

Guidance on Completing the NEA's NHPA/NEPA Questionnaire

If you have been asked to fill out the NEA's NHPA/NEPA questionnaire, the NEA has determined that your proposed project activities require additional review under the National Historic Preservation Act (NHPA), Section 106 review process and/or the National Environmental Policy Act (NEPA).

The guidance contained here provides background information and instructions about providing the appropriate level of detail necessary for the NEA to complete its review of project activities for compliance with these federal laws.

The National Historic Preservation Act (NHPA):

- recognizes that historic resources are valuable for
 - knowing and understanding our past,
 - providing a sense of identity,
 - recognizing and commemorating the past,
 - inspiring future generations,
 - improving planning and execution of federal projects and economic growth,
 - integrating historic preservation into the function of all federal agencies, and
 - making the federal government a leader in the effort to promote stewardship of our nation's heritage.

Section 106 of the NHPA requires federal agencies:

- to "take into account" the effects of their actions on historic properties and
- to afford the Advisory Council on Historic Preservation an opportunity to comment.

NEA grant activities and NHPA, Section 106

- The NEA has established a historic preservation review program to address the NHPA requirement to consider its actions and how they may affect historic properties.
 - The NEA's historic preservation program reviews project activities to ensure they avoid damaging historic properties.
 - The NEA does not discourage public art or events in or near historic properties. However, the NEA does review project activities to avoid physically damaging historic properties, and the NEA's historic preservation program and this questionnaire are integral parts of the review.
 - In practice, many grant activities have no potential to cause effects to (in other words, to damage) historic properties (properties that are older than 50 years of age). However, to ensure that project activities avoid harming historic properties and to establish the accountability required by the National Historic Preservation Act, the NEA created this review process.

- The NEA’s review process is defined in the nationwide Programmatic Agreement (PA) with the Advisory Council on Historic Preservation (ACHP) and the National Conference of State Historic Preservation Officers (NCSHPO).
- If your project activities have “no potential to cause effects” to historic properties, as determined by the NEA, then your grant activities will be “exempted from further review” and you will receive a ‘clearance’ email from the NEA. If project activities might affect historic properties, you will be notified about further review actions. The information you provide in this questionnaire is the first step.

Timing: While a grantee may not have all the information necessary to complete the questionnaire, when asked to submit it, the NEA must have detailed information regarding your project activities as soon as is possible after your project has been recommended for an award so that the NEA may conclude historic preservation review. Your thorough and complete answers to this questionnaire provide the necessary data the NEA needs to implement its review process. NEA cannot proceed to release funds for project activities until environmental and historic preservation review have been completed.

The guidance provides instructions and examples of project activity details that will enable the NEA to complete its environmental review process for your project activities.

NHPA/NEPA QUESTIONS

1. **Please provide a very clear description of the district, building, site, landscape, structure, or object in which you will be working, including the address(es). If you don’t have a physical address, please provide the block or other area of potential effect. Describe the nature of your site, whether activities will take place in public spaces, streets, vacant lots, historic structures, etc. You may include a map.**

GUIDANCE:

PROVIDE ALL LOCATIONS OF PROJECT ACTIVITIES, INCLUDING ADDRESSES.

For instance, if your project activities involve a single activity, such as a performance or a festival encompassing many blocks of an urban area, then describe the area, the exact location in or at which project activities would occur and the expected size of the event (e.g., a small music performance or a larger festival with thousands of people).

If project activities would take place at more than one location, include all addresses at which project activities would occur.

Digging or Trenching? Keep in mind that the physical extent of the project activities may extend both horizontally and vertically.

For instance, if your grant activity involves excavation, digging or tent staking or other ground disturbance, please include specific information about the nature and extent of the digging, if applicable. For example, include number of tent stakes and depth of staking, depth of trenching necessary for project activities. If no ground disturbance or staking is necessary, clarify that in the questionnaire.

Check your revised budget items to ensure that all activities listed there are included in your questionnaire answers.

