



Local Preservation

A service of the
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WHAT IS THE NATIONAL HISTORIC PRESERVATION ACT?

The National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) is the nation's central historic preservation law. It establishes the legal and administrative context within which local historic preservation commissions relate to, and participate in, the national historic preservation program.

Passed at a time when Americans were becoming increasingly aware of the damage being done to their heritage by modern development, and strengthened and elaborated upon several times since, the Act is designed to encourage preservation and wise use of our historic resources. The Act does several important things:

National Policy: The Act sets forth the policy of the U.S. Government regarding historic preservation. In a nutshell, the policy is to promote conditions in which historic properties can be preserved in harmony with modern society, and fulfill modern society's needs.

The National Register: The Act authorizes the Department of the Interior to establish, maintain, and expand a National Register of Historic Places. The Register is maintained by the National Park Service; it is a computerized listing of properties that have been nominated and accepted as having historic, architectural, archeological, engineering or cultural significance, at the national, State, or local level. The Register is growing steadily as more properties are identified and nominated each year (See "What are the National Register Criteria?").

The SHPO: The Act establishes the responsibilities of State Historic Preservation Officers, or "SHPO's," the State officials who administer the national historic preservation program at the State level. Each SHPO is responsible for developing a statewide plan for preservation, surveying to identify historic properties, nominating properties to the National Register, providing technical assistance to Federal, State, and local agencies and the public, participating in the review of Federal undertakings that affect historic properties, helping local governments become certified to participate in the program, and other activities (See "What is a SHPO?").

Grants-in-Aid: The Act establishes a program of matching grants-in-aid by which the National Park Service assists the SHPO's in carrying out their work. SHPO's may subgrant portions of these funds to local governments and others for approved preservation projects.



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"HISTORIC PRESERVATION" and "HISTORIC PROPERTIES"

Local Preservation is a National Park Service publication series that provides technical information concerning the national historic preservation program established by and administered under the authority of the National Historic Preservation Act (See Local Preservation "What is the National Historic Preservation Act?").

Two terms need to be defined for reference by readers of the Local Preservation Series, because they are used in the Series in ways that, while consistent with the definitions in the National Historic Preservation Act, could be misleading.

The Act defines historic property to mean "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register." Thus when we refer to "historic properties" we mean to include archeological sites and culturally important places of significance in prehistory— that is, sites and places used during the thousands of years that American Indians occupied the continent before the coming of Europeans — as well as properties used during the "historic" period since the arrival of Europeans.

The Act defines historic preservation to mean "identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance and reconstruction, or any combination of the foregoing activities." Thus when we refer to "historic preservation activities" we have a very wide range of activities in mind. Some kinds of activities may not be possible under some circumstances, however; for example, Congress has not recently permitted use of Historic Preservation Fund monies for acquisition, management, rehabilitation, restoration, stabilization, maintenance, or reconstruction of historic properties. "Historic preservation" as used in these papers refers to whatever range of the above activities is permitted by the laws and regulations governing the program under discussion.

Certified Local Governments: The Act provides for the certification of local governments whose historic preservation programs meet prescribed standards, making them eligible for special grants-in-aid and technical assistance from the SHPO to assist them in carrying out preservation activities at the local level. At least ten percent of the annual Historic Preservation Fund grant made to States under the National Historic Preservation Act must be distributed among Certified Local Governments.

Advisory Council on Historic Preservation: The Act creates the Advisory Council on Historic Preservation, an independent Federal agency responsible for advising the President and Congress on historic preservation matters, and reviewing and commenting on agency actions that may affect historic properties (See "What is Section 106 Review?").

Federal Agency Responsibilities: The Act directs Federal agencies to name "Agency Preservation Officers" to coordinate their historic preservation activities, to seek ways to carry out their activities in accordance with the purposes of the Act, to identify historic properties under their jurisdiction, to consider such properties when planning actions might affect them, to give the Advisory Council an opportunity to comment on such actions, and to document historic properties that cannot be preserved.

The National Historic Preservation Act, and the programs it created are the major components of the national historic preservation program.

For a free copy of the National Historic Preservation Act, write:

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