

Local Preservation

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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, archaeological, 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.

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:

Publications Office
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