

NC Department of Cultural Resources

NCDCR's mission is to enrich lives and communities by creating opportunities to experience excellence in the arts, **history**, and libraries in North Carolina that spark creativity, stimulate learning, preserve the state's history and promote the creative economy.



NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICE

Within Department of Cultural Resources

Deputy Secretary is the **State Historic
Preservation Officer (SHPO)**

Office of Archives and Historic

Division of Historical Resources

State Historic Preservation Office (HPO)



North Carolina State Historic Preservation Office

- ▣ Offices in Raleigh, Greenville & Asheville
- ▣ 26 full-time staff members
- ▣ Annual budget - \$1.5 million \pm from State & National Park Service (NPS)
- ▣ Award \$90,000 \pm /year to Certified Local Governments (CLGs) for surveys, registration, rehabilitation projects and planning
- ▣ Review about 3,000 development projects/year with OSA

SHPO Responsibilities

- ▣ **Identification**
 - Statewide survey - through county and town surveys using NPS grants
 - GIS - did it ourselves and have a NCDOT-funded position to develop and maintain the maps and data layers
- ▣ **Evaluation and Registration** through the National Register of Historic Places
- ▣ **Protection** through federal Section 106 & state statute reviews
- ▣ **Preservation & Enhancement**
 - Technical restoration advice to owners of historic properties
 - Review of Historic Rehabilitation Investment Tax Credit projects that have generated \$1.7 billion in private investment since 1976
- ▣ **Planning**
 - Develop State Historic Preservation Plan
 - Provide assistance to local governments' historic preservation commissions

Each area has its own set of "Standards" and professional qualifications for implementing them

Office of State Archaeology (OSA)

Within Department of Cultural Resources

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Office of State Archaeology (OSA)

Office of State Archaeology (OSA)

- ▣ Main office and Research Lab in Raleigh
 - Maintains research library of 7200 Archaeological Survey Reports and inventory of collections/data
 - Site forms and information for more than 47,000 historic & prehistoric archaeological sites in North Carolina
- ▣ Underwater Archaeology Branch at Fort Fisher
- ▣ Archaeologist in the Western Office of Archives & History, Asheville
- ▣ The Queen Anne's Revenge Conservation Lab, Greenville
- ▣ 18 full time staff

OSA Responsibility

Protects endangered archaeological sites on private or public lands through enforcement of the

- **NC Archaeological Resources Protection Act** (GS 70, Article 2)
- **Unmarked Human Burial and Human Skeletal Remains Protection Act** (GS 70, Article 3)
- **NC Archaeological Record Program** (GS 70, Article 4)
- **“Abandoned Shipwreck Law”** (GS 121, Article 3)

Works closely with private citizens, local government bodies and law enforcement officials, and state agencies like the Commission of Indian Affairs and the Division of State Parks and Recreation.

Encourages the protection of archaeological sites by easements and tax incentives as well as cooperative efforts with CLGs

With HPO reviews more than 150 development projects/month

OSA does NOT do Cemeteries

- ▣ OSA records cemeteries as archaeological sites, but does not have statutory responsibility for them.
- ▣ General Assembly funded a cemetery program for 2007-2009 only, did not mandate that Archives and History be responsible for cemeteries.
- ▣ OSA has jurisdiction over discovered human skeletal remains that are not the medical examiner's responsibility.

The National Register - A list of properties that have been determined by the SHPO and NPS to be significant to the history of the United States at a local, state, or national level.



- ▣ Buildings
- ▣ Structures
- ▣ Sites (archaeological)
- ▣ Districts
- ▣ Objects

Questions that we often hear about the National Register

Do “Eligible” properties get the same protection?

Yes, under federal law, but not under state law

Why is a property determined eligible?

To recognize what makes it significant

To determine which law(s) apply

How is a property determined eligible?

By concurrence of the SHPO and federal agency or

Formally by the Keeper of the National Register

Why aren't more archaeological sites listed in the NRHP?

Due to the time and expense involved in the nomination and, if a site is determined eligible, data recovery excavations are often conducted, which render the site no longer eligible.