2. **Please describe your project activities, including whether the planned activities are temporary or permanent. Provide a short assessment of whether your project has the potential to have an effect on environmental or historic resources and whether that effect is an adverse effect.**

GUIDANCE:

LIST ALL PROJECT ACTIVITIES.

Provide a list and brief description of **all** project activities. Examples include (but are not limited to): Performances, workshops, readings, meetings, convenings, film screenings, artmaking activities, temporary art installations, permanent art installations, festivals, murals, cultural asset mapping, conceptual design, final construction documents, etc.

Clarify whether each activity is either temporary or permanent.

- a. **If your project will physically alter a district, site, building, landscape, structure or object, or if you are working on a plan or design for such a site, please describe. For example, if you are commissioning permanent public art, murals, or the design of a permanent structure, your project has the potential to have an adverse effect on environmental or historic resources under NEPA/NHPA.**

GUIDANCE:

WILL YOUR PROJECT ACTIVITIES RESULT IN PERMANENT PUBLIC ART OR MURALS OR FINAL DESIGNS FOR CONSTRUCTION ACTIVITIES?

If so, list them here. Examples include permanent public art or a mural, or designs such as final construction documents for projects that may involve historic properties or districts.

List any other project activities that may result in physically altering a property or district that may be historic, such as permanent hardware that may be affixed to a project activity location.

Note: These project activities may require further consultation with the relevant State Historic Preservation Officer (SHPO) because they could be permanent additions to a historic site or district and their placement could affect the qualities that qualify the property for listing in the National Register of Historic Places. NEA does not discourage permanent art adjacent to historic properties, but additional review is necessary.

3. For the purposes of questions (a)-(i) For the purposes of the NEA’s questionnaire, “historic properties” means (1) any place 50 years old or older, (2) any place included in or eligible for inclusion in the National Register of Historic Places (NRHP), or (3) any place located in a NRHP historic district. Additionally, please note that for a project to be temporary it must be 100% reversible. This questionnaire applies to properties where project activities will take place, regardless of whether they are privately or publicly owned.
- a. Does your project involve a festival/public event of limited size or duration? If so, will there be any permanent effects on a NHRP Site(s) or any structures/installations erected or installed on an NHRP Site(s)?

GUIDANCE:

Many project activities, such as festivals or public events, will have ‘no effect’ on historic properties, even if they are held in or at those historic properties. For instance, meetings, workshops, poetry readings, performances, concerts, etc. held in historically significant properties, such as public libraries, meeting halls, house museums, theaters, performance spaces, post offices, etc. typically haven’t resulted in physical alterations to those historic properties.

If your project activity involves such a use of a historic property and that use requires no physical change or alteration of a historic property please provide that information in this questionnaire.

If physical changes are necessary, briefly describe them. For instance, if art or objects (such as equipment) would be physically attached with permanent hardware, describe those changes.

Conversely, if existing hardware or equipment is to be used, provide that.

Fully Teched Performance Facilities:

For festivals or events that may occur in purpose-built performance facilities (both indoor and outdoor), such as amphitheatres, band shells, gazebos, theaters, etc and that do not necessitate the addition of audiovisual equipment (“fully teched” facilities), provide that here.

Not Fully Teched Performance Facilities:

For such project activities at outdoor facilities that are not “fully teched”, please provide information on how audiovisual equipment, if necessary, would be installed. For instance, would any equipment be permanently attached to a facility? Or, would it be placed on the ground with no ground disturbance, or on

existing infrastructure, such as concrete pads. If ground disturbance is necessary, such as digging, describe the extent of such digging.

Outdoor Festivals and Events:

If an outdoor festival or public event requires temporary tenting or staging, please provide information about the size of the tent(s) and the nature of potential ground disturbance, such as digging/trenching/or tent stakes. If there is a 'no staking' policy in place, or if the equipment requires no ground disturbance, please indicate that.

For instance, small "pop up" tents that are weighted with sandbags, rather than stakes dug into the ground, are unlikely to cause effects to historic properties, such as archaeological deposits beneath the ground surface. Conversely, larger tents that can accommodate hundreds or thousands of people may require ground disturbance.

