



Review and Compliance for Historic Preservation Fund Competitive Grant Programs

Who is this factsheet designed for?

This factsheet is designed for any grantees who received a grant from the National Park Service's (NPS) STLPG division for any of the competitive grant programs funded by this division.

What is Review and Compliance?

Review and Compliance is a process that applies federal laws, regulations, and standards related to historic preservation and environmental protection to federal projects that affect historic resources.

1. Federal Laws

The action of awarding a federal grant triggers the review responsibilities of the NPS as the federal agency, under three main federal laws:

- Section 106 of the National Historic Preservation Act (NHPA)
- Section 110 of the NHPA if your project includes a National Historic Landmark (NHL) or is a contributing building in an NHL district
- National Environmental Policy Act (NEPA)

Why are these laws applicable to me (as a grantee)? Because when federal money is being allocated and spent, there is an obligation under the NHPA and the NEPA to ensure that historic resources and the environment are not harmed **by the actions supported by the federal funding.**

A. Sections 106 and 110 of the NHPA

The NHPA established the federal program for historic preservation in the United States, intended to preserve cultural and archeological resources important to the country. The act created the National Register of Historic Places (NRHP), the National Historic Landmark Program (NHL), and the Federal Preservation Partnership program that includes State and Tribal Historic Preservation Offices (SHPO and THPO), as well as the Certified Local Governments (CLG).

Sections 106 and 110 (as they are commonly known) for the NHPA:

- i. Determine which properties in the area may or will be affected by the project.
- ii. Determine if those properties are either listed, or are eligible for listing, in the National Register of Historic Places (these are referred to as "historic properties").
- iii. Determine if the effect is adverse or not adverse to the historic property.
- iv. Allow for and provide consultation with all interested parties.
- v. Explore measures that can be taken to avoid "adverse effects" to historic properties.
- vi. The Historic Preservation Fund (HPF) does not pay for adverse effects.

B. NEPA

NEPA established this country's environmental policies, with the goal of achieving productive harmony between human beings and the physical environment for present and future generations.

An environmental assessment study is required for any federal action/project (including your project). As part of the review and compliance process, the NPS reviews your project to determine if a Categorical Exclusion (CatEx) could apply to your project. If a CatEx applies, the project will not require a lengthy environmental assessment and the project can move forward. Some requirements to avoid environmental impacts may be made by NPS.

2. The Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation

NPS assesses each project to determine compliance with the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation. These Standards and Guidelines provide technical guidance related to archeological and historic preservation activities and methods. They include:

- a. The Archeological Documentation Standards must be applied to all projects that involve archeology.
- b. The Secretary of the Interior's Standards for the Treatment of Historic Properties must be applied to all projects that involve construction and development. Your project must fit into one of these treatment categories as the HPF does not fund Reconstruction:
 - i. **Preservation:** retain buildings or landscapes in their current condition.
 - ii. **Rehabilitation:** retain or restore historically significant areas to allow for an appropriate new use.
 - iii. **Restoration:** restore to a specific time period (with proper documentation).

What is the Review and Compliance Process for STPLG projects?

1. For Section 106/110:

- a. NPS reviews all the documentation (plans and specifications) provided by the grantee for Section 106 (and Section 110 if that applies) and NEPA applying.
- b. If needed, the NPS works with the grantee and their project consultants (architects, preservation specialists, etc.) to determine or adjust the effect of the project on the historic resources.
- c. NPS prepares an official letter to the State Historic Preservation Office/Tribal Historic Preservation Office (SHPO/THPO) to seek concurrence on the assessment, which is usually a determination of No Adverse Effect.
DO NOT submit the project to the SHPO/THPO directly, NPS reviews FIRST.
- d. The SHPO/THPO has 30 days upon receiving the submission from NPS to respond. The SHPO/THPO will either:
 - i. Concur and the project can advance.
 - ii. Not concur and NPS and the grantee consult with the SHPO/THPO and all interested parties to resolve the issue.
 - iii. Ask for additional information.

2. For NEPA:

- a. You complete and submit the NEPA worksheet to NPS.
- b. NPS reviews the NEPA worksheet concurrent with Section 106/110 review.
- c. Based on the review of the NEPA worksheet:
 - NPS researches the Categorical Exclusion (CatEx) that applies to the project and **approves** the NEPA worksheet **OR**
 - NPS does **not approve** the NEPA worksheet and asks you (the grantee) for additional information to inform the NEPA review and identification of an applicable CatEx.

Reminder: The Review and Compliance Team may contact you for additional information if needed at any stage of the process.

What is the estimated timeline for Review and Compliance?

1. Section 106/110 and NEPA review by NPS may take around 60 days to complete.
Tip: Plan ahead and submit your documentation as soon as possible, conceptual questions are welcomed.
2. For Section 110 (designated National Historic Landmarks) project submittals are sent to NPS Regional Offices to seek their comments. **DO NOT contact the regional offices directly.**
Tip: Please allow more time in the process for this to occur.
3. NPS will process NEPA at the same time as the Section 106/110 review.
Tip: Completing the NEPA worksheet properly will result in faster processing.

Useful web links

- [Secretary of the Interior's Standards for the Treatment of Historic Properties](#)
- [Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation](#)
- [Secretary of the Interior's Archeological Documentation Standards](#)
- [NPS Technical Preservation Briefs](#)
- [Citizen's Guide to Section 106 Review](#)
- [NHPA overview](#)
- [NEPA review process](#)

Additional Information

For more information on our other programs, please visit www.nps.gov/stlpg.

For application assistance:
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