

Stop, Look, and Listen: Understanding Section 106 Review

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History Nebraska*

Overview

- Purpose of Section 106 Review
- Four Step Process
- Projects Subject to Section 106
 - Single Family Homes
 - Multi-Family Homes
 - Downtowns (DTR)
 - Bridges
 - Auditoriums
 - Farmsteads
 - Canals
- Section 106: Practice Examples



National Historic Preservation Act of 1966

- Congress established a program to preserve the historical and cultural foundations of the nation as a part of community life.
 - SHPO Offices in every state and territory
 - National Register of Historic Places
 - Tax Credit Programs
 - THPOs
 - Section 106 Review
- Was enacted in response to Urban Renewal and the Interstate Highway Act, which had been fundamentally changing the way our cities looked and functioned.



Purpose of Section 106 Review

- Requires federal agencies to consider the projects they carry out, approve, or fund, and the projects' effects on historic properties.
- Members of the public have a voice when federal actions may affect properties that qualify for the National Register of Historic Places
- Section 106 review encourages but *does not mandate* preservation.

Community Engagement

- Section 106 requires a federal agency notify the public of proposed projects and offer the public an opportunity to provide input in a timely manner.
- This gives members of the public a voice when properties that qualify for the National Register of Historic Places may be effected by federal actions.
- You or your organization may write to the federal agency asking to become a consulting party in a specific project.



Four Step Process (in theory)

1. Initiation of Section 106 Review
2. Identification of Historic Properties
3. Assessment of Effects to Historic Properties
4. Resolution of Adverse Effects

Initiation of Section 106 Review

History NEBRASKA HISTORIC PRESERVATION ONLINE SECTION 106 PROJECT FORM FOR INDIVIDUAL STANDING STRUCTURES

NESHPO Use Only
Date Received _____
SP Number _____

Submission of a completed Project Information Form with adequate information and attachments constitutes a request for review pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). More information may be required to adequately complete the Section 106 process. Submit completed form to HN.HP@nebraska.gov.
NOTE: Section 106 regulations provide for a 30-day response time by the Nebraska State Historic Preservation Office from the date of receipt.

PROJECT NAME (if applicable) _____ PROJECT NUMBER (if applicable) _____
COUNTY _____ STREET ADDRESS (No P.O. Box Numbers) _____ CITY _____
FEDERAL AGENCY OR DESIGNEE _____
CONTACT PERSON _____ CITY, STATE ZIP _____ TELEPHONE _____
EMAIL (for response) _____

PROJECT DESCRIPTION
Briefly describe the overall project.

DESIGNATIONS
To the best of your knowledge, is the structure any of the following?
 Listed Individually on the National Register Listed within a National Register Historic District
 Designated Local Landmark Designated Local Landmark District

PHOTOGRAPHS
Please provide photographs of all structures. Photographs of neighboring or nearby buildings are helpful. Go to page 2 to insert photo(s).

NESHPO USE ONLY

Nebraska SHPO Determination Site Number: _____
 No potential to cause effects Adverse effect (More consultation needed)
 No historic properties affected The SHPO requests additional information (see attached)
 No adverse effect

Review & Compliance Coordinator _____ Date _____
State Historic Preservation Office, Nebraska State Historical Society

- Federal agency (or designee) submits a request for review to our office.
- Determine if there is an undertaking
 - Any activity that is likely to have an effect on historic properties
- Could use our form, or you could also send us a letter with photographs of the property.
- Can be emailed to HN.HP@Nebraska.gov, directly to me, or mailed to 1500 R Street, Lincoln, NE 68508
- COMMUNICATE WITH SHPO EARLY AND OFTEN!

Identification of Historic Properties

- SHPO determines if the property is listed individually, in a historic district, or eligible for listing.
 - It does help if you are already aware of a property being listed. Communicate with SHPO early if you have questions on a building's eligibility.

What do I Consider in the Review Process?

Public Works, Owner Occupied Rehabilitation, DTR

- Is it in a historic district or potential district?
- Is it eligible individually or already listed?
- Does it still retain its historic integrity? Original doors, windows, siding, cast iron storefronts, masonry, etc.?
- Are there historic features of the streetscape that will be impacted by the project?



Cities with Commercial HISTORIC DISTRICTS

Alliance	Kearney
Auburn	Lincoln
Beatrice	Nebraska City
Broken Bow	Neligh
Chadron	Omaha
Columbus	Pawnee City
Cozad	Plattsmouth
Crete	Ponca
Fairbury	Red Cloud
Falls City	Schuyler
Fremont	Seward
Grand Island	Sidney
Grant	Steele City
Hartington	Superior
Hastings	Tecumseh
Hooper	Unadilla
Humboldt	Wayne

1,750+ Contributing Buildings



Assessment of Effects to Historic Properties

1. Initiation of Process with submittal of official form or letter.
2. SHPO determines if the property is listed individually, in a historic district, or eligible for listing. If no, project gets a quick “**No Historic Properties Affected**” sign off.
3. If yes, we study the project plans and try to anticipate their effects on historic properties, using the Secretary of the Interior’s *Standards for the Treatment of Historic Properties*.

