

Review and Compliance for Local Preservationists

Local preservationists can watch for projects that might affect historic and archeological sites.

The Texas Historical Commission (THC) and other organizations rely on **local preservationists** to know and share information about activities that might affect historic properties. **Local preservationist** refers to an individual who is associated with a County Historical Commission (CHC), Main Street or Certified Local Government office, the Texas Archeological Steward Network, or other history, conservation, and preservation groups.

Local preservationists can follow local news, events, and projects to track potential direct and indirect impacts to historic and cultural resources. This information would, then, be shared with THC and entities involved in project planning.



In 2014 and 2015, TxDOT, THC, and the Historic Bridge Foundation engaged preservationists in open houses about historic bridges.

Federal and state agencies are subject to various laws related to cultural and environmental resources, including historic and archeological properties. Local preservationists, especially those attached to city and county government, play an important role under these laws. **Note the following ways that local preservationists can participate.**

SECTION 106

Section 106 of the National Historic Preservation Act of 1966 outlines a coordination process under which local preservationists may be contacted as potential consulting parties.

- Projects funded, licensed, or permitted by federal agencies must include consultation with state and local stakeholders on effects—both direct and indirect—to properties that are listed in or eligible for listing in the National Register of Historic Places (NRHP). These projects are called undertakings.
- The Advisory Council on Historic Preservation (ACHP) established the Section 106 regulations and must be given an opportunity to comment on any projects that might adversely affect historic resources.
- Section 106 assigns state-level review authority to the State Historic Preservation Office (SHPO).
- In Texas, the THC performs the role of SHPO. SHPOs are automatic consulting parties to the Section 106 process, as are federally recognized tribes that have an affiliation with a given area.
- **Local preservationists** and preservation organizations may request to be consulting parties from the lead federal agency for a project. Consulting parties participate in the identification of historic properties and in conversations about the project's effect on historic properties.
- Under Section 106, projects are evaluated for their likelihood to affect historic properties.
- A historic property—under the definitions outlined in the regulations—is a building, structure, object, or site listed in or eligible for listing in the NRHP.
- If one or more NRHP-eligible properties are adversely affected by a project, the consulting parties and federal agency responsible for the undertaking develop a Memorandum of Agreement (MOA) that includes specific measures to mitigate the loss or adverse effect.
- Mitigation might include documentation or interpretation related to the adversely affected resource. Consulting parties may be involved in suggesting appropriate approaches to address mitigation agreements.
- **Local preservationists** can keep track of local projects and participate as consulting parties when historic properties might be affected. They can also help determine appropriate mitigation.

ANTIQUITIES CODE

The Texas Antiquities Code focuses on the direct effects from projects on state lands and State Antiquities Landmarks, such as archeological deposits in a street or changes to a state-owned building or local bridge with historical designations. State lands include property owned by subdivisions of the state, such as counties, cities, universities, and school districts. **Local preservationists** can help build relationships with public entities in their communities and stay apprised of planned projects that affect historic properties.

CEMETERIES

The Texas Health and Safety Code contains most of the laws governing cemeteries in Texas. Any property used as a burial ground is considered a dedicated cemetery, whether it is neglected, a single grave with no head stone, or a perpetual care facility. **Local preservationists** can actively research, identify, and document local cemeteries. They may also participate—or help others participate—in the Historic Texas Cemetery (HTC) program and to record endangered cemeteries in county records through a Notice of Existence of Cemetery. Cemeteries with the HTC designation are eligible to apply for a historical marker through THC's historical marker program.

COURTHOUSES

In addition to the Texas Historic Courthouse Preservation Program, the THC has a review role to play with county courthouses. Any buildings that have served or are serving as the county courthouse are statutorily protected under the Texas Government Code. THC also holds preservation easements on properties that have received funding through our grant programs. **Local preservationists** can help county judges and commissioners connect to THC programs and best preservation practices and can also keep track of problems with their buildings.

LOCAL KNOWLEDGE

CHCs are important for many reasons, but their local knowledge is invaluable. Because CHC members are volunteers from all around a county, their information may be limited to their individual communities or interests. Surveys of historic resources ensure that every CHC member and local preservation partner has access to information about historic properties throughout a county. **Local preservationists** can survey their community's historic resources—and then keep those surveys up to date. This can help prioritize properties in advance of any projects that might affect them. Surveys also give local officials and partners tools they can use when considering new projects, maintenance priorities, and constraints they might face in the future.

CONCLUSION

Local preservationists bring value to the state and federal review processes. By staying informed about what important historic and cultural properties exist in their communities, and by participating in project planning, they can help decision makers avoid negative effects to irreplaceable resources.

The THC's website has information about all aspects of state and federal review, as well as cemeteries, courthouses, historical designations, how to perform a survey of historical resources, and other programs that can assist you in your preservation efforts: <http://www.thc.state.tx.us>. The website also has links to key partner agencies, such as the Texas Department of Transportation, which offers information on historic bridges throughout the state, and the Advisory Council on Historic Preservation, which offers an interactive outline of the Section 106 process.

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