



SHPO Working Group:
Subcommittee
recommendations

Agenda

**Environmental
Review Process**

**Committee
Discussion and
Recommendations**

**Future CT
Environmental
Policy Act
Discussions**

Working Group Membership

No.	Appointing Authority	Specific Qualifications (SHPO)	Appointee
1	Sen. Hartley Sen. Meskers	The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to commerce	Sen. Hartley
2	Sen. Hartley Sen. Meskers	The chairpersons of the joint standing committee of the General Assembly having cognizance of matters relating to commerce	Rep. Meskers
3	Sen. Hartley Sen. Meskers	The ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to commerce, or the ranking members' designees	Sen. Martin
4	Sen. Hartley Sen. Meskers	The ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to commerce, or the ranking members' designees	Rep. Harrison
5	Sen. Hartley Sen. Meskers	The State Historic Preservation Officer, or the officer's designee	Jonathan Kinney
6	Sen. Hartley Sen. Meskers	The Commissioner of Economic and Community Development, or the commissioner's designee	Elizabeth Shapiro
7	Sen. Hartley Sen. Meskers	The Secretary of the Office of Policy and Management, or the secretary's designee	Bruce Wittchen
8	GOV	A representative of the Office of the Governor, who has expertise overseeing the administration of sections 22a-1 to 22a-1h, inclusive, of the general statutes and the regulations adopted thereunder, who shall be appointed by the Governor	Matthew Brokman
9	GOV	A representative of the Council on Environmental Quality, who shall be appointed by the Governor	Denise Rodosevich
10	Sen. Hartley Sen. Meskers	A representative of an organization that advocates on behalf of municipalities in the state	Randy Collins
11	Sen. Hartley Sen. Meskers	A representative of an organization that advocates on behalf of small towns and communities in the state	Elizabeth "Betsy" Gara
12	Sen. Hartley Sen. Meskers	A representative of an organization that advocates for revitalizing historic commercial districts and downtowns in the state	Michelle McCabe
13	Sen. Hartley Sen. Meskers	A representative of a municipal historic preservation commission	Tod Bryant
14	Sen. Hartley Sen. Meskers	A representative of an association representing businesses and industries in the state	Ashley Zane
15	Sen. Hartley Sen. Meskers	Two municipal economic development officers	Felix Reyes
16	Sen. Hartley Sen. Meskers	Two municipal economic development officers,	Tommy Hyde
17	Sen. Hartley Sen. Meskers	A representative of a property development organization, who has expertise in construction and renovations	David Kooris
18	Sen. Hartley Sen. Meskers	A representative of the brownfields working group established pursuant to section 32-770 of the general statutes	Ann Catino
19	Sen. Hartley Sen. Meskers	Native American Representative Eastern Pequot Tribal Nation	Brenda Geer

