

Finding Of No Adverse Effect

a draft section 106 finding of no adverse effect, prepared for submission under 36 CFR 800.11(e) and checked against the agency's own record | Marked-up specimen

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A finding that quotes the standards used for tax certification, lists four of the six items its paragraph requires, and answers five of the seven aspects of integrity.

ORIGINAL, WITH EDITS MARKED

SPECIMEN, PREPARED BY EDITFAST FOR ILLUSTRATION. NOT A REAL FILING. Prepared for the Cargill Street rehabilitation (fictitious), draft finding under 36 CFR 800.5(b)

EXTRACT FROM THE AGENCY'S RECORD (reproduced unchanged in both panels)

AR-1 The undertaking is a federally assisted rehabilitation of one building. The federal involvement is a Department grant.

AR-2 The area of potential effects is the building parcel and the two facing blocks.

AR-3 Identification comprised background research, a records check with the state office, and a field survey.

AR-4 The building is listed in the National Register. Its qualifying characteristics, as determined by the state office, are its 1911 terra cotta facade, its double-height banking hall and its original steel window sash.

AR-5 The treatment is rehabilitation. The state office will review the rehabilitation plans for consistency with 36 CFR part 68.

AR-6 Two consulting parties submitted written views. Both are in the file, and Attachment C summarizes them.

AR-7 The missing cornice is documented by a 1911 construction photograph and by surviving profile fragments recovered on site.

DRAFT FINDING

1. Description of the undertaking. Rehabilitation of the building at 40 Cargill Street. Area of potential effects¹: the building parcel and the two facing blocks. Photographs, location map and elevation drawings attached.

2. Steps taken to identify historic properties. Background research, a records check with the state office, and a field survey.

3. Effects on historic properties.² Interior and exterior rehabilitation, with replacement of the missing cornice.³

4. The undertaking will not diminish the integrity of the property's location, design, setting, materials or workmanship.⁴

5. Replacement of the missing cornice will be substantiated by documentary, physical, or pictorial evidence, as required by the Standards for Rehabilitation at 36 CFR 67.7(b)(6).⁵

WHAT CHANGED, AND WHY

#	Was	Now	Reason
1	Rehabilitation of the building at 40 Cargill Street. Area of potential effects	Rehabilitation of the building at 40 Cargill Street. The federal involvement is a Department grant. Area of potential effects	Paragraph 800.11(e)(1) calls for a description of the undertaking "specifying the Federal involvement." AR-1 records that involvement as a Department grant, and the draft described the work without naming it.
2	3. Effects on historic properties.	3. Description of the affected historic property. The building is listed in the National Register.	Paragraph 800.11(e)(3) calls for a description of the affected historic properties, including information on the characteristics that qualify them for the National Register. AR-4 gives those characteristics as determined by the state office. Effects are a separate item, and they move to position four.
3	Interior and exterior rehabilitation, with replacement of the missing cornice.	4. Effects on historic properties. Interior and exterior rehabilitation, with replacement of the missing cornice.	Paragraph 800.11(e)(4) is the description of the undertaking's effects on historic properties. The text of the item is unchanged and only its position and heading move.
4	4. The undertaking will not diminish the integrity of the property's location, design, setting, materials or workmanship.	5. Explanation of why the criteria of adverse effect were found inapplicable. The undertaking will not diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association.	The criteria at 800.5(a)(1) name seven aspects of integrity. Five were addressed and two were absent. Paragraph 800.11(e)(5) also asks for an explanation of why the criteria were found applicable or inapplicable, so the item carries that heading.
5	5. Replacement of the missing cornice will be substantiated by documentary, physical, or pictorial evidence, as required by the Standards for Rehabilitation at 36 CFR 67.7(b)(6).	Replacement of the missing cornice will be substantiated by documentary and physical evidence, as required by the Standards for the Treatment of Historic Properties at 36 CFR 68.3(b)(6).	The second example of adverse effect at 800.5(a)(2)(ii) refers to the standards at 36 CFR part 68, not to the Standards for Rehabilitation at part 67. The two wordings differ, since 67.7(b)(6) reads "documentary, physical, or pictorial evidence" while 68.3(b)(6) reads "documentary and physical evidence." AR-7 records a construction photograph and surviving fragments.
6	(nothing in the draft records the condition on which the finding rests)	The state office will review the rehabilitation plans for consistency with those standards.	Paragraph 800.5(b) allows a finding of no adverse effect where conditions are imposed, and it gives subsequent review of rehabilitation plans by the state or tribal preservation officer as its example. AR-5 records that review, which the draft omitted.
7	(nothing in the draft records the views of consulting parties)	6. Views of consulting parties. Two consulting parties submitted written views, summarized at Attachment C and reproduced in full in the file.	Paragraph 800.11(e)(6) calls for copies or summaries of any views provided by consulting parties and the public. AR-6 records two sets of views and a summary already in the file.