

Texas Capital Fund Workshop: Introduction to Section 106 Review

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Texas Historical Commission
2016



Introduction: THC and the Texas Capital Fund

In this presentation, we will tell you:

- Why the THC is here;
- What you need to know when applying for Texas Capital Fund monies;
- What you need to know if your project is funded;
- How to protect the historic resources in your communities.





Introduction

The Texas Historical Commission (THC) wants to help communities get through our review process smoothly.

The basics:

- Provide the right information to us with enough time to meet your deadlines.
- Don't save coordination with the THC for the last minute.





Introduction

The Texas Historical Commission (THC) wants to help communities get through our review process smoothly.

The basics:

- Send the information to us in **hard copy** by mail or courier service.
- We have **30 days** from receipt of the hard copy information to review the project.
- **If we have to ask for more information**, a new 30-day review period begins when we receive the new information.



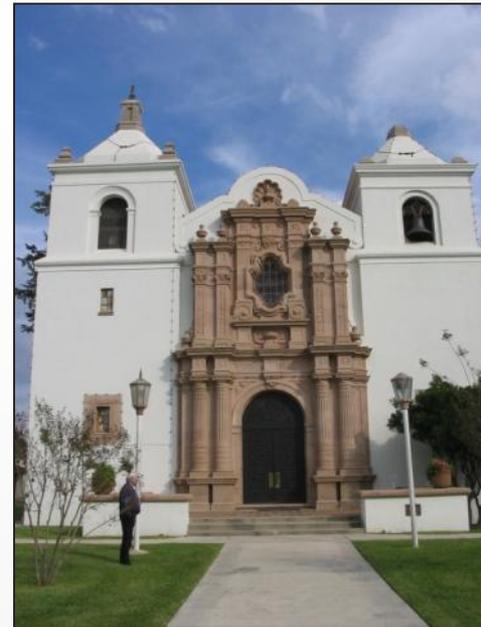


Section 106 Overview: the Regulations

Section 106 of the **National Historic Preservation Act** is a federal law.

For projects using **federal funds, licenses, or permits**, the project planners **must consult** with potentially interested parties, including the State Historic Preservation Officer to:

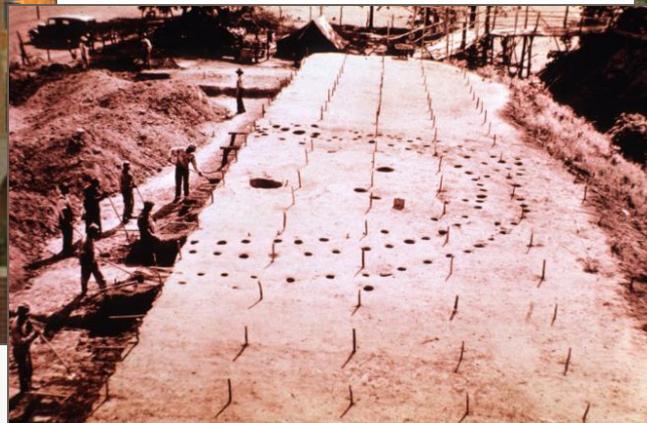
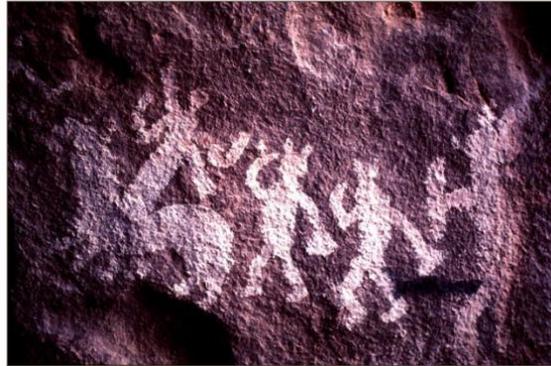
- **identify historic properties** potentially affected by the undertaking,
- and **avoid, minimize, or mitigate adverse effects** on historic properties.





Section 106 Overview: the SHPO

In Texas, the **State Historic Preservation Officer**, or SHPO, is the Executive Director of the Texas Historical Commission: Mark Wolfe.