Environmental Review Process

State Historic Preservation Office (SHPO)
Environmental Review Process

Introduction and Overview

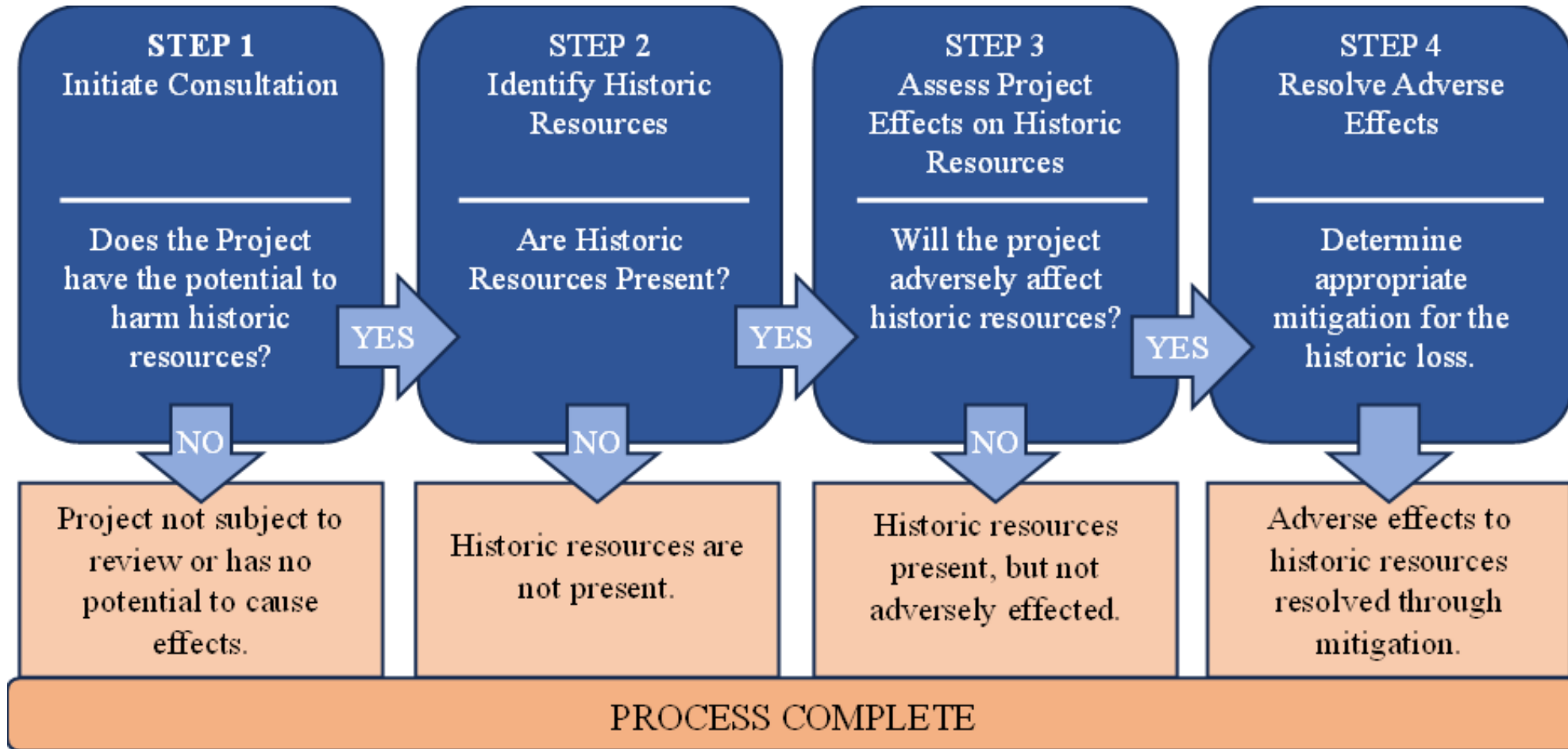
INTRODUCTION AND OVERVIEW

WHY a recipient of state funding gets referred to SHPO

- Federal and state laws that require agencies to “stop, look, and listen” before making decision that impact historical resources
- Compliance with laws requires agencies to collect information on how decisions could impact historical resources
 - Consider ways to avoid, minimize, or mitigate effects
- SHPO adopts a review process defined by Section 106 of National Historic Preservation Act wherein the procedure and terms are codified and defined.

INTRODUCTION AND OVERVIEW

Process for SHPO review



INTRODUCTION AND OVERVIEW

What to expect

- Delineated sequential process leading to decision enabling project to move forward
- Vast majority (85%) conclude after step 2
 - SHPO issues a letter stating “no historic properties are affected”
- Projects that move onto Step 3
 - SHPO may ask for additional information
 - Most projects conclude with a letter from SHPO stating “no adverse effect”
- Projects that move onto Step 4
 - Less than 5% of projects get to this step
 - These projects involve conversations with SHPO staff resulting in actions required to be taken by recipient of state funding in order to minimize or mitigate historic loss

INTRODUCTION AND OVERVIEW

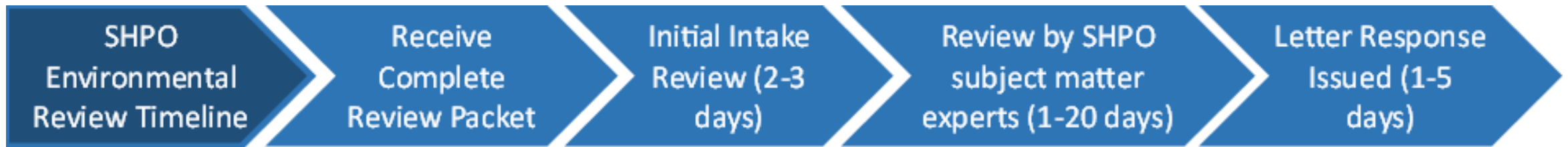
Who is responsible for compliance

- State agency administering funding, permitting, or approvals
 - Some agencies delegate responsibility to the applicant
 - Agency is ultimately responsible for ensuring compliance and considering the recommendations of SHPO
- SHPO's role is to review, comment, and consult
 - Provides formal letter of consultation
- NOTE: SHPO may not be the only state agency addressing whether or not the state funded activity will have an impact on a natural or cultural resource in compliance with the CT Environmental Policy Act, and each has their own process.

