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**STATE OF NEW HAMPSHIRE
DEPARTMENT OF CULTURAL RESOURCES**

Division of Arts, Division of Historical Resources,
Division of Libraries, Film and Television Office
Office of Curatorial Services
*American Canadian French Cultural Exchange Commission,
Administratively Attached*



February 21, 2014

Van McLeod, Commissioner

The Honorable Mary Jane Wallner, Chairman
Fiscal Committee of the General Court
State House
Concord, New Hampshire 03301

Patton 3/21/14
Approved by Fiscal Committee Date

Her Excellency Governor Margaret Wood Hassan
And the Honorable Council
State House
Concord, NH 03301

REQUESTED ACTION

1. Pursuant to RSA 14:30-a VI, authorize the Department of Cultural Resources, Division of Historical Resources, to accept and expend funds from the State of New Hampshire Department of Transportation in the amount of \$114,625.00 for the preparation of a National Register Nomination for the Downtown Historic District, effective upon Fiscal Committee and Governor and Council approval through June 30, 2015.
Source of funds is 100% Other funds
2. Pursuant to RSA 124:15, authorize the Department of Cultural Resources, Division of Historical Resources to establish an object class 046 Consultants in Account No. 01-34-34-3420-89050000 for the period of Fiscal Committee and Governor and Council approval through June 30, 2015.

Department of Cultural Resources
Division of Historical Resources
National Register Nominations
01-34-34-3420-89050000

<u>Class</u>	<u>Description</u>	<u>FY 2014</u>	<u>FY 2015</u>
046	Consultants	0.00	102,375.00
050	Personal Services	8,129.00	3,252.00
060	Benefits	621.00	248.00
	Total	<u>8,750.00</u>	<u>105,875.00</u>
002-403509	Transfer from DOT	8,750.00	105,875.00

EXPLANATION

In 2011, NHDOT began the process of replacing the Memorial Bridge between Portsmouth, NH and Kittery ME. One required aspect of its removal was completion of all required federal environmental planning and documentation, including Section 106 of the National Historic Preservation Act (NHPA), ensuring that appropriate mitigation was included in the project to offset the loss of the former Memorial Bridge. The mitigation included providing DHR with funding in an amount not to exceed \$175,000 to prepare a National Register nomination for the Portsmouth Downtown Historic District. It was agreed by the signatories of the project's Memorandum of Agreement- NHDOT, Maine DOT, DHR, Maine Historic Preservation Commission and the Federal Highway Administration- that DHR was best suited and uniquely qualified to administer this work effort. The Department of Transportation and the Division of Historical Resources entered into a Memorandum of Understanding (MOU) approved by Governor and Council December 20, 2014 #94. This action will allow the Division of Historical Resources to complete the tasks of the Memorandum of Understanding and select- a qualified 36 CFR 61 consultant to complete the nomination.

The City of Portsmouth contains a large number of historic resources. While a downtown historic district in Portsmouth has been recognized for years as National Register-eligible by federal and state agencies, a formal nomination will compile numerous previous historical surveys and must be completed and approved in order for official National Register status to be given. National Register nominations can help property owners better advocate and care for their properties and bolster community pride and heritage tourism. The information in a nomination can also be used for educational programming and in community planning and development. Listing also pre-qualifies a property for preservation grant programs such as the Land and Community Heritage Investment Program or the Conservation License Plate Program. Commercial rehabilitations that meet preservation standards of properties listed on the National Register are potentially eligible for a 20% federal tax credit. Listed properties are also identified early in the planning process for federally funded, licensed or permitted projects, as well as some state-assisted projects, reducing project costs and review time.

Class 046-Funds will be used to hire consultants that meet the requirements of NPS Code of Federal Regulations, 36 CFR 61

Class 050-Partial costs of current DHR employee

Class 060-Benefits associated with part-time salaries, 7.65%

The following information is provided in accordance with the Comptroller's instructional memorandum dated September 21, 1981.

1. List of personnel involved: There are no new part-time positions. Administrative support will be provided by current DHR staff. Contracts for Consultants will be competitively bid and brought before Governor and Executive Council for approval.
2. Nature, need and duration: The DHR's Special Programs & Compliance Specialist will administer this project, among other assigned duties. Her responsibilities include publishing the Request for Proposals, working with the public and the selected consultant, record keeping, and assuring that the final product is complete and meets standards. Consultants will work within the defined time period as specific in the Request for Proposals. The Division of Historical Resources final product is due December 1, 2016; financials and final reporting in early 2017.

3. Relationship to existing agency program: This program is part of the services that the Division of Historical Resources offers to the citizens of New Hampshire in partnership with the National Park service
4. Has a similar program been requested of the legislature and denied? A program of this nature has not been requested of the legislature
5. Why wasn't funding included in the agency's budget request? The Memorandum of Understanding approval by Governor and Council on December 20, 2013 #94 occurred after the submission of the Fiscal Year 2014/2015 state budget
6. Can portions of the grant funds be utilized? 100% of other funds can be used to fund the personnel costs and all program costs associated with this request.
7. Estimate the funds required to continue this position(s). This position will continue to be funded with the federal funds we receive from the National Park Service. The Consultant costs will terminate upon completion of the nomination.

