concurrence to ensure that the Standards are being met.

C. If the Standards cannot be met, or if demolition is proposed, or if the proposed activity may have an indirect effect on such properties, prior to taking any action, the Town will consult with the New Hampshire SHPO and initiate the procedures set forth at 36 CFR 800.5(e).

III. Activities Exempt from Further Review
The following rehabilitation activities do not require further consultation with the New Hampshire SHPO:

1. Electrical work (upgrading or in-kind replacement)
2. Plumbing work (upgrading or in-kind replacement)
3. Installation of a new furnace
4. Painting in a complementary or in-kind color
5. Repair of porches or cornices *when the repair is done in-kind to match exactly existing material and form*
6. Caulking
7. Work on manufactured housing units built after 1935 (e.g., mobile, modular, and prefabricated homes, et al.).

IV. Ground Disturbing Activities

If ground disturbing activities are proposed (other than lateral water and sewer line replacement), the Town will consult with the New Hampshire SHPO prior to any such activity to determine if the activity has the potential to affect National Register or National Register-eligible archaeological properties. If such potential exists, the Town will conduct an archaeological survey in accordance with 36 CFR 66, Appendices B and C. If archaeological resources are found which meet the National Register criteria, they will be avoided or preserved in place whenever feasible. If this is not feasible, the New Hampshire SHPO will be consulted and a treatment consistent with the Council's handbook, *Treatment of Archaeological Properties*, and approved by the New Hampshire SHPO, will be developed and implemented.

V. Public Involvement

Each year the Town will notify the public of the Town's current CDBG programs and make available for public inspection documentation on the Town's CDBG programs. Included in this documentation will be general information on the CDBG programs; information on the type(s) of activities undertaken with CDBG funds; information on identified historic properties which might be affected by these activities; the amount of CDBG funds available in the current program year; and how interested persons can receive further information on the programs.

VI. Renewal

This Programmatic Agreement will continue in force for the 20__-20__ Program Year. At the end of the 20__-20__ Program Year, and when the activities funded by the programs are completed, this Agreement will be reviewed for possible modifications, termination, or extension. At the request of any of the parties, this Agreement may be reviewed for possible modifications or termination at any time.

Execution of this Programmatic Agreement and carrying out its terms evidences that the Town has afforded the Council a reasonable opportunity to comment on these undertakings and has satisfied its Section 106 responsibilities for all individual undertakings of these programs.

THE TOWN OF ANYWHERE, NEW HAMPSHIRE:

By: ________________________________ Date: ________________
    For the Town of Anywhere

NEW HAMPSHIRE STATE HISTORIC PRESERVATION OFFICER:

By: ________________________________ Date: ________________
    NH State Historic Preservation Officer

ACCEPTED:

ADVISORY COUNCIL ON HISTORIC PRESERVATION:

By: ________________________________ Date: ________________
    Chairman