INTRODUCTION AND OVERVIEW

When will SHPO respond

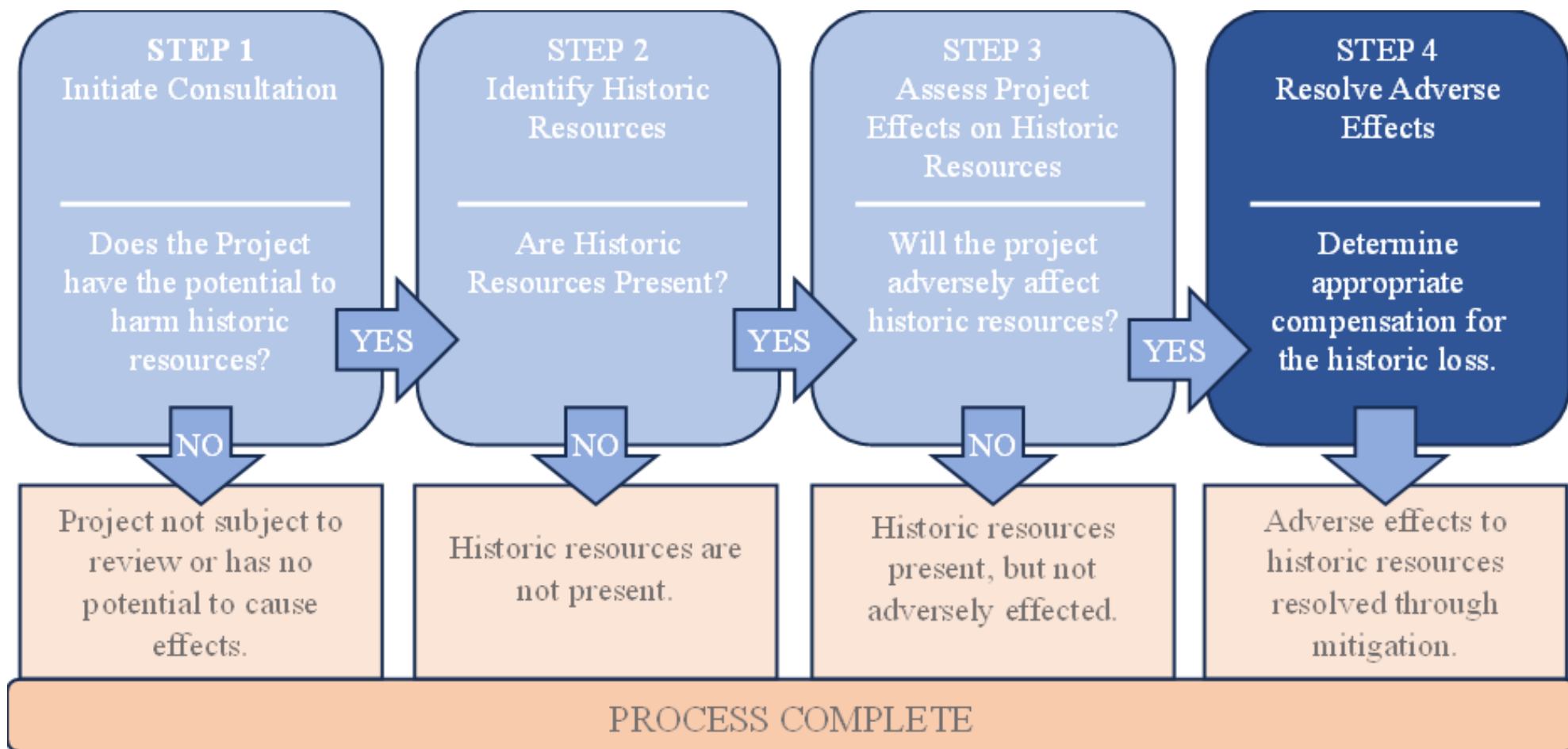
- SHPO reviews projects on a first come, first serve basis
- Letter of concurrence is typically completed within 30 days of initiating consolation
 - Actual response can be faster



