Environmental Reviews: Introduction and Basics

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Who We Are

- State Historic Preservation Officer (SHPO)
  - National Historic Preservation Act of 1966

- Indiana Department of Natural Resources Division of Historic Preservation and Archaeology (DHPA)
Environmental Reviews

2,000 Federal Reviews per year

350 to 400 State Reviews per year
National Register of Historic Places
Indiana Register of Historic Sites and Structures

2,000+ National Register listings in Indiana
450+ Historic Districts
Survey and Data Management

Interim Reports

Indiana State Historic Architectural and Archaeological Research Database (SHAARD)
Grants & Tax Credits

Historic Preservation
Fund Grants

Federal Rehabilitation
Investment Tax Credits

State Residential
Historic Rehabilitation
Tax Credits
Special Initiatives

Cemetery and Burial Ground Registry

Underground Railroad

Green Book Sites
Public Outreach

Speakers
Educational Materials
Resource Materials
Website
Training
Facebook
Environmental Reviews

• Federal Review - Section 106
  • What is it?
  • What is the process for the review?

• State Review
  • Different types of reviews required by Indiana Code
National Historic Preservation Act of 1966

Federally-funded public works projects, such as the construction of reservoirs, highways, and urban renewal initiatives were resulting in widespread destruction of historic and cultural properties across the nation.

In response to increasing public concern, the National Historic Preservation Act of 1966 (NHPA) was enacted to establish a means of identifying, listing, and protecting historic properties.

Photo courtesy Heritage Photo & Research Services
Construction of I-65 occurs just south of the Morris-Butler House at 1204 N. Park Ave., circa 1970.
1962
1978

Image from: http://maps.indy.gov/MapIndy/index.html
Current Project
Section 106 of the NHPA
36 CFR Part 800

Any project receiving federal funding, licensing, permits, or approval must consider the impact on historic properties.
The Goals of Section 106
36 CFR Part 800.1(a)

Identify historic properties potentially affected by the project

Assess effects on the identified properties

Seek ways to avoid, minimize or mitigate any adverse effects on historic properties
What are historic properties?

36 CFR Part 800.16(l)(1)

Any prehistoric or historic district, site, building, structure or object included in, or eligible for the National Register of Historic Places.
Section 106 – Who is responsible?

• Federal agency or their delegatee
  • U.S. Department of Housing and Urban Development (HUD)
    • Responsibility goes to the lowest level of government involved (State, County, City); see 24 CFR Part 58 for more details
  • Federal Highway Administration (FHWA)
    • Indiana Department of Transportation (INDOT)
  • Federal Communications Commission (FCC)
    • Responsibility delegated to applicants/consultants
Federal Agencies

- Federal Highway Administration
- Federal Communications Commission
- U.S. Department of Housing and Urban Development
- U.S. Department of Agriculture – Rural Development
- National Park Service
- U.S. Fish and Wildlife
- National Oceanic and Atmospheric Administration
- U.S. Army Corps of Engineers
- Department of the Army
- Department of the Navy
- U.S. Marine Corps
- U.S. Air Force
- U.S. Coast Guard
- U.S. Forest Service
- U.S. Department of Veterans Affairs
- Federal Energy Regulatory Commission
- Federal Emergency Management Agency
- Federal Aviation Administration
- Environmental Protection Agency
- Surface Transportation Board
- Federal Transit Authority
- Federal Deposit Insurance Corporation
- Office of Comptroller of Currency
- Department of Commerce
- Department of Education
- U.S. Nuclear Regulatory Commission
- U.S. Postal Service
- Federal Bureau of Investigation
- Department of Health and Human Services
- U.S. Department of Energy
- Farm Service Agency
Programmatic Agreements (PAs)

- Federal Communications Commission (FCC)
  - New construction
  - Collocation
- Federal Highway Administration (FHWA) & Indiana Department of Transportation (INDOT)
  - Minor Projects PA
  - Historic Bridges PA
- National Park Service (NPS)
- Federal Emergency Management Agency (FEMA)
- U.S. Department of Energy
HUD PAs

Due to the number of projects each year, some cities in Indiana have PAs with the SHPO for HUD projects

Bloomington  Lafayette
Evansville  Muncie
Fort Wayne  New Albany
Indianapolis  South Bend

If you are doing work on a HUD project in any of the above listed cities, please contact the City first to determine their process for review
Who else is involved?
36 CFR Part 800.2

• State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO)
• Indian tribes
• Representatives of local governments
• Federal agency’s applicant for funding or license, if applicable (& consultants)
• Additional consulting parties with a demonstrated interest (e.g., local historical societies, neighborhood associations, county historians, Indiana Landmarks, state and national preservation groups)
• Advisory Council on Historic Preservation
• General public
Section 106 – The Process

• Federal Agency Initiates the Process
  • Submits letter with project information to SHPO
    • May authorize consultant to act in their place
    • Should include list of consulting parties contacted
    • Project information **must** include source of federal involvement, location of project, scope of work, identification of historic properties, photographs, maps, and drawings as needed
Section 106 – The Process

- Federal Agency Initiates the Process
  - Submits letter with project information to SHPO

- SHPO has 30 days to respond (36 CFR part 800.3(c)(4))
  - May request additional information or finding

- Federal Agency makes finding

- SHPO concurs or objects to finding
Findings

• “no historic properties affected”
  • No historic properties in area of potential effects
  • There are historic properties, but they will not be affected by the project

• “no adverse effect”
• “adverse effect”
Will there be an adverse effect?