Section 106 Overview: More Information

To learn more, visit the THC website:

<http://www.thc.texas.gov/project-review>.

The screenshot displays the Texas Historical Commission website. At the top left is the logo with the text "TEXAS HISTORICAL COMMISSION" and the tagline "real places telling real stories". To the right are social media icons for YouTube, Facebook, and Twitter, along with links for "BLOG", "CONTACT US", and "DONATE". A search bar with a "SEARCH" button is located on the right side of the header. Below the header is a dark red navigation bar with white text for "HOME", "ABOUT US", "PRESERVE", "PROJECT REVIEW", "NEWS & EVENTS", "GET INVOLVED", "HISTORIC SITES", and "EXPLORE TEXAS". The main content area features a breadcrumb trail: "Home > Preserve > Projects and Programs > Project Review". A large photograph of a historic train station is shown with the text "Project Review" and "Protecting historic properties" overlaid. Below the photo is the section title "Complying With Laws to Protect Historic Properties" and a paragraph of text. To the right of the text is a "sharethis" button. Further right is a sidebar titled "In This Section" containing a list of links: "National Historic Preservation Act", "Antiquities Code of Texas", "How THC Reviews Projects", "Finding and Hiring a Preservation Consultant", "Tribal Consultation Guidelines", and "Guidance and Agreement". At the bottom left, there is a small image of a building and the text "National Historic Preservation Act" followed by "The National Historic Preservation Act of 1966, as amended, requires that".

TEXAS HISTORICAL COMMISSION
real places telling real stories

HOME - ABOUT US - PRESERVE - PROJECT REVIEW - NEWS & EVENTS - GET INVOLVED - HISTORIC SITES - EXPLORE TEXAS

Home > Preserve > Projects and Programs > Project Review

Project Review

Protecting historic properties

Complying With Laws to Protect Historic Properties

Cultural resources such as buildings or artifacts are tangible remains of our heritage that remind us of important periods of history. Recognizing the need to document and preserve these ties to our past, both the federal government and the state of Texas enacted laws to protect significant historic buildings and archeological sites from damage due to construction. The topics in this portion of the Texas Historical Commission (THC) website summarize the National Historic Preservation Act (NHPA) and the Antiquities Code of Texas and describe the process by which the THC assists project sponsors in complying with these statutes.

National Historic Preservation Act

The National Historic Preservation Act of 1966, as amended, requires that

sharethis

In This Section

- [National Historic Preservation Act](#)
- [Antiquities Code of Texas](#)
- [How THC Reviews Projects](#)
- [Finding and Hiring a Preservation Consultant](#)
- [Tribal Consultation Guidelines](#)
- [Guidance and Agreement](#)



Section 106 Overview: Texas Capital Fund

Why are Texas Capital Fund projects subject to Section 106?

- Texas Capital Fund projects are funded with money from the U.S. Department of Housing and Urban Development.
- **Sidewalk projects have the potential to affect historic properties, especially in historic commercial districts.**
- Your community would also need to coordinate sidewalk projects and street improvements under Section 106 if receiving other federal funds or permits, such as from
 - Federal Transit Administration
 - Federal Highway Administration
 - Texas Department of Transportation
 - U.S. Army Corps of Engineers



Why does the Texas Historical Commission care?



Examples from New Braunfels show glass prisms that let light into a basement space at the old hardware store and cast iron stairs and marble pilasters at the old First National Bank.

- Many historic buildings also have associated historic materials in or right next to the sidewalks.
- Many of these materials are expensive and difficult to replace.
- The THC wants to help retain each community's unique history.





