

Review and Compliance and the Secretary of the Interior's Standards for Rehabilitation

The State Historic Preservation Office
WV Division of Culture and History

Review and Compliance – Section 106 and West Virginia State Review

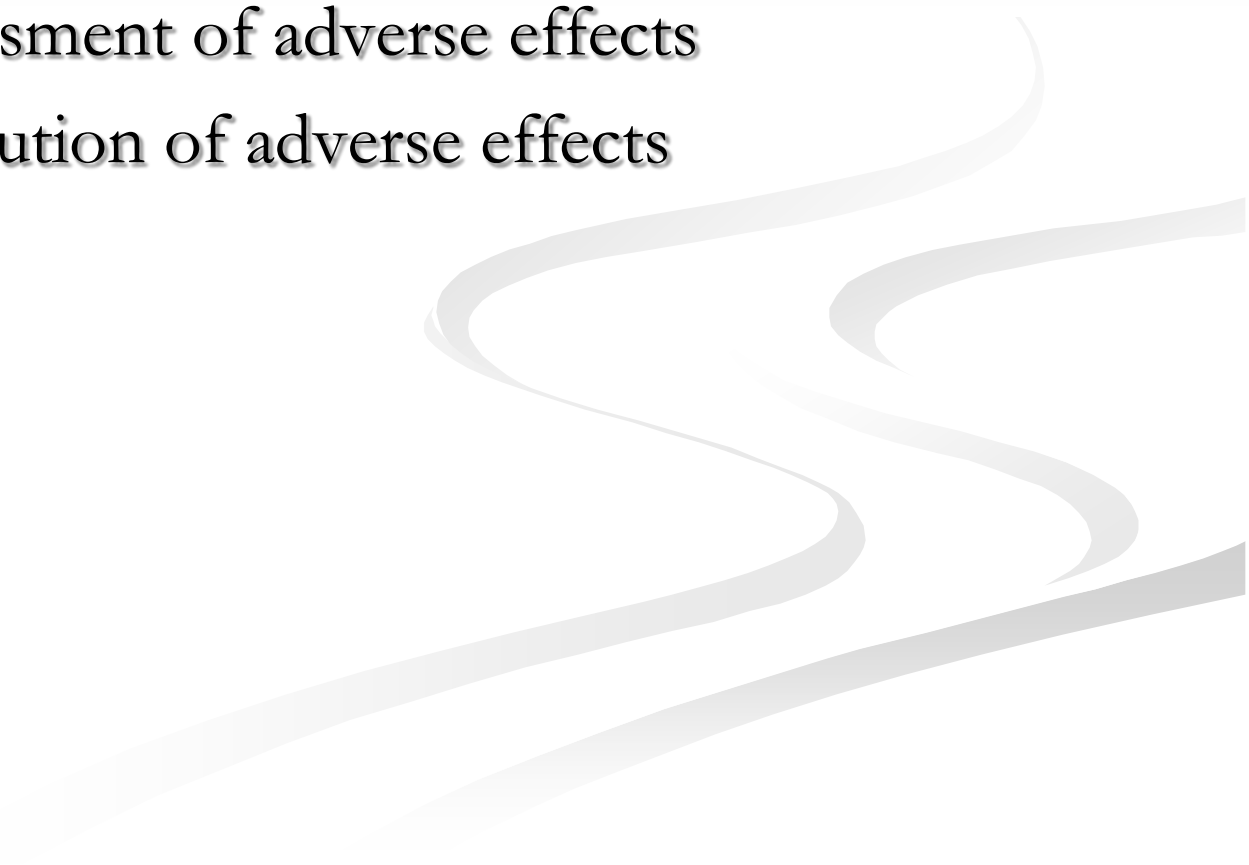
- **Federal Involvement**
 - **State Involvement**
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Undertaking

- Any project, activity, or program receiving federal funding, permitting, or licensing in whole or in part.

