



New York State
Parks, Recreation and
Historic Preservation

Regulatory Review with the New York State Historic Preservation Office (SHPO)

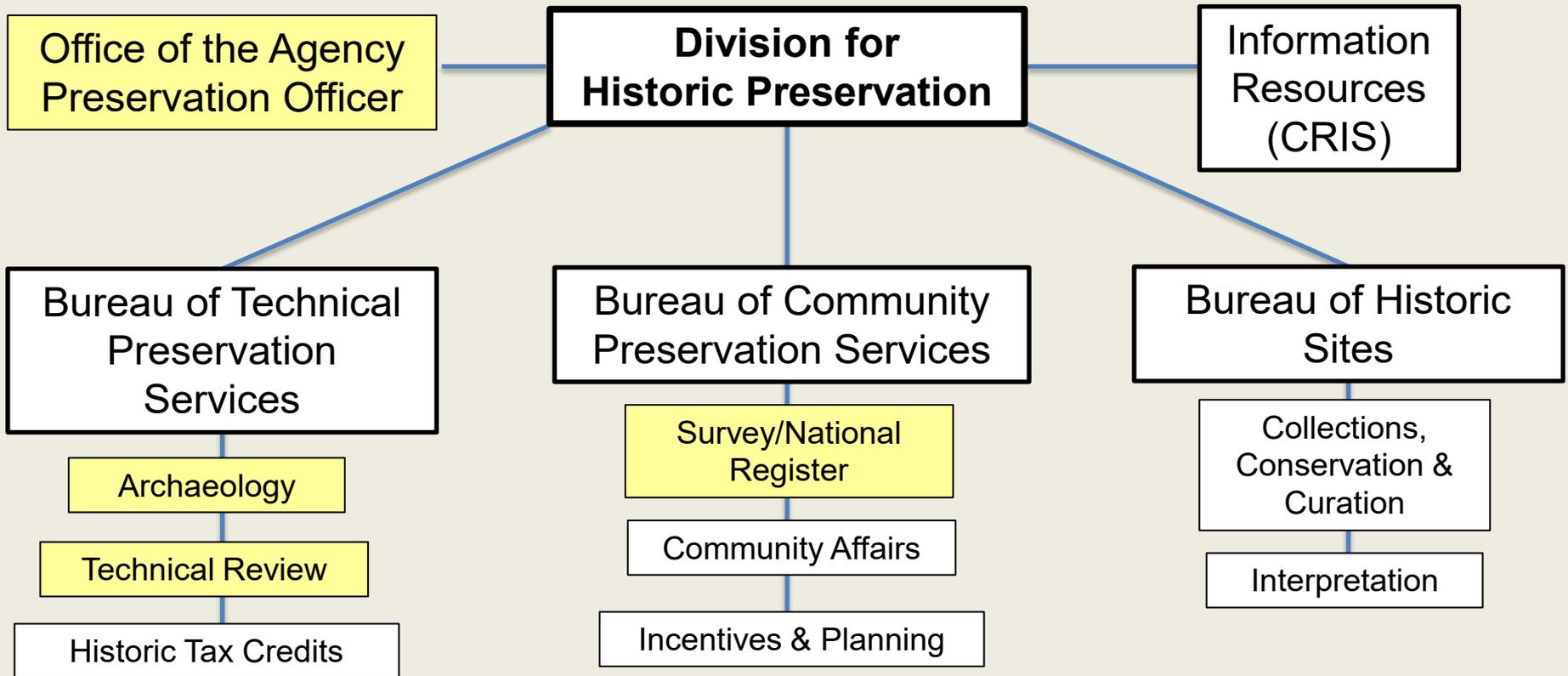
Rural Housing Coalition Conference | September 2024

Division for Historic Preservation

Primary responsibility under state and federal preservation laws is to *identify, evaluate, register* and *protect* historic and cultural resources.