Section 106 Overview: Basic Steps

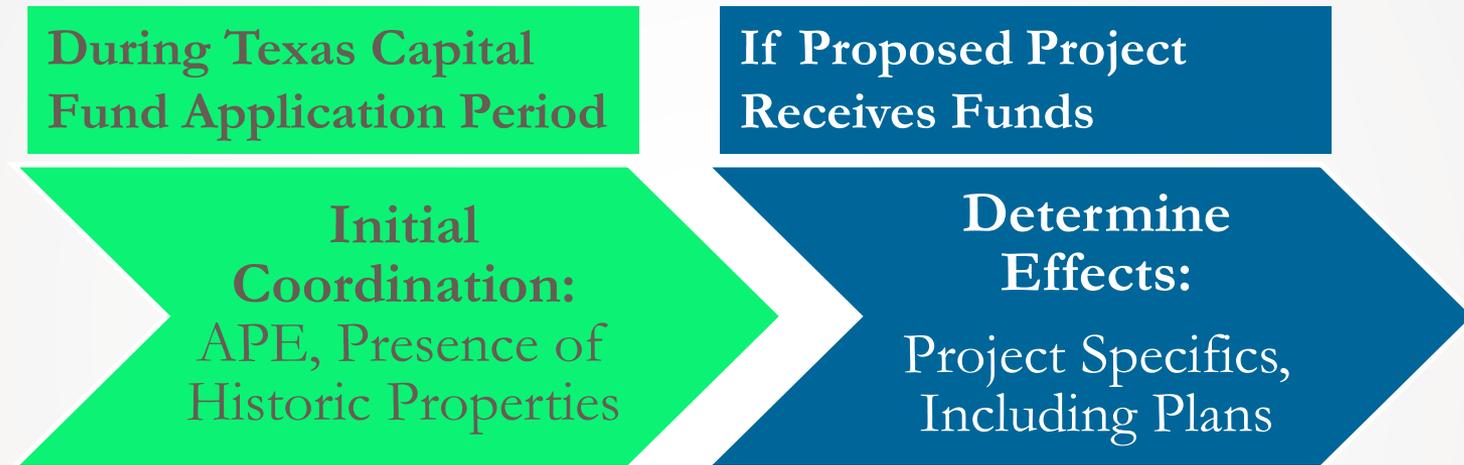
Establish Area of
Potential Effect
(**APE**)

Determine
Presence of
**Historic
Properties** in
APE

Determine
Effect of Project
on Historic
Properties



Section 106 Overview: Steps for Capital Fund





Section 106 Process: Texas Capital Fund



Steps in the Section 106 Process for Texas Capital Fund applicants

During application period:

- The **Initial Coordination** includes finding out if the properties in the APE are listed or eligible for listing in the National Register of Historic Places.
- We call buildings, structures, and objects that are eligible for or listed in the National Register of Historic Places “historic properties.”





Section 106: Identifying Historic Properties

The THC's **Historic Sites Atlas** features layers for various resource types, including:

- National Register
- NR Historic District
- Historical Marker (Recorded Texas Historic Landmark)
- State Antiquities Landmark (Buildings)
- Neighborhood Survey

THC - Atlas - County Search - Mozilla Firefox

http://atlas.thc.state.tx.us/shell-county.htm

Most Visited Getting Started Latest Headlines Online Conversion - C... THC - Atlas - Site Nam... FCC: Environmental a... TSHA Online - Texas S... Online

TEXAS HISTORICAL COMMISSION

Atlas Home Comment Keyword County Map Address Address Designation Site Name

Help

Click tool to use on map

[key]

Layers

Visible Select

- Neighborhood Survey
- Historical Marker
- National Register Property
- National Register District
- Cemetery
- Museum
- Counties
- USGS Quads

Refresh Map

Show Legend

Anderson Chapel Cemetery

- [National Register listing \[Brief\]](#)
- [Location Map](#)
- [Historical marker \[Brief\]](#)
- [Location Map](#)

Anderson County

- [Historical marker \[Brief\]](#)
- [Location Map](#)

Anderson County Courthouse

- [National Register listing \[Brief\]](#)
- [Location Map](#)
- [Historic Courthouse \[Brief\]](#)
- [Historic Courthouse \[Brief\]](#)
- [Historical marker \[Brief\]](#)
- [Location Map](#)

Anderson County Courthouse (1847)

- [Historic Courthouse \[Brief\]](#)

Anderson County Courthouse (1856)

- [Historic Courthouse \[Brief\]](#)

Anderson County Courthouse (1886)