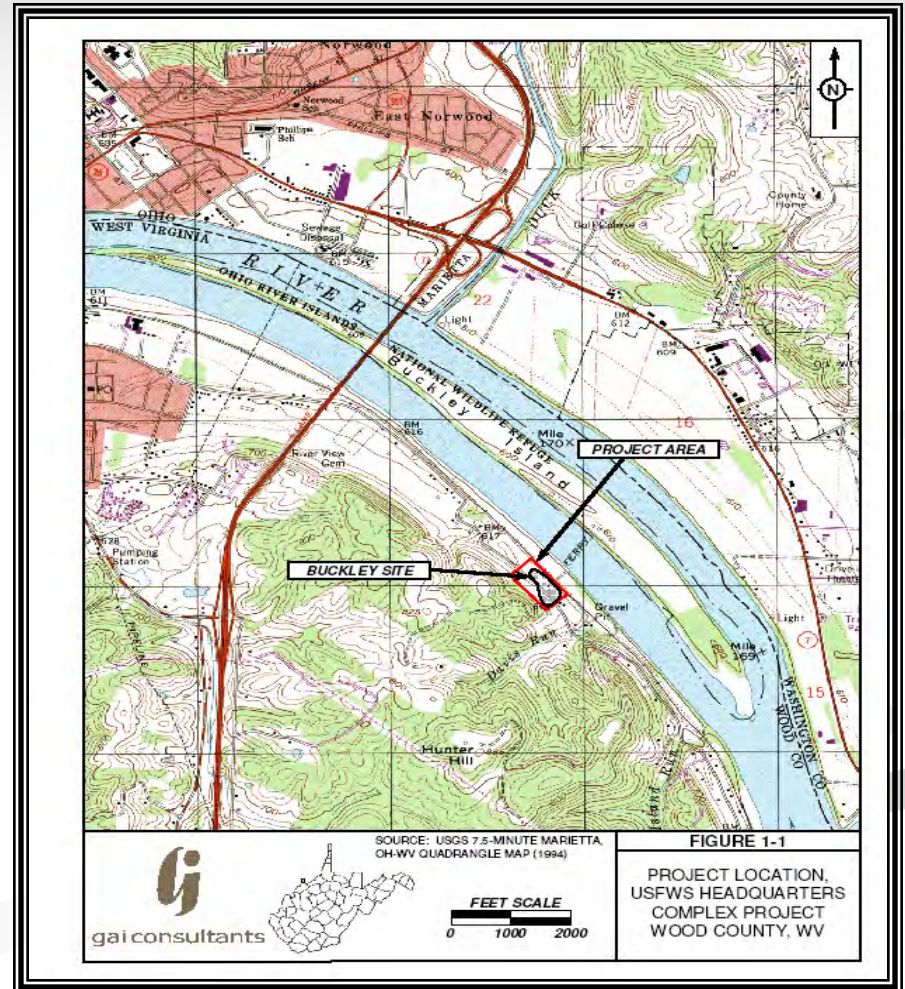


Section 106 and State Review a 4 step process

- Step 1: Initiation of the Section 106 or state review
 - Step 2: Identification of historic properties
 - Step 3: Assessment of adverse effects
 - Step 4: Resolution of adverse effects
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Determine the Area of Potential Effects (APE)

- The area directly or indirectly affected by the undertaking of a project.



An example of an *indirect* impact is the project's effect on the viewshed of historic properties.



An example of a *direct* impact is ground disturbance with the potential to affect archaeological resources; or the demolition of an eligible building.



STEP 1: Initiation of Review Process

Confirm that there is an undertaking.

Identify correct parties to consult, including the SHPO and other organizations.

Involve the public through notice or other format.

Identify other consulting parties.

STOP if there is no undertaking and no potential to cause effects.

Continue to STEP 2 if the undertaking MIGHT affect historic properties.

Step 2: Identifying historic properties

- Determine if there are any properties listed in or eligible for the National Register of Historic Places.
- Agency **must make a reasonable effort** to carry out appropriate identification efforts.

