

**07 NCAC 04R .0206 PROCEDURES FOR STATE UNDERTAKINGS AFFECTING A NATIONAL REGISTER-LISTED PROPERTY**

(a) This Rule shall apply to State-involved undertakings affecting property listed in the National Register of Historic Places. National Register-listed properties may be identified through use of the HPO's Geographic Information System HPOWEB located at <http://gis.ncdcr.gov/hpweb> or use of the North Carolina Listings in the National Register located at <http://www.hpo.ncdcr.gov/NR-PDFs.html>.

(b) For purposes of this Rule, the "agency concerned" means the State agency, commission, or entity responsible for issuing the grant, funding, license, or other approval required for the undertaking.

(c) Prior to the approval of any State funds and prior to any approval, license, or permit for any State-involved undertaking the head of the agency concerned shall:

- (1) submit a statement to the SHPO that the undertaking will have no adverse effect upon a property listed in the National Register of Historic Places; or
- (2) submit a statement that the undertaking will have an adverse effect upon a property listed in the National Register of Historic Places, describe the proposed undertaking, and invite review and comment from the SHPO.

(d) Based on the application and the statement submitted in Paragraph (c) of this Rule, the SHPO shall determine whether the undertaking creates an adverse effect requiring review by the Historical Commission. For purposes of this Rule, an undertaking shall be deemed to have an adverse effect requiring review by the Historical Commission when the undertaking creates an effect which meets the definition of "adverse effect" in Rule .0202 of this Section or when the undertaking includes the transfer or sale of a State-owned property listed in the National Register without conditions or restrictions regarding preservation, maintenance, or use of the National Register property.

(e) Review by the Historical Commission shall be required if any repair does not comply with the Standards of Rehabilitation in 36 C.F.R. 67.7. Replacement of existing windows shall be subject to review under this Rule.

(f) If the SHPO finds that an undertaking will have an adverse effect which requires review by the Historical Commission, he or she shall transmit a notice of the next regularly scheduled meeting of the Historical Commission to the agency head. From the time of receipt of the notice until the conclusion of the Historical Commission meeting, the agency shall take no action which would affect a property listed in the National Register of Historic Places without the approval of the SHPO acting for and on behalf of the Historical Commission. Such approval shall only be granted in the case a building inspector determines the National Register property poses a threat to public safety because of an unsafe or dangerous condition. Requests for emergency approval shall be emailed to [environmental.review@ncdcr.gov](mailto:environmental.review@ncdcr.gov). Emergency requests shall contain a copy of the original application as required in Rule .0203 of this Section and a copy of the building inspection.

(g) Members of the public who have knowledge of any undertaking that would have an adverse effect upon a property listed in the National Register of Historic Places may comment in writing to the SHPO, Department of Natural and Cultural Resources, MSC 4617, Raleigh, North Carolina 27699.

(h) The Historical Commission shall provide its recommendation(s) on the undertaking to the agency head within 30 days following the Commission's meeting.

(i) The agency head shall respond to the Historical Commission's recommendation in writing and inform the Historical Commission of what action the agency will take with regard to the historic property.

*History Note: Authority G.S. 121-12(a); 143B-62;  
Eff. February 1, 1985;  
Amended Eff. June 1, 1989;  
Readopted Eff. June 1, 2017.*