Secretary of the Interior's *Standards for the Rehabilitation of Historic Properties*

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Assessment of Effects to Historic Properties

4. If the project will not have an effect on the property's historic character or materials, then the project gets a "No Adverse Effect" finding. Examples: new roof, new HVAC, insulation in attic, new appropriate windows, etc.
5. If the project is likely to have an effect on the building's historic appearance, we try to suggest alternatives and find compromise in order to reach a No Adverse Effect or No Adverse Effect with Conditions assessment. Example: Repair windows rather than replace, etc.
6. If there is no avoiding the Adverse Effect, we may have to find a way to mitigate the adverse effect.

Memorandum of Agreement filed with the Advisory Council on Historic Preservation

Adverse Effects



- **Examples Adverse Effects:** physical destruction or damage, alteration, moving to a new location



Resolution of Adverse Effects

- SHPO and designee consult “to develop and evaluate alternatives or modifications that could AVOID, MINIMIZE or MITIGATE adverse effects.
- Consider Alternatives. Could windows be repaired rather than replaced? Is there a more suitable material that looks like the historic materials?
- Resolution may include finding some creative way to do something for the public benefit if nothing else.
- **Resolution agreed upon?** Write a Memorandum of Agreement (MOA) or Programmatic Agreement (PA) to document what each player is going to be responsible for and file with the ACHP.

Projects Subject to Section 106

- Single Family Homes, Multi-Family Homes, Downtowns, Bridges, Auditoriums, Farmsteads, and Canals
- Are they historic? Are they eligible? What makes them historic?
- Appropriate and Inappropriate Projects
- Information Needed and No Needed

Project Type: Single Family Home

- 50 years old?
- Eligible or already listed? In a district or individually
- Examples of an architecture type with integrity, relationship with significant figures or events
- Common Project: Weatherization
- Appropriate: In-kind window replacement, roof repair, re-painting, caulking, furnace work
- Inappropriate: siding, vinyl windows, different roof material, painting brick, additions
- Description of whole project; good, current photos; photos of all elements being replaced; specifics on window/door replacements
- Do not need to know costs; why the program exists/history of it



Project Type: Multi-Family Home

- 50 years old?
- Eligible or already listed?
- Examples of an architecture type, relationship with significant figures or events
- Common Projects: Weatherization, interior upgrades, exterior rehabilitation
- Appropriate: In-kind window replacements, brick repair, rehabilitating original elements
- Inappropriate: vinyl windows, painting brick, changes to building profile, lowering ceilings
- Description of whole project; good, current photos; photos of all elements being replaced; specifics on window/door replacements, drawings of changes
- Do not need to know costs; why the program exists/history of it