- [Historic Courthouse \[Brief\]](#)

Anderson County Jail

- [National Register listing \[Brief\]](#)
- [Location Map](#)

Anderson County Poor Farm

- [Historical marker \[Brief\]](#)
- [Location Map](#)

Done

Texas Historic Sites Atlas - Copyright (C) 1995-2009 THC 0 531m

<http://atlas.thc.state.tx.us>



Section 106: Local Resources for Historical Info

Local resources can help you understand the significance of properties in your APE:

- Local history publications
- Existing historic/architectural surveys
- Photo collections
- Local library files and archives
- City planning office, downtown managers, and county historical commissions.
- You!





Section 106: Significance is Not Just Architectural



Looks can be deceiving. Although not an architectural masterpiece, this building looks almost exactly as it did historically and during its “period of significance.”

Formerly the home of the Rev. Jacob Fontaine and later a grocery operated by the Franzetti family, this building is the only visible remnant of the Austin community of Wheatville, an early African American settlement now transformed as the West Campus residential area near the University of Texas at Austin.



Initial Coordination with Texas SHPO

(Determination of Eligibility letter to be produced on city letterhead.)

DATE

Mark Wolfe, State Historic Preservation Officer
Texas Historical Commission
c/o History Programs Division
P.O. Box 12276
Austin, TX 78711-2276

Re: Texas Capital Fund Grant, **CITY, COUNTY**

Dear Reviewer:

The City of **CITY** is making application for a Texas Capital Fund grant through the Texas Department of Agriculture. The Texas Capital Fund is financed by the U.S. Department of Housing and Urban Development through the Texas Community Development Program. We understand that a review is required for our project under Section 106 of the National Historic Preservation Act because of the federal funding involved.

The proposed project will consist of **DESCRIBE PROJECT**.

We understand that the first step in the Section 106 review process is to identify whether there are historic buildings, structures, objects, sites, or districts within our project's Area of Potential Effect, which extends beyond the concise footprint of the project location to include adjacent buildings and structures that may experience physical or visual effects from the project. [In the case of sidewalk construction, the APE should include all buildings and structures adjacent to the sidewalk.] Please review the attached material and determine whether properties in the APE are eligible for listing in the National Register of Historic Places:

- Photos of all buildings, structures, or sites 45 years old or older within the above-defined area (labeled with addresses). [Photos should be high quality, color, and show at least the main façade of the building in its entirety.]
- General photos of the project locations (streetscape, etc.).
- Maps with the project area marked. [Historic-age buildings should be identified on maps or photographs should be keyed to maps.]

If you identify historic properties in the APE and our project is selected for funding, we understand that we will need to submit more information regarding the project design elements in order for your office to evaluate the project's potential to affect historic properties and complete the Section 106 review process. This information will include construction documents for the proposed project. However, we also understand that your office recommends early consultation during the design process, before the submission of these drawings, to prevent adverse effects to historic properties and avoid unnecessary delay to project construction.

If you have questions about this information please contact me at **TELEPHONE NUMBER** or **EMAIL**.

Yours truly,

CITY REPRESENTATIVE
CITY DEPARTMENT

Enclosures

- The City should follow Capital Fund guidance about timing.
- In the guidance, there is a sample letter for you to use.
- Read the letter before sending it!
- Especially pay attention to what you need to attach to the letter.

**During Texas Capital
Fund Application Period**

**Initial
Coordination:
APE, Presence of
Historic Properties**



Initial Coordination with Texas SHPO



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Yours truly,

CITY REPRESENTATIVE
CITY DEPARTMENT

Enclosures

- If there is no historic district or properties that will be affected by the proposed work, we will send a response there are no historic properties affected, and coordination will be complete.
- If there is a historic district or properties that might be affected by the work, we will let you know what the next steps are. You will need to provide us with the project plans—if you are funded—so we can ensure there is no adverse effect.



