

**Remediation General Permit
Appendix VII
Guidance for
Endangered Species Act Review &
National Historic Preservation Act Review**

I. Endangered Species Act Guidance

A. Background

In order to meet its obligations under the Clean Water Act and the Endangered Species Act (ESA), and to promote the goals of those Acts, the Environmental Protection Agency (EPA) is seeking to ensure the activities regulated by this general permit do not adversely affect endangered and threatened species and critical habitat. All facilities seeking coverage must assess the impacts of their discharges and discharge-related activities on federally-listed endangered and threatened species (“listed species”) and designated critical habitat (“critical habitat”), to ensure that those goals are met. Prior to obtaining general permit coverage, facilities seeking coverage must meet the ESA eligibility provisions of this permit. Facilities seeking coverage should follow this appendix at the earliest possible stage to ensure that the notification requirements for general permit coverage are complete upon submission.

Facilities seeking coverage also have an independent ESA obligation to ensure that their activities do not result in any prohibited “takes” of listed species¹. Many of the measures required in this general permit and in these instructions to protect species may also assist in ensuring that the facilities seeking coverage activities do not result in a prohibited taking of species in violation of section 9 of the ESA. If the operator has plans or activities in areas where endangered and threatened species are located, they may wish to ensure that they are protected from potential takings liability under ESA section 9 by obtaining an ESA section 10 permit or by requesting formal consultation under ESA section 7. Facilities seeking coverage that are unsure whether to pursue a section 10 permit or a section 7 consultation for takings protection, should confer with the appropriate U.S. Fish and Wildlife Service (USFWS)² office or the National Marine Fisheries Service (NOAA Fisheries), (collectively, “the Services”).

¹ Section 9 of the ESA prohibits any person from “taking” a listed species (e.g., harassing or harming it) unless: (1) the taking is authorized through a “incidental take statement” as part of completion of formal consultation according to ESA section 7; (2) where an incidental take permit is obtained under ESA section 10 (which requires the development of a habitat conservation plan); or (3) where otherwise authorized or exempted under the ESA. This prohibition applies to all entities including private individuals, businesses, and governments.

² Discharges to marine waters may require consultation with the National Marine Fisheries Service instead.

There are four species of concern for applicants applying for permit coverage, namely the dwarf wedgemussel, the shortnose sturgeon, the bog turtle, and the northern redbelly cooter. The shortnose sturgeon is listed under the jurisdiction of NOAA Fisheries and the dwarf wedge mussel, the bog turtle and the northern red-bellied cooter are listed under the jurisdiction of the USFWS.

The Federally-listed endangered dwarf wedgemussel (*Alasmodonta heterodon*) is found in the following areas:

- Connecticut River from North Cumberland to Dalton, New Hampshire (Coos County)
- Connecticut River from Haverhill to Lyme, New Hampshire (Grafton County)
- Connecticut River from Lebanon to North Walpole, New Hampshire (Grafton and Sullivan Counties)
- Ashuelot River from the Surry Mountain Flood Control Project in Surry to Swanzey, New Hampshire (Cheshire County)
- South Branch of the Ashuelot River in East Swanzey, New Hampshire (Cheshire County)
- Mill River from Whately to Hatfield, Massachusetts (Hampshire County)
- Fort River in Amherst, Massachusetts (Hampshire County)
- Mill River south of State Route 10 in Northampton, Massachusetts (Hampshire County)

The Federally-listed endangered shortnose sturgeon (*Acipenser brevirostrum*) is found in the following areas in Massachusetts:

- Merrimack River from the Essex Dam in Lawrence, Massachusetts to the Merrimack River's mouth (Essex County)
- Connecticut River from Turner's Falls, Massachusetts (Franklin, Hampshire, and Hampden Counties) to the Connecticut River's mouth, Connecticut (Hartford, Middlesex and New London, Counties).

