State Historic Preservation Office
Pennsylvania Historical & Museum Commission

PA State Historic Preservation Office (PA SHPO)

Guidance for Consultation under the State History Code for Commonwealth-Sponsored Projects

ISSUED December 2025

Commonwealth Keystone Building | 400 North Street | 2nd Floor | Harrisburg, PA 17120 | 717.783.8947

Table of Contents

Purpose 2
A. Introduction 3
B. Steps for Consultation with SHPO 4
Step 1: Initial Screening 4
Step 2: Initiate Consultation with SHPO 4
Step 3: SHPO Review and Response 5
No Additional Consultation Necessary 5
Additional Consultation Needed with SHPO 5
Additional Information 6

Purpose

The Pennsylvania State Historic Preservation Office (SHPO), within the Pennsylvania Historical & Museum Commission (PHMC), is the PHMC bureau tasked with reviewing Commonwealth actions for their potential to affect historic resources in accordance with state and federal laws. Historic resources are any building, structure, object, district, place, site, or area significant in the history, architecture, maritime heritage, archaeology, or culture of Pennsylvania, its communities, or the nation (as defined in 37 P.S.Ca. § 103).

Section 27 of Article 1 of the Constitution of Pennsylvania entrusts the Commonwealth with the preservation of the historic values of the environment. Title 37, Historical and Museums, the act of May 26, 1988, P.L. 414, No. 72, 37 Pa. C. S. § 101 et seq., outlines how the Commonwealth executes this constitutional duty. These duties include the implementation of policies and procedures to preserve historic resources as outlined in Chapter 5, referred to as the Pennsylvania History Code.

The purpose of this document is to provide guidance to Commonwealth agency partners on how SHPO reviews projects in accordance with the State History Code within the division of Environmental Review. Specifically, 37 Pa C.S. § 507-510 (herein referred to as the History Code) requires agencies to contact and work with SHPO in processes of notification and consultation regarding historic resources. This document sets forth the framework within which SHPO Environmental Review staff reviews and processes projects under the History Code.

Please note that this policy only applies to projects that are solely under state review; if federal funds, permits, and/or licenses are needed for a particular project, then the federal agency is responsible for consultation with SHPO in accordance with Section 106 of the National Historic Preservation Act and its implementing regulations found in 36 CFR § 800. In addition, this policy only applies to projects that are solely under state review and for which no Programmatic Agreement, Memorandum of Understanding, and/or Specific Agency Consultation Policy exists between the specific state agency and SHPO.

A. Introduction

Listed below are excerpts of History Code guidance (for Commonwealth agencies to seek out the expertise and advice of the PHMC through its SHPO:

- **Commonwealth agencies shall consult with SHPO before demolishing, altering, or transferring any property that is or may be of historical, architectural, or archaeological significance.** This includes seeking the advice of PA SHPO on alternatives to demolition, alteration, or transfer. 37 Pa C.S. § 508(a)(1)(2)

- **Commonwealth agencies must initiate measures and procedures to provide for the maintenance by means of preservation, rehabilitation, or restoration of historic resources under their control.** As such, Commonwealth agencies are required to institute procedures and policies that assure their plans, programs, codes, regulations, and activities contribute to the preservation and enhancement of all historic resources in this Commonwealth. 37 Pa C.S. § 508(a)(3) and (4). Agencies must also submit these procedures to the SHPO for review and comment. 37 Pa C.S. § 508(a)(5).

- **Commonwealth agencies must consult with SHPO when any project or undertaking financed by Commonwealth funds will affect a historic resource.** "The Commission shall be consulted on the design and proposed location of any project, building, or other undertaking financed in whole or in part by Commonwealth funds which may affect the preservation and development of a district, site, or building listed on or eligible for the Pennsylvania Register of Historic Places." 37 Pa C.S. § 510.[1]

- **SHPO must be notified and consulted in the event of a transfer of Commonwealth property with historic resources.** SHPO is entitled to reply to this notification with recommendations for preservation-related conditions that can be placed on the transfer of property, e.g. restrictive covenants. 37 Pa C.S. § 508(a)(1) and 2), 37 Pa. C.S.§ 509.

- **Agencies must notify SHPO in the event of agency actions that could affect archaeological resources.** SHPO must be notified by all Commonwealth Agencies, political subdivisions, and municipal authorities whenever a permitted or contracted project has the potential to affect an archaeological resource. SHPO is responsible for issuing permits for archaeological investigations conducted on Commonwealth lands. 37 Pa C.S. § 507.

When agencies are going to conduct work that affects a Commonwealth-owned property or sponsor a project that has the potential to affect a historic resource, whether above ground and/or archaeological, they are required to seek the advice of the SHPO. Commonwealth sponsored projects are those that require a state permit, license, and/or utilize state funding that can be tied to a specific agency and associated program. SHPO should be given a reasonable opportunity to comment on the effects of any Commonwealth-owned or sponsored project on historic resources. Screening for potential historic

[1] Properties listed in or eligible for listing in the National Register of Historic Places constitute the Pennsylvania Register of Historic Places, as defined in the Pennsylvania Bulletin.

resources and initiating consultation with the SHPO on a state-sponsored project should occur as early as possible in project planning to allow adequate time to successfully complete the review process in advance of project implementation.