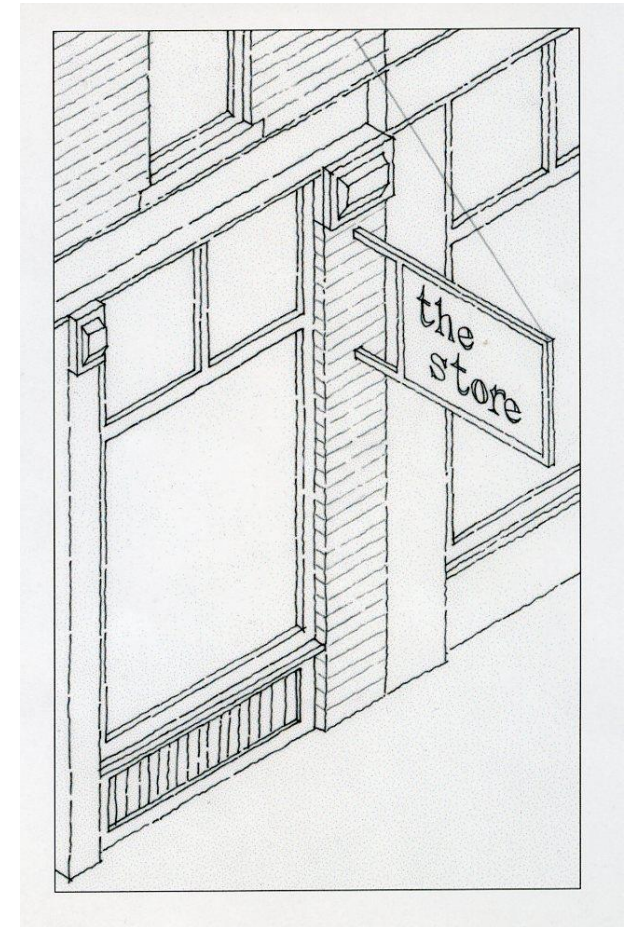
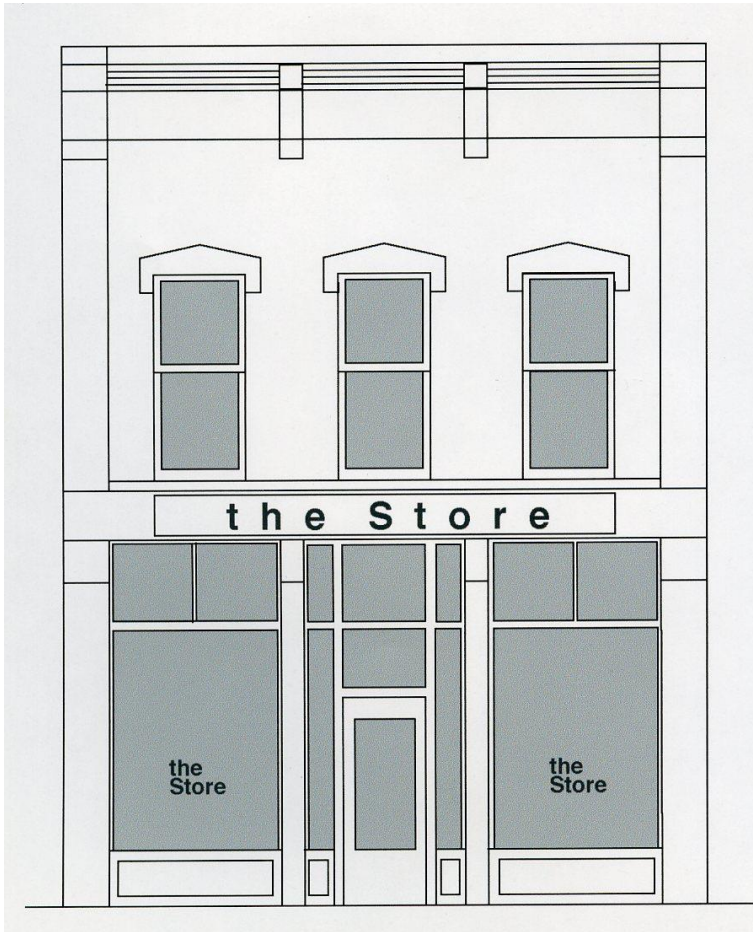


