



Submitted as information by the Wisconsin State Historic Preservation Office to
Milwaukee County Board of Supervisors Committee on Parks and Culture

The State and the National Register of Historic Places: The Process

The National Register is the official national list of historic properties determined to be worthy of preservation and is maintained by the National Park Service (NPS) in the U.S. Department of the Interior. The State Register is Wisconsin's official listing of state properties determined to be significant to Wisconsin's heritage and is maintained by the State Historic Preservation Office (SHPO) within the Wisconsin Historical Society (WHS).

Properties are typically listed on the State and National Register through consultation with the SHPO. The property owner often works with a consultant to prepare the necessary documentation for the property nomination in conformance with NPS standards and designation criteria. The State Historic Preservation Review Board (Board) meets quarterly to review submitted nominations and recommend designation in the State and the National Register. After a nomination is approved by the Board, it is submitted to NPS for listing on the National Register. A private property owner may object to designation on the State and National Registers. Government entities do not have the ability to object to designation.

A listed property may seek 20% State and/or Federal Tax Credits for income producing properties and a 25% State Tax Credit for non-income producing residential properties. Some non-profits may qualify for the 20% credit. The *Secretary of the Interior's Standards for Rehabilitation* (Standards) are applied to any proposed work. If the project meets the Standards, SHPO and NPS will approve certification of the property in order to receive Tax Credits.

Local Landmarks

A local landmark is an official list of properties that provide architectural or cultural significance to the community and is maintained by the local governing authority. Local designation is administered by the local unit of government, which may enforce local design guidelines and require certificates of appropriateness established within a local ordinance. Any limitations to a locally listed property would be regulated by the local authority.

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Compliance Review Requirements Overview: Federal, State, and Local Units of Government

Federal Review Requirements (Section 106 of the 1966 NHPA)

The National Historic Preservation Act of 1966 along with the Regulations of the Advisory Council on Historic Preservation (ACHP) comprise the federal regulatory system referred to as the Section 106 Review Process. It directs federal agencies to “take into account the effects of their undertakings on properties that are eligible for or listed on the National Register of Historic Places.” A “potential to affect” means an impact to the characteristics of the property that makes it eligible for listing on the National Register. SHPO and the federal agency routinely negotiate to avoid, minimize, or mitigate any adverse effects on historic properties.

The determination of whether an undertaking exists is the Federal Agency’s, not the SHPO’s; however, SHPO may consult on this issue. The Federal Agency is the lead for carrying out the Section 106 process.

State Compliance Review Requirements (Wisconsin Statute 44.40)

Wisconsin Statute 44.00 is the State’s primary historic preservation law. The statute requires a State agency to assess any undertaking on or affecting a property recorded in the State of Wisconsin’s Historic Preservation Database (Inventory). If the State agency determines an undertaking will affect a historic property on the inventory, it submits a project description to SHPO. SHPO may require negotiation to avoid, minimize, or mitigate any adverse effects. If no adverse effect determination is made the project moves forward. SHPO has no veto authority on the proposed undertaking.

Local Unit of Government Review Requirements (Wisconsin Statute 66.1111)

If a Local Unit of Government (LUG) plans a project that may affect a property that is listed on the State Register or National Register, then pursuant to Wisconsin Statutes 44.42 and 66.1111, that LUG must submit to the State Historic Preservation Officer a Request for Comment. After the SHPO has reviewed this documentation, if SHPO determines there may be an adverse effect, it may require negotiation with the LUG to avoid, minimize or mitigate it.

If there are any questions regarding the State or the National Register, please contact Elizabeth Hilton at the Wisconsin Historical Society at elizabeth.hilton@wisconsinhistory.org. Questions regarding compliance for properties that may require review under federal or state law can be directed to Alex Eginton at alex.eginton@wisconsin.history.org.