

# Section 106 for Transportation Projects

Lakes Region Planning  
Commission

TAC Meeting

May 7, 2025



c. 1910 Postcard showing artist's interpretation of "Wolfboro in the Future."

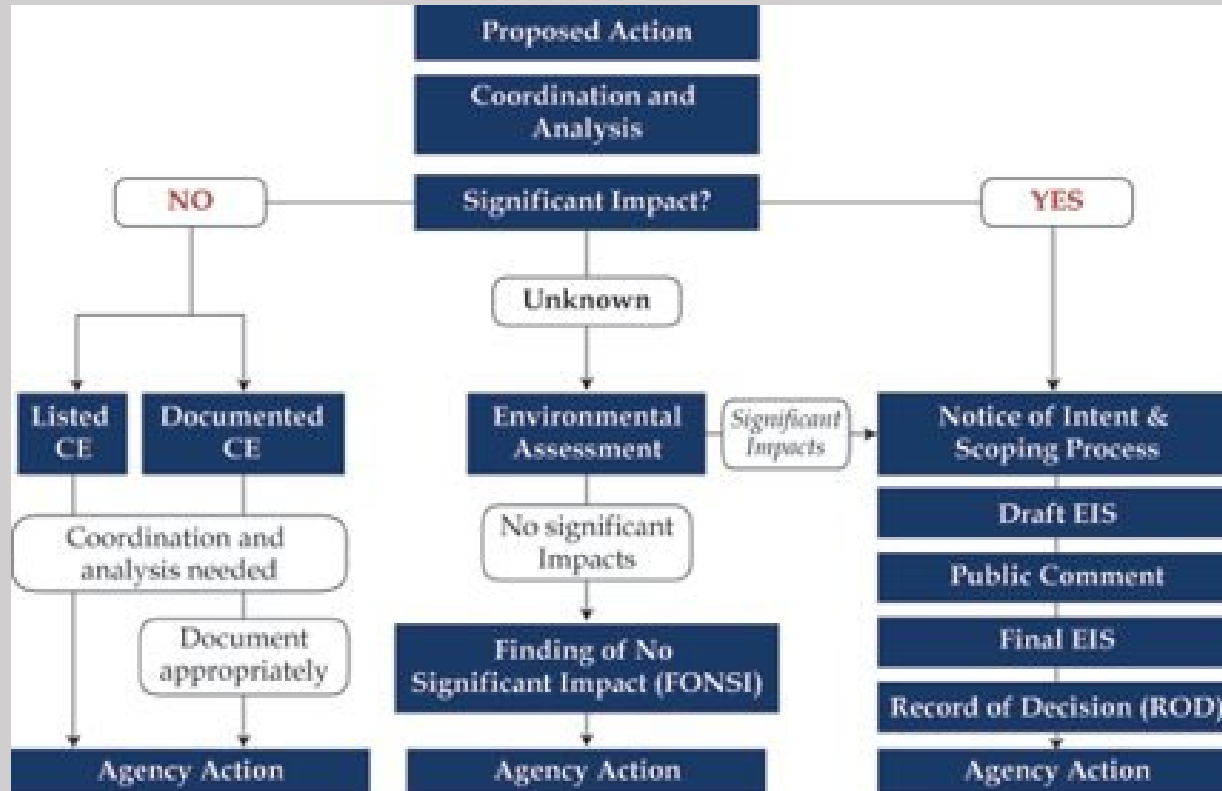
# Agenda

- NEPA Overview
- Defining Consulting Parties
- Determining Historic Resources
- The steps in Section 106 Review

# Acronym Cheat Sheet

- ACHP – Advisory Council of Historic Preservation
- ACOE (or Corps) – Army Corps of Engineers
- FHWA – Federal Highway Administration
- NEPA – National Environmental Policy Act
- NHDHR (or DHR) - NH Division of Historical Resources
- NHDOT (or DOT) – NH Department of Transportation
- NHPA – National Historic Preservation Act
- SHPO – State Historic Preservation Office/Officer
- THPO – Tribal Historic Preservation Officer

# What is NEPA?



- Clean Air Act
- Clean Water Act
- Environmental Justice Executive Order
- Noise ordinances
- U.S. Department of Transportation Act of 1966; Section 4(f)
- Section 106 of the National Historic Preservation Act
- Contaminated materials and substances
- Endangered Species Act
- Coastal Zone Management Act
- Migratory Bird Treaty Act
- Protection of Wetlands Executive Order
- Patuxent Research Refuge Executive Order
- Floodplain Management Executive Order
- Federal Flood Risk Management Executive Order
- Limited English Proficiency Executive Order
- Military Construction and Appropriations Act
- State Environmental Laws
- Local Environmental Laws