Initial Coordination with Texas SHPO

- ****Attach the materials that are listed in the letter:**

- Photos of all buildings, structures, or sites 45 years old or older within the above-defined area (labeled with addresses). [Photos should be high quality, color, and show at least the main façade of the building in its entirety.]
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Sample Label: Left—Property A1 (on right), built c. 1928; Right—existing sidewalk conditions on block A (FAKE PROJECT)



Initial Coordination with Texas SHPO: *useful* images

If your photos are unclear, THC may ask you for more, starting a new review period.

- **Provide images of current conditions of sidewalks**, especially where ramps and other new features will be placed..
- **Show whole buildings and label the pictures with the address or property name**—with matching labels on your project map.
- **Do not send Google Streetview images.** Google Streetview photos rarely show enough detail for THC staff to use them effectively. THC staff will look at your project area on Google as a back-up source.





Supplying *useful* images: What NOT to send





Initial Coordination with Texas SHPO

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 - **Maps** with the project area marked. [Historic-age buildings should be identified on maps or photographs should be keyed to maps.]



Sample Map, labeled to correspond to photo of Property A1; project area in yellow (FAKE PROJECT)



Initial Coordination with Texas SHPO

If your project is in **TxDOT ROW**, it should not be designed without their input.

- **TxDOT ROW** often goes all the way to the building facades along their roads, which include FM/RM, State Highway, and US Highway road corridors.
- If your project is on or within TxDOT Right of Way (ROW), please let us know if you have already coordinated with TxDOT.





Section 106 Process and Texas Capital Fund

Steps in the Section 106 Process for Texas Capital Fund applicants

If project is funded:

- Applicant works with their engineering and design team to meet Streetscape Guidelines to avoid adverse effects.
- Applicant provides to THC project information, including plans that show details about what construction will happen adjacent to what buildings.
- Coordinate with THC before you get to your final plans.
- 60% or 90% plans are appropriate places for THC input, but we are happy to talk as early as the 30% stage to make sure your design will not have an adverse effect.

**If Proposed Project
Receives Funds**

**Determine
Effects:
Project Specifics,
Including Plans**



If Project Is Funded: Determining Effect

A project will have an Adverse Effect if it alters characteristics that contribute to eligibility in a way that diminishes the historic integrity of the property.

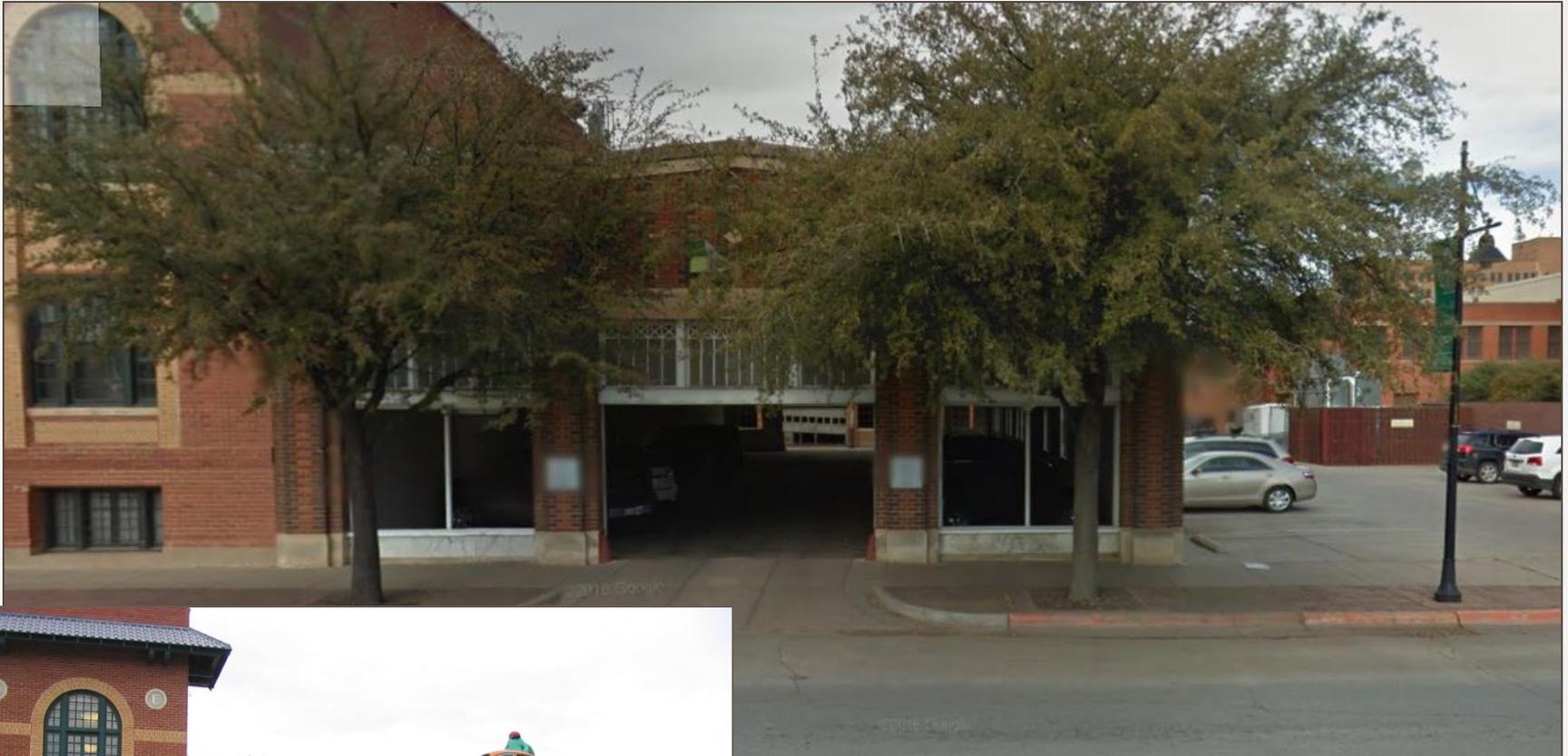
- The effect may be direct or indirect.
- “Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.”

