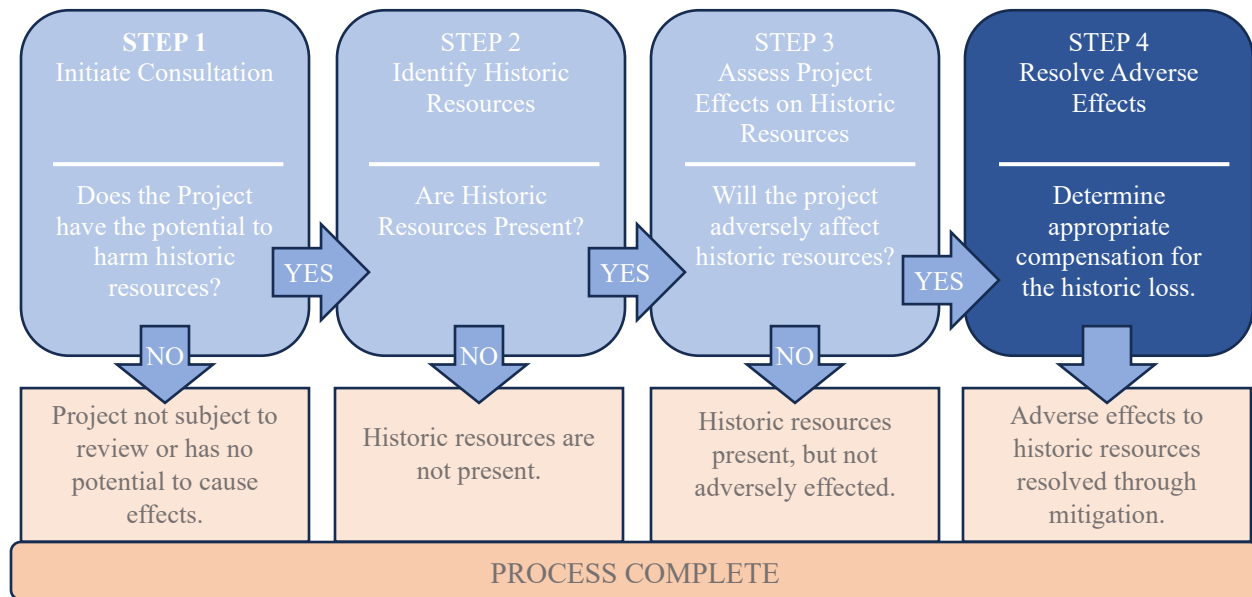


## State Historic Preservation Office (SHPO) Environmental Review Process Step 4: Resolve Adverse Effects

At this step in the process, all parties agree that it is not possible to meet the goals and needs of the project without affecting a historic resource(s) in a manner that diminishes its historic integrity, either in location, design, setting, materials, workmanship, feeling, and/or association.



### HOW does an Adverse Effect get resolved

Consultation is critical to this final step. An adverse effect is resolved when all relevant parties agree to treatments, measures, or stipulations that offset the historic loss, also referred to as mitigation. The resolution often is memorialized in an agreement document. The specific steps and timeline are dependent on the governing legislation.

### WHAT is mitigation

Mitigation is commensurate with the magnitude of the historic loss and usually involves the incorporation of some or all of the following principles:

- Mitigation should be related to the historic resource being lost.
- Mitigation should provide a public benefit.
- Mitigation should occur within the community in which the resource is located.

In order to come to the best collaborative solution possible, it is important that the project proponent conveys all possible and pertinent information to both SHPO and the responsible agency about the project plans, feasibility of alternatives, and economic evaluations that could have an effect on mitigation decisions.

## **Section 106**

Projects subject to federal compliance shall follow the steps described in 36 CFR 800.6: Resolution of Adverse Effects. The outcome of these steps is to produce an agreement document that reflects consultation with signatories and memorializes stipulations that will be completed to mitigate the historic loss. SHPO suggests consulting the following guidance on Agreement Documents: <https://www.achp.gov/initiatives/guidance-agreement-documents>.

## **Connecticut Environmental Policy Act**

For projects subject only to the Connecticut Environmental Policy Act and that do not affect archaeological/sacred sites, the steps taken to come to an agreement on mitigation are defined in state statute. These steps are summarized as follows:

1. SHPO shall, in collaboration with relevant parties (sponsoring agency, state entity or state funding recipient), propose a plan to mitigate the historic loss. The development of the plan should consider all relevant information provided by the project proponent, as well as any comments provided by the Commissioner of Economic and Community Development (Commissioner), or designee. SHPO will draft a mitigation agreement within 45 days of the project proponent supplying all relevant information. If all parties execute the agreement, consultation with SHPO is concluded.
2. If any one of the relevant parties chooses not to execute the agreement, they can bring it to the Commissioner for revisions to the agreement. This request must be made within 15 days of receiving the agreement.
3. The Commissioner will respond to the request within 30 days with a conference or recommendations for revision. Any revisions become binding and will be incorporated into the mitigation agreement for execution by all parties. If the Commissioner makes no recommendations, relevant parties may elect to execute the originally proposed agreement.
4. If relevant parties do not execute a mitigation agreement, the sponsoring agency shall conduct an early public scoping in accordance with subsection (b) of section 22a-1b of the general statutes.

At the end of each calendar year, SHPO will post all mitigation agreements on the Department of Economic and Community Development's website executed during the preceding fiscal year, beginning in 2025.