36 CFR Part 800.5(a)(1)

• Apply Criteria of Adverse Effect
  • Will it alter, directly or indirectly, the characteristics that qualify the property for listing in the National Register of Historic Places?
    • You must know what makes a property eligible to determine any potential effects

T.C. Steele Boyhood Home
Montgomery County
Secretary of the Interior’s Standards and Guidelines

- Published by the National Park Service
- Cover 4 different treatment methods:
  - Preservation
  - Rehabilitation
  - Restoration
  - Reconstruction
- https://www.nps.gov/tps/standards.htm
Treatment Methods

• Preservation
  • maintain and repair existing form, integrity, and materials

• Rehabilitation
  • Convert to compatible use through repair, alterations, and additions while preserving the significant features

• Restoration
  • Restore to a specific point in time

• Reconstruction
  • New construction to replicate the appearance of a resource at a specific period of time in its historic location
### MASONRY: STONE, BRICK, TERRA COTTA, CONCRETE, ADobe, STUCCO, AND MORTAR

<table>
<thead>
<tr>
<th><strong>RECOMMENDED</strong></th>
<th><strong>NOT RECOMMENDED</strong></th>
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<tbody>
<tr>
<td>Cleaning soiled masonry surfaces with the gentled method possible, such as using, low-pressure water and detergent and natural bristle or other soft-bristle brushes.</td>
<td>Cleaning or removing paint from masonry surfaces using moist abrasive methods (including sandblasting, either media blasting, or high-pressure water) which can damage the surface of the masonry and mortar joints.</td>
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<tr>
<td></td>
<td>Using a cleaning or paint-removal method that involves water or liquid chemical solutions when there is any possibility of freezing temperatures.</td>
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<td>Cleaning with chemical products that will damage some types of masonry (such as using acid on limestone or marble), or failing to neutralize or rinse off chemical cleaners from masonry surfaces.</td>
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[https://www.nps.gov/tps/standards.htm](https://www.nps.gov/tps/standards.htm)  Download the file labeled: Guidelines for the Treatment of Historic Properties
Interpreting the Standards Bulletins

- Explain rehabilitation project decisions made by the National Park Service in its administration of the Historic Preservation Tax Incentives program
- Many include photo examples of before and after
- Currently 56 different bulletins
- https://www.nps.gov/orgs/1739/its-bulletins.htm
Preservation Briefs

• Published by the National Park Service
• Good reference for appropriate treatments for various repair methods common in preservation projects and how to deal with some types of unique resources
• Currently 50 different briefs
• https://www.nps.gov/orgs/1739/preservation-briefs.htm
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PRESERVATION BRIEFS 
Assessing Cleaning and Water-Repellent Treatments for Historic Masonry Buildings 
Robert C. Mack, AIA 
Anne E. Grimmer 

Inappropriate cleaning and coating treatments are a major cause of damage to historic masonry buildings. While either or both treatments may be appropriate in some cases, they can be very destructive to historic masonry if they are not selected carefully. Historic masonry is complicated by the variety of materials that make up the structure, such as stone, brick, architectural terra cotta, cast stone, concrete and concrete block. It is frequently cleaned because cleaning is equated with improvement. Cleaning may sometimes be followed by the application of a water-repellent coating. Historic sites that are undergoing this process often result in irreversible damage to the structure.

The purpose of this Brief is to provide information on the variety of cleaning methods and materials that are available for use on the exterior of historic masonry buildings, and to provide guidance in selecting the most appropriate method or combination of methods. The difference between water-repellent coatings and waterproofof coatings is explained, and the purpose of each, the suitability of their application to historic masonry buildings, and the possible consequences of their inappropriate use are discussed.

The Brief is intended to help develop sensitivity to the qualities of historic masonry that make it so special, and to assist historic building owners and property managers in working cooperatively with architects, architectural conservators, and contractors. Although specifically intended for historic buildings, the information is applicable to all masonry buildings, old and new alike.

Reading List 
Download the PDF

Inappropriate cleaning and coating treatments are a major cause of damage to historic masonry buildings. While either or both treatments may be appropriate in some cases, they can be very destructive to historic masonry if they are not selected carefully. Historic masonry, as considered here, includes stone, brick, architectural terra cotta, cast stone, concrete and concrete block. It is frequently cleaned because cleaning is equated with improvement. Cleaning may sometimes be followed by the application of a water-repellent coating. However, unless these procedures are carried out under the guidance and supervision of an architectural conservator, they may result in irreparable damage to the historic resource.
Examples of Adverse Effects

- Demolition
- Creation of a false historical appearance
- Alteration
- Removal from historic location
- Change of use
- Alteration of setting
- Introduction of intrusive elements
- Neglect
- Transfer out of Federal ownership
It’s an adverse effect… now what?