For stages, please indicate how the staging would be constructed and whether digging or staking would be involved to erect the stage. Furthermore, if tents or staging are to be erected temporarily on city streets or sidewalks or on other hardscaped surfaces (such as paved streets or plazas) that don't need ground disturbance, include that here. Also, if portable, self-contained stages are to be used, provide that information.

Avoiding damage to unknown archaeological deposits:

The NEA asks for information relative to ground disturbance to avoid impacting potential archaeological sites that may be undiscovered, but that could be damaged by ground disturbance.

b. Does your project involve outdoor murals or other art on a NHRP Site(s) or adjacent to a NHRP Site(s)?

GUIDANCE:

LIST ALL PERMANENT ART ANTICIPATED.

A permanent mural or other art on a 50-year-old or older property may be an addition to a historic property (or historic district) that could affect the qualities (such as design and workmanship) that qualify the property for listing in the National Register of Historic Places and it would require further review with the SHPO. NEA does not discourage permanent art adjacent to or on historic properties, but additional review is necessary.

For outdoor art installations, indicate how the art would be anchored/attached, if such anchoring/attachment is necessary. Does it require permanent hardware? Describe the art briefly.

Also, if art installations are to be located in a place where ground disturbance is well documented please include that information in the questionnaire.

- c. **Does your project involve temporary public art on a building 50 years or older (e.g., sculpture, statuary, banners, mixed media, painting)? If so, does the project necessitate the installation of hardware on a NHRP Site(s)?**

GUIDANCE:

Temporary art that is reversible in nature (it can be removed and does not require the addition of permanent hardware to properties), may be “cleared,” even if located next to historic properties, inside of historic properties or in historic districts. Briefly describe the temporary art.

The important distinction is that the art is temporary and not permanently affixed to a historic property or location with permanent hardware.

Provide a brief description of how the art would be installed and/or displayed, and whether ground disturbance is necessary.

For instance, would it be installed directly onto concrete or another existing hard surface?

Or, would it require digging to temporarily mount it.

Is the temporary art free standing?

- d. **Does your project involve erecting or placing permanent wayfinding signs (e.g., artistic directional signs) adjacent to or on a NHRP Site(s)?**

GUIDANCE:

Permanent wayfinding signs on or adjacent to a historic building’s site or in a historic district may constitute an addition to a historic property that could affect the qualities that qualify the property for listing in the National Register of Historic Places and, as such, may require further review with the SHPO.

If wayfinding signs are temporary and/or require no ground disturbance or staking, make sure to distinguish that here.

- e. **Does your project involve installing small structures (e.g., benches, bus shelters, produce stands) attached to or dependent on a NHRP Site(s)? If so, please describe the ground disturbance necessary for such an installation.**

GUIDANCE:

LIST ANY “SMALL STRUCTURES” RELATED TO PROJECT ACTIVITIES.

The installation of small structures may not cause effects to historic properties if they are installed with little or no ground disturbance and are not attached with permanent hardware to locations older than 50 years of age.

Are they 100% reversible? (For instance, they can be installed or removed with no physical alteration of the location.) If not, provide details of how the structures might be affixed to their locations.

Are they permanent or temporary?

- f. **Does your project involve landscape maintenance or rehabilitation (e.g., community garden, urban park) on a NHRP Site(s)? If so, where? Will it include the addition of new large scale landscape elements?**

GUIDANCE:

LIST LANDSCAPE MAINTENANCE OR REHABILITATION ACTIVITIES.

LIST ACTIVITIES THAT RESULT IN NEW PLANTINGS OR NEW GARDENS.

If landscapes are historically significant or are over 50 years old and project activities would maintain or rehabilitate them, the actions must be consistent with the site's existing purpose or use to qualify for an exemption. If so, state this.

If the project activities include the addition of new gardens or new large scale landscape elements to a historic site or historic district, additional consultation with the SHPO would be required.