The federally-listed threatened bog turtle (*Chemmys muhlenbergii*) is found in the following areas of Massachusetts:

- Bodies of water in the Towns of Egremont and Sheffield (Berkshire County), Massachusetts

The federally-listed endangered northern red-bellied cooter (*Pseudemys rubriventris*) is found in the following areas in Massachusetts:

- Bodies of water occurring within the following boundaries of the Towns of Plymouth and Carver (Plymouth County), Massachusetts, west of Route 3 and north of Route 25; east of Route 58 and south of Route 44
- Bodies of water in the Towns of Bourne and Sandwich, MA (Barnstable County), and
- Bodies of water in the Town of Raynham, MA (Bristol County)

Information is available at: <http://www.fws.gov/newengland/index.htm>

Any applicant seeking coverage under this general permit, which discharges to these rivers, must consult with the Services. EPA may designate the applicants as non-Federal representatives for the general permit for the purpose of carrying out informal consultation with NOAA Fisheries and USFWS. By terms of this permit, EPA has automatically designated operators as non-Federal representatives for the purpose of conducting informal consultations. (See 50 CFR §402.08 and §402.13). Coverage under this permit is only available if the applicant contacts the Services to determine that discharges are not likely to adversely affect listed species or critical habitat and informal consultation with the Services has been concluded and results in written concurrence by the Services that the discharge has no affect or is not likely to adversely affect an endangered or threatened species. Applicants discharging to areas listed above must certify eligibility with Criteria F.

B. The ESA Eligibility Process

Before submitting a NOI for coverage by this permit, applicants must determine whether they meet the ESA eligibility criteria by following the steps in Section D of this Appendix. Applicants that cannot meet any of the eligibility criteria must apply for an individual permit

C. The ESA Eligibility Criteria

The ESA eligibility requirements of this permit may be satisfied by documenting that one or more of the following criteria has been met.

- Criterion A: No endangered or threatened species or their designated critical habitat are likely to occur in proximity to the storm water discharges or discharge related activities.
- Criterion B: In the course of a separate federal action involving the facility, formal or informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under Section 7 of the ESA has been concluded and that consultation addressed the effects of the discharges and discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat; and must have resulted in either (1) a biological opinion finding of no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat; or (2) a written concurrence from the Service(s) with a finding that the discharges and discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat.
- Criterion C: The activities are authorized under Section 10 of the ESA and that authorization addresses the effects of the discharges and discharge-

related activities on listed endangered or threatened species and critical habitat.

(Eligibility under this criterion is not likely.) This criterion involves a facility's activities being authorized through the issuance of a permit under section 10 of the ESA and that authorization addresses the effect of the discharges and discharge-related activities on listed species and designated critical habitat. Facilities must follow USFWS and/or NOAA Fisheries procedures when applying for an ESA section 10 permit (see 50 CFR §17.22(b)(1) for USFWS and §222.22 for NOAA Fisheries). Application instructions for section 10 permits can be obtained by assessing the appropriate websites (www.fws.gov and www.nmfs.noaa.gov) or by contacting the appropriate regional office.

Criterion D: The discharge does not occur in an area listed in Section A of this appendix, but does occur in an area in which federally-listed threatened or endangered species or their designated critical habitat is likely to occur. Using the best scientific and commercial data available, the effects of the discharges and discharge related activities on listed species and critical habitat have been evaluated. Based on those evaluations, a determination is made by the applicant and affirmed after review by EPA that the discharges and discharge related activities are not likely to adversely affect any federally threatened or endangered listed species or designated critical habitat.

Criterion E: The discharges and discharge-related activities have already been addressed in another operator's certification of eligibility, which includes the facility's activities covered by the RGP.

Criterion F: Eligibility under the criterion is restricted to a facility which discharges to an area listed in Section A of this Appendix with federally listed species.

D. The Steps To Determine if the ESA Eligibility Criteria Can Be Met

To determine eligibility, you must determine whether endangered or threatened species or critical habitat are in proximity to your facility or the points where its discharges reach the receiving waters PRIOR to completing and submitting a Notice of Intent (NOI). Previous assessments from FWS are valid for a period of one year. You must follow the steps outlined below and document the results of your eligibility determination.