Historic Properties
may include:

□ Building (house,
courthouse, barn)



□ Site (battlefield,
trail, landscape,
remains of
prehistoric village)

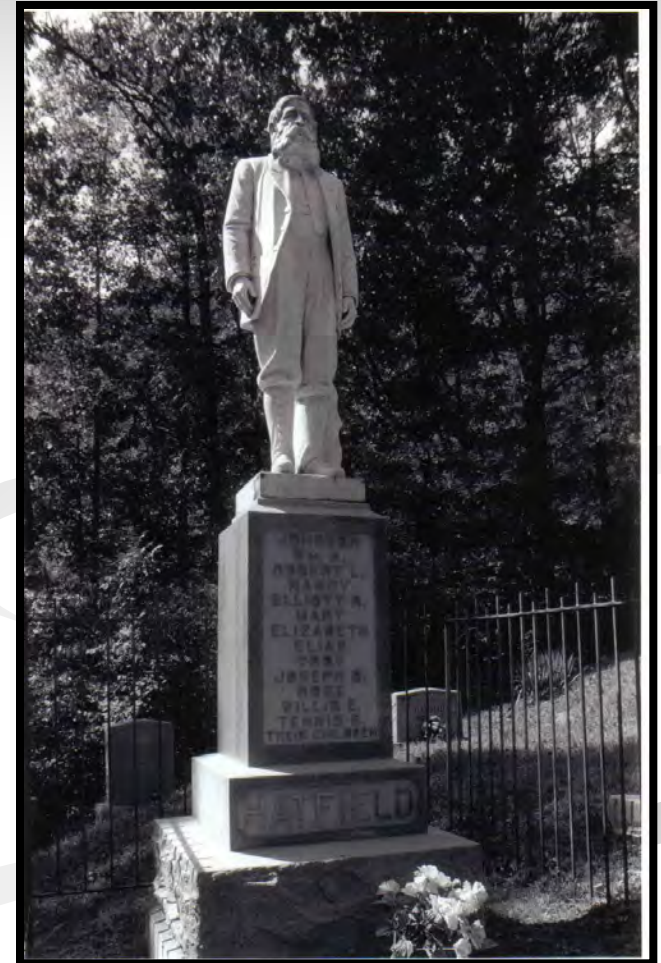


❑ Structure

(bridge, canal, dam, train)

❑ Object

(sculpture, monuments, fountain, mile markers)



District

(concentration of any of the above, residential areas, rural villages, large farm, linked ceremonial sites)



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(concentration of any of the above, residential areas, rural villages, large farm, linked ceremonial sites)