- Once a review request has been through the initial 30-day response period, additional information will be reviewed as soon as possible

STEP 4: RESOLVE ADVERSE EFFECTS

Process for SHPO Review



STEP 4: RESOLVE ADVERSE EFFECTS

How does an adverse effect get resolved

- Resolved when all relevant parties agree to treatments, measures, or stipulations (i.e. mitigation) that offset historic loss
- Consultation is critical between SHPO and sponsoring agency
- Often memorialized in an agreement document

STEP 4: RESOLVE ADVERSE EFFECTS

What is mitigation

- Mitigation is commensurate with magnitude of historic loss
- Mitigation usually involves some or more of the following principals:
 - Related to the historic resource being lost
 - Provide a public benefit
 - Occur within the community in which the resource is lost
- Project proponent should convey all possible and pertinent information about project plans, feasibility of alternatives, and economic evaluations that could have an effect on mitigation decisions

Committee Discussions and Recommendations

State Historic Preservation Office (SHPO)
Environmental Review Process

SIGNIFICANT EFFECTS AND CEPA

CEPA paths

- The sponsoring agency is the agency responsible for administering state funding to the project proponent
- Sponsoring agency follows agency-approved specific or generic Environmental Classification Document
- Collaboration between sponsoring agency, project sponsor, SHPO, and other invited parties should arrive at mitigation measures
- Questions on how SHPO's recommendations will be fulfilled should be directed to the sponsoring agency
- Sponsoring agency decides how the measures will be implemented

SIGNIFICANT EFFECTS AND CEPA

Resolution through mitigation

- Mitigation often includes a documentation study, an informational plaque, or other commitments to preservation rehabilitation activities
- On occasion, the loss of historic resource is substantial
- To provide a level of predictability, SHPO proposes a cap on mitigation costs of 15% of the state funding, not to exceed \$750,000¹
 - Mitigation frequently will be below this amount, and typically will be less than \$100,000, but will vary depending upon project specifics
- Commitment of funding shall constitute a resolution of the adverse effect

¹ Cap set in 2024; to be reviewed by SHPO periodically to consider changes due to inflation or other external cost factors

SIGNIFICANT EFFECTS AND CEPA

Recommendation of whether mitigation is appropriate

- If the sponsoring agency is not satisfied with the SHPO recommendation that mitigation is appropriate, the sponsoring agency may apply to DECD commissioner to revise the recommendation
- The sponsoring agency has 15 days after SHPO recommends a mitigation measure to apply to the commissioner
- The commissioner shall make a recommendation within 30 days after receiving a complete application

SIGNIFICANT EFFECTS AND CEPA

Resolution through public scoping

- If sponsoring agency, SHPO, and the project sponsor cannot agree upon mitigation, they can proceed to public scoping or apply to the DECD Commissioner to revise SHPO's recommendation that mitigation is appropriate
- If sponsoring agency determines that the proposed actions necessitate public scoping, alternatives and mitigation measures could be presented to the public for comment
- A project sponsor can request public scoping to present a consideration of alternatives with an analysis of feasibility
- The results of public scoping can be used to counter SHPO's recommendations to the sponsoring agency

SIGNIFICANT EFFECTS AND CEPA

SHPO Assurances

- Throughout this process, SHPO staff will provide applicant with the following:
 - Communication that is clear, timely, and respectful
 - Transparency regarding timelines, determinations, and requests for additional information
 - Access to staff to discuss any concerns or questions
- If, at any time, there are concerns about the process or its execution the following supervisors can be contacted:
 - Jonathan Kinney, State Historic Preservation Officer
 - Elizabeth Shapiro, Director of Arts, Preservation, and Museums

Future CT Environmental Policy Act Discussions

Overall recommendations of the subcommittee

OVERALL RECOMMENDATIONS

- Recommendations only addresses issues within our charge
- Does not address uniformity with other agencies working within CEPA
 - Consider revising or standardizing Environmental Classification Document across all state agencies
 - Consider establishing a timeframe for each agency to determine CEPA compliance
 - There is variation across agencies in the amount of assistance/support offered to a project sponsor
- Does not address conflicting recommendations by different agencies on a single project