SHPO Consultation Process

Rebekah Dobrasko
Review and Compliance Coordinator
September 23, 2008
New Website!

http://shpo.sc.gov

- Texts of National Register of Historic Places nominations
- Guidance on consultation with our office
- Project Review Forms and Instructions
- Historic contexts
- Countywide and municipal survey reports
Project Review Guidance, including:

- Area of Potential Effects (APE)
- Guidance on cultural resources assessments, reconnaissance surveys, intensive surveys
- Guidance on assessing effects to historic landscapes
- Agreement and covenant templates
Discussion Points

- Section 106 Process
- Consultation Changes
- New Project Review Form
- Results of Review
Section 106
National Historic Preservation Act

- Federal agencies
- Identify consulting parties
- Identify historic properties
- Assess effects
Consulting Parties

- State Historic Preservation Office (SHPO)
- Local government
- Interested parties
  - Local historical societies
- Public
Native American Consultation

- Federally-recognized tribes
  - South Carolina
    - Catawba Indians
    - Eastern Band of Cherokee Indians
  - Other tribes in Oklahoma, Florida, etc.
Native American Consultation

Consultation with the SHPO is NOT consultation with the tribes!!
Historic Properties

For Section 106, a historic property is:

- Listed in the National Register of Historic Places
- Eligible for listing in the National Register
- Not all of South Carolina has been surveyed for historic properties!
National Register of Historic Places

- List of properties that contribute to our understanding of the history of our communities, state, and nation

- Buildings, structures, objects, sites, districts
National Register of Historic Places

- A resource may be eligible for the National Register if it meets one of four criteria.

- A resource can be eligible for the National Register under more than one of the four criteria.
National Register of Historic Places

Eligibility for the National Register determined by:

- State Historic Preservation Office
- Federal agencies
- Keeper of the National Register (NPS)
National Register of Historic Places

- Formal nomination process
  - Historical significance
  - Physical description of the property
  - Photographs
  - Maps

- Listed in the National Register by the National Park Service
National Register of Historic Places

Criterion A

- Events
- Broad Patterns of History
National Register of Historic Places

Criterion B

- Significant Persons
National Register of Historic Places

Criterion C

- Architecture
  - Type, period or method of construction
  - Work of a master
  - High artistic value
National Register of Historic Places

Criterion D

- Information potential
- Generally archaeological sites, but not always
National Register of Historic Places

Integrity:
- Location
- Design
- Materials
- Workmanship
- Setting
- Feeling
- Association
Preliminary/Anticipatory Reviews

“Due diligence”

- Recommend identification surveys for historic properties
- Review identification surveys
- Comments on eligibility of known and newly-recorded sites ONLY IF no additional work is needed
Preliminary Review

The SHPO WILL:

- Provide technical comments on rehabilitation plans for historic buildings or structures
- Provide guidance on the development of an archaeological survey for a project area
Preliminary Review

The SHPO WILL NOT:

- Conduct background research into historic properties or archaeological sites

- Consult with Native American tribes
Anticipatory Review

- Expect a federal undertaking
- Federal agency not involved at time of request for review
- Provide information on potential agency
Preliminary/Anticipatory Review

WILL NOT COMMENT ON:

- Proposed Area of Potential Effects (APE)
- Effects of the project on historic properties
- Suggested archaeological testing methods
- Memoranda of Agreement (MOA) documents
Preliminary/Anticipatory Review

- SHPO will keep documentation up to two years after submission

- Additional consultation or identification procedures may be needed once federal agency is identified
Why New Form?

- Realignment to follow 36 CFR 800 “Protection of Historic Properties”

- Basic information needed for our review of projects, especially contact information

- Summary of research and comments received
Project Review Form

Preliminaries:

This is:
A New Project (completed entire form)
Additional Information (first page only)
Project Review Form

Preliminaries:

Status of Project:

Federal Undertaking Anticipated

- Plan to apply for grant funds; permit; license

Federal Undertaking

- Federal agency is active in project/application has been made for funds; permit; license
Project Review Form

General Information:
1. Project Name (internal or descriptive)
2. City
3. County
4. Federal agency
5. Authorized Delegate: Applicant, local government
6. Consultant/Agent: COG or other environmental consultant
What is an APE?

- **Area of Potential Effect:** 36 CFR 800.16(d)

- **Geographic area**
  - Direct
  - Indirect

- **Scale and nature of undertaking**

- **Every project has its own APE**
Project Review Form

Area of Potential Effects (APE):

1. **Detailed** description of project
   - Ground disturbance (installation of waterlines, new construction, etc.)
   - Rehabilitation (new roof, interior rehab, new HVAC, lead-based paint abatement, etc.)
   - Site plans if large or new construction
Area of Potential Effects:

2. Phases of construction
   - If known, describe the phases
   - May not be applicable to project

3. Acreage:
   - Direct acreage affected by actual construction activities
Project Review Form

Area of Potential Effects:

4. Current land use of property
   - Farmland, forest, developed, neighborhood, etc.
   - If adjacent land is used differently, describe that (i.e. undeveloped parcel adjacent to a subdivision or industrial park)
Project Review Form

Area of Potential Effects:

5. Prior land use or modifications
   - Grading, plowing, mining, drainage, utilities, infrastructure
   - Undeveloped land?
   - Existing buildings or other structures?
Project Review Form

Area of Potential Effects:

6. Will the project involve:
   - New construction
   - Rehabilitation of structures
   - Relocation of structures
   - Demolition of structures
Historic Building Supplement

NEW FORM!