Step 1. Determine if You Can Meet Eligibility Criterion "A"

Criterion A. You are eligible for coverage by this permit under Criterion A if you can answer “No” to all of the following questions:

- Are there any Endangered Species in your county? Are there any Critical Habitat Areas in your county?
- Are there any Endangered Species or Critical Habitat Areas in proximity to your facility or discharge locations?

Use Appendix II and the provisions below to answer these questions, and to: “*Check for Listed Endangered Species in Your County*,” “*Check for Critical Habitat in Your County*,” and “*Check for Proximity to Your Discharge Locations*.”

If you answered “No” to the questions above, you have met ESA eligibility Criterion A. Skip to Step 5.

If you answered “Yes” to either of the questions above, Go to Step 2.

Check for Listed Endangered Species in Your County. Look at the latest county species list included in Appendix II to see if any listed species are found in your county. If you are located in proximity to the border of a county or your site or facility is located in one county and your discharge points are located in another, you must look under both counties. Since species are listed and de-listed periodically, you will need the most current list at the time you are conducting your endangered species assessment.

Check for Critical Habitat in Your County. Some (but not all) listed species have designated critical habitat. Exact locations of such habitat is provided in the endangered species regulations at 50 CFR part 17 and part 226. To determine if discharge locations are within designated critical habitat, you should either:

- Review the regulations (50 CFR Parts 17 and 226) that specify critical habitat. These regulations can be found in many larger libraries or via the Government Printing Office website, www.access.gpo.gov ; or
- Contact the nearest Fish and Wildlife Service (FWS) office. A list of FWS offices for the areas of permit coverage is found in section “E” of this Appendix; or
- Contact the Natural Heritage Program for your state. Heritage programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. They frequently have the most current information on listed species and critical habitat. Contact information for the Heritage program is provided in section “G” of this Appendix.

Check for Proximity to Your Discharge Locations. You must determine whether listed species or critical habitat are in proximity to your discharges. Listed species and critical habitat, including those in adjacent counties, are in proximity when they are:

- Located in the path or immediate area through which or over which contaminated water flows from the facility to the point of discharge into the receiving water. This includes areas in the receiving water downstream from the point of discharge.
- Located in the immediate vicinity of, or nearby, the point of discharge into receiving waters.
- Located in the area where BMPs or water treatment systems are planned or are to be constructed.

The area in proximity to be searched/surveyed for listed species will vary with the size and location of the site, the nature and quantity of the discharges, and the type of receiving waters. You should use the methods which allow you to determine, to the best of your knowledge, whether listed species, including those in adjacent counties, are in proximity to your particular site. These methods may include:

- Conducting visual inspections. This method may be particularly suitable for sites that are smaller in size or sites located in non-natural settings such as highly urbanized areas where there is little or no natural habitat. For other sites, a visual survey may not be sufficient to determine whether listed species are in proximity.
- Contacting the nearest State Wildlife Agency or U.S. FWS offices. Many endangered and threatened species are found in well-defined areas or habitats. That information is frequently known to state or federal wildlife agencies.
- Contacting local/regional conservation groups such as natural heritage programs (see section “G” below). These groups inventory species and their locations and maintain lists of sightings and habitats.
- Conducting a formal biological survey. Sites with extensive discharges may choose to conduct biological surveys as the most effective way to assess whether listed species are located in proximity and whether there are likely adverse effects.