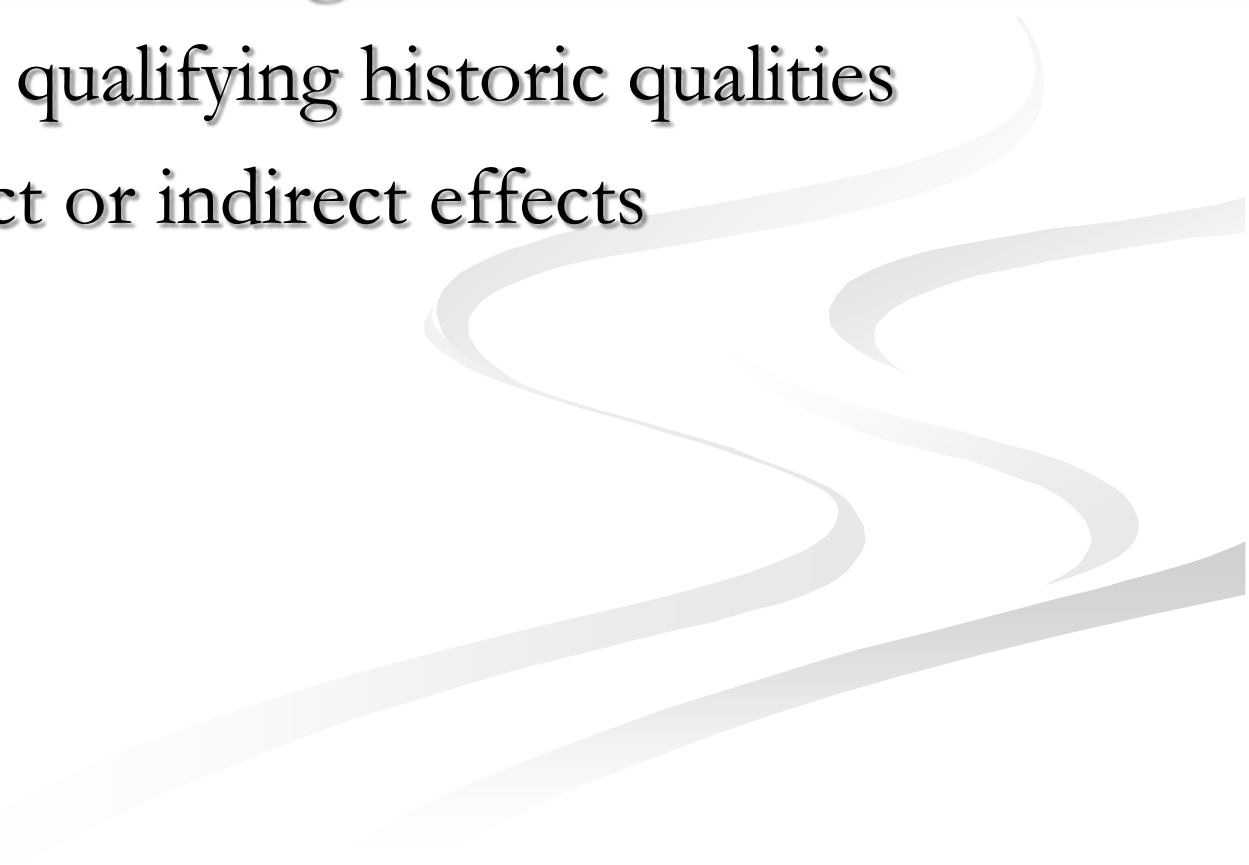


Concluding the identification and evaluation step

- No historic properties affected – SHPO agrees, issues final comments letter, process finished.
- Historic properties affected – process continues.



Step 3: Assessment of adverse effects

- Does the project alter characteristics that make the resource eligible?
 - Consider all qualifying historic qualities
 - Can be direct or indirect effects
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“No adverse effect”

- The undertaking will impact the historic resource; however, this impact will not be negative.
- Repair or rehabilitation of a building adheres to the Secretary of the Interior’s Standards for Rehabilitation

What types of activity are considered adverse?

- Physical destruction or damage from an undertaking.
- Alteration of the property including work done to preserve a property not performed to the *Secretary of the Interior's Standards for the Treatment of Historic Properties*.
- Removal of the property .
- Changes in historic purpose and use.
- Changes in the property's setting.
- Introduction of visual, atmospheric or audible elements.
- Neglect of a property.
- Transfer, lease, or sale out of Federal ownership without adequate restrictions or conditions to ensure long-term preservation of the property.

STEP 4: Resolution of Adverse Effects

- If federal review, agency must invite ACHP to participate.
Not necessary if state review.
 - Advisory Council on Historic Preservation
1100 Pennsylvania Avenue NW, Suite 803
Old Post Office Building
Washington, DC 20004
- For both reviews, agency consults with SHPO and other consulting parties
- For both reviews, Agency determines appropriate steps to mitigate adverse effect. SHPO is a consulting party.

STEP 4: Resolution of Adverse Effects

- For both state and federal review, Memorandum of Agreement concludes process.
- In federal undertaking, if no agreement between SHPO and agency, the Advisory Council provides final comments.
- In state undertaking, if no agreement between SHPO and agency, the SHPO provides final comments.

Project begins

- Review process is completed:
 - After final SHPO correspondence or....
 - After final ACHP correspondence (only with federal projects) or.....
 - After MOA is signed by all required parties.