FISCAL SITUATION

Appropriation	175,000.00
FY 2014 Requested Appropriation	\$8,750.00
FY 2015 Requested Appropriation	\$105,875.00
Anticipated FY 2016 Agency Budget Request	\$55,375.00
Anticipated FY 2017 Agency Budget Request	<u>\$5,000.00</u>
 Total Appropriations	 \$175,000.00

In the event other funds are no longer available, general funds will not be requested to support the position. Attached is a copy of the approved Memorandum of Understanding.

Respectfully submitted,



Van McLeod
Commissioner





THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
AND
DEPARTMENT OF CULTURAL RESOURCES

CHRISTOPHER D. CLEMENT, SR.
COMMISSIONER



Department of Transportation
Bureau of Environment
November 12, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

Sole Source

REQUESTED ACTION

Authorize the Department of Transportation (DOT), Bureau of Environment, to enter into a **SOLE SOURCE** Memorandum of Understanding (MOU) with the Department of Cultural Resources, Division of Historical Resources (DHR) (Vendor #177886) in an amount not to exceed \$175,000, for preparation of a National Register Nomination for the Portsmouth Downtown Historic District, effective upon Governor and Council approval, through December 31, 2016. 100% Federal Funds (NH's share).

Funding is available as follows for FY 2014 and FY 2015, and is contingent upon the availability and continued appropriation of funds in FY 2016 and FY 2017:

	<u>FY 2014</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>
04-96-96-963515-3054 Consolidated Federal Aid				
400-500870 Highway Contract Payments	\$50,000	\$65,000	\$55,000	\$5,000

EXPLANATION

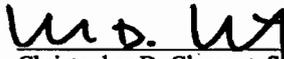
This item is sole source as stipulation #4 of a Memorandum of Agreement (MOA) for mitigation associated with replacement of the Memorial Bridge. In 2011, DOT began the process of replacing the Memorial Bridge between Portsmouth, NH and Kittery, ME. One required aspect to its removal was completion of all required federal environmental planning and documentation, including Section 106 of the National Historic Preservation Act (NHPA), ensuring that appropriate mitigation was included in the project to offset the loss of the former Memorial Bridge. The mitigation included providing DHR with funding in an amount not to exceed \$175,000 to prepare a National Register Nomination for the Portsmouth Downtown Historic District (*attached*). It was agreed by the signatories of the MOA - DOT, Maine Department of Transportation, DHR, Maine Historic Preservation Commission, and the Federal Highway Administration - that DHR was best suited and uniquely qualified to administer this work effort.

The nomination for the Portsmouth Downtown Historic District will define boundaries for a Portsmouth Historic District, which will provide an excellent planning tool for future projects in the area, while also reducing project planning costs for those projects, since required up-front surveys would have already been completed. In addition, interested property owners could realize potential voluntary incentives to maintaining the historic character of the downtown.

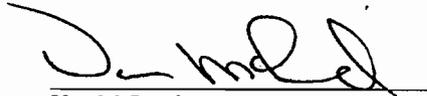
The project costs for the Memorial Bridge project is shared equally, 50% by the New Hampshire Department of Transportation and 50% reimbursement by the Maine Department of Transportation. Attached is a copy of the MOA between DOT and MaineDOT that was approved at the March 16, 2011 Governor and Council Meeting (Item #146), which outlines the funding breakdown. The New Hampshire share of this contract's funding is 80% Federal funds with 20% State match. Turnpike toll credit is being utilized for New Hampshire's match requirement, effectively using 100% federal funds.

Your approval of this resolution is respectfully requested.

Sincerely,



Christopher D. Clement, Sr.
Commissioner
Department of Transportation



Van McLeod
Commissioner
Department of Cultural Resources

CDC:VM/ktn

Attachments

STATE OF NH
DEPT OF JUSTICE
2013 NOV 20 AM 10:35

Portsmouth, NH-Kittery, ME
13678F
Fed #A000(911)
[Memorial Bridge Replacement]

MEMORANDUM OF UNDERSTANDING
Between the
NH DEPARTMENT OF TRANSPORTATION
And the
NH DIVISION OF HISTORICAL RESOURCES

WHEREAS, the NH Division of the Federal Highway Administration and the Maine Division of the Federal Highway Administration (FHWA) concurred with the NH Department of Transportation (NHDOT), Maine Department of Transportation (MaineDOT), NH Division of Historical Resources State Historic Preservation Office (NHSHPO) and Maine State Historic Preservation Office (MESHPO) through a March 4, 2011 Finding of Adverse Effect Memorandum that the replacement of all spans of the 1923 Memorial Bridge that carried US Route 1 over the Piscataqua River between Portsmouth, NH and Kittery, Maine resulted in a Section 106 finding of Adverse Effect under the National Historic Preservation Act (16 U.S.C. 470f) to the Portsmouth, NH-Kittery, A000(911), 13678F Project [herein referenced as "Project"]; and

