

STATE UNIVERSITY CONSTRUCTION FUND

PROGRAM DIRECTIVES

DIRECTIVE 1C-9

Issue date: June 2012

HISTORIC PRESERVATION

Projects involving historic buildings and cultural resources shall require a review of the scope and proposed design in compliance with Section 14.09 of the New York State Historic Preservation Act of 1980 (Referred to as “Environmental Review”).

The act requires State agencies to consult with the commissioner of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) if it appears that any project which is being planned may or will cause any change, beneficial or adverse, in the quality of any historic, architectural, archeological or cultural property that is listed on the National Register of Historic Places or property listed on the State Register of Historic Places or that is determined by the commissioner to be eligible for listing on the State Register of Historic Places. It requires State agencies, to the fullest extent practicable, consistent with other provisions of the law, to avoid or mitigate adverse impacts to such properties, to fully explore all feasible and prudent alternatives and to give due consideration to feasible and prudent plans which would avoid or mitigate adverse impacts to such property. It establishes agency preservation officers for the purpose of implementing these provisions. The consultation is completed through a process of Environmental Review.

The Fund Project Coordinator (or the Agency Preservation Officer (APO)) has a copy of the 1993 SUNY Historic Resources Survey and Evaluation that identifies specific buildings at each SUNY campus that were constructed prior to 1940 and have already been determined to be either eligible or listed. Additional SUNY buildings (constructed since the Survey and Evaluation and now 50+ years old) may be historically significant and therefore eligible for listing. Those buildings will be handled in the same way as those identified in the Resource Survey. Buildings that are not 50+ years old at the start of design but may be by the completion of construction or buildings that may be deemed eligible for reasons other than age shall be reviewed with the Project Coordinator to determine the appropriate actions (if any) in regard to historic preservation.

Information on archeological resources is found in item 6. of this directive.

As early as possible (preferably with language in the advertisement for design consultant services), SUCF should indicate the presence of historic or cultural resources in a project.

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The Consultant's responsibilities in regard to historic preservation are as follows:

1. Program Verification Phase

- a. The scope may have identified that the building is eligible for listing as a historic structure (generally a building or structure greater than 50 years old), or that the site may contain a historic cultural resources (archaeological objects, historic viewshed, etc.). If not identified in the scope, the Consultant should discuss the possibility that the project affects a historic structure or cultural resources with the Fund Coordinator and the Campus.
- b. The Consultant should request specific documentation from the Campus defining the historic nature of the structure (what portions, both interior and exterior, which still retain a significant portion of their historic character) or the possibility of encountering cultural resources, such as archaeological investigations performed previously on campus.
- c. The Consultant provides an assessment of the impact of this review on the project scope, schedule and budget.

2. Concept Phase

- a. The Consultant explores design options that are both sympathetic to the historic resources involved and address building code, maintenance and constructability concerns associated with the archaic construction that might be restored. The Consultant documents the effect that repair, restoration or replacement of the historic elements may have on the campus program for the project.
- b. The Consultant documents the existing conditions of the historic resources that could potentially be affected in the project with photographs keyed to drawings, and includes these in the concept report.
- c. The Consultant and Fund Project Coordinator (with assistance from the Agency Preservation Officer (APO) as necessary) determine if the Concept Design will contain the information necessary to convey the intent of the historic preservation or cultural resources interventions. If required by the Project Coordinator, two additional copies of the Concept Report, for a total of eight (8), are submitted to the Fund. The Fund transmits the Report to the OPRHP for a Section 14.09 review.