Step 2. Determine If You Can Meet Eligibility Criteria “B”, “C”, or “E”

Criterion B. You are eligible for coverage by this permit under Criterion B if you can answer “Yes” to all of the following questions:

- Has consultation, under ESA Section 7, already been completed for discharges from your site³?
- Did the previously completed ESA Section 7 consultation consider all currently listed species and critical habitat and address your discharge and related activities?
- Has there been no substantial change, since that previous consultation, in:
 - (1) the nature and amount of your discharge and discharge-related activities,
 - (2) the characteristics of the receiving water, and
 - (3) the status of listed species and their critical habitat?
- Did the ESA Section 7 consultation result in either a “no jeopardy” opinion by the Service (for formal consultations) or a concurrence by the service that your activities would be “unlikely to adversely affect” listed species or critical habitat?
- Do you agree to implement all measures, if any, upon which the concurrence was conditioned?

If you answered “Yes” to all five questions above, you have met ESA eligibility Criterion B. Skip to Step 5.

If you answered “No” to any of the five questions above, check to see if you can meet Criteria C or E, or Go to Step 3.

Criterion C. You are eligible for coverage by this permit under Criterion C if you can answer “Yes” to all of the following questions:

- Has an ESA Section 10 permit already been issued for discharges from your site⁴?

³ A formal or informal ESA Section 7 consultation on this or another federal action (e.g., new source review under NEPA, application for a dredge and fill permit under CWA Sec. 404, application for an individual NPDES permit, etc.) addressed the effects of your site or facility discharges and discharge-related activities on listed species and critical habitat. (See 50 CFR 402.13).

⁴ You have a permit under section 10 of the ESA and that authorization addresses the effects of your discharges and related activities on listed species and critical habitat. You must follow FWS procedures when applying for an ESA section 10 permit (see 50 CFR 17.22(b)(1)).

- Does your ESA Section 10 Permit consider all currently listed species and critical habitat, and address your discharges and related activities at your site?
- Has there been no substantial change, since that previous consultation, in:
 - (1) the nature and amount of your discharge and discharge-related activities,
 - (2) the characteristics of the receiving water, and
 - (3) the status of listed species and their critical habitat?

If you answered "Yes" to the three questions above, you have met ESA eligibility Criterion C. Skip to Step 5.

If you answered "No" to any of the three questions above, check to see if you can meet Criterion E, or Go to Step 3.

Criterion E. You are eligible for coverage by this permit under Criterion E if you can answer "Yes" to all of the following questions:

- Did another site or facility operator previously certify ESA eligibility for your site or facility⁵?
- Did the other operator's certification of eligibility consider all currently listed species and critical habitat and address your discharge and related activities?
- Has there been no substantial change, since that previous consultation, in:
 - (1) the nature and amount of your discharge and discharge-related activities,
 - (2) the characteristics of the receiving water, and
 - (3) the status of listed species and their critical habitat?
- Do you agree to implement all measures, if any, upon which the other operator's certification was based?

Before you rely on another operator's certification, you should carefully review that certification along with any supporting information. You also need to confirm that no additional species have been listed or critical habitat designated in the area of your site since the other operator's endangered species assessment was done. If you do not believe that the other operator's certification adequately

⁵ In order to meet the permit eligibility requirements by relying on another operator's certification of eligibility, the other operator's certification must apply to the location of your site or facility and must address the effects from your discharges and related activities on listed species and critical habitat.

assessed current circumstances, you may not rely on that prior certification as a basis for meeting these ESA review criteria.

If you answered "Yes" to all four questions above, you have met ESA eligibility Criterion E. Skip to Step 5.

If you answered "No" to any of the four questions above, Go to Step 3.

Step 3. Determine If You Can Meet Eligibility Criterion "D"

Criterion D. You can certify eligibility, according to Criterion D, for coverage by this permit if you can answer "Yes" to all of the following questions:

- Have you determined that your site's discharges and related activities are "not likely to adversely affect" listed species or critical habitat, and/or have you reached agreement with the appropriate Service on measures to avoid, eliminate, or minimize adverse effects?
- Do you agree to implement all measures upon which the determination was conditioned?

If you answered "Yes" to the both questions above, you have met ESA eligibility Criterion D. Go to Step 5.