# What is Section 106 of the NHPA?

- National Historic Preservation Act, 1966
- Regulatory process when there is federal funding, permitting, licensing
- Federal Agencies must take into account the effects of their actions on known/potential historic resources
- Federal Agencies must allow ACHP the ability to participate



# What is a Consulting Party?

## By-Rights Consulting Parties

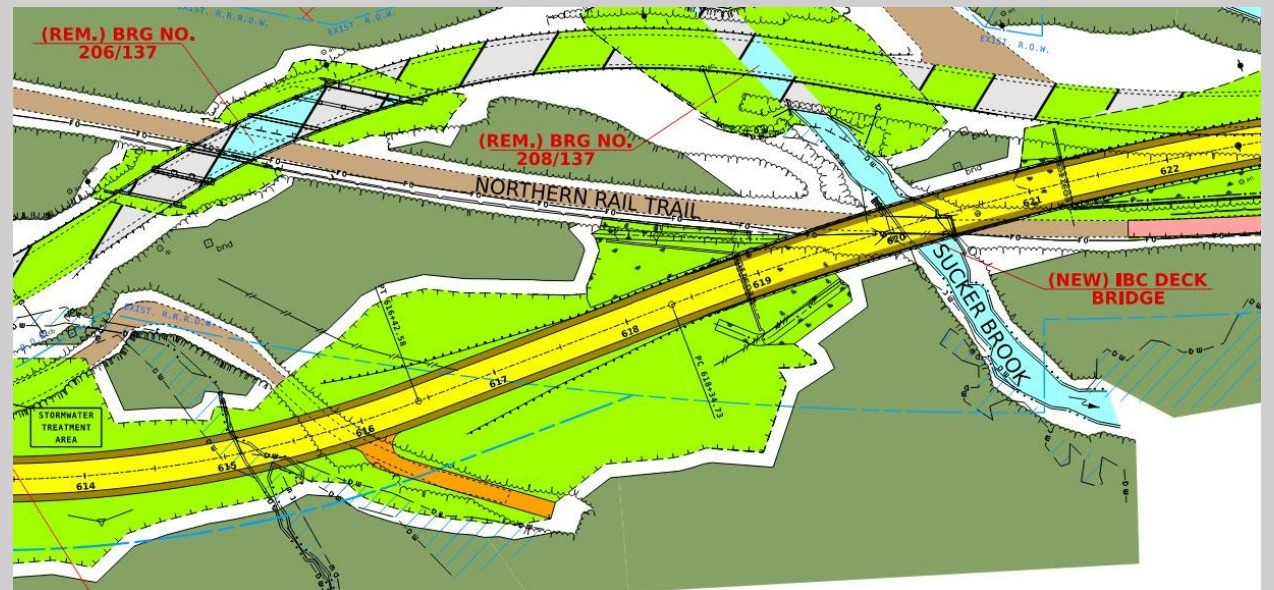
- Applicant
- SHPO/THPO
- Tribes
- Local Governments

## Invited Consulting Parties

- Historical Societies
- Historic District Commissions
- Non-profits
- Abutters
- Concerned Citizens

# Roles of a Consulting Party?

- Consulting party status entitles you to share your views, receive and review pertinent information, offer ideas, and consider possible solutions together with the federal agency and other consulting parties.
- It is up to you to decide how actively you want to participate in consultation.



# What are Historic Resources

## Criteria of Evaluation

- Criteria A: Associations with events
- Criteria B: Associations with persons significant to our past
- Criteria C: Architecture or method on construction
- Criteria D: Yield additional information

## Aspects of Integrity

- Association
- Design
- Feeling
- Location
- Materials
- Setting
- Workmanship



# POP QUIZ

*Which is historic?*



ca. 1850, single family dwelling in Derry



ca. 1926, 3-family tenement in Berlin

# POP QUIZ

Which is historic?



ca. 1917-1931, jack arch




ca. 1932, concrete arch



# Section 106 Review Process

36 CFR § 800.3-7

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**INITIATE the process**

- Determine undertaking
- Coordinate with other reviews
- Identify SHPO/THPO, Indian tribes/NHOs, and other parties
- Plan to involve the public