The Texas SHPO reviews streetscape projects relative to the *Secretary of the Interior’s Standards for the Treatment of Historic Properties*. Work meeting these standards is considered to have **no adverse effect**.





If Project Is Funded: Determining Effect



If Project Is Funded: Streetscape Guidelines

lights during the historic period or if the community does not wish to replicate the historic lights, choose new street lighting that is a modern design but compatible in scale, appearance, and color with the character of the downtown. Do not select historic designs from other locations as this would create a false sense of historical development.

ARTWORK AND DECORATION

- Retain and preserve historic artwork such as murals and sculpture.
- Carefully consider proposed new decorative features for their compatibility with the historic district or buildings, and whether their design and construction are likely to stand the test of time. Plan for staff time, training, and funding for periodic maintenance of proposed new features.
- Consider limiting the number of new decorative features in an effort to retain the historic character of the area.
- Seasonal enhancements and decorations are generally acceptable, provided they do not damage historic fabric. Attach festive lighting and decorations to non-historic surfaces.

PROTECTION OF HISTORIC FEATURES DURING CONSTRUCTION

Historic features, such as buildings, fences, and canopies, should be protected from damage during sidewalk demolition and construction. At the request of the THC, the Texas Department of Transportation has produced standard protection notes, below. Insert these, or similar protection notes, in construction documents:

PROTECTION NOTES FOR THE REMOVAL OF EXISTING PAVEMENT, CURB OR SIDEWALK AND CONSTRUCTION OF NEW PAVEMENT, CURB OR SIDEWALK ADJACENT TO HISTORIC BUILDINGS, CANOPIES, MATERIALS, FENCES, AND RETAINING WALLS

Where proposed work is in proximity to historic buildings or other structures (walls, canopies, retaining walls, fences), and planting beds, and vegetation/groundcover, follow the procedures listed below for demolition, protection, and construction at these addresses:

In the city of _____ at _____ (list addresses):