If you answered "No" to either of the questions above you are not eligible for coverage by this permit. You must submit an individual application for your discharges to EPA. (See 40 CFR 122.21)

Step 4. Determine if You Can Meet Eligibility Criterion "F"

Criterion F. You can certify eligibility according to Criterion F for coverage by this permit if you can answer "Yes" to all the following questions:

- Does your facility discharge to one of the nine areas in Section A with federally-listed endangered species?
- Did you contact the Services and receive written concurrence that are not likely to adversely affect listed species or critical habitat?

If you answered "Yes" to both questions above, you have met ESA eligibility Criteria F. Go to step 5.

If you answered "No" to either of the questions above, you are not eligible for coverage by this permit. You must submit an individual permit application for your storm water discharges. (see 40 CFR 122.21).

Step 5. Submit Notice of Intent and Document Results of the Eligibility Determination.

Once you have demonstrated that you meet one or more of the ESA eligibility criteria and have determined NHPA eligibility (see Section II of this Appendix), you may submit the Notice of Intent (NOI). Signature and submittal of the NOI constitutes your certification, under penalty of law, of your eligibility for permit coverage.

You must include documentation of ESA eligibility with the NOI. Documentation required for the various ESA eligibility criteria are as follows:

Criterion A - No federally-listed threatened or endangered species or federally-designated critical habitat are present: A copy of the most current county species list pages for the county(ies) where your site or facility and discharges are located. You must also include a statement on how you determined that no listed species or critical habitat are in proximity to your site or facility or discharge locations.

Criterion B – Section 7 consultation completed with the Service(s) on a prior project: A copy of the USFWS and/or NOAA Fisheries, as appropriate, biological opinion or concurrence on a finding of “unlikely to adversely effect” regarding the ESA Section 7 consultation.

Criterion C – Activities are covered by a Section 10 Permit: A copy of the USFWS and/or the NOAA Fisheries, as appropriate, letter transmitting the ESA Section 10 authorization.

Criterion D - Concurrence from the Service(s) that the discharge is “not likely to adversely affect” federally-listed species or federally-designated critical habitat (not including the four species of concern identified in Section I of Appendix I): A copy of the USFWS and/or the NOAA Fisheries, as appropriate, letter or memorandum concluding that the discharge is consistent with the general permit’s “not likely to adversely affect” determination.

Criterion E – Activities are covered by certification of eligibility: A copy of the documents originally used by the other operator of your site or facility (or area including your site) to satisfy the documentation requirement of Criteria A, B, C or D.

Criterion F - Concurrence from the Service(s) that the discharge is “not likely to adversely affect” species of concern, as identified in Section I of Appendix I: A copy of the USFWS and/or the NOAA Fisheries, as appropriate, concurrence with the applicant’s determination that the discharge is “not likely to adversely affect” listed species.

D. Duty To Implement Terms and Conditions Upon Which Eligibility Was Determined

You must comply with any terms and conditions imposed under the ESA eligibility requirements to ensure that your discharges and discharge-related activities do not pose adverse effects or jeopardy to listed species and/or critical habitat. You must incorporate such terms and conditions into your BMPP as required by the permit. If the ESA eligibility requirements of the permit cannot be met, then you may not receive coverage under this permit and must apply for an individual permit.

E. U.S. Fish and Wildlife Service Offices

USFWS Endangered Species home page: <http://endangered.fws.gov>
ESA Section 7 Consultations: <http://endangered.fws.gov/consultation/index.html>

U.S. Fish and Wildlife Service
New England Field Office
U.S. Fish and Wildlife Services
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 223-2541

New England Field Office Endangered Species Review Streamlining Procedures:
<http://www.fws.gov/newengland/EndangeredSpec-Consultation.htm>

F. National Marine Fisheries Services

Website: http://www.nmfs.noaa.gov/pr/species/esa_species.htm
ESA Section 7 Consultations: <http://www.nmfs.noaa.gov/pr/consultation>

Northeast Regional Office:

National Marine Fisheries Service
Protected Resource Division
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9300

G. Natural Heritage Network

The Natural Heritage Network comprises 75 independent heritage program organizations located in all 50 states, 10 Canadian provinces, and 12 countries and territories located throughout Latin America and the Caribbean. These programs gather, manage, and distribute detailed information about the biological diversity found within their jurisdictions. Developers, businesses, and public agencies use natural heritage

information to comply with environmental laws and to improve the environmental sensitivity of economic development projects. Local governments use the information to aid in land use planning.