WHEREAS, the FHWA in consultation with the NHDOT, MaineDOT, NHSHPO and MESHPO and pursuant to regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 U.S.C. 470f) have signed a Memorandum of Agreement, dated March 15, 2011 (herein referenced as "2011-MOA") outlining mitigation measures to be undertaken; and

WHEREAS, the signatories of the 2011-MOA have agreed that the preparation of a nomination to the National Register of Historic Places (hereinafter called the "Nomination") for the Portsmouth Downtown Historic District is an appropriate mitigation measure for the adverse effects presented by the Memorial Bridge project; and

WHEREAS, as a signatory to the MOA, the NHSHPO has agreed to coordinate the preparation of this Nomination given its experience with the National Register of Historic Places Program; and

WHEREAS, the FHWA and NHDOT, as the project lead, have agreed to provide Project funding up to, but not to exceed, \$175,000 to NHSHPO for the completion of this mitigation stipulation;

NOW, THEREFORE, NHDOT and NHSHPO agree that the Nomination will adhere to the following:

Stipulations

The Nomination objective and process is to:

- Compile sufficient research and fieldwork within the study area to identify historic properties (i.e. contributing and non-contributing to historic district);
- Formally delineate the Portsmouth Downtown Historic District boundary line and period of significance;
- Prepare the Nomination, including mapping and photography, to the standards and guidance of the National Park Service and the NHSHPO;
- Undertake Public Outreach to inform property owners within the District and Portsmouth City Officials how a National Register Nomination is developed and how nomination/listing will, and will not, impact and benefit the community; and
- Provide benefits and information to property owners, the City of Portsmouth, and various other entities, such as recognition, tax credit and grant opportunities, and information that can be used for fundraising, advocacy, and planning purposes.

For the purposes of this MOU, NHDOT and NESHPO agree to cooperate as follows:

1. The NHDOT agrees to:
 - a. Prepare and submit all needed documentation for approval by the Governor and Executive Council to establish this project.
 - b. Authorize Project funding up to, but not to exceed, \$175,000 for the NESHPO to have completed the Portsmouth Downtown National Register Historic District Nomination;
 - c. Reimburse NESHPO for administrative and certified consultant costs up to the amount in Section 'b' above.
 - d. Provide support, if needed, for the NESHPO at public meetings to assist the public's understanding of the relationship between the Nomination and the Memorial Bridge transportation project.

2. The NESHPO agrees to:
 - a. Develop a Scope of Services and Request for Proposals (RFP) and select and contract with a qualified consultant (36 CFR 61) to complete the Nomination;
 - b. Seek reimbursement from NHDOT, not to exceed \$175,000, for the demonstrated costs to prepare the Nomination;
 - c. Agree that the selection process shall be based upon qualification based, low-bid determination;
 - d. Obtain Governor and Executive Council approval to enter into contract with consultant to complete the Portsmouth Downtown Historic District National Register Nomination;
 - e. Provide administrative support for the consultant contract, including administrative management of consultant invoices and processing payments;
 - i. Consultant invoicing shall be billed no more than on a quarterly schedule base, unless approved by NHDOT based upon consultant schedule and progress;
 - f. Oversee and approve all products developed by the consultant including:
 - i. Assessment of methodologies;
 - ii. Draft and final product reviews;
 - g. Provide a series of public meetings where Interested citizens can learn more about the project and, as appropriate, participate in it.
 - h. Provide quarterly financial updates to NHDOT and FHWA for TIGER Grant reporting; and
 - i. Make available all nomination documentation, as may be requested, for State and Federal auditing as may be necessary.

3. The NHDOT and NESHPO agree to the following deliverable/schedule for the completion of the Nomination:
 - a. National Register Nomination for the Portsmouth Downtown Historic District
 - b. December 2016

Termination of any paragraph, part, or section of this Agreement per the conditions described herein shall not be interpreted as termination of the entire Agreement. The period of this Agreement shall be from the date of Governor and Executive Council approval through December 31, 2016.

In WITNESS WHEREOF, the respective parties have hereunto set their hands on the dates indicated.

Christopher D. Clement, Sr.
Christopher D. Clement, Sr.
Department of Transportation

11/5/2013
Date

Elizabeth H. Muzzey
Elizabeth H. Muzzey
Division of Historical Resources
State Historic Preservation Office

11/5/13
Date

John J. Condit
Print Name: John J. Condit
Office of Attorney General

11/21/13
Date

SECRETARY OF STATE

I hereby certify that the foregoing contract was approved by the Governor and Executive Council of the State of New Hampshire at there meeting on _____

Signed _____