1. To minimize potential damage to historic structures and materials, contractor to saw cut existing sidewalk 8 to 12 inches away from the historic structure, canopy supports, fence, or retaining wall.
2. Contractor to construct new sidewalk next to the saw cut edge with installation of expansion joint in between. If existing sidewalk is to be removed entirely, the remaining 8 to 12 inches next to the historic structure, canopy supports, material, or retaining wall will be removed by hand. Expansion joint to be placed between historic structure, canopy support, material, fence, or retaining wall and new sidewalk.
3. Contractor is responsible for preventing damage to historic structure, canopy supports and their awning, materials, fences, retaining walls, including garden elements (planting beds, plantings) during the entire construction project, especially during removal of existing pavement, curb, or sidewalk. During the saw cut and hand removal process, contractor will exercise utmost caution and will physically protect historic structure foundation, canopy supports, materials, elevations, entryways with decorative flooring, fences, retaining walls, and landscape elements.
4. Contractor to repair or replace in kind, at his own expense, any historic materials damaged in the course of executing the work. Contractor is responsible for locating replacement source for historic materials damaged in the course of the work. Texas Historical Commission to be informed of damage and proposed repairs prior to execution of repair work.

CONCLUSION

Providing a safe and pleasant streetscape environment is important but does not require the loss of historic context. Streetscape modifications can be accomplished while being sensitive to and enhancing local historic resources. Early and consistent consultation is the most effective way to assist the THC in providing a smooth and efficient review. Designs may need to be revised in order to comply with preservation standards—please do not wait until the construction documents are completed to involve the THC. (*Updated 2011.*)

Texas Historical Commission
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PROTECTION NOTES ...

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2. Contractor to construct new sidewalk next to the saw cut edge with installation of **expansion joint** in between....
3. Contractor is **responsible**...



Streetscape Guidelines: Physical Effects





Why Protection Notes? Adverse Effects



Shown here are Adverse Effects, including damaged tiles, granite, and building foundations from contractor not following protection notes.

These affect the buildings, the businesses, and the local good will for your project.