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- d. OPRHP notifies the Fund of the result of their review. The Fund provides the Consultant with a copy of the letter. The Consultant responds to the specific concerns raised in writing to the Fund. The Consultant may contact the OPRHP reviewer directly to better understand their concerns if approved by the Fund Project Coordinator.
 - e. Significant concerns raised by OPRHP may require more research, archeological study, and investigation, possibly through special consultants who have the expertise to address OPRHP concerns in the appropriate detail.
3. Schematic Phase: The Schematic Report submission should be based on the design approach approved by the Fund. The construction cost estimate should reflect any special work and efforts that may be required of the Contractor. Further review and consultation with OPRHP may be pursued as noted for the Concept Phase. Note that for certain project types (windows/masonry/miscellaneous exterior work/etc.) the Schematic Design Phase may be the appropriate time to begin consultation with the OPRHP.
4. Design Manual / Construction Document Phases
 - a. The submissions should be based on the design approach approved by the Fund. The construction cost estimate should reflect any special work and efforts that may be required of the Contractor. Further review and consultation with OPRHP may be pursued as noted for the Concept Phase. All reviews and consultations between the Consultant and OPRHP shall be done at the direction of the Fund Project Coordinator. All discussions and dialogue between the Consultant and OPRHP shall include the participation of the Fund Project Coordinator unless the Coordinator agrees that the dialogue can take place without his/her participation.
 - b. The drawings and specifications may be reviewed by OPRHP and the Consultant shall respond to all concerns in writing. The bidding documentation should clearly define any special expertise that the Contractor must have, as well all special work and efforts required.
5. Construction Phase
 - a. Substitutions
 - (1) The Consultant must rely on the technical and esthetic basis provided by the written text of the specifications when reviewing substitutions for approval. Therefore, the language of the specifications should be

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carefully scrutinized and tested against possible substitution scenarios prior to bidding.

(2) Substitutions that alter the design intent requested by OPRHP should be reviewed with OPRHP prior to approval. All reviews and consultations between the Consultant and OPRHP shall be done at the direction of the Fund Project Coordinator. All discussions and dialogue between the Consultant and OPRHP shall include the participation of the Fund Project Coordinator unless the Coordinator agrees that the dialogue can take place without his/her participation.

b. Document the work with photographs, sketches, etc. as appropriate to provide a detailed record of the work actually performed.

6. Archeological Survey and Review

a. Archeology is also a key component of historic preservation environmental review. State and National Registers listed and eligible resources receive a measure of protection whenever state and federal agencies fund, license or approve projects in New York State. Under Section 106 of the National Historic Preservation Act and Section 14.09 of the New York State Historic Preservation Act, the State Historic Preservation Office (SHPO) strives to ensure that effects or impacts on eligible or listed properties, including archeological sites, are considered and avoidance or mitigation measures are developed during the project planning process.

b. Archeological review, when requested by the OPRHP, will also be completed according to the requirements of section 14.09 of the New York State Historic Preservation Act of 1980.

c. Archaeological review will consist of various phases of reporting. The level of reporting will be dictated by the review with OPRHP. The phases include:

Phase IA Review – Information Search

Phase IB Review – Field Investigation Guidelines / Initial Field Work

Phase II – Field Survey & Investigation

Phase III - Mitigation

7. Excavation of Archaeological Objects

a. To further our National policy of preserving for public use historical and prehistorical sites, buildings, and objects of National significance for the

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benefit of the people of the United States, the Legislature of the State of New York has enacted Section 233 of the Education Law.

- b. This Statute requires that the discovery of any object of archaeological or paleontological interest situated on or under lands owned by the State of New York be immediately reported to the Commissioner of Education by the State agency having jurisdiction over said lands. This Statute makes it a misdemeanor to appropriate, excavate, injure or destroy any of said objects without the written permission of the Commissioner of Education.
 - c. The Consultant shall require in the construction documents of all projects involving excavation in undisturbed areas that whenever, during the course of construction, objects of archaeological, paleontological or historical interest are discovered, such objects should not be moved or destroyed. In the event of such a discovery, it will be the responsibility of the contractor to reschedule its work to avoid disturbing said objects and to immediately notify both the on-site representatives of the Consultant and the Fund's Construction Coordinator. Upon receipt of such notice, the Fund will notify the Education Department, who will promptly make an inspection.
 - d. In the event that the objects are to be removed or salvaged and this involves extra work by the contractor, a change order will be issued, with the amount thereof to be calculated pursuant to the provisions of Section 4.03 of the Construction Agreement.
8. Additional Information
- a. Additional information can be found at the following OPRHP websites:

<http://www.parks.ny.gov/shpo/>

<http://www.parks.ny.gov/shpo/environmental-review/default.aspx>

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