The Natural Heritage Network is overseen by NatureServe, the Network's parent organization, and is accessible on-line at: <http://www.natureserve.org/>, which provides websites and other access to a large number of specific biodiversity centers.

In Massachusetts, the Natural Heritage Program is part of the Massachusetts Division of Fisheries and Wildlife and can be contacted at:

Massachusetts Division of Fisheries and Wildlife
Natural Heritage & Endangered Species Program
1 Rabbit Hill Road
Westborough, MA 01581
(508) 389-6360
<http://www.mass.gov/dfwele/dfw/nhsp/nhsp.htm>

II. Historic Properties

A. Background

Section 106 of the National Historic Preservation Act (NHPA) as amended (16 USC 470f) requires federal agencies to take into account the direct or indirect effects of Federal “undertakings” on historic properties that are either listed on, or eligible for listing on, the National Register of Historic Places. The federal regulations that implement Section 106 are “Protection of Historic Properties 36 CFR 800” (available online at www.achp.gov).

The term federal “undertaking” is defined in the NHPA regulations to include a project, activity, or program of a federal agency including those carried out by or on behalf of a federal agency, those carried out with federal financial assistance, and those requiring a federal permit, license or approval (see 36 CFR 800.16(y)). Historic properties are defined in the NHPA regulations to include prehistoric or historic districts, sites, buildings, structures, or objects that are included in, or are eligible for inclusion in, the National Register of Historic Places. This term includes artifacts, records, and remains that are related to and located within such properties (see 36 CFR 800.16(1)).

EPA’s issuance of the Remediation General Permit is a federal undertaking within the meaning of the NHPA regulations and EPA has determined that the activities to be carried out under the RGP require review and consideration, in order to be in compliance with the federal historic preservation law and regulations. Although individual applications for coverage under the general permit do not constitute separate federal undertakings, the screening criteria provide an appropriate site-specific means of addressing historic property issues in connection with EPA’s issuance of the permit. To address any issues relating to historic properties in connection with issuance of this permit, EPA has included criteria for applicants to identify whether properties listed or eligible for listing on the National Register of Historic Places are within the path of their discharge or their discharge-related activities (including treatment systems or any Best Management Practices (BMPs) relating to the discharge or treatment process) covered by this permit.

Facilities seeking coverage under this permit must comply with applicable State, Tribal and local laws concerning the protection of historic properties and places and may be 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.

B. Identification of Historic Properties

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”) in the path of the discharge(s) or in the vicinity of any construction of treatment systems or BMPs related to the discharge(s), that may be affected by discharge or discharge-related activities.

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 potentially affected.

However, for sites which are new dischargers and for sites which are planning construction activities related to treatment systems or BMPs related to discharges covered by this permit, facilities should conduct further inquiry to determine whether historic properties may be affected by the discharge, or construction and installation of the treatment system or BMPs to control the discharge.

