

APPENDIX 3

National Historic Preservation Act Review & Requirements

A. Background

Discharges of non-contact cooling water and related activities from facilities covered under the NCCW General Permit must not adversely affect properties listed or eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (NHPA) of 1966, 16 USC Sections 470 et seq. In addition, facilities must comply with applicable State, Tribal, and local laws concerning the protection of historic properties and places. Facilities seeking coverage under this General Permit are required to coordinate with the State Historic Preservation Officer and/or Tribal Historic Preservation Officer and others regarding effects of their NCCW discharges and related activities on historic properties.

B. Determination of Potential Impact

Facilities seeking coverage under the NCCW General Permit must determine whether their non-contact cooling water discharges have adverse effects on a property or place that is either listed or eligible for listing on the National Register of Historic Places. The term “adverse effects” includes but is not limited to damage, deterioration, alteration, or destruction of the historic property or place.

For existing facilities with no new or increased cooling water discharges, a simple visual inspection may be sufficient to determine whether historic properties are affected. However, any facility proposing a new or increased discharge should conduct further inquiry to determine whether historic properties may be affected by the discharge. In such instances, facilities seeking coverage should first determine whether there are any nearby historic properties or places listed on the National Register or if any nearby properties and places are eligible for listing on the register (e.g., they are “eligible for listing”).

EPA suggests that facilities seeking coverage under the NCCW General Permit first search the “National Register of Historic Places” information available on the National Park Service’s website at <http://www.nps.gov/history/nr/>. Further information can be found in Section D of this appendix. The relevant State and Tribal Historic Preservation Officers are listed in Sections E and F 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.

C. Permit Eligibility Criteria

The following three scenarios describe how facilities seeking coverage under the NCCW General Permit 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, 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, the applicant has met the NHPA eligibility criteria for coverage under this permit.
- (3) If historic properties are identified in the path of 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 this permit if the facility 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 written agreement must be kept at the facility and available for review, if requested.

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.

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

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

D. Online 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.

The National Park Service is currently in the process of digitizing their records of historic places. Listings of historic places based on the date they were listed can be found on the National Park Service website at <http://www.nps.gov/history/nr/research/>.

E. State Historic Preservation Officers (SHPOs)

Massachusetts Historical Commission

220 Morrissey Boulevard
Boston, MA 02125
(617) 727-8470
TDD: 1-800-392-6090

State Historic Preservation Officer

New Hampshire Division of Historic Resources

P.O. Box 2043
Concord, NH 03302-2043
(603) 271-6435
TDD: 1-800-735-2964

SHPO information can also be found online at <http://www.nps.gov/history/nr/shpolist.htm>.

F. 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 National Historic Preservation Act established ACHP in 1966 with the goal of having 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 for the 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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