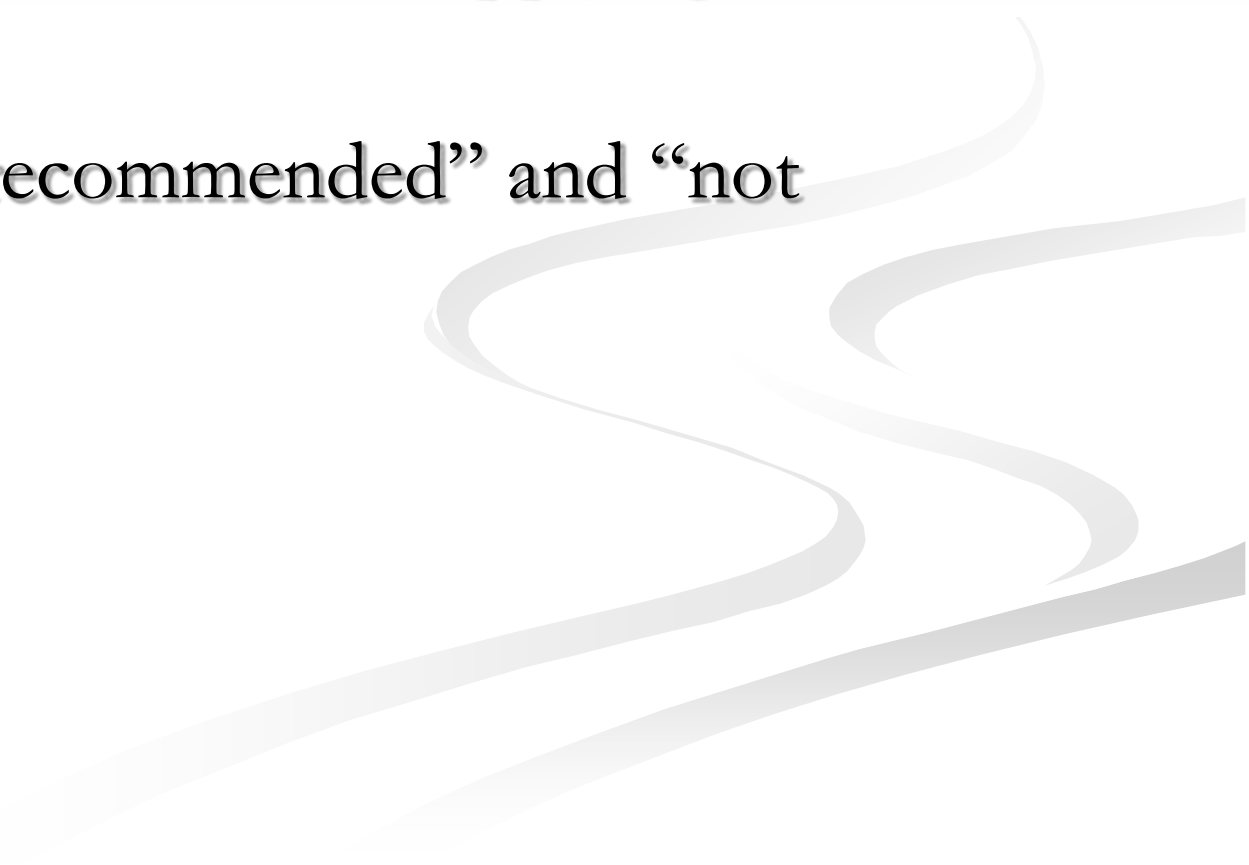
Learn More about Section 106

- <http://www.achp.gov/regs-rev04.pdf>
- <http://www.wvculture.org/shpo/review.html>
- <http://www.wvculture.org/shpo/sect106projchecklist.pdf>

Standards for Rehabilitation

- The National Historic Preservation Act of 1966
 - Dept. of Interior to establish Standards
 - Preservation, Restoration, Reconstruction, Rehabilitation
- Standards for Rehabilitation
 - Adopted in 1976

Learning more about The Standards

- Guidelines for Rehabilitating Historic Buildings
 - Developed in 1977 to assist in applying The Standards
 - Examples with “recommended” and “not recommended”
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Standard #1

“use for historic purpose/adapt to new use”

- Use property for historic purpose, or
- New use requiring minimal change to defining characteristics



Standard #1

“use for historic purpose/adapt to new use”



- This standard reflects that rehabilitation allows for modification to buildings to enable a contemporary use

Standard #2

“preserve character defining features”

- Identify what is *character defining*, then
 - Avoid removal of distinctive materials
 - Avoid alterations of features, spaces, and spatial relationships that characterize a property

Standard #2

“preserve character defining features”

■ Visibility

- Primary - front façade
- Secondary - visible yet relatively less detailed
- Tertiary - rear, least formal, least public

■ Spaces

- Primary/Public - Living areas, halls
- Secondary - bedrooms, kitchens
- Tertiary - attics, basements

Standard #2

“Preserve character defining features”



Standard #2

“Preserve character defining features”



Standard #2

“Preserve character defining features”



Standard #2

“Preserve character defining features”



Standard #3

“no false history”

