

Using the Law to Protect Historic and Archeological Resources

Vermont Division for Historic Preservation (DHP a.k.a. Office of the State Historic Preservation Officer/SHPO)
May 2005

Law	Applies When:	Applies To:	Managed By:	Standards/Criteria	Public Input	Outcomes	Websites	Contacts
Section 106 of the National Historic Preservation Act	Project involves federal funds, permits, licenses, assists, other	Resources listed on or eligible for listing on the National Register of Historic Places (NR) (see <i>NR Criteria for Evaluation</i>)	<ul style="list-style-type: none"> •Sponsoring federal agency* •Federal Advisory Council on Historic Preservation (ACHP) •DHP (SHPO) 	<ul style="list-style-type: none"> •<i>Secretary of the Interior's Standards for Rehabilitation</i> •<i>Guidelines for Evaluating and Registering Archeological Properties</i> •<i>Guidelines for Conducting Archeology in Vermont 2002</i> • <i>Criteria for Evaluating the Effect of Telecommunications Facilities on Historic Resources</i> 	<ul style="list-style-type: none"> •Comments by the public must be considered •Contact fed agency, ACHP and DHP in writing with concerns 	DHP determines project will have No Historic Properties Affected, No Adverse Effect, Conditional No Adverse Effect, or an Adverse Effect (requires MOU)	<ul style="list-style-type: none"> •DHP: www.dhca.state.vt.us/DHP/programs/regulatory.html •Advisory Council: www.achp.org •List of Federal Historic Preservation Officers: www.achp.gov/fpo.html •Public Involvement: www.achp.gov/citizensguide.pdf 	<p>DHP:</p> <p>Buildings: Judith Williams Ehrlich 802-828-3049 judith.ehrlich@state.vt.us</p> <p>Archeology: Scott Dillon 802-828-3048 scott.dillon@state.vt.us</p>
Act 250	Project requires an Act 250 permit	Resources listed on or eligible for listing on State Register (SR) (criteria for listing on SR same as NR criteria). DHP determines eligibility on behalf of Vermont Advisory Council on Historic Preservation (VT AC)	<ul style="list-style-type: none"> •Natural Resources Board •One of nine District Commissions •Agency of Natural Resources •VT AC •DHP (SHPO) 	<ul style="list-style-type: none"> •<i>Secretary of the Interior's Standards for Rehabilitation</i> •<i>Guidelines for Evaluating and Registering Archeological Properties</i> •<i>Guidelines for Conducting Archeology in Vermont 2002</i> • <i>Criteria for Evaluating the Effect of Telecommunications Facilities on Historic Resources</i> •<i>DHP Rules for Historic and Archeological Resources and the Act 250 Process</i> 	<ul style="list-style-type: none"> •Statutory Parties •Others with approved Party Status 	DHP recommends to a District Commission whether project will have No Historic Properties Affected, No Adverse Effect, Conditional No Adverse Effect, Adverse Effect or Undue Adverse Effect and proposes permit conditions when appropriate. Commission makes final determination	<ul style="list-style-type: none"> •DHP: www.dhca.state.vt.us/DHP/programs/regulatory.html •Act 250 General Info: www.nrb.state.vt.us/lup/index.htm •Act 250 Commission Members and Staff: www.state.vt.us/envboard/commissionmembers.htm 	<p>DHP:</p> <p>Buildings: Judith Williams Ehrlich</p> <p>Archeology: Scott Dillon</p>
Vermont Historic Preservation Act	Project involves state funds, permits, licenses, other	Resources listed on or eligible for listing on SR (criteria for listing on SR same as NR criteria) DHP determines eligibility on behalf of VT AC	<ul style="list-style-type: none"> •Sponsoring state agency •VT AC •DHP (SHPO) 	<ul style="list-style-type: none"> •<i>Secretary of the Interior's Standards for Rehabilitation</i> •<i>Guidelines for Evaluating and Registering Archeological Properties</i> •<i>Guidelines for Conducting Archeology in Vermont 2002</i> • <i>Criteria for Evaluating the Effect of Telecommunications Facilities on Historic Resources</i> 	No standard for public involvement established. Public may offer written comments to SHPO or VT AC	DHP determines project will have No Historic Properties Affected, No Adverse Effect, Conditional No Adverse Effect, or an Adverse Effect (requires presentation of proposed project to VT Advisory Council and MOU)	<ul style="list-style-type: none"> •DHP: www.dhca.state.vt.us/DHP/programs/regulatory.html 	<p>DHP:</p> <p>Buildings: Judith Williams Ehrlich</p> <p>Archeology: Scott Dillon</p>