The Regulatory Framework

- ▣ National Environmental Policy Act (NEPA)
- ▣ State Environmental Policy Act (SEPA)
- ▣ Section 106 of the National Historic Preservation Act of 1966, as amended
- ▣ Section 4(f) of the USDOT Act
- ▣ NC General Statute 121-12 (a)
- ▣ NC Executive Order XVI

Review Process for Transportation Projects

Scoping from NCDOT/local government/ State Clearinghouse/PCN/Public Notice/Misc requests received – preferably through the HPO ER email box at:

environmental.review@ncdcr.gov

Auto-reply

Logged in and assigned unique tracking number

Reviewed by OSA and HPO professional staff within 30-day regulatory deadline

One-Stop Shop – respond with combined comments to requesting agency or individual

Project Streamlining for Minor Transportation Projects under Programmatic Agreement

- ▣ 2009 NCDOT agreement with FHWA and the ACHP to expand NCDOT's Archaeology and Historic Architecture Groups authority to make decisions on behalf of HPO/OSA
- ▣ PA limited to minor transportation projects – CE or the state equivalent
- ▣ Annual report provided to HPO/OSA for review and comment – approx. 400-600 projects submitted per year
- ▣ Typical projects: bridge replacements, rail safety, secondary road improvements, traffic signal systems
- ▣ Some exempt activities that do not require review

Programmatic Agreement Process

- ▣ Projects submitted electronically to NCDOT Archaeology and Historic Architecture
- ▣ Once assigned, each NCDOT group screens the projects and provides a “Survey Required” or “No Survey Required”
- ▣ If survey required then NCDOT staff initiates work immediately
- ▣ If historic properties identified then assess effects
- ▣ If adverse effect consult on ways to avoid with project commitments or mitigate with MOA

NCDOT Archaeology Program

- ▣ NCDOT Archaeology Group : Seven full-time Archaeologists handle Statewide Program
- ▣ Consult with HPO/OSA and other stakeholders on projects in the Merger process on archaeological issues
- ▣ Other stakeholders may include USFS, EBCI, TVA, USACE
- ▣ Level of effort varies depending on document type (EA vs EIS) project type (Widening vs New Location) and Lead Federal Agency designation
- ▣ Other factors include previously recorded sites, level of disturbance within the study area, types of landforms impacted

NCDOT Archaeology Process

- ❑ Consultations with OSA after CP1: Work may involve completion of background reports, predictive model development or survey of multiple alternatives
- ❑ All archaeological survey work and NRHP evaluation efforts initiated by CP3
- ❑ All investigations and eligibility NRHP determinations completed by CP4A
- ❑ Commitments regarding adversely affected NRHP archaeological sites are outlined in a Memorandum of Agreement (MOA)
- ❑ The MOA is signed and filed prior to FONSI or ROD
- ❑ NRHP sites adversely effected are primarily subjected to Data Recovery Excavations
- ❑ Data Recovery work starts after ROW and is completed prior to Construction

NCDOT Historic Architecture Program

- ▣ NCDOT Historic Architecture Group : Four full-time and one part- time architectural historians manage all transportation projects statewide
- ▣ Consult with HPO, historic property owners, local preservation groups as well as USACE, USFS, NPS, and other stakeholders about the significance of historic properties and the potential impacts of transportation projects
- ▣ Responsible for explaining effects of proposed plans to NCDOT project engineers and seeking design changes to minimize impacts to historic properties
- ▣ Some autonomy with the state and Federal processes due to agreements with FHWA and USACE

NCDOT Historic Architecture Process

- ▣ For EA and EIS projects survey work begins after scoping comments received from HPO and after CP 1 achieved
- ▣ Effects assessments are completed prior to CP 3 so that they may be considered in the selection of a preferred alternative
- ▣ Adverse Effects/ MOA's completed prior to signing of the FONSI or ROD
- ▣ Design changes may necessitate additional surveys and/or effects assessments throughout the life of a project

Art on the Move

- ▣ Per Governor McCrory's directive, NCDOT and DCR formed interagency working group to incorporate art into signature infrastructure projects, including major bridges
- ▣ Gateway projects at interstate Welcome Centers
- ▣ Guidelines for program implementation are in development
- ▣ Definitely a work in progress