*Undertaking with potential to affect historic properties?*

NO

YES




**IDENTIFY historic properties**

- Determine APE and scope of effort
- Make reasonable and good faith effort to identify
- Determine National Register eligibility
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

*Historic properties present or affected?*

NO

YES




**ASSESS adverse effects**

- Apply Criteria of Adverse Effects
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

*Historic properties adversely affected?*

NO

YES



**RESOLVE adverse effects**

- Develop and consider alternatives or modifications to avoid, minimize, or mitigate adverse effects
- Notify the ACHP
- Consult SHPO/THPO, Indian tribes/NHOs, and other parties
- Involve the public

*AGREEMENT or Council Comment*

**PROCEED**

# 1. Initiate the Process

- Submit Review and Compliance material
  - NHDHR through Emmit+
- Determine your Area of Potential Effect
- NHDOT's Section 106 Programmatic Agreement

## Digital Online User-Generated (DOUG) Review and Compliance For Section 106-related submissions

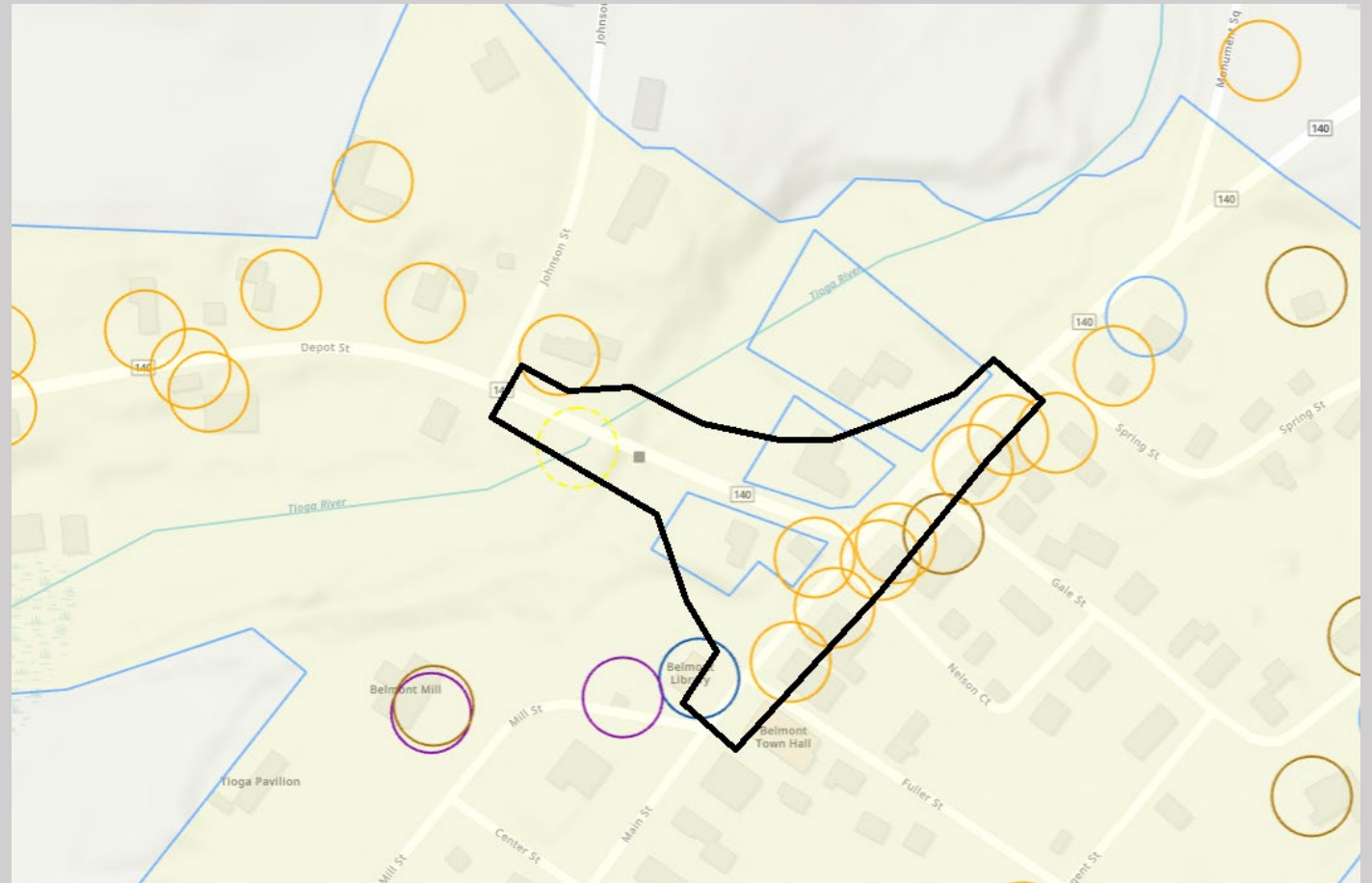


Submit a Request for Project Review (RPR) to initiate Section 106 or NH RSA 227C:9 Consultation with DHR/SHPO