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Section 248	Project requires Certificate of Public Good	Resources listed on or eligible for listing on SR (criteria for listing on SR same as NR criteria). DHP determines eligibility on behalf of VT AC	<ul style="list-style-type: none"> •Public Service Board •Department of Public Service •VT AC •DHP (SHPO) 	<ul style="list-style-type: none"> •<i>Secretary of the Interior's Standards for Rehabilitation</i> •<i>Guidelines for Evaluating and Registering Archeological Properties</i> •<i>Guidelines for Conducting Archeology in Vermont 2002</i> • <i>Criteria for Evaluating the Effect of Telecommunications Facilities on Historic Resources</i> •<i>DHP Rules for Historic and Archeological Resources and the Act 250 Process</i> 	<ul style="list-style-type: none"> •Statutory Parties •Others with approved Party Status 	DHP recommends to Public Service Board whether project will have No Historic Properties Affected, No Adverse Effect, Conditional No Adverse Effect, Adverse Effect or Undue Adverse Effect and proposes permit conditions when appropriate. PSB makes final determination	<ul style="list-style-type: none"> •DHP: www.dhca.state.vt.us/DHP/programs/regulatory.html •Public Service Board: www.state.vt.us/psb/ 	DHP: Buildings: Judith Williams Ehrlich Archeology: Scott Dillon
Section 4(f)	Project involves federal Department of Transportation: Federal Transportation Authority, Federal Rail Authority, and/or Federal Highway Administration	Resources listed on or eligible for listing on National Register (see <i>NR Criteria for Evaluation</i>) and public parks, recreation areas or wildlife and water fowl refuges	<ul style="list-style-type: none"> •Federal Transportation Authority •Federal Rail Authority •Federal Highway Administration •Vermont Agency of Transportation (VTrans) •ACHP 	<ul style="list-style-type: none"> •<i>Secretary of the Interior's Standards for Rehabilitation</i> •<i>Guidelines for Evaluating and Registering Archeological Properties</i> •<i>Guidelines for Conducting Archeology in Vermont 2002</i> •4(f) Regulations Policy Paper (see VTrans website) 	<ul style="list-style-type: none"> •No standard for public involvement established •Project documents available for public review 	Upon completion of review project proceeds or is redesigned to avoid adverse effects	VTrans: www.aot.state.vt.us/archaeology/design/default.htm	VTrans: Scott Newman 802-828-3964 scott.newman@state.vt.us

*** DHP has Programmatic Agreements (PA) with a number of federal agencies that allow that fed agency to complete Section 106 reviews with limited or no DHP involvement. However, DHP can consider becoming involved with a project being reviewed under a PA if requested to do so. Federal Agencies with executed PA's with DHP and their contacts are as follows:**

1. Vermont Agency of Transportation (projects funded by Federal Highway Administration and those involving VTrans and Act 250)
 Scott Newman, Historic Preservation Officer, 802-828-3964, scott.newman@state.vt.us
 Duncan Wilkie, Archeology Officer, 802-828-3965, duncan.wilkie@state.vt.us
2. VT Community Development Program, US Dept. of Housing and Urban Development (HUD) Community Development Block Grants (CDBG), Molly Dugan, Grants Manager, 828-5218, molly.dugan@state.vt.us
3. Federal Emergency Management Agency: Peter Thomas, Deputy Environmental Liaison Officer, 802-434-5375, Peter.Thomas1@dhs.gov
4. HUD HOME and Lead Programs, Vermont Housing and Conservation Board, 802-828-3250, pboyd@vhcb.state.vt.us
5. HUD HOME Burlington, Burlington Community and Economic Development Office (CEDO), 802-865-7144, contactCEDO@CEDOBurlington.org
6. Federal Communications Commission, Wireless Telecommunications Bureau, Dan Abeyta, Assistant Chief, NEPA Adjudications, 202-418-1538, dan.abeyta@fcc.gov
7. USDA Forest Service, Green Mountain National Forest, David Lacy, Forest Archeologist, 802-747-6719, dlacy@fs.fed.us
8. US Fish and Wildlife Service, VT Department of Fish and Wildlife, Scott Darling, Wildlife Biologist, 802-483-2740, scott.darling@anr.state.vt.us
9. US Department of Agriculture (USDA), Natural Resources Conservation Service, David Skinas, Archeologist, 802-828-4493, dave.skinas@vt.usda.gov

Pending PA's under review: Federal Transit Authority, USDA Rural Development, HUD CDBG Burlington CEDO, Land and Water Conservation Fund Recreation Trails