Project Type: Downtown Revitalization/Commercial Buildings



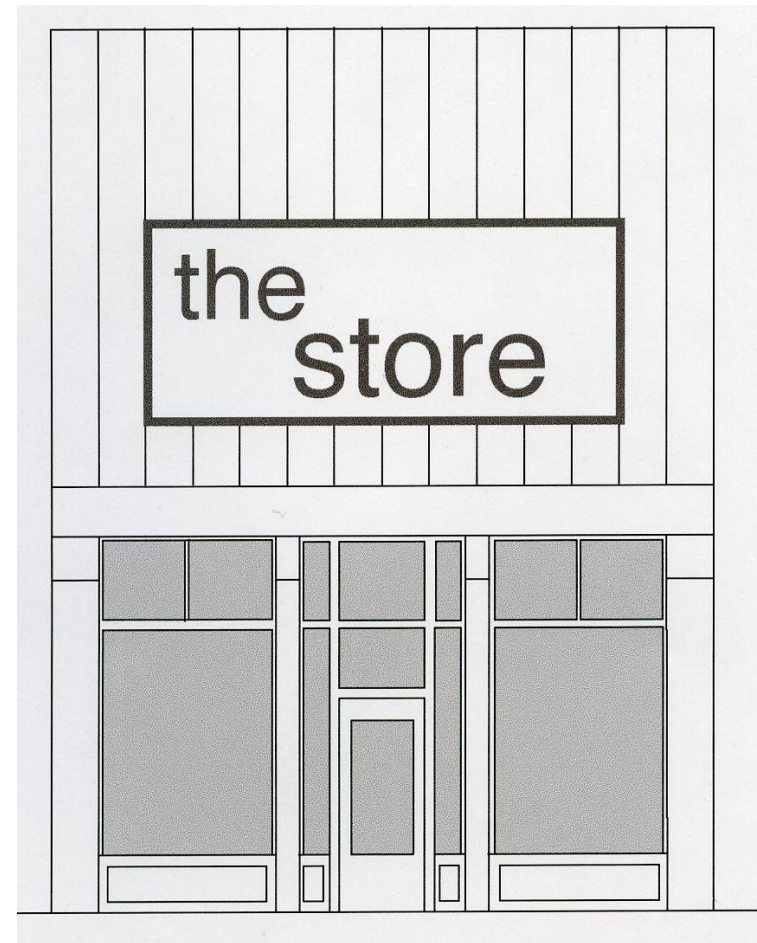
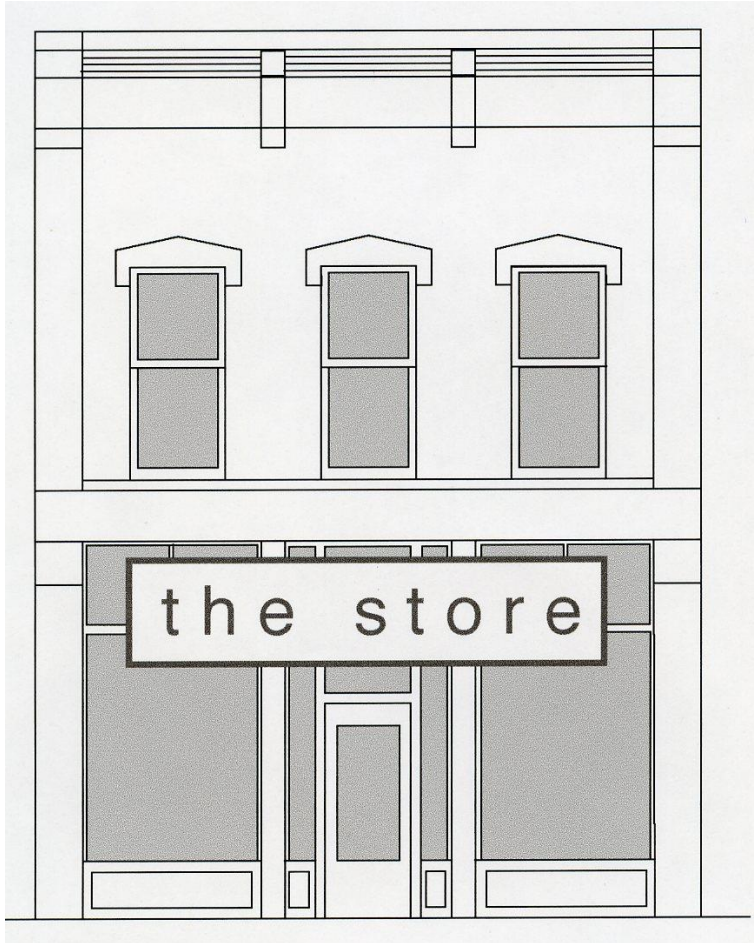
- Eligible or already listed?
 - Mid-Century alterations can still be historic
- Relationship with significant events, examples of an architecture type
- Common Projects: restoration, ADA, façade improvements, signage
- Description of the whole project; good, current photos; photos of all elements being replaced; specifics on replacements, why are they being replaced, drawings of changes
- Do not need to know costs; why the program exists/history of it