- Do not create a false sense of history
- Do not add features or elements from other historical properties

Standard #3

“no false history”



Standard #4

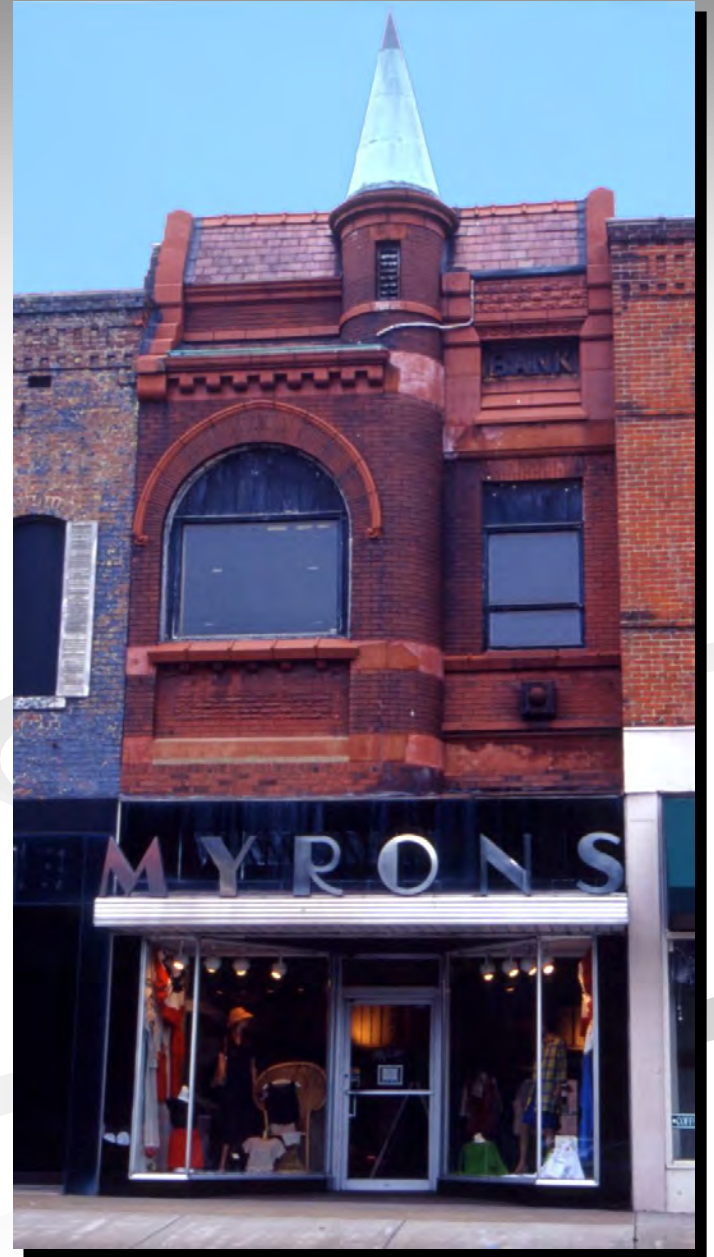
“retain historic changes”

- Features do not have to be original to be historic
- retain and preserve historic changes



Standard #4

“retain historic changes”



