Historic Preservation and the Law

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On Thursday afternoon, June 23, 1994, a concerned citizen informed me that the Stevens House was to be demolished on Monday June 27, 1994. This citizen was concerned about several aspects of the proposed demolition, including the manner in which the demolition would proceed and the loss of the potentially beautiful, historic home.

Two federal laws are triggered when the federal government provides funding assistance for projects; the National Historic Preservation Act and the National Environmental Policy Act. What is interesting about both these laws is that they each recognize that unrestrained, unreviewed galloping growth can undermine what a community needs to survive culturally, environmentally and historically. The first of these laws, of which every citizen can be very proud, is the National Historic Preservation Act.

The National Historic Preservation Act

The Stevens House properly is a part of a proposed project by the YMCA for which the Y is receiving federal assistance from the Department of Housing and Urban Development (HUD). The Stevens House is a part of the Building and Structures Inventory completed by the Connecticut Historical Commission and, therefore, the review procedures of the National Historic Preservation Act (NHPA) are applicable. In the NHPA, enacted in 1966, Congress lists its reasons for the law:

(1) the spirit and direction of the Nation are founded upon and reflected in its historic heritage; (2) the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people; (3) historic properties are being lost or substantially altered, often inadvertently, with increasing frequency; (4) the preservation of this irreplaceable heritage is in the public interest so that its vital legacy of cultural, educational, aesthetic, inspirational, economic and energy benefits will be maintained and enriched for future generations; (5) in the face of ever increasing extensions of urban centers, highways, and residential, commercial, and industrial developments, the present historic preservation programs are inadequate to assure future generations a genuine opportunity to appreciate and enjoy the rich heritage of our Nation; (6) the increased knowledge of our historic resources, the establishment of better means of identifying them, and the encouragement of their preservation will improve the planning and execution of federally assisted projects and will assist economic growth and development; and (7) although the major burdens of historic preservation have been made by private agencies and individuals, it is necessary and appropriate for the Federal Government to accelerate its historic preservation programs, to give maximum encouragement to agencies and individuals undertaking preservation by private means, and to assist State and local governments and the National Trust for Historic Preservation in the United States to expand and accelerate their historic preservations programs and activities.

The NHPA was bolstered by President Nixon in 1971 through an executive order which directed federal agencies to institute procedures to assure that federally assisted programs contribute to the preservation and enhancement of non-federally owned sites or structures.

The law is clear - prior to the approval of the use of federal funds, the federal agency granting the assistance must first (1) take into account the effects of the project on any site, building or structure that is either included in or eligible for inclusion in the National Register of Historic Places; and (2) provide the Advisory Council on Historic Preservation a reasonable opportunity to comment on the project.

Failure to follow these procedures could result in the withdrawal of the proposed funding by the federal agency.

The National Environmental Policy Act

The National Environmental Policy Act (NEPA) requires federal review of projects which significantly affects the quality of the human environment. The purpose of the NEPA, as enacted by Congress in 1970, includes:

(1) to fulfill the responsibilities of each generation as trustee of the environment for succeeding generations; (2) to assure for all Americans a safe, healthful, productive, and aesthetically and culturally pleasing surroundings; (3) to preserve important historical, cultural and natural aspects of our national heritage.

As a result of this law, the federal agency is required to prepare a detailed statement on the proposed project which, among other considerations, identifies and discusses the environmental impact of the proposed action and the alternatives to the proposed action.

It is important for citizens to know about these laws and to consider their application in Winsted. Preserving historical assets and the architectural integrity of Main Street sharpens our cultural and historic senses and deepens the appreciation of our community heritage.