BEGIN

# Area of Potential Effect

- Project limits
- Takes into account all direct and indirect impacts
- Accounts for construction, detours and bypasses



# NHDHR and Emmitt+ review

- Plymouth 41583, Highland Street Improvements
- Next step: Determine scope of work for inventory

## Submission Information

### Description

HEB Engineers, Inc. (HEB) is working with the Town of Plymouth (NHDOT Project #41583) for proposed improvements to Highland Street extending from the Broadway Street intersection to the Reservoir Road/Old Ward Bridge Road intersection in Plymouth, NH. The preferred alternative would construct a roundabout at the intersection of Highland Street and Reservoir Road/Old Ward Bridge Road to improve safety and access to the Plymouth public schools. Highland Street would receive a mill and overlay within the project limits, and new curbing and sidewalks would be constructed on the northern side. Other drainage and pedestrian improvements will be considered in future design phases. Right-of-way impacts, including permanent easements, would be required, however, no total property acquisitions are anticipated. Utility relocations are also anticipated. The project funding transitioned from the Transportation Alternatives Program (TAP) to the Surface Transportation Block Grant Program (STB).

Submitted By	Date Submitted	Date Due	Date Response Sent
Kathryn Christiansen	3/19/2025	4/18/2025	4/3/2025

## Reviews

### Review Type

Architectural Review  
Archaeological Review

### Review Decision

Continue Consultation  
No Archaeological Concerns

## Comments

### Comments by Reviewers

Determine scope of work for inventory, particularly although not limited to around the

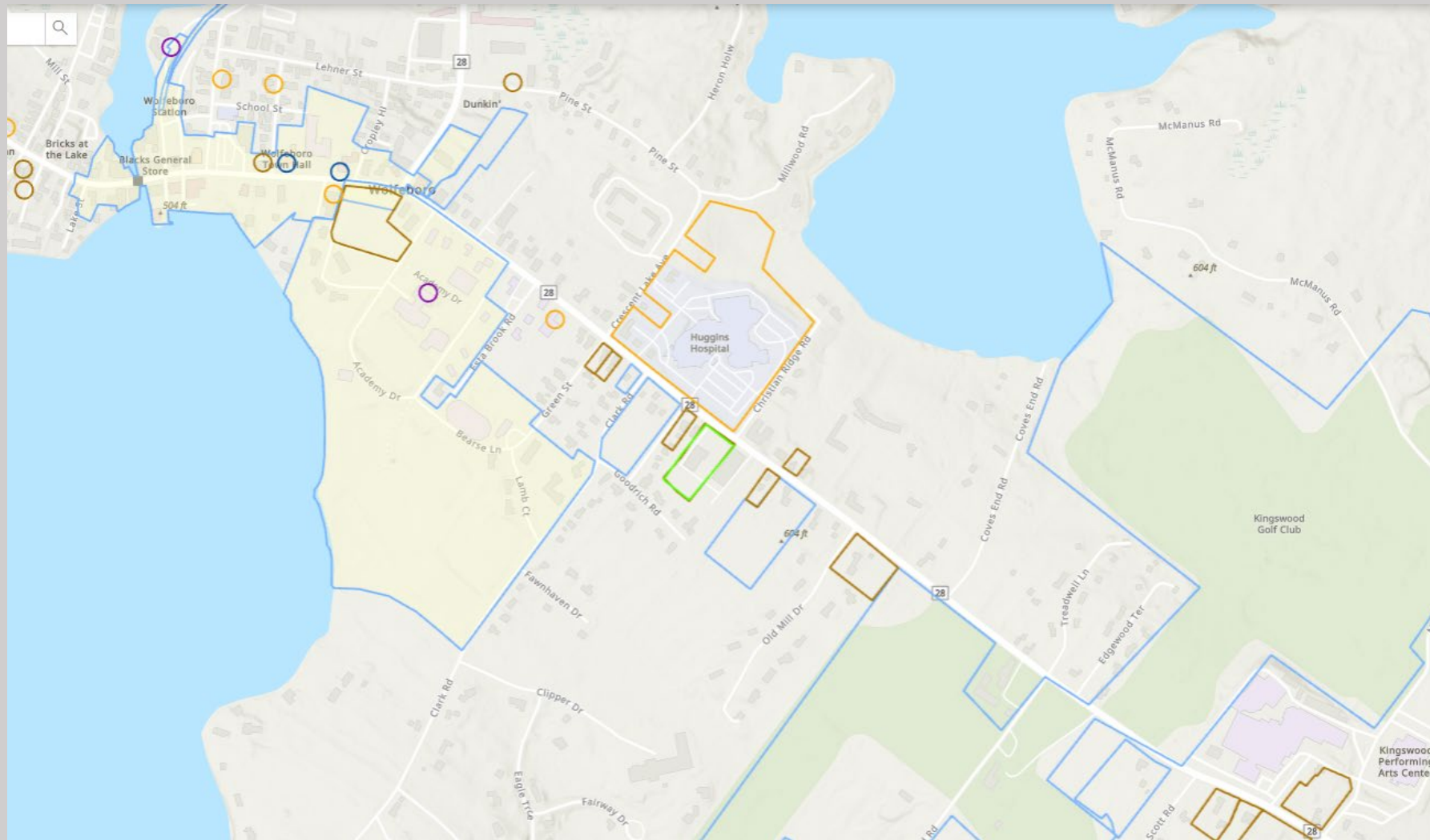
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## 2. Identify Historic Resources