<https://parks.ny.gov/shop/contact>



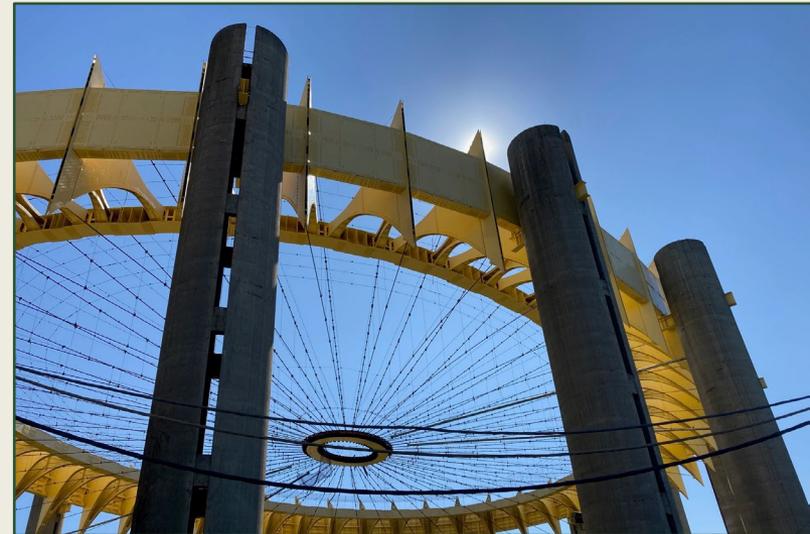
State Historic Preservation Act ~ “Section 14.09”

- Created the State Register of Historic Places (uses same criteria as the National Register)
- Section 14.09 of this law established a review process for state funded, permitted or licensed project



National Historic Preservation Act ~ “Section 106”

- Created the National Register of Historic Places
- Established Criteria for listing
- Section 106 of this law established a cultural resources review process for federal actions or federally assisted or permitted actions

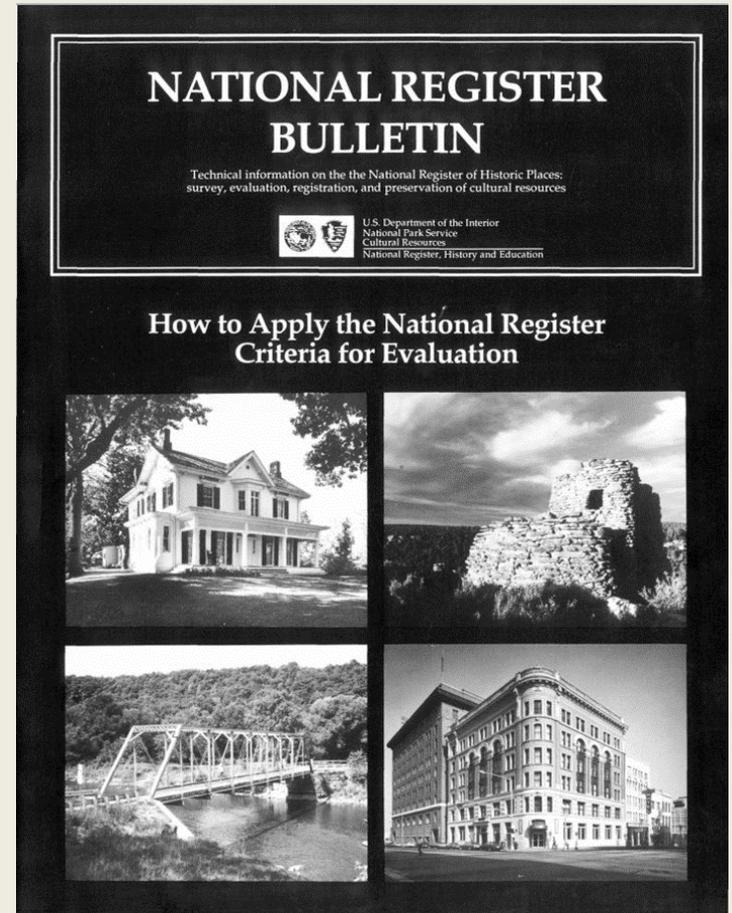


National Register Criteria

National Register Criteria for Evaluation are found in the *Code of Federal Regulations*, Title 36, Part 60.