Appropriate Façade Projects: Signage

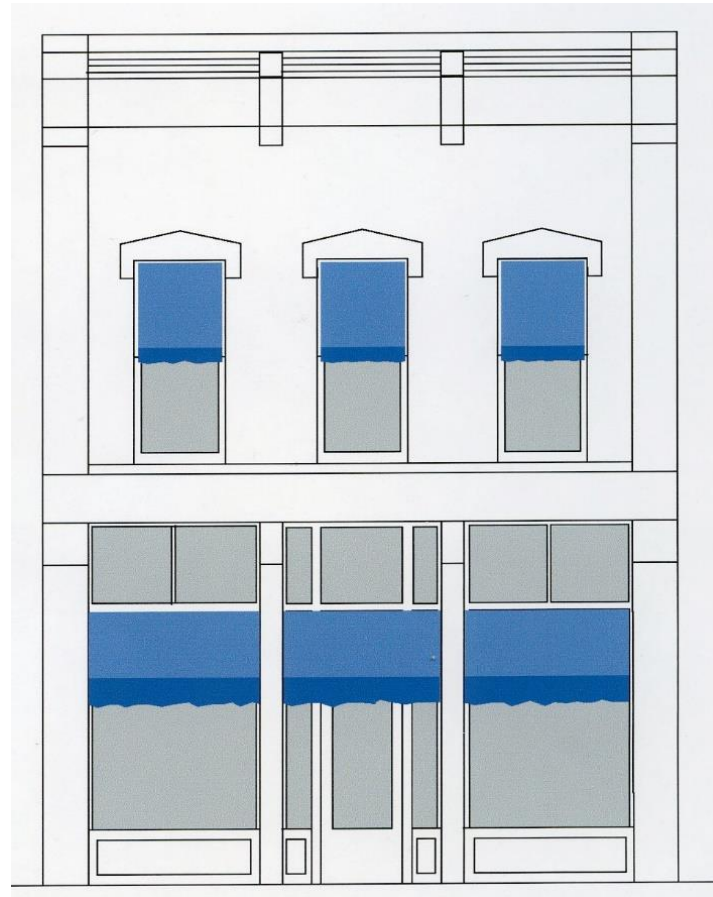
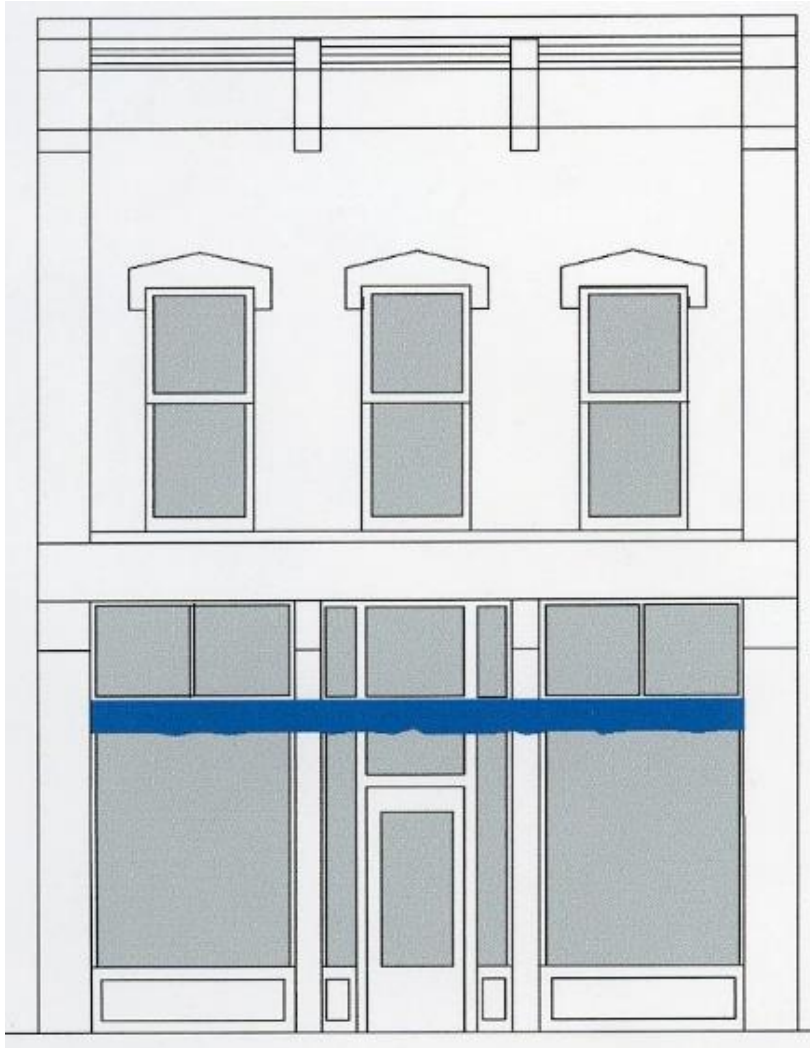


*Care taken not to damage brick.

Inappropriate Signage



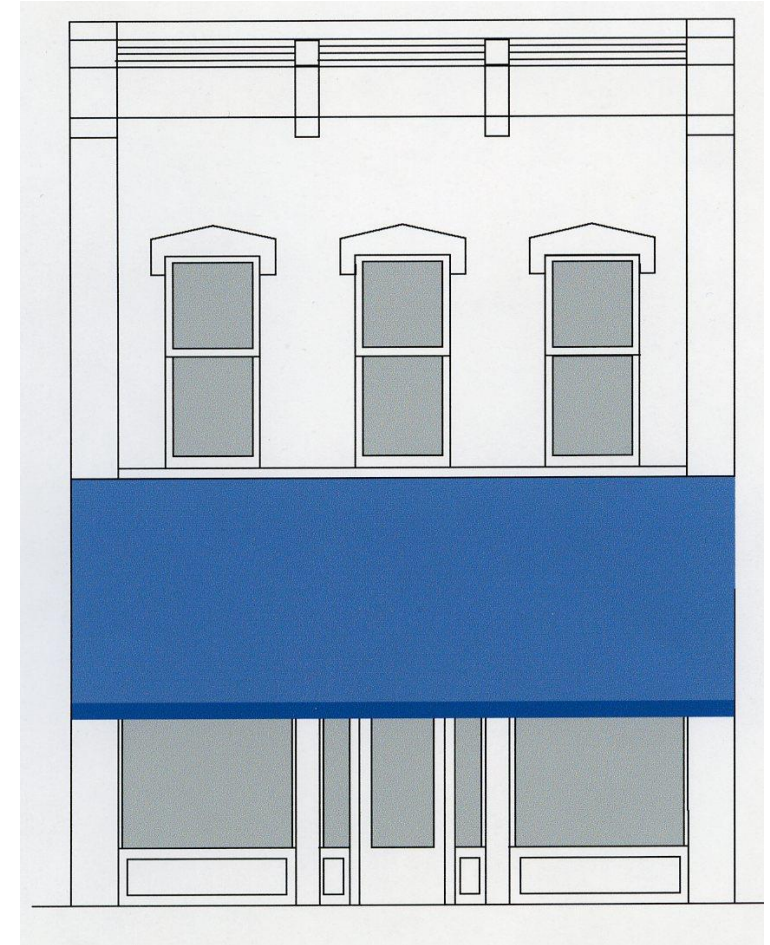
Appropriate Façade Projects: Awnings



- Mid-Century awnings can be historic.
- The rehabilitation and installation of one can be appropriate.

