

ENVIRONMENTAL REVIEW PROTECTION FOR HISTORIC PROPERTIES

NEW YORK STATE HAS A WEALTH OF HISTORIC RESOURCES WHICH HAVE SPECIAL CHARACTER AND SIGNIFICANCE. ENVIRONMENTAL REVIEW IS A PLANNING PROCESS THAT HELPS PROTECT HISTORIC RESOURCES FROM THE IMPACTS OF GOVERNMENT-ASSISTED PROJECTS.

The Field Services Bureau in the Division for Historic Preservation serves as the State Historic Preservation Office (SHPO) and coordinates a variety of state and federal historic preservation programs. These include the identification, registration and protection of historic resources through the Survey, National Register, Environmental Review and Certified Local Government programs.

Far from playing a static role, these preservation programs bolster tourism, encourage investment in historic resources, and assist community growth and development through planning.

SHPO promotes rehabilitation through financial incentives offered by the Historic Preservation Tax Credit program and Environmental Protection Fund grants. Staff provide technical preservation advice to owners of historically and culturally significant properties.

The Field Services Bureau identifies historic resources and develops preservation approaches to protect those resources. We conduct thousands of federal, state and local reviews each year for projects that:

- are directly undertaken by state or federal agencies;
- receive state or federal funding; or
- require permits or licenses from state and federal agencies.

What is environmental review?

Environmental review is a planning tool. It ensures that historic preservation is carefully considered in the planning stages

of a publicly-funded and permitted projects. In conducting a review, we examine the impact a proposed project will have on buildings, neighborhoods, landscapes and archaeological sites which are listed or eligible for listing on the National Register of Historic Places.

What laws guide the review process?

There is legislation which establishes environmental review for each level of government:

- Section 106 of the National Historic Preservation Act of 1966 directs federal agencies to consider historic resources in their project planning.
- Section 14.09 of the State Preservation Act of 1980 establishes a parallel law for state agencies.
- The State Environmental Quality Review Act (SEQRA) of 1978 initiated local environmental review process for municipalities.

Who has to consult?

All state and federal agencies that fund, license or approve projects must consult with us to identify historic resources in their project areas and determine the effect their projects will have on those resources. Local lead agencies and governments are required to consider impacts as well and can seek our advice on proposed actions under SEQRA review.

What types of projects are reviewed?

The Bureau reviews virtually all types of projects, from housing rehabilitation to road improvements to new construction.

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Empire State Development Corporation's redevelopment project in Manhattan would have razed the Henry Miller Theater. Project review under Section 14.09 resulted in the preservation of a significant portion of the historic theater and its incorporation into the renewal plans.



Rehabilitation of the Oswego Library was partially funded through the Environmental Protection Fund. The Section 14.09 review considered the addition's distinct, yet compatible design.



New construction or expansion projects are reviewed to determine possible impacts on archeological resources. Wooden elements of an 18th century wall/fortification of the Battery in NYC were found during excavation for the New South Ferry Subway Station. The Section 106 review guided the full documentation of the wall and the partial rebuilding of one section in the new station.



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Review of the construction of fish ladders at an historic dam across the Bronx River ensured that the work successfully combined the preservation of the natural and built environments.

How can I get preservation advice?

Having worked on a number of exciting and challenging projects all around the state, SHPO staff draw on an extensive body of information and experience to offer professional advice on the preservation, maintenance and rehabilitation of historic resources. It is a good idea to contact us before plans are drawn and especially before any construction work begins.

How do I submit a project for review?

Project materials must be submitted with a Project Review Submission Cover form. We are not able to accept materials by email or fax. The form and instructions are at www.nysparks.com/shpo/environmental-review/.

What types of projects are reviewed by the Environmental Management Bureau (EMB)?

If your project involves or is adjacent to New York State parkland, a separate review may be required by the NYS Environmental Management Bureau, located in the Office of Parks, Recreation and Historic Preservation. Guidelines are available at www.nysparks.com/environment/environmental-management.aspx.

For more information

To find out about known historic and archaeological resources in New York State, please visit our web site at www.nysparks.state.ny.us/shpo and select "Online Tools." This page includes links to user guides and program information for:

- NYS National Register Document Imaging Program
- A Geographic Information System (GIS) program for National Register properties and archaeological sites
- A general historic property inventory program known as SPHINX (State Preservation Historic Inventory Network Exchange)

The **National Register** website has detailed guidelines on criteria for listing properties: www.nps.gov/history/nr/

National Park Service publications cover extensive preservation topics, including technical issues on building materials, rehabilitation and repairs:

www.nps.gov/history/hps/tps/topics/index.htm.

Technical Unit

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Does this review apply to privately-funded projects?

Whenever a privately funded project needs state or federal permits or licenses, SHPO must review the project. Additionally, certain projects may be subject to SEQRA review if local agency permits or licenses are needed.

How does the review process work?

The Bureau evaluates the work performed using federal preservation standards and staff provide recommendations to the involved agencies. We work closely with owners and agencies to make certain that the overall project is appropriate and does not detract from the special character of the historic resource. In some cases, we look at reasonable alternatives or develop mitigation measures to help reduce or avoid negative effects.

Reviews are conducted in two stages. The first determines whether a property is listed or is eligible for listing in the New York State or National Registers of Historic Places. If listed or determined eligible for listing, then staff will consider whether the proposed action/project will have an impact/effect on the qualities of the property that make it eligible.

When is an archaeological review required?

When a project causes ground disturbance, such as new construction or the significant expansion of existing buildings, the project will also be reviewed by the Archeology Unit staff who determine whether the project site falls within a known area of archeological sensitivity. If so, they will request phased surveys to determine if archeological sites are present and the extent of the project's potential impact. Review for archeological resources is an important aspect of environmental review and can take some time to complete. Project sponsors should consider the potential archeological resources early in the planning process.

How long does the process take?

SHPO staff have 30 days to respond to a project, beginning from the date when a submission is *received*. If additional information is required or revised plans need to be submitted and reviewed, the process can take up to 30 days for each subsequent submission.