NM Historic Preservation Division (HPD)
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Who Are We?

• HPD is a division of the state Department of Cultural Affairs.

• Responsibilities under state law to ensure the protection of cultural properties - Cultural Properties Act, Prehistoric and Historic Sites Preservation Act, and the Cultural Properties Protection Act. State law establishes the State Register of Cultural Properties.

• Responsibilities under federal law – National Historic Preservation Act. Our federal name is the NM State Historic Preservation Office.

• Sets up a comprehensive program for preservation.

• Establishes roles for federal agencies, states and local communities.

• Creates the National Register of Historic Places.

• Establishes that the Governor appoints a State Historic Preservation Officer (SHPO) for each state.

• Establishes Section 106 as part of this Act out of public concern over the neglect and loss of many important historic properties.
More on Section 106

- Requires Federal agencies to take into account the effects of their undertakings (or projects) on historic properties.

- The purpose of the review process is to reach consensus with the State Historic Preservation Officer (SHPO) or the Tribal Historic Preservation Office (THPO) and Native American Tribes about the effects a project may have on historic properties.
When do you need to think about Section 106?

When your project:

- Receives Federal funds, grants or loans such as funding from HUD/CDBG.
- Requires a Federal license, permit or other approval.
- Is Federally owned or controlled or is located on Federal land.
Who is responsible for consultation with the SHPO/THPO or Native American Tribes?

The Federal agency is responsible except HUD and some agencies receiving stimulus money. Under agreements, responsibilities for consultation have been delegated to applicants or grant recipients.

» Contractors may assist agencies or the applicant in gathering the information but must be authorized by the agency/applicant to initiate consultation.
What Does HPD/SHPO Need for Section 106 Review?
• A consultation letter from the federal agency or the HUD/CDBG applicant or grant recipient.
Your letter and attached documentation should:

• describe the project in detail, including any earth disturbing activities, access roads, utilities. Provide preliminary drawings or plans if available.

• describe of the size of the project area, present land uses, degree of any existing disturbance, date of construction of any existing buildings.
• provide information on the funding source (e.g. CDBG).

• provide information regarding the property or land owners (e.g. private, federal, state or municipal?)

• provide current photographs showing existing condition of land and any known archaeological sites.
• If existing building or structure also include the age of the building.

• Provide a location of any historic structures or buildings.
• Include a USGS map with legal description
or a street map with address if the project is in an urban area.

- Mark the project area on the map.
• Consult with Native American Tribes to identify traditional cultural properties, sacred sites, or properties of religious or cultural significance.

• Include copies of your tribal consultation letters and any responses received.
More on Tribal Consultation:

• Consultation is government-to-government. Tribes prefer to consult with the federal agency or the HUD/CDBG applicant.

• There are no time limits, but allow for at least 30 days for tribes to respond.

• Send your letters to the tribes as soon as the project is identified. SHPO will not provide a concurrence with an effect determination until documentation of tribal consultation is received.
List of Tribes & areas of geographic interest by county
http://www.nmhistoricpreservation.org
What kind of response can you expect from your letter to SHPO/HPD?

• Stamp your letter with our response.
  – No Historic Properties Affected
  – No Adverse Effect
May 17, 2011

SHPO Administrative Assistant
NM Historic Preservation Division
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501

Western Technologies, Inc. is currently preparing HUD-4128 Forms for a property in Clovis, New Mexico and need to consult with the SHPO.

The property, addressed as 1550 Echols Avenue, Clovis, New Mexico (northwest quarter of Section 12, Township 2 North, Range 35 East) is currently vacant land and is approximately 5-acres in size. Eastern Plains Housing Development Corporation plans to build a facility called La Casita Apartments, consisting of 48 dwelling units. The contact for Eastern Plains Housing Development Corporation is Ms. Monica Gutierrez at (575) 763-8335 Ext. 103 if you need additional information specific to the project.

Questions on the form ask the following:

Is the Property listed on or eligible for listings on the National Register of Historic Places?

Is the Property located within or directly adjacent to an historic district?

Does the Property’s area of potential effects include an historic district or property?

Can you please help in answering these questions?

Should you have any additional questions or concerns please contact me at (520) 748-2262.

Sincerely;

WESTERN TECHNOLOGIES INC.
Environmental Services

Kevin T. Womer
Environmental Scientist
• We may request additional information by email, phone call, or letter.

  – Plans/drawings
  – Tribal consultation information
  – Require a cultural resources survey for archaeology and/or historic buildings.
When will a consultant need to do a survey to identify historic properties?

- If there has not been a prior survey or one was done, but not to current standards.

- If the land is vacant and has not been severely altered by past grading/blading activities.
• If the project is located in an area with many significant historic properties or within a historic neighborhood.
• If the project area includes NMDOT rights-of-way, they may have different survey requirements.
Who can do the survey?

- Individuals who meet the Federal Secretary of Interior’s Professional Standards.

- Firms holding a State Archaeological Permit if on state land (municipal land, state agency land)
• Individuals must be listed on the SHPO Directory of Qualified Personnel if on state land and conducting a building inventory.

• Lists of consultants are available from HPD or can be downloaded from our website: www.nmhistoricpreservation.org
• The consultant will write a report and document the properties on standard forms.

• Evaluate the eligibility of the properties for listing on the National Register of Historic Places and the State Register of Cultural Properties.

• Evaluate project effects and provide management recommendations.

• Please provide the report and all forms to HPD/SHPO to review.
Results of Survey

- HPD/SHPO will provide a **No Effect** determination
  - If the survey is negative or properties are identified but are not eligible for listing to the National Register of Historic Places
  - If the survey is positive and eligible properties are identified but can be avoided.
Eligible properties cannot be avoided. Resolve adverse effects by mitigation-excavation, archival research, additional documentation, public outreach.

FACT: over 90% of projects in NM are able to avoid effects to cultural properties.
SHPO/HPD Review Time

Please allow 30 days for review
We review thousands of projects every year.
Key Points to Remember:

- Project Planning should include a line item for cultural resources survey in case one is needed.

- Good Project Planning includes enough time for necessary consultation with federal and state agencies, SHPO and Native American groups.

- Conduct field studies BEFORE final project design is finished in case historic properties are identified.
Working with HPD/SHPO

- NM HPD/SHPO is made up of highly experienced staff. We can provide assistance and advice. Work with us and call or email with any questions.
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