The criteria help us to determine what qualifies a property for listing:

- Must meet at least one of the criteria
-and-
- Retain historic integrity of those features necessary to convey significance
- Generally, 50 years old or older



National Register Criteria for Evaluation

The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

Criterion A (History): Properties that are associated with events that have made a significant contribution to the broad patterns of our history

Criterion B (Person): Properties that are associated with the lives of significant persons in our past

Criterion C (Design): Properties that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction

Criterion D (Archaeology): Properties that have yielded or may be likely to yield, information important in history.



Buildings

A building, such as a house, barn, church, hotel, or factory, is created principally to shelter any form of human activity.



Rasweiler Angus Farm, Shepherd's Run Solar Facility, Columbia County (Built ca. 1850)

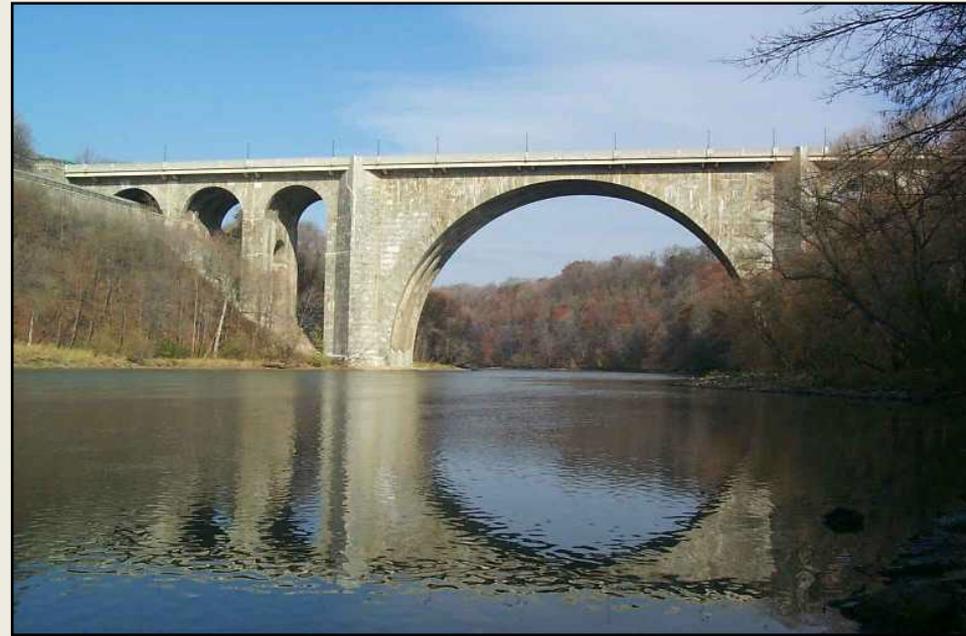


Structures

The term “structure” is applied to those entities made primarily for purposes other than creating human shelter.



John J. Harvey Fireboat, NYC (1931)



Veterans Memorial Bridge, Rochester,
Monroe County (Built 1931)



Objects

The term “object” is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.



Soldier's Memorial Fountain, City of Poughkeepsie,
Dutchess County (Mid 19th Century)



Sites

A site is the location of a significant event, a precontact or historic occupation or activity or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.



