



A Quick Look at Cultural Resource Review in the New Jersey Water Bank Program and the State Revolving Fund

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WHAT DOES THE CULTURAL RESOURCE UNIT DO?

For every project that is submitted to H2Loans, we:

- establish the project area and scope of construction
- conduct research to learn what is known about a project area
- consult with interested parties as appropriate for each project
- assess the potential for previously unidentified sites above and below ground
- determine if the project will have an effect on significant historic properties
- work with the applicant to avoid, minimize, or mitigate any effects

We start by reviewing the planning documentation uploaded to H2Loans, and any other information submitted by the applicant. If we need more information, we contact the applicant. Depending on the project, we may request as-builts, previous surveys, boring logs, photographs, or something else. Every project is different. Sometimes we require that an applicant retain an archaeologist or architectural historian to conduct a cultural resources survey. If that is the case, we work closely with the applicant to clarify and refine the scope of the survey. Depending on the project and the potential to affect historic properties, a Memorandum of Agreement may be necessary to memorialize the resolution of effects.

REGULATORY BASIS FOR NJ WATER BANK CULTURAL RESOURCE REVIEW

FEDERAL and STATE HISTORIC PRESERVATION REGULATIONS

The National Historic Preservation Act (NHPA) of 1966 created Section 106 cultural resource review. Section 106 review requires that federal agencies, including delegated programs like the SRF, take into account the effects of its undertakings on significant historic properties. This includes properties both listed and eligible for listing on the National Register of Historic Places. Through research and consultation with interested parties, the goal is to minimize or resolve effects, sometimes through a Memorandum of Agreement.

The NJ Register Review is conducted by the NJ Historic Preservation Office and considers encroachments only on properties actually listed on the NJ Register of Historic Places. Some projects are approved as “No Encroachment”, however, if an encroachment will occur, the NJHPO will conduct a public hearing. The NJDEP has the authority to deny a project or require changes, depending on the nature of the encroachment on historic properties. If applicable, the NJ Register Review is required regardless of funding source.

WHAT MAKES A PROPERTY SIGNIFICANT?

In Section 106, significance is defined as being listed or eligible for listing on the National Register of Historic Places. There are many types of historic properties. A property can be significant for its:

- A** association with broad patterns of **A**merican history
- B** association with important people [**B**odies]
- C** architectural, artistic, or other **C**haracteristics
- D** information such as the **D**ata that an archaeological site may yield

historic industrial sites

prehistoric sites

old buildings

historic districts

historic landscapes

shipwrecks

reservoirs

early treatment plants

canals

brick sewers

railroads

colonial archaeology

SOME IMPORTANT CULTURAL RESOURCE TERMS

TAKE INTO ACCOUNT The effects of funded projects on historic properties must be considered.

CONSULTATION An agency must identify and communicate with all parties who may have an interest in an area, including individuals, organizations and other agencies.

IDENTIFY Research identifies known historic properties and the potential for as-yet-undiscovered properties, particularly archaeology. Sources include libraries, internet, archives, GIS, maps, postcards, soils data – anything to show how a property was used historically and its modern-day significance.

EVALUATE Is a property listed or eligible for listing on the National Register of Historic Places? The distinction between listed and eligible is important when comparing the state and federal review processes.

RESOLVE Will a project affect a historic property? Section 106 outlines a process of consultation and collaboration to resolve that effect. Sometimes you hear the term “mitigate”

HISTORIC PROPERTY any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places, including artifacts, records, and material remains related to such a property or resource

SIGNIFICANT or **ELIGIBLE** or **LISTED** a property meets the National Register criteria of significance (A B C D)

EFFECT an undertaking that will change or destroy the characteristics of a historic property that make it significant. Effects can be physical or visual, direct, or indirect.