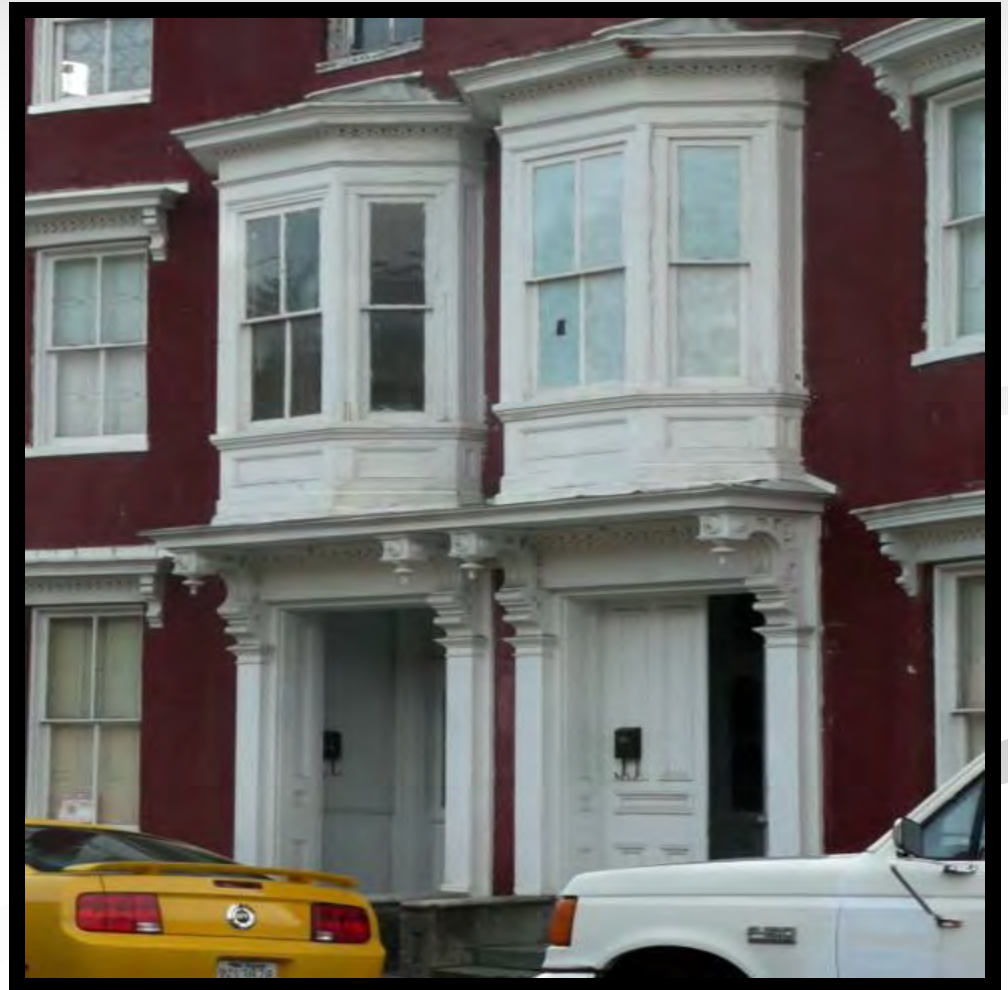
Standard #5

“preserve materials”

- Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved

Standard #5

“Preserve materials”



Standard #6

“repair rather than replace”

- Repair deteriorated historic feature. If repair is not possible, then
 - Replace in-kind

Standard #6

“repair rather than replace”

- Replacements are not as interesting, authentic or significant as the original
 - Think of the value of an antique vs. a replica



Standard #6

“repair rather than replace”



Standard #6

“repair rather than replace”



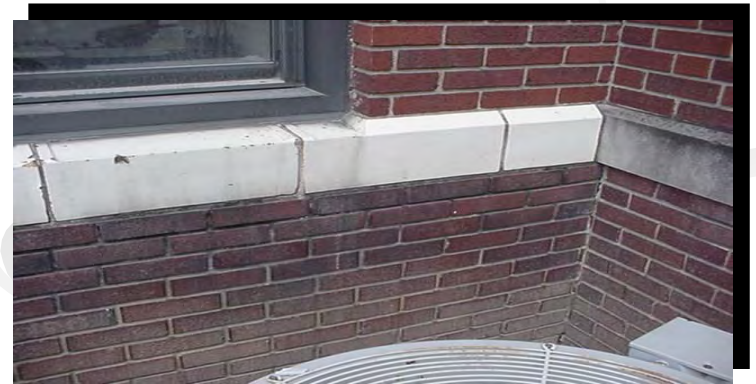
Standard #7

“select appropriate cleaning techniques”

- Avoid treatments that cause damage to historic materials such as sandblasting
- Select gentlest treatment for surface cleaning