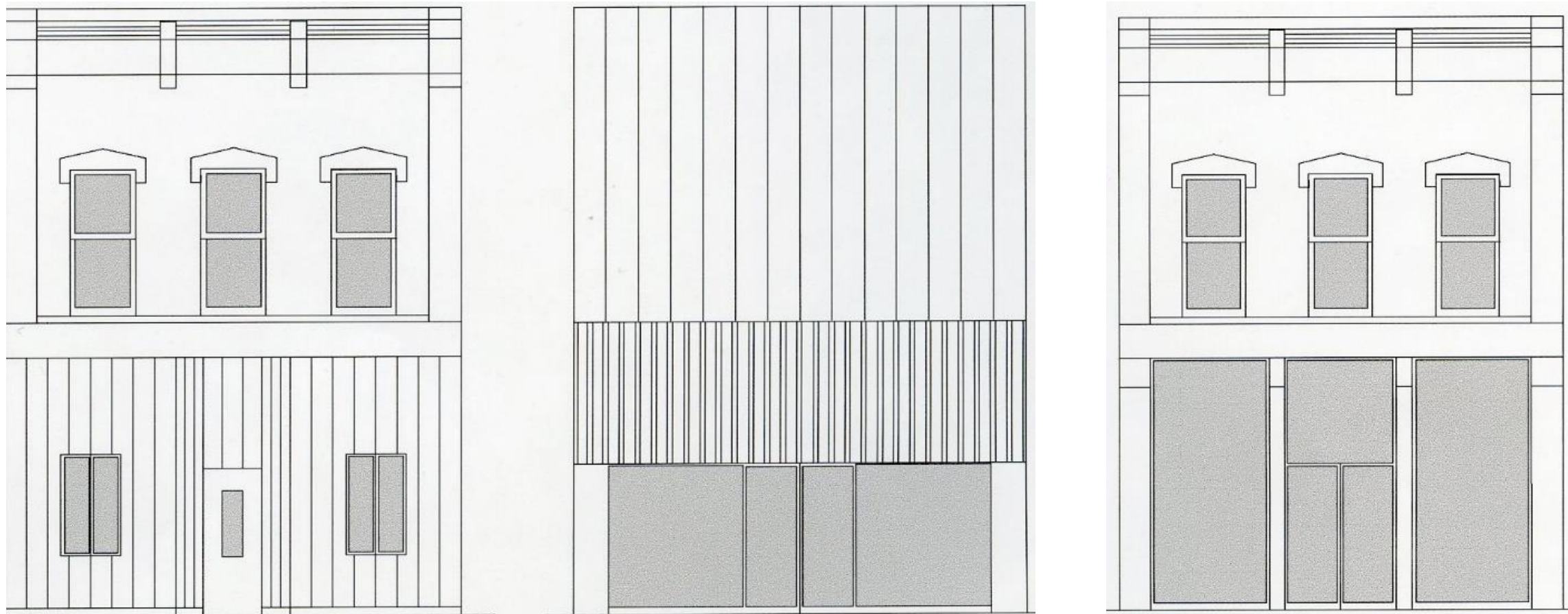


Inappropriate Awnings



Metal awnings on historic buildings that do not already have them and/or that cover up transoms.