• Continue consultation
• Notify the Advisory Council on Historic Preservation (ACHP)
• Memorandum of Agreement (MOA)
  • Avoiding, Minimizing, Reducing, or Compensating for the impact
• Implement any conditions or agreements
Common Mitigation for an MOA

- Documentation of the resource
  - architectural drawings and photographs, archaeological excavation
- Redesign of projects or establishing design review procedures
- Relocation of buildings or structures
- Interpretive signage or exhibits
- Walking tour brochures
- National Register nominations
Archaeological Steps

- Phase Ia Reconnaissance
- Phase Ic Deep testing in alluvial soils
- Phase II Testing to determine eligibility
- Phase III Mitigation/data recovery
- Archaeological Monitoring
Dig Indy Tunnel Project
Archaeological Phase III Mitigation
What happens if an agreement can’t be reached?

• In very rare cases, the federal agency and the SHPO may not reach an agreement on resolving adverse effects

• In that case, the federal agency must seek comments from the Advisory Council on Historic Preservation

• Federal agency must consider the Council’s comments and document and notify public of Federal agency’s decision, but need not follow Council’s advice
Key Points to Remember

• Section 106 is not triggered by the presence of historic properties, it is triggered by federal funding, licensing, permitting

• Plan ahead and allow time for completion of the Section 106 process.

• A project CANNOT be separated into multiple phases to avoid an adverse effect

• Precluding – talk to us BEFORE the work is started
Other Important Federal Acts

• Archeological Resources Protection Act (ARPA)
• Native American Graves Protection and Repatriation Act (NAGPRA)
• National Environmental Policy Act (NEPA)
• Several shipwreck Federal regulations
National Environmental Policy Act (NEPA) - 1969

Requires federal agencies assess the environmental effects of their proposed actions prior to making decisions.

- air
- surface and ground water
- noise
- biological
- cultural
- socio-economic
• Apply a Categorical Exclusion
  - no significant individual or cumulative effect

• Prepare an Environmental Assessment (EA)
  - if a proposed action or its alternatives have potentially significant environmental effects

• Finding of No Significant Impact (FONSI)

• Prepare an Environmental Impact Statement (EIS)
  - most rigorous level of NEPA compliance, an EIS has more regulatory requirements than an EA
  - ends with the completion of a Record of Decision
State Reviews

- State Review Indiana Code 14-21-1
  - State transfer of lands (Section 14)
  - State property (Section 16)
  - State funding (Section 18)
- Water reviews (Navigable Waters)
  - Plans to conduct archaeological investigations
  - Accidental discoveries
  - Cemetery development plans (Section 26.5)
Certificate of Approval Application
"Historic property" means any historic site or historic structure.

"Historic site" means any site that is important to the general, archaeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana.

"Historic structure" means any structure that is important to the general, archaeological, agricultural, economic, social, political, architectural, industrial, or cultural history of Indiana. A historic structure includes any adjacent property that is necessary to the preservation or restoration of the structure.
Sewer Manhole
Indianapolis
What constitutes ground disturbance?
Grave 1 (John Sheckell)

Grave 1 was John Sheckell, who was born December 3, 1820, and who died at the age of 42 years old on August 3, 1863 (Figure 3). His grave was at the southern end of the westernmost row, and it was to the immediate south of Grave 2 (John Sheckell’s wife, Isabella Land [she was remarried twice after John Sheckell died]).

No outer box was identified and the coffin was hexagonal in shape. The coffin was made from wood and utilitarian hardware consisted of late cut nails, wood screws, and plain tacks, and the only decorative hardware used in coffin construction were decorative screws and tacks. The lack of highly ornate hardware and an outer box suggest the coffin was homemade or made locally. Personal items consisted of poorly preserved footwear (represented by shoe or boot eyelets, leather soles, and leather heels), metal and porcelain buttons, and a copper alloy straight pin. Human remains were poorly preserved and were represented primarily by bone meal, but recoverable elements consisted of a somewhat intact skull, and fragments of the humeri, left radius, femora, and some of the left tarsals and metatarsals. Four fragmentary dental elements were recovered, but all were in poor condition. The human remains, coffin hardware, and personal items were consistent with the identity and dates of birth and death from the gravemarker.
If any human remains, burial objects, artifacts, or grave markers are uncovered…
Reasons Cemeteries are Lost

- Lack of care
- Vandalism
- Falling off deed
- Not recorded
- Records not available
- No grave marker
- Grave marker deteriorated
- Time/Nature

Any ground disturbance within 100 feet of a cemetery may require that a cemetery development plan be submitted to the DHPA (IC 14-21-1-26.5).
Cemetery Development Plans
IC 14-21-1-24 and IC 35-43-1-2.1
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Division of Historic Preservation and Archaeology
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