- Projects that involve rehabilitation to historic structures
- Provides information on planned work
  - Windows and door replacement
  - Additions
  - Demolitions
  - Masonry cleaning and repair
Project Review Form

Area of Potential Effects:

7. Written description of the Area of Potential Effects:

- Direct effects
  - Demolition, rehabilitation, destruction of known historic properties
- Indirect effects
  - Traffic flow
  - Visual effects
  - Noise
  - Cumulative effects
Project Review Form

Identification of Historic Properties in the APE:

1. Use of ArchSite:

archsite.cas.sc.edu/archsite

- Online database of known archaeological sites and all above-ground historic properties
- Surveyed areas
Project Review Form

Identification of Historic Properties in the APE:

2. Additional consulting parties
   - Local historical societies
   - Local governments
   - Public
Project Review Form

Identification of Historic Properties in the APE:

3. Known structures or buildings
   - Regardless of age

4. Age, use, photographs
   - Approximate age
   - Residential, commercial, outbuildings, etc.
   - Photographs of front and side of ALL buildings and structures
Identification of Historic Properties in the APE:

5. Known archaeological resources
   - Artifacts, arrowheads, old wells, earthworks, etc.

6. Cultural resources assessment or survey
   - Copy of survey provided to SHPO
   - Copy of comments if survey previously reviewed
Project Review Form

Identification of Historic Properties in the APE:

7. Review all background information collected from all sources
   - Known historic properties in the APE
   - No known historic properties in the APE

**SHPO may request further identification of historic properties through a survey or additional consultation**
Project Review Form

Assessment of Project Effect:

No Historic Properties Affected:

- Research does not indicate any historic properties
- SHPO will concur or disagree with findings
Project Review Form

Assessment of Project Effect:

No Adverse Effect

- Historic properties are present in the APE
- Project will not affect the significance of property or its historic integrity
- SHPO will concur or disagree with findings
Project Review Form

Assessment of Project Effect:

Adverse Effect

- Historic properties are present in the APE
- Project will affect the significance of property or its historic integrity
Required Documentation

- Completed project review form
- 1:24,000 USGS topographic map section with project boundaries
- Site plan
- Photographs of the project area (regardless of standing structures); can be aerial photograph
Additional Documentation

- Federal agency authorization to consult
- Results of a cultural resources investigation
- Photographs of structures on property
- Historic Building Supplement
Results of Review

- Completed project review form and background research is key

- Quick turn-around time at SHPO for projects

- Maps, photographs, and clear, detailed descriptions
Results of Review

No Historic Properties Affected

- No properties identified in APE
- No cultural resources survey or additional identification needed
- Project consultation completed

- SHPO will respond within 30 days
Results of Review

No Adverse Effect

- Historic properties identified in APE
- Project has restrictions that will protect historic properties
  - Restrictive covenant
  - Avoidance
- Conditions as part of grant
- SHPO will respond within 30 days
Results of Review

Adverse Effect

- Historic properties identified in APE
- Integrity will be altered
- Memorandum of Agreement (MOA)
  - Avoid
  - Minimize
  - Mitigate
- Consultation with the Advisory Council on Historic Preservation (ACHP)

- SHPO will respond within 30 days
Avoiding Adverse Effects

- Early consultation with the SHPO

- Thorough background research
  - ArchSite
  - National Register of Historic Places
    - Maps, photographs, nominations online
  - Discussions with consulting parties
Avoiding Adverse Effects

Avoidance

- Known archaeological sites
- Restrictive covenants
- Notes on construction plans

Secretary of the Interior’s *Standards for the Rehabilitation of Historic Properties*
Mitigation

Documentation
- Archaeological excavation (Phase III)
- Photographic documentation
- Historical documentation

Public education
- Exhibits
- Website
- Historical Marker
Workshop Information

PowerPoints and handouts available on our website:

http://shpo.sc.gov/conf/

Enter Review and Compliance Workshops
Upcoming Workshops

- Historic Properties and the Coastal Zone Management Act
  - November 20, 2008
  - Myrtle Beach, SC

- Developing Agreement Documents and Appropriate Mitigation
  - March 26, 2009
  - Columbia, SC (part of 2009 Annual Conference)
Questions?

Rebekah Dobrasko
Review and Compliance Coordinator
(803) 896-6169
dobrasko@scdah.state.sc.us