Districts

Mount Morris Park Historic District, New York City



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Districts

Papscanee Island

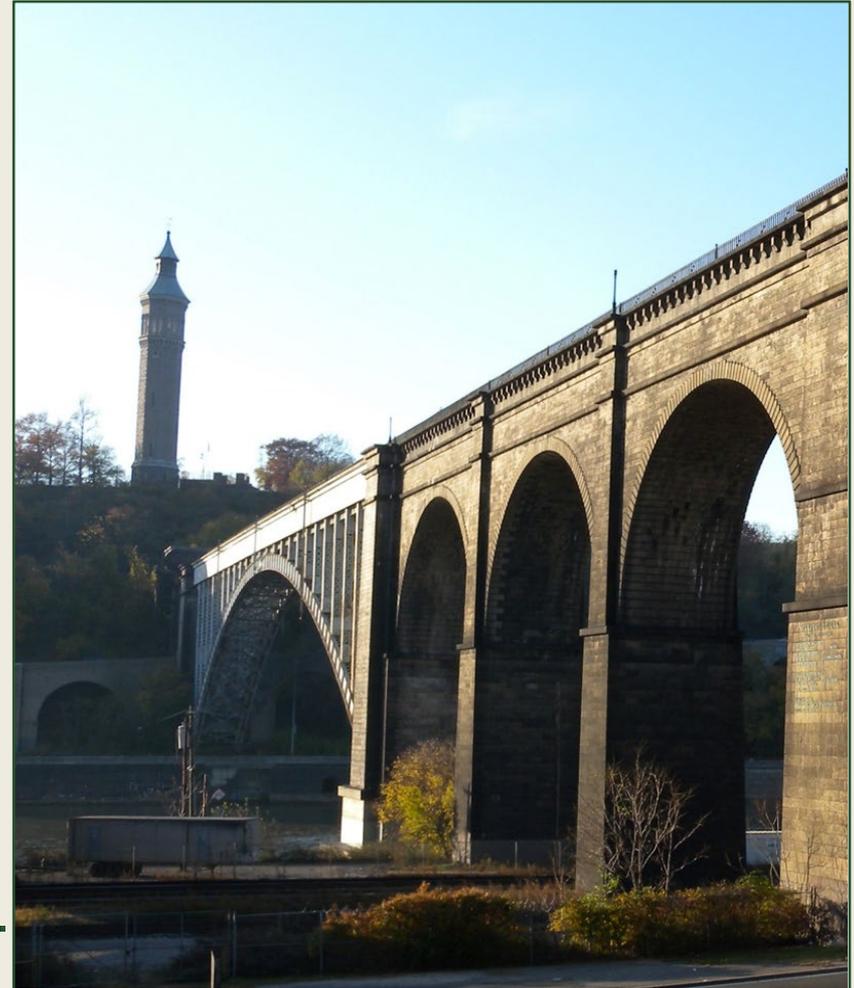
Papscanee Island Historic District
Towns of East Greenbush and Schodack, Rensselaer County, New York



Regulatory Review: what's the hook?

State and federal agencies that fund, license, or approve projects **must consult** with the SHPO to determine if historic or cultural resources will be affected by the proposed activity.

Historic preservation environmental review ensures that properties that are **listed** or **eligible for listing** on the registers are considered and adverse impacts are avoided or mitigated during the project planning process.



FACT

- For compliance reviews under Section 106 of the National Historic Preservation Act and Section 14.09 of the State Historic Preservation Act **no distinction** is made between National Register **eligible** properties and National Register **listed** properties.
- **Equal consideration is given to eligible and listed** properties when assessing potential impacts.



SHPA/Section 14.09 Review Steps

Step 1: Determine if there is a state action, or a state funded, permitted, or licensed action (the “undertaking”).

Step 2: Determine if historic properties are present in or around the project area.

