

US EPA ARCHIVE DOCUMENT

National Historic Preservation Act

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NHPA and EPA's role in your Grant

- Legal requirements under NHPA
 - Review of Section 106 (16 U.S.C. 470f)
 - What is an Undertaking
 - National Register Criteria
- Nuts and Bolts of achieving Compliance
 - What Must EPA do to Comply?
 - What makes your Site an NHPA Site?
 - Consultation Process

Section 106 (16 U.S.C. 470f)

- The head of any Federal agency having direct or indirect jurisdiction over a proposed **Federal or federally assisted *undertaking*** in any State . . . shall, prior to the approval of the expenditure of any **Federal funds on the *undertaking*** . . . take into account the effect of the undertaking on any district, site, building, structure, or object that is **included in or eligible for inclusion in the *National Register***.

What is an Undertaking?

- 36 CFR 800.16 (y) Undertaking means a project, activity, or program **funded in whole or in part** under the direct or indirect jurisdiction of a Federal agency, including those carried out . . . ***With Federal financial assistance***

National Register Eligibility Criteria

- The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess **integrity** of location, design, setting, materials, workmanship, feeling, and association and
 - (a) that are associated with **events** that have made a significant contribution to the broad patterns of our history; or
 - (b) that are associated with the lives of **persons** significant in our past; or
 - (c) that embody the **distinctive characteristics** of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) that have yielded, or may be likely to yield, **information important in prehistory or history**.
- Includes properties formally determined *or* that meet the criteria.

What Must EPA do to Comply?

- Identify Prehistoric/ Historic properties
- Determine Eligibility
- Assess Potential Effects
- Assess Adverse Effects
- Resolve Adverse Effects
 - May require MOA or Programmatic Agreement

What Makes your Site an NHPA Site?

- Registered, Listed Site

OR

- Event
- Significant Person/ People
- Unique Structure – Style, Material, Designer
- Potential Source of Historic/ Prehistoric Information

Also Consider:

- Community Significance

Not just Buildings

- Buildings
 - 50 years or older
 - Example of a unique style or material
 - Famous designer, builder or owner
 - Function
- Landscape
 - Famous landscape design or designer
 - Event
- Pre-historic

Examples of Buildings

- Important Designer
 - Frank Lloyd Wright (Phoenix house)
- Famous Owner
 - US President birthplace, Hewlett Packard garage
- Function
 - Camp David
- Building Material
 - Adobe, Wrought Iron
- Style
 - LADWP (International/ Modern), *1960's/ 70's – Sun City

More Examples of Buildings

- Cultural Significance
 - Mining Sites, First McDonalds in LA
- Monuments, Public Buildings
 - Hoover Dam
- Ruins/ buried materials
 - Outhouse pits, foundations
- Local Significance
 - Eagles mural in Winslow, AZ

Examples of Landscape Sites

- Historic Event
 - Dealey Plaza, Woodstock, Battlegrounds
- Landscape Design
 - Central Park, San Francisco Japanese Tea Garden
- Historic Routes
 - Route 66, Railroads, Walking Trails
- Cemeteries

Pre-historic Sites

- More challenging to identify
 - Ask SHPO
 - Use Qualified Archeologist to search databases
 - Don't assume a disturbed site or vacant field doesn't have artifacts
 - Tribal Involvement

Area of Potential Effect

- The proposed environmental work
- The redevelopment/ final site use

- Geography
- Historic Districts
- Common Sense

The Consultation Process

- Who is Involved?
 - SHPO/ THPO
 - Advisory Council
 - Grantee
 - Tribes
 - Local Government
 - Interested Groups, Community

The Consultation Process

- The Region 9 Approach
 - NHPA Checklist – Phase II Assessment, Cleanup, RLF
 - EPA + Grantee talk to SHPO
 - Confirm approach for site
 - Determine documentation, process
 - If a potential site – Cultural Resources Report
 - Identify parties to be contacted
 - What will be done with remains / artifacts?
 - Burial Permits, Agreements
 - No Effect or Effect
 - Following up

Cultural Resources Report

- Selecting a Qualified Consultant
 - Prehistoric vs Historic *not the same!*
 - Education, Experience - Geography and Era
- Basic Elements of Report
 - Site description, location
 - Proposed work (sampling, cleanup)
 - Redevelopment/ Reuse Plan
 - APE
 - Pre-historic
 - Historic
 - Evaluation and Recommendation of Effect
 - Mitigations (if needed)
 - Data Collection and Summary Reports (if needed)
- Connection to Cleanup Plan