- Archaeological resources
  - Phase IA/IB
- Above ground resources
  - Inventory form, historic district area form, architectural survey plan
- NHDOT Stone wall assessment



# Identification in Wolfeboro



# 3. Assessing Adverse Effects

**Adverse effects can be direct or indirect and include the following:**

- Physical destruction or damage
- Alternations inconsistent with the Secretary of the Interior's Standards for Treatment of Historic Properties
- Relocation of the property
- Change in the character of the property's use or setting
- Introduction of incompatible visual, atmospheric, or audible elements

# Adverse Effect Examples



# 4. Resolving Adverse Effects

- AVOID
- MINIMIZE
- MITIGATE



# Meaningful Mitigation



Mill Street Footbridge over Winnepesaukee River, 1958

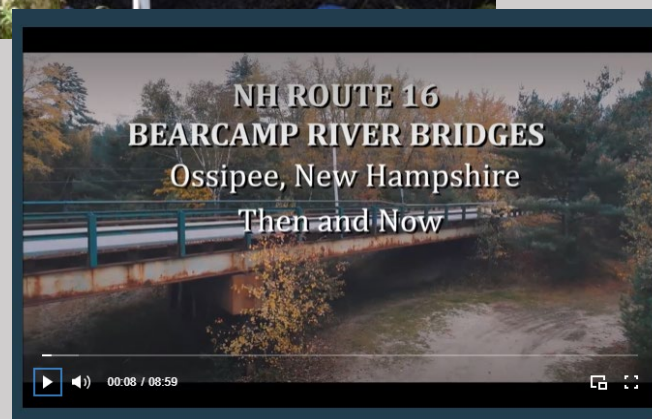
The riverfront where Laconia's historic brick mills are located can be viewed from the pedestrian bridge at Mill Plaza. There has been a bridge in this location since 1788. The existing footbridge opened in November of 1958, replacing a wooden bridge that had been closed to vehicular traffic since 1949. The two-span **I-beam bridge** has steel stringers on concrete piers and a concrete deck. Just upriver is the Avery Dam, rebuilt in 1949 where there has been a dam since 1791 or perhaps earlier. Three water-powered textile and hosiery mills that replaced earlier saw and grist mills still stand nearby. The Belknap Mill built in 1823, the Busiel-Seeburg Mill, built in 1853 and enlarged in 1878, and the 1922 Pitman Hosiery mill on the opposite bank of the river were preserved in the 1970s when much of the riverfront was cleared for urban renewal. The Avery Dam still provides waterpower to two electric turbines, and automatic gates control the water level of Lake Opechee.



Previous Mill Street Bridge in 1949, looking downstream, before reconstruction of Avery Dam, with Busiel hosiery mill at right, Tilton and Pitman mills opposite (Laconia Historical and Museum Society)



Mill Street Footbridge in 2021, looking upstream with the Avery Dam and 1985 hydroelectric plant in background (Preservation Company)



# Contact information

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