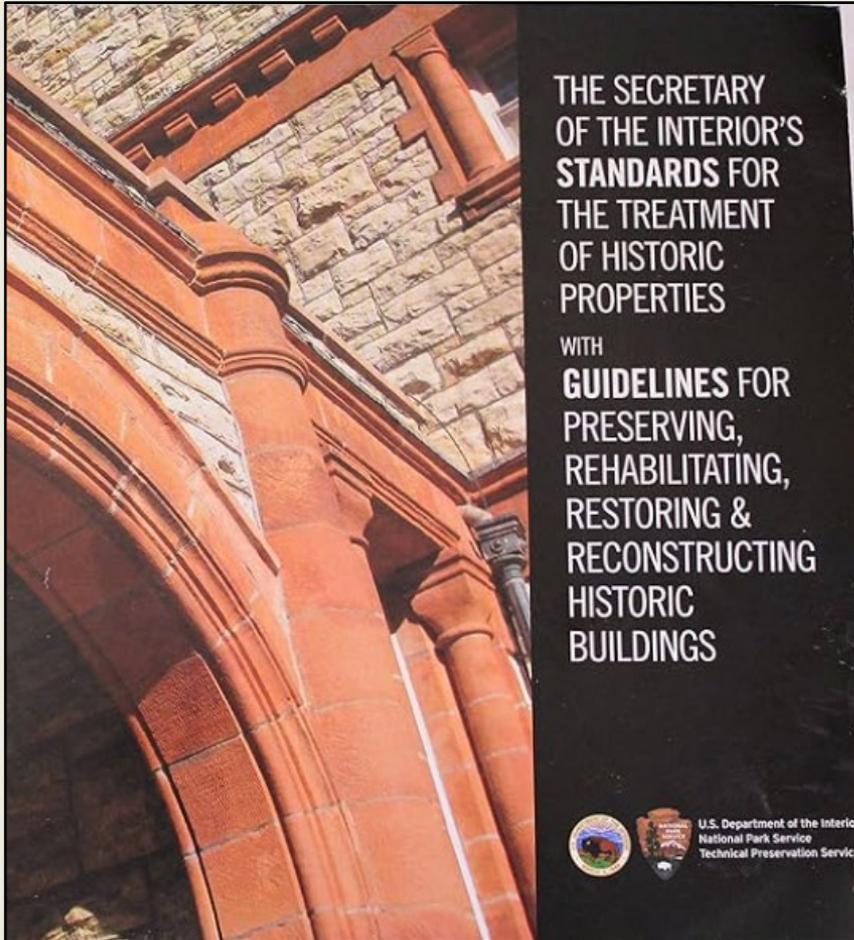
Step 3: Determine if the project will have an adverse impact on historic properties.

Step 4: Assess potential alternatives that might avoid or minimize adverse impacts.

Step 5: Resolve adverse impacts using appropriate mitigation measures, if no reasonable minimization or avoidance alternatives exist.



Secretary's Standards for Rehabilitation



What are Adverse Impacts

Adverse impacts occur when a project alters, directly or indirectly, any of the characteristics of a historic property that qualify it for inclusion in the National Register of Historic Places.



Alternatives Analysis

A comprehensive Alternatives Analysis will include:

- A detailed statement of the project's **Purpose and Need**
- Clear identification of the **Preferred Alternative**
- Clear identification of all other **Alternatives** that were analyzed (Rehabilitation, Adaptive Reuse/New Construction, Site Plan changes...)
- Detailed Analysis** of each Alternative
- A statement of **Conclusion** explaining the findings of the analysis
- Appendices, as applicable



Common Mitigation Measures

HISTORIC AMERICAN BUILDINGS SURVEY
HART ISLAND, BLOCK 5649, LOT 1, BRONX COUNTY, NEW YORK
SEE INDEX TO PHOTOGRAPHS FOR CAPTION
HABS PHOTOGRAPH No. 5-1



Section 106 NHPA Review Steps

Step 1: Determine if there is a federal action, or a federally funded, permitted, or licensed action (the “undertaking”)

Step 2: Determine if historic properties are present in or around the project area

Step 3: Determine if the project will have an Adverse Effect on historic properties

Step 4: Invitation to Consulting Parties to Consult

Step 5: Assess potential alternatives that might avoid or lessen identified adverse effects.

Step 6: Resolution of adverse effects through mitigation. Consulting parties may sign onto an agreement document if invited by the lead agency.