Other Inappropriate Storefront Changes



Inappropriate Window Alterations

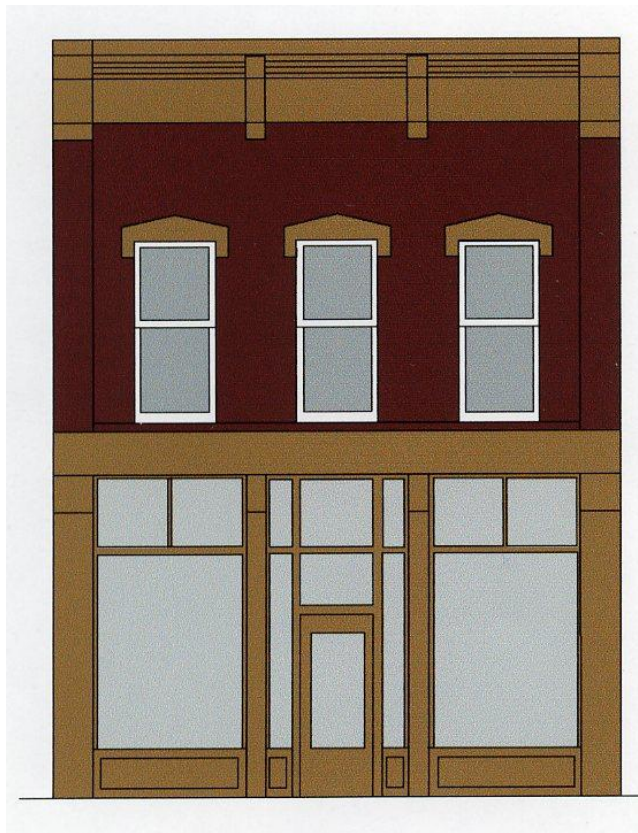


- Closed up windows on upper story
- Missing lintels
- Windows too small for their openings
- Slip covers on upper stories
- Window tinting
- Changing window frame material and/or color*

We get excited about any project that reverses these alterations!

* Consultation will be needed to find suitable solutions

Paint Schemes



Avoid painting a brick or stone façade that is not already painted.

Neutral colors and slightly contrasting colors are often best, but we do not get very involved in paint color.

Project Type: Downtown Revitalization/Commercial Buildings



- Eligible or already listed?
 - Mid-Century alterations can still be historic
- Relationship with significant events, examples of an architecture type
- Common Projects: restoration, ADA, façade improvements, signage
- Description of the whole project; good, current photos; photos of all elements being replaced; specifics on replacements, why are they being replaced, drawings of changes
- Do not need to know costs; why the program exists/history of it

Project Type: Bridges



- Most bridges in NE have already been determined as eligible or already listed.
- Common Project: resurfacing; demolition (inappropriate)

Project Type: Auditorium

- Eligible or already listed?
- Examples of an architecture type, relationship with significant figures or events
- Common Projects: Interior upgrades, flooring, roof repair, brick repair, concrete work, ADA, HVAC, A/C work
- Inappropriate: vinyl windows, additions, removal of exterior walls, reconfigured door/window openings
- Description of whole project; good, current photos; photos of all elements being replaced; specifics on replacements, drawings of changes
- Do not need to know costs; why the program exists/history of it



Project Type: Farmsteads

- Eligible or already listed?
- Examples of an architecture type, relationship with significant figures or events (commerce/agriculture)
- Common Projects: weatherization, interior upgrades, roof repair, HVAC, A/C work, siding repair
- Appropriate: repainting, replacing in-kind, wood for wood
- Inappropriate: Vinyl siding, sheet metal where none was before, demolition
- Description of whole project; good, current photos; photos of all elements being replaced; specifics on replacements if replacing originals, reasoning for replacements
- Do not need to know costs; why the program exists/history of it



Project Type: Canals

- How old is it? Is it eligible or already listed?
- Example of engineering
- Common projects: in kind storm damage repair, concrete repair
- Description of whole project and good, current photos. Maps and drawings are okay to add.



Practice

Assessment of Effects to Historic Properties - Practice

Example: Washington County Courthouse was damaged by hail.

The pressed tin panels were damaged and required replacement.

Plans called for each individual panel to be replaced in kind with the same material, fixing a drainage problem that weakened the originals.

Adverse Effect or No Adverse Effect?



Assessment of Effects to Historic Properties - Practice

Example: Washington County Courthouse was damaged by hail.

The pressed tin panels were damaged and required replacement.

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No Adverse Effect



Assessment of Effects to Historic Properties - Practice



- Example: Weatherization program under Dept. of Energy.
- Historic Property? Is it eligible? Why?

Assessment of Effects to Historic Properties - Practice



- Example: Weatherization program under Dept. of Energy.
- Historic Property? Is it eligible? Why?
- No. Might be old, but it has vinyl sided, downsized windows, and a roof addition. If it had historical details, they are gone.
- **No Historic Properties**

Assessment of Effects to Historic Properties - Practice



Example: A commercial business in an eligible historic district is seeking façade improvements.

Plans call for brick cleaning, tuck-point, and an in-kind door replacement.

Adverse Effect or No Adverse Effect?

Assessment of Effects to Historic Properties - Practice



No Adverse Effect With Conditions.

Tuck point needs to be with mortar similar in color and texture.

Cleaning cannot be with chemicals that could damage brick and power washing should be at 300psi or lower to avoid damage to brick.

Assessment of Effects to Historic Properties - Practice



- The Rulo Missouri River Bridge was listed in the National Register of Historic Places
- Had to be replaced for safety concerns
- Adverse Effect or No Adverse Effect?

Assessment of Effects to Historic Properties - Practice



- The Rulo Missouri River Bridge was listed in the National Register of Historic Places
- Had to be replaced for safety concerns
- Adverse Effect or No Adverse Effect?
- Adverse Effect
- Negotiated an MOA that stipulated among other things that the bridge would be “recorded” with measured drawings and thorough photographs to document what it looked like prior to removal.