Electronic listings of National and State Registers of Historic Places are maintained by the National Park Service (<http://www.nps.gov/nr/>), the Massachusetts Historical Commission (<http://www.sec.state.ma.us/MHC/>) and the New Hampshire Division of Historical Resources (<http://www.nh.gov/nhdhr/>). The addresses for State Historic Preservation Officers are listed in Section II.E 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

Any facility seeking coverage under this general permit must demonstrate that it meets one or more of the following criteria:

- (1) The project does not involve new construction or the demolition or rehabilitation of existing buildings or other structures or facilities and historic properties are not affected by the discharge or identified in the path of the discharges regulated by this permit.
- (2) The project does involve new construction and/or the demolition or rehabilitation of existing buildings or other structures or facilities and historic properties are not affected by the discharge or identified in the path of the discharges regulated by this permit and are not identified where installation or construction of treatment systems or BMPs to control such discharges (e.g., diversion channels or retention ponds) are planned.
- (3) Historic properties are either a) affected by the discharge or b) identified in the path of discharges regulated by this permit or where construction of treatment systems or BMPs to control such discharges are planned. In this case the applicant must evaluate the effects, at a minimum through a Section 106 project review with the State Historic Preservation Office or with the Tribal Historic Preservation Officer and include documentation of all written correspondence with the Notice of Intent. The Notice of Intent also must include any terms and conditions resulting from this evaluation and interaction that the applicant must follow to mitigate or prevent adverse effects due to activities regulated by this permit.

In Massachusetts, the applicant should initiate a request for project review by following the instructions and using the forms available on the following website:
<http://www.sec.state.ma.us/MHC/mhcrevcom/revcomidx.htm>

This includes preparing a complete information submittal to the Massachusetts State Historic Preservation Officer (SHPO) that consists of:

- A completed Project Notification Form available at <http://www.sec.state.ma.us/MHC/mhcform/formidx.htm>
- A USGS map section with the actual project location and boundaries clearly indicated;
- Scaled project plans showing existing and proposed conditions; and
- Current photographs of the project area keyed to the plans.

Mail or deliver your submittal to:

State Historic Preservation Officer
Massachusetts Historical Commission
220 Morrissey Blvd.
Boston, MA 02125

Provide a copy of your submittal to your town or city government historical commission, and for projects within “local historic districts”, also provide a copy of your submittal to your town or city government local historic district commission. The contact addresses for your local historical and historic district commissions are at your town or city hall.

The Massachusetts SHPO will comment within thirty days of receipt of complete submittals, and may ask for additional information. The EPA will consult with the Massachusetts SHPO and other consulting parties (which includes the applicant) and EPA will proceed with the steps in the federal regulations (36 CFR 800.2 to 800.6, etc.) as may be necessary for the undertaking.

In New Hampshire, the applicant should initiate a request for project review by following the instructions and using the forms available on the following website:
<http://www.nh.gov/nhdhr/review/>

This includes preparing a complete information submittal to the New Hampshire State Historic Preservation Officer (SHPO) that consists of:

- A completed Request for Project Review Form available at http://www.nh.gov/nhdhr/review/review_forms.htm
- A self-addressed stamped envelope to expedite review response;
- A USGS map section indicating the defined project boundary;

- A detailed written description of the proposed project. Include: (1) a narrative description of the proposed project; (2) site plan; (3) photos and description of the proposed work if the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures; and (4) a photocopy of the relevant portion of a soils map (if accessible) for ground-disturbing projects.

Mail or deliver your submittal to:

NH Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street
Concord, NH 03301-3570

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.

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. 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.nps.gov/nr/>

E. Addresses for State Historic Preservation Officers (SHPO) and Tribal Historic Preservation Officers (THPO)

Addresses for State Historic Preservation Officers and Tribal Historic Preservation Officers may be found on the Advisory Council on Historic Preservation's website (<http://www.achp.gov/programs.html>). In instances where a Tribe does not have a Tribal Historic Preservation Officer, you should contact the appropriate Tribal government office when responding to this permit eligibility condition.

The Massachusetts Historic Commission website is at the following url:
<http://www.sec.state.ma.us/MHC/mhcidx.htm>

The New Hampshire Division of Historical Resources website is located at the following url: <http://www.nh.gov/nhdhr/index.html>

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 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
1100 Pennsylvania Avenue, NW, Suite 803
Old Post Office Building
Washington, DC 20004
Phone: (202) 606-8503
E-mail: achp@achp.gov
Internet: <http://www.achp.gov>