National Historic Landmarks



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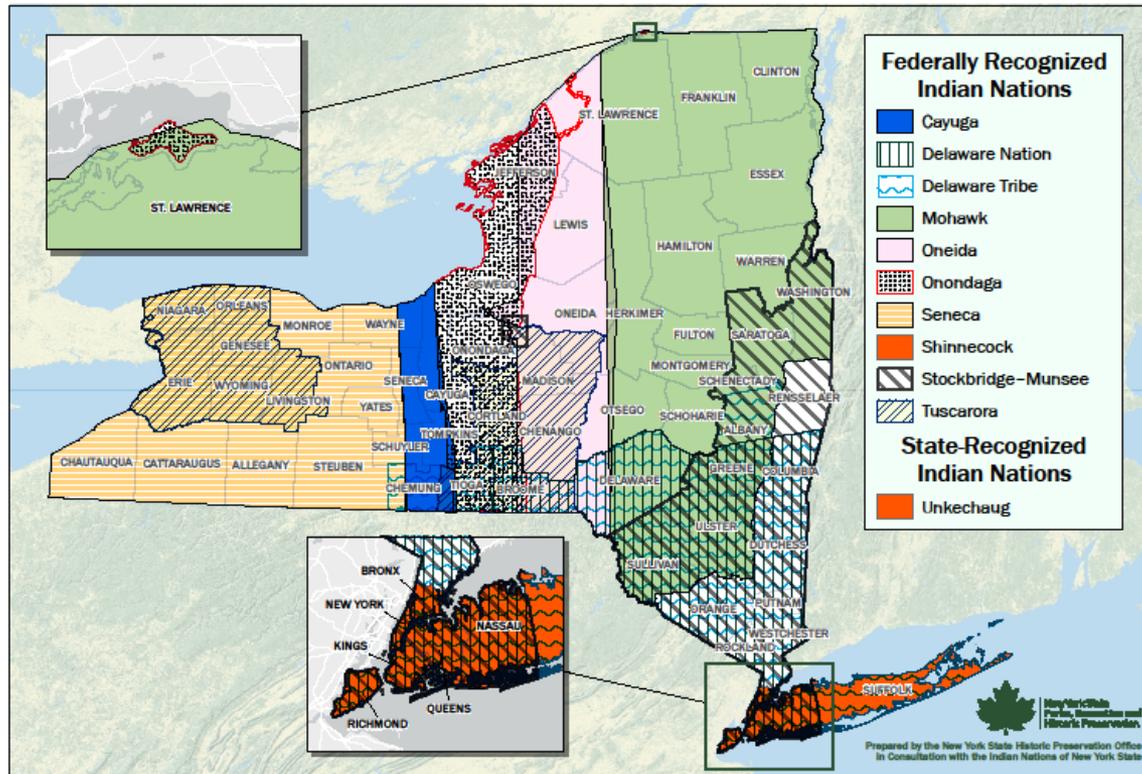
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Indian Nation Consultation