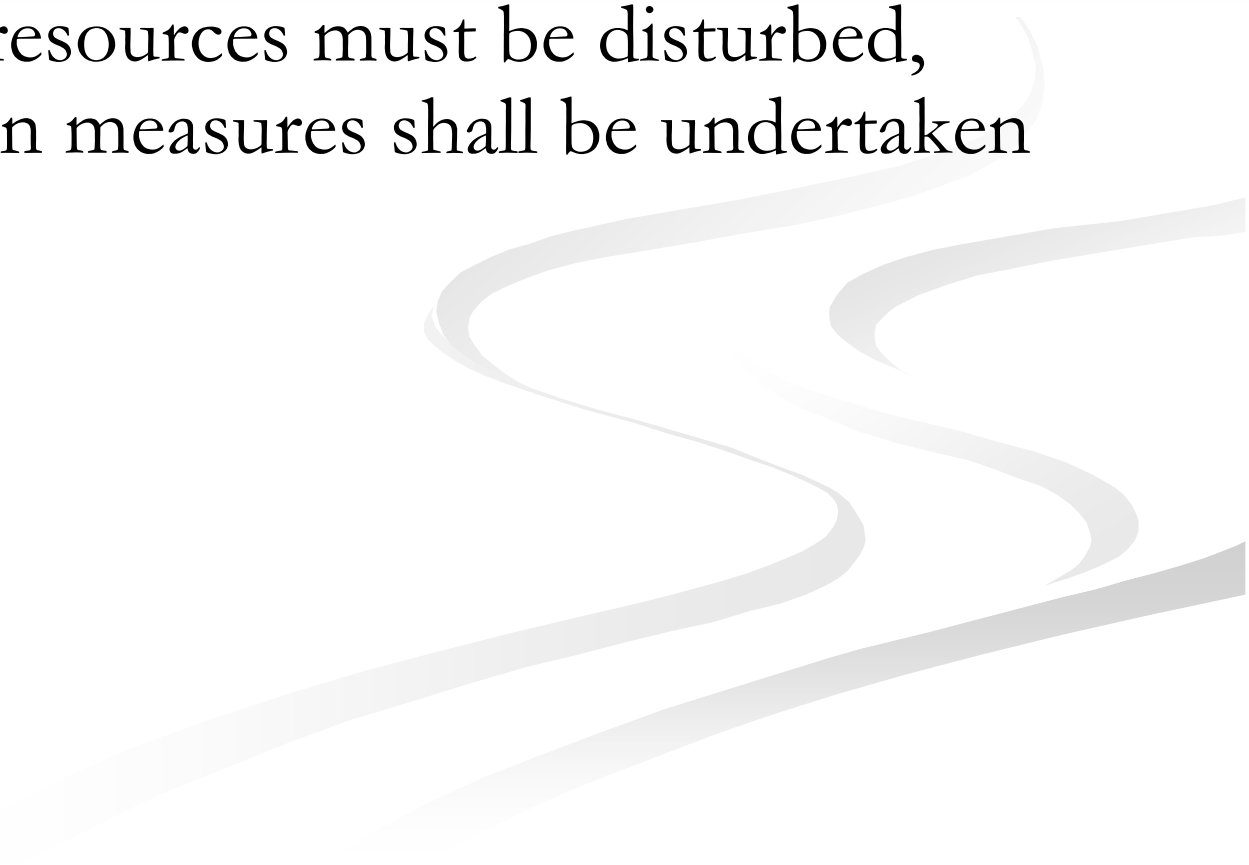
Standard #7

“Gentlest means possible”



Standard #8

“preserve archaeological resources”

- Protect and preserve significant archeological resources
 - If these resources must be disturbed, mitigation measures shall be undertaken
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Standard #8

“Preserve archeological resources”

Historic archeology can provide insight into construction techniques, foundation locations of earlier portions of a structure, and historic life styles



Standard #9

“distinguish new from historic”

- Maintain historic materials, features, and spatial relationships
- Differentiate new from the old
- Ensure compatibility of new features with the historic building or structure

Standard #9

“distinguish new from historic”




Standard #9

“distinguish new from historic”



Standard #10

“reversible”

- If removed in the future, new additions and adjacent or related new construction shall be undertaken in such a manner that it does not impact the integrity and essential form of the historic property
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Standard #10

“reversible”



Standard 10

“reversible”



Learning more about The Standards

<http://www.nps.gov/history/hps/TPS/>

[http://www.nps.gov/history/hps/TPS/standards_
guidelines.htm](http://www.nps.gov/history/hps/TPS/standards_guidelines.htm)