Assessment of Effects to Historic Properties - Practice

Example: A privately owned home not in a Historic District.

Plans call for “weatherization.”

What should you do next? How can this plan be improved?



Assessment of Effects to Historic Properties - Practice

- Example: A contributing commercial building in a listed district is seeking façade improvements.
- Plans call for: “façade improvements including new windows, new door, painting, and awning work.”
- What is likely to happen with this review?

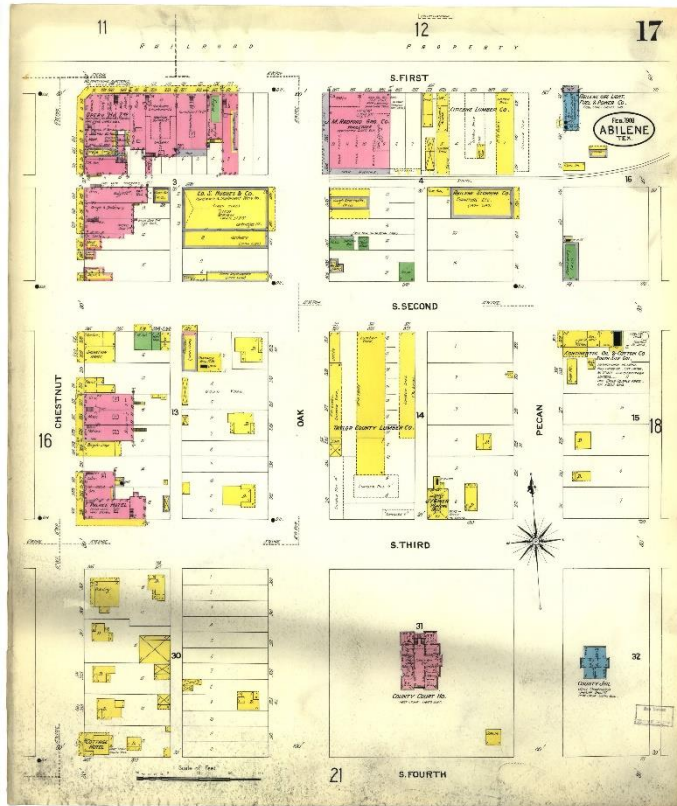


Assessment of Effects to Historic Properties - Practice

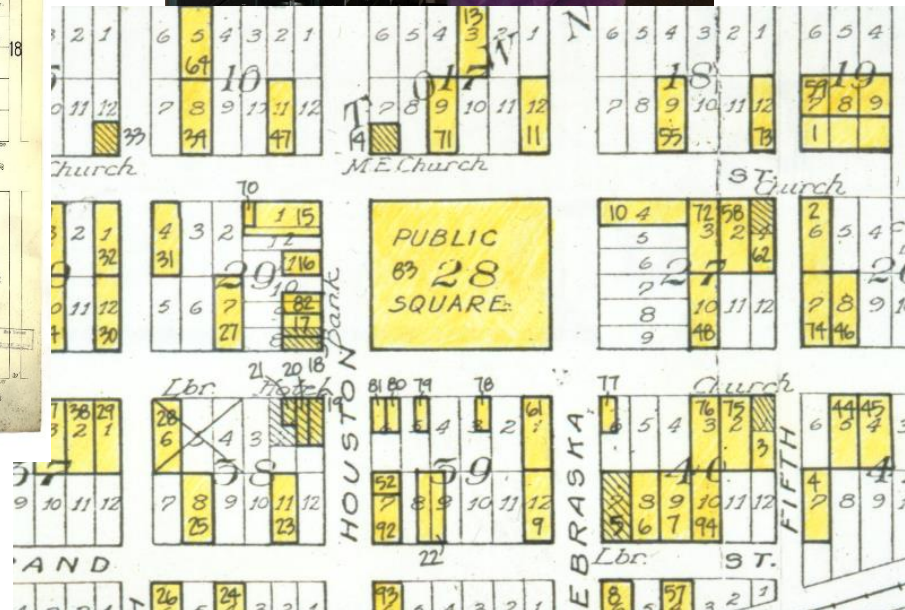
- Example: Commercial building in a listed district seeking façade improvements.
- Plans call for: façade improvements included new windows, new door, painting, and awning work.
- **Additional information needed.**
 - Which windows; which doors; what are the conditions; replace with what; paint what; what is “awning work”?
 - May need to visit in person
 - A lot of back and forth to find suitable solutions to project issues



Communicating with SHPO Early and Often



From the collections of the Geography and Map Division, Library of Congress.



- Get advanced warning of whether properties are listed in the NRHP or eligible for listing
- Pick our brains about potential issues we can foresee
- Avoid needless waste of time or resources if the project has to backtrack over decisions made in haste

Questions?

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