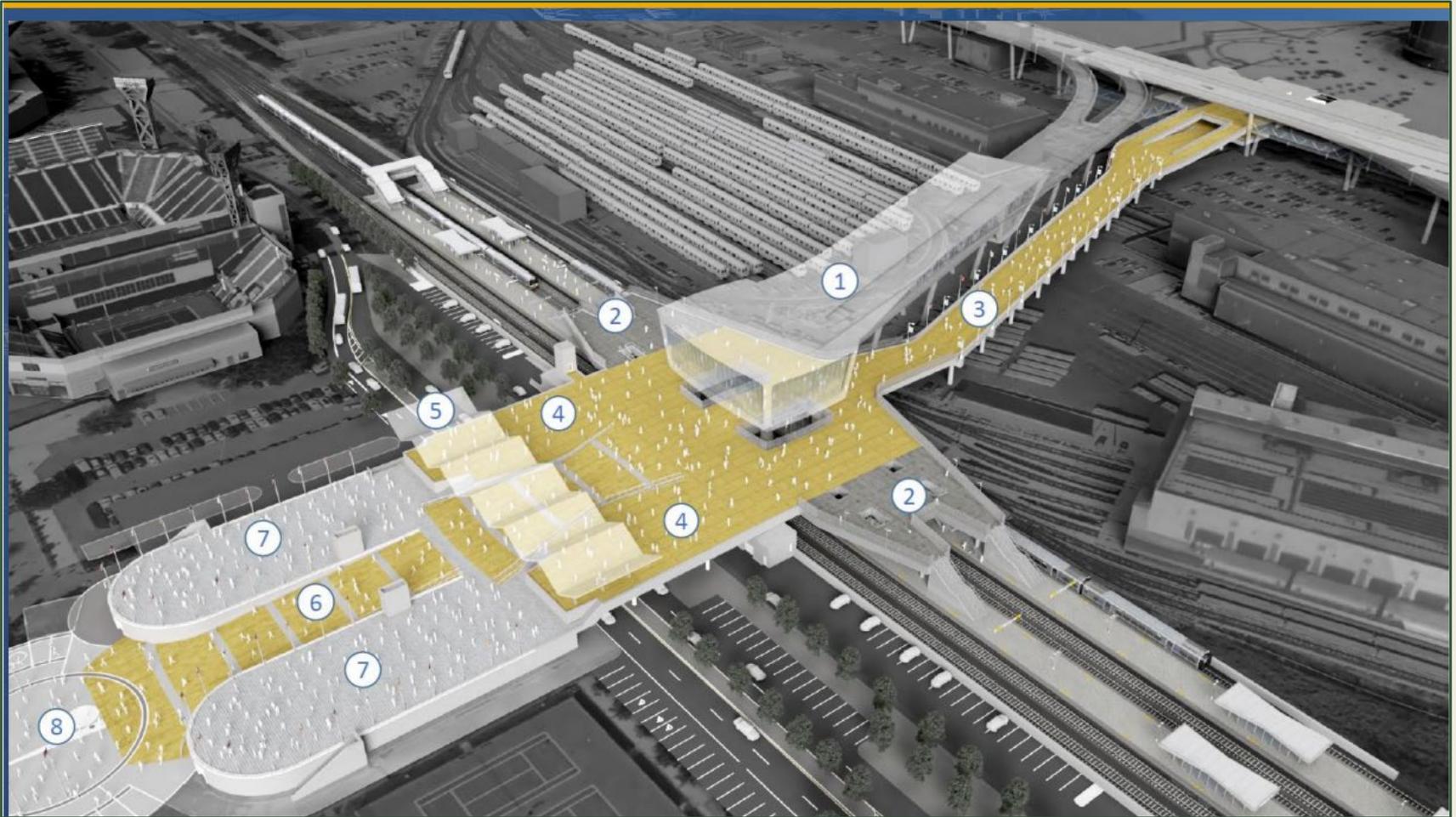
Indian Nation Areas of Interest

January 2024

For tribal consultation purposes only. If a project is located near a boundary, please consult the adjacent Indian Nation(s).



SEQRA and NEPA



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Cultural Resource Information System

CRIS Cultural Resource Information System

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Consultation



Need a letter from SHPO? Submit a project for review under State or Federal historic preservation laws.

Independent Survey



Submit an independent building, archaeological, or Trekker survey.

Evaluation of Eligibility



Seek SHPO's evaluation of a property's eligibility for the State and National Registers (a third-party request).

National Register Application



Begin the National Register nomination process.

Inventory Form



Share information on a historic property in your community.

Other Options

[Submit New Information for an Existing Project](#)
[View an In-Progress Initial Submission](#)



CRIS Steps

Step 1. Contact Information

Step 2. Project Overview (project name/project description)

Step 3. Agency Overview (list of involved state and federal agencies)

Step 4. Project Level Attachments (maps, plans, photos, etc.)

Step 5. Project Location (GIS map location)

Step 6. Built Resource (Architectural resources info)

**SHPO Staff generally respond within 30 days.*



What types of projects trigger 14.09 and 106?



What types of projects trigger 14.09 and 106?



What types of projects trigger 14.09 and 106?





Q & A

Peebles Island State Park
Waterford, New York



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