Preservation as the Movement of Yes
How State Historic Preservation Offices Say “Yes”

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“Better Check with the SHPO,” is a phrase many preservationists either hear or say on a regular basis. Of course, they are referring to the State Historic Preservation Offices that can be found in 59 states and territories as well as the District of Columbia. SHPOs are defined in the National Historic Preservation Act of 1966 (NHPA) as having specific responsibilities for our federal historic preservation program as well as for establishing their own state programs.

Their role is to say “yes” to owners and developers who want to rehabilitate properties in historically and architecturally appropriate ways; to citizens who want to see significant places recorded, recognized and preserved; and to federal agencies that make sure that their projects, the permits they issue or the grants they award are not used to destroy the places that matter to all of us.

SHPOs rely on the funding they receive from the Historic Preservation Fund (HPF), which they must match with their own state funds. Authorized and appropriated by Congress, the amount of HPF funding available is always subject to change, so the preservation community must be continually vigilant in advocating for funding support. As of this printing, the authorization for the HPF expired on September 30, 2015. There is now a broad legislative effort underway to ensure that our national commitment to historic preservation remains intact.

SHPOS PROMOTE STATE AND LOCAL PRIORITIES

SHPOs are the product of a national historic preservation program that is unique to the United States. Rather than relying on a centralized, top-down or national “ministry” or some other government entity, our national program, defined by the NHPA, established a system whereby states and local governments would be required to have a voice in determining what historic resources were important in their communities.
SHPOs can be effective advocates for the protection of significant local and regional places because they are positioned to know what resources are important in their states. They maintain comprehensive survey information and are the official repositories of vast amounts of historical data, maps, artifacts and other materials that help tell the stories of the communities in their respective states. There is great variety from state to state not only in the volume of information but also in how this information can be acquired, stored, digitized and shared. Much depends on available funding but also on the types of resources in a state. For example, Western states frequently are more comprehensive in listing archaeological resources while Eastern states’ data sets contain more built resources.

Guiding all of the work of the SHPOs are State Preservation Plans, which are required as a condition of the federal funding SHPOs receive. These plans are far reaching and cover topics ranging from ensuring that diverse cultures are represented to addressing the potential impacts of flooding or other climate-related issues. They also describe how the SHPO will provide public education and outreach as well as technical assistance. To ensure that the plans reflect the concerns, priorities and values of many different communities, SHPOs actively seek public input and participation from diverse stakeholders. You can find copies of state plans on the National Park Service website at [www.nps.gov/preservation-planning/stateplan-links.html](http://www.nps.gov/preservation-planning/stateplan-links.html).
SHPOS CONNECT STATE AND LOCAL PROJECTS TO FEDERAL RESOURCES

Protecting the places that matter to their communities is sometimes difficult. In today’s challenging economic environment, funding sources for preservation are not abundant. One effective tool, however, is the federal Historic Rehabilitation Tax Credit (historic tax credit), which is administered by the SHPOs and the National Park Service. The historic tax credit is designed specifically to incentivize the rehabilitation of historic buildings. Thanks to this program, thousands of buildings that would likely otherwise be lost have been saved from the wrecking ball and placed into useful service. Developers work closely with the SHPO during the application process to ensure that their projects meet the Secretary of Interior’s Standards and will ultimately be certified by the National Park Service. Since 1976, the tax credit has been responsible for well over 40,000 rehabilitations in all 50 states, Puerto Rico, the U.S. Virgin Islands and the District of Columbia. Frequently, these projects are the catalyst for additional investment—meaning they have an enormous impact on communities nationwide.

To be eligible for the historic tax credit, a building must be income producing. It must also be a “certified historic structure” as a contributing building in a registered historic district or listed in the National Register of Historic Places—another program for which SHPOs play a substantial role. A point of pride for many a
community, places listed in the National Register—even if they are incorrectly referred to as being on the “National Registry,” a “Historical Landmark” or on the “Historical Registry”—represent aspects of a community’s history. Applying for listing involves conducting a fair amount of research and obtaining community and property owner support. Rather than going straight to the National Park Service in Washington, DC, National Register nominations are first reviewed by the SHPOs in collaboration with the applicants, with the SHPOs providing advice, as needed, on how to produce a correct and compelling nomination. An SHPO’s approval of a nomination demonstrates strong state and local support for the inclusion of a resource in the National Register. The SHPO might also promote listing the resource in the state register instead of or in addition to national listing.

Ten percent of the HPF funding SHPOs receive, as well as a great deal of technical assistance, is passed on to more than 1,900 Certified Local Governments (CLGs) nationwide to help them produce National Register nominations, conduct site survey or rehabilitation work, or develop design guidelines—further ensuring that communities are “plugged in” to the national program. Beyond this, the CLG program also empowers local communities to create their own historic inventories and establish their own commissions as well as outlines roles, responsibilities and best practices for the administration of local historic districts.

PROJECT REVIEWS ARE CONSULTATIONS, NOT DEMANDS
A few years ago, I had the privilege of meeting with a delegation from Russia that was exploring how our federal historic preservation program works. Of particular interest to them was “Section 106,” the provision in the NHPA that requires federal agencies to consider the impact of what they do on our historic resources—and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. What was particularly astonishing to them was that not only would the federal government have to consult at all, but also that, as part of that process, it must do so with SHPOs, Tribes and the public. And the federal agency participates in consultation without dictating the outcome and, at times,
compromises. Preserving historic places is certainly a goal of Section 106 review—but other factors influence what the outcome of federal undertakings can be. In other words, preservation in the United States is not about saying “no,” it’s about getting to “yes.”

The federal “undertakings” reviewed under Section 106 of the NHPA can be as simple as the installation of a single cellular antenna to the proposed sale and reuse of an entire federal campus. They can be transportation projects, utility projects, building rehabilitation projects, demolition projects, renewable energy projects—the list goes on and on. All along the way, SHPOs play a vital role in making sure that the impact of these projects on a community’s historic resources is considered. And they do this, in the vast majority of cases, in 30 days or less.

To be sure, these projects are not always perfect. I’m certain many of us could cite a contentious case with an outcome we didn’t like. But this very fact, in my opinion, is characteristic of a program designed to consider multiple points of view. It requires stakeholders to sit in a room and work toward a solution. Sometimes personalities clash, objectives don’t align or other priorities win—but I believe that, more often than not, the winners in all of this are communities that get to keep and enjoy the places that mean something to them.

A SYSTEM THAT WORKS

In 2014 SHPOs reviewed 102,900 federal “undertakings” and 1,918 proposed or completed historic tax credit projects. They surveyed

In 1996 a double-walled cofferdam was built around the sunken *La Belle* in Matagorda Bay on the Texas Gulf Coast. This allowed archeologists from the Texas Historical Commission to pump out the wreck site and excavate the ship almost as if they were on dry land.

Photo courtesy of the Texas Historical Commission.
approximately 16.5 million acres and evaluated more than 137,000 properties for their historic significance. They also successfully proposed 1,030 new listings to the National Register of Historic Places, which include 31,237 contributing properties. Since the numbers in recent years have continued to increase, they help paint the picture of a national program that continues to work.

Nobody expects our historic communities to stay embedded in amber. Change is constant, and our national historic preservation program is designed to both protect places as well as consider and manage change. SHPOs are a key part of that equation—bringing a community voice and perspective to a national program rather than delivering a directive from it, while making sure citizens across the nation have the opportunity to take full advantage of the federal program. FJ

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