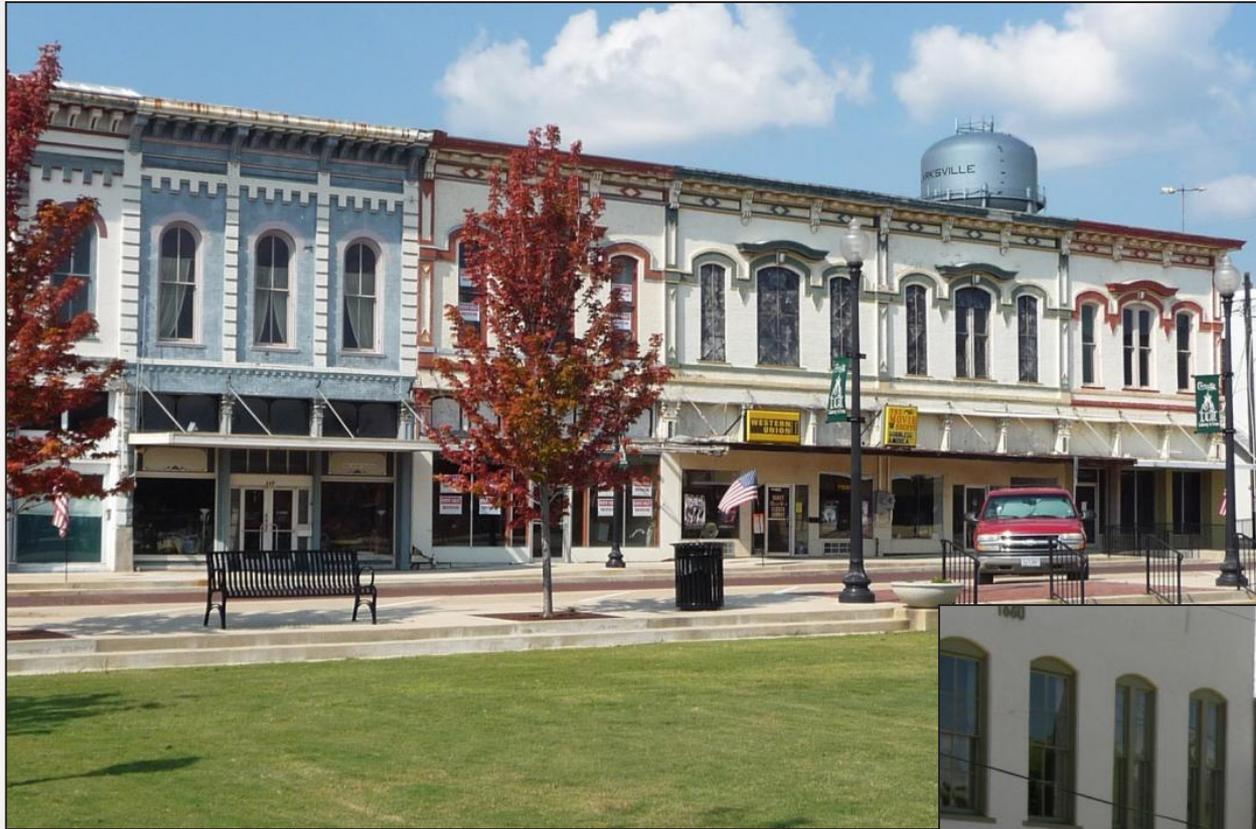


Streetscape Guidelines: Physical Effects





Streetscape Guidelines: Street Lights



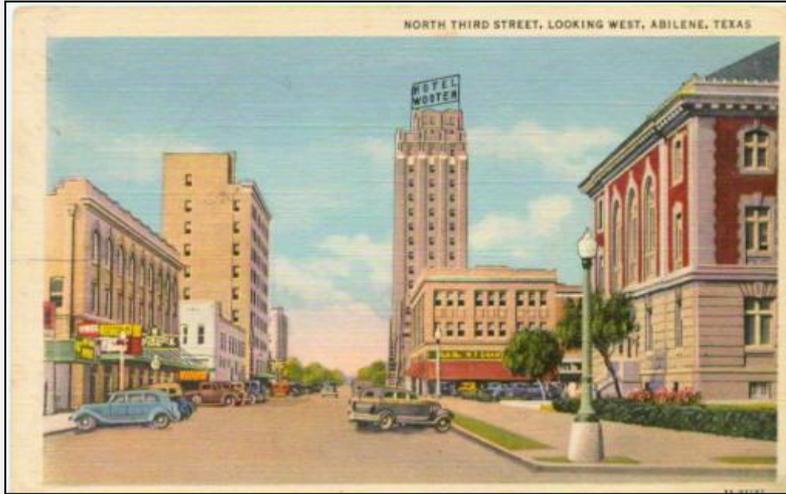
Every downtown is different, and new features that can detract from your community's historic feeling and setting.

Choose new lights and furnishings that complement rather than falsify your history.





Streetscape Guidelines: Street Lights



Look at historic images of your community to find out what kinds of street lights were used during your particular period of significance.



Streetscape Guidelines: Visual Effects



New features can obscure architectural features.



Streetscape Guidelines: Trees and Vegetation



Trees can grow to do physical damage to your facades and sidewalks.



Streetscape Guidelines: Accessibility



Every community has unique sidewalk and accessibility needs.



Choose designers and engineers who will work with you to find appropriate solutions to your unique problems while respecting your unique buildings.



Streetscape Guidelines: Accessibility



Some solutions work better than others, and some create new barriers and undesirable conditions.



Additional resources for information

Every Texas county has a **County Historical Commission (CHC)**, which will be comprised of county residents with information about **local history**.

If your city does not have a **Main Street manager**, downtown manager, or historic preservation or planning professional on staff, consider contacting the CHC for questions about historical significance of your resources.

Find contact information for current CHC chairs and Main Street managers on the THC website: <http://www.thc.texas.gov>.





Contact the THC: Project Reviewers

Please contact us with any questions!

History Programs Division:

Linda Henderson, TxDOT Reviewer

linda.henderson@thc.texas.gov

512/463-5851

Justin Kockritz, HUD Infrastructure Reviewer

Justin.Kockritz@thc.texas.gov

512/936-7403

Division of Architecture:

Elizabeth Brummett, Project Review Team Leader

Elizabeth.brummett@thc.texas.gov

512/463-6167

http://www.thc.texas.gov/about/contact#contact_proj_review