Strictly private projects are not reviewable under the law, regardless of the historic designation of the property.

B. Steps for Consultation with SHPO

To ensure consistency in expectations, reviews, and consultation, SHPO follows the process set forth in 36 CFR § 800 (the implementing regulations for Section 106 of the National Historic Preservation Act) when reviewing projects under the History Code. Since February 2021, SHPO uses its on-line data management system, PA-SHARE, for all consultation. In order to utilize PA-SHARE, submitters must register for an account. Guidance on using PA-SHARE to consult for Environmental Review projects is found in this document: Using PA-SHARE to Consult with PA SHPO under Section 106 or Pennsylvania History Code. Additional information regarding that process as well as numerous tutorials and other relevant PA-SHARE information is found on its dedicated webpage.

Step 1: Initial Screening

The agency, applicant, and/or authorized consultant should make a reasonable effort to identify any historic resources within the proposed project area. PA-SHARE provides information on previously identified resources and should be used in preliminary planning. Note, however, the absence of data does not mean that no historic resources exist; it simply means that no investigation efforts have taken place to date. Consequently, SHPO may recommend historic resource investigations, including archaeological survey, following review of the initial project submission. Such recommendations will be based on relevant factors including: the proposed project, the location of the proposed project, environmental setting, and its proximity to existing or potential historic resources (both above ground and archaeological).

Step 2: Initiate Consultation with SHPO

The agency should initiate consultation with SHPO as early on in project planning as possible, especially when known or potential historic resources exist. In general, larger and more complex projects require more consultation. To initiate SHPO review of a proposed project under Environmental Review, the agency, or applicant/consultant, acting on their behalf, should utilize PA-SHARE, following the Submit → Environmental Review Wizard. Specific instructions are found in the "Submitting a New Environmental Review Project" online tutorial. PA-SHARE provides for an interactive process that includes guidance for completion.

When initiating a project, applicants must be aware that SHPO review extends to the project in its entirety, whether only part is funded, licensed, or permitted by an agency.

Step 3: SHPO Review and Response

All consultation with SHPO takes place via PA-SHARE. SHPO will review the submitted information and provide a response via PA-SHARE within 30 calendar days or less of acceptance as a project or submission into PA-SHARE. SHPO Response Attachments are found on the Project Summary page of the PA-SHARE Project page. Note that SHPO will provide a response specific to Above Ground Resources as well as Archaeological Resources.

Most projects result in a SHPO opinion wherein no further consultation beyond the initial submission is necessary.

No Additional Consultation Necessary

If one of the following three responses are provided by SHPO, wherein there are both No Above Ground Concerns and No Archaeological Concerns, consultation is complete unless project plans should change and/or an applicant or SHPO is made aware of historic property concerns specific to the project that were unknown at the time of SHPO review.

- No Historic Properties
- No Effect to Historic Properties
- No Adverse Effect to Historic Properties

In addition, the project will be closed in PA-SHARE with an overall SHPO Opinion and date provided. This information appears on the Project Summary page.

Additional Consultation Required with SHPO

Additional consultation with SHPO is warranted if the project results in More Information Requested, Above Ground Concerns, and/or Archaeological Concerns.

A response of *More Information Requested* requires the submission of additional information so that SHPO can provide an opinion regarding the project's potential to affect historic resources. Note, however, that while SHPO requires this information to complete our review, ultimately it is up to the sponsoring agency to determine the extent of consultation required with our office. More information can include, but is not limited to, clarifying the project scope; providing more detailed photographs of the proposed project and/or affected buildings; defined limits of disturbance or site plans; and/or providing information regarding existing above ground resources or completing a Phase I archaeological survey. These requests are found on the Project Summary Page under SHPO Response Attachments in PA-SHARE.

A response of *No Adverse Effect with Conditions* requires further consultation to indicate that the applicant or agency agree to the conditions as proposed by SHPO to avoid adverse effects to historic resources. The agency may wish to include the SHPO conditions in a permit, license, or award of financial assistance to ensure that there is no adverse effect to a historic resource. Depending on the nature of the conditions, it may require additional consultation with SHPO, but such will be handled on a project-by-project basis.

A response of *Adverse Effect* necessitates additional consultation with SHPO regarding efforts to revise the project to avoid or minimize the adverse effect. If SHPO is aware of local preservation organizations or individuals that may have an interest in the project's impacts to historic resources, though not required, SHPO may recommend the agency invite that organization/individual to participate in consultation regarding measures to minimize and/or mitigate the adverse effect. Minimization and mitigation measures will be memorialized in either an agreement document or letter of commitment from the agency or applicant acting on their behalf.

Projects that result in a SHPO Opinion of Adverse Effect require additional time and effort to conclude the consultation process, so it is important for agencies and/or their applicants to consult early on in the project planning to facilitate streamlined consultation.

Additional Information

More information about the SHPO Environmental Review process is found here: https://www.phmc.pa.gov/Preservation/Environmental-Review/Pages/Review-Process.aspx

Additional questions about what to submit or the process can be directed to Barbara Frederick, Manager, Environmental Review Division at bafrederic@pa.gov. Project-specific questions can be directed to the appropriate Above Ground or Archaeology Reviewer, as found here: https://www.phmc.pa.gov/Preservation/Environmental-Review/Pages/Contact-Information.aspx.