- g. **Does your project involve in-kind replacements or repairs?**

GUIDANCE:

LIST ANY REPLACEMENTS, REPAIRS, OR UPGRADES TO LOCATIONS RELATED TO PROJECT ACTIVITIES.

Replacements or repairs to a property that is younger than 50 years of age listed in this questionnaire would require no further review.

- h. **Does your project involve conceptual planning/design/research (e.g., feasibility and planning studies, early design development work/conceptual drawings and renderings, asset mapping, design charrettes)?**

GUIDANCE:

LIST ALL SUCH PROJECT ACTIVITIES.

Activities have included development of conceptual designs, master plans, cultural asset maps, etc. and such activities typically have no effect on historic properties.

If your project activities will produce plans that could be used for construction purposes, then include that information in question 2.a. of this form.

- i. **Does your project involve information gathering/data analysis/information dissemination (e.g., historic and cultural demonstrations, public affairs actions, studies, reports, document mailings, data analysis)?**

GUIDANCE:

LIST ALL SUCH PROJECT ACTIVITIES.

Such project activities typically do not affect historic properties and likely qualify for an exemption from further review.

4. **If you are proposing a temporary or permanent public art project, or you are designing or planning a project in a district, building, site, landscape, structure or object, you must provide us with the following detailed information:**

- a. **If any element of the district, building, site, landscape, structure or object (or adjacent properties) is 50 years old or older, describe that element in detail. For example, if you are working on a historic building or district (or there is one adjacent), describe the age (give year built if available), whether or not it's included in or eligible for inclusion in the National Register of Historic Places, and the type of activities being planned or designed for your project.**

GUIDANCE:

LIST THE CONSTRUCTION DATE OF EVERY PROJECT ACTIVITY LOCATION, REGARDLESS OF AGE.

This information provides a list of the historic properties that project activities may affect and, therefore, shall be considered in the NEA's Section 106 review.

Provide all locations, which can include buildings, street corners, plazas, parks, vacant lots, sidewalks, rights-of-way, street intersections, etc.

Providing the necessary data on historic properties enables the NEA to determine whether there may be cumulative effects to historic properties.

List any known historic properties or districts that are eligible for listing in OR listed in the National Register of Historic Places (NRHP).

Research Tips for National Register of Historic Places Info:

1. Web browser search for “City Name” and “Historic Districts” will often list known historic districts within a locality and an applicant can use the information to determine whether project activities occur in known historic districts.
2. State Historic Preservation Officers (SHPO’s) may list NRHP properties and districts on their websites. A director of SHPO websites is located here: <http://ncshpo.org/directory>.
3. National Register of Historic Places Website Database: <https://www.nps.gov/subjects/nationalregister/database-research.htm>.

Note: The NEA review process considers BOTH NRHP properties/districts AND properties that are older than 50 years of age. Listing construction dates of all addresses at which grant activities would occur will expedite our review.

5. **Provide a detailed description of any project activities that might now or someday have an effect on the environment so that we may review the actions under the NEPA. Be very specific. For example, if you will be doing cleanup of a site, describe exactly what needs to be cleaned. Is it litter on the site or toxic waste that needs to be cleaned up? If you will be installing public art, describe the previous use of the property and why you think the land is not likely to be contaminated.**

GUIDANCE:

If site remediation is ongoing or is planned to occur, please indicate the expected completion date and provide any additional environmental documentation you have regarding the proposed site for project activities.

6. **If an Indian tribe or Native Hawaiian organization might attach religious and/or cultural significance to historic properties touched by your project, please describe.**

GUIDANCE:

List any activities that involve Indian Tribes, Native Hawaiian Organizations or Native Alaskan Organizations.

The NEA is responsible for conducting NHPA, Section 106 review for project activities that occur on tribal lands or for project activities that may affect properties to which a Tribe attaches religious and cultural significance, regardless of the location of those properties.

The information requested in this question allows the NEA to evaluate those activities for potential effects to historic properties and to identify NHPA, Section 106 review needs.