



United States Department of the Interior

NATIONAL PARK SERVICE
1849 C Street, N.W.
Washington, D.C. 20240



April 7, 2025

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Property: **Iroquois Brewery Offices and Main Factory, 230 Pratt Street, Buffalo, NY**
Project Number: **48817, Part 1**
Appeal Program Number: **1701**
Action: **Response to Administrative Review Request**

Dear [REDACTED]

I received your letter dated February 13, 2025, requesting an Administrative Review of the January 16, 2025 determination by the National Register of Historic Places that the Iroquois Brewery Offices and Main Factory “*does not appear to meet the criteria for individual listing in the National Register of Historic Places.*” This determination was made in response to a Historic Preservation Certification Application.

Regulations governing the Federal Historic Preservation Tax Incentives Program [36 CFR 67.10] state, “*The denial of a preliminary determination of significance for an individual property may not be appealed by the owner because the denial itself does not exhaust the administrative remedy that is available. The owner instead must seek recourse by undertaking the usual nomination process (36 CFR part 60).*” An Administrative Review of your application could not grant the relief that you seek because I do not have the jurisdiction to overturn the determination of January 16, 2025, or otherwise grant the property “certified historic structure” status required for program eligibility. To obtain “certified historic structure” status, you still must apply to the State Historic Preservation Office (SHPO) to nominate the building to the National Register.

Even though this request cannot be considered an appeal, as the Chief Appeals Officer, I may exercise discretion to provide, in limited circumstances, an administrative review of the decision and the record supporting it. I have not undertaken an in-depth review, but I have examined the materials you provided with your request. Your request highlights concerns with the SHPO and their recommendations or lack thereof, so please remember that, although recommendations by SHPOs can be influential during a review within the Federal Tax Incentives program, all final certification decisions are made by the National Park Service (NPS) per program regulations.

I also note that the NPS's January 16, 2025 determination, was based only on the documentation you provided as part of your application, a practice that is consistent with program regulations. This documentation included a draft nomination, a map, exterior photos of both buildings, and interior photos with a photo key of one of the two buildings included in the draft nomination. The application materials submitted to the NPS could have been supplemented with interior photos of the second building which you supplied to the New York SHPO. The condition and historic integrity of interior spaces in the second building could impact conclusions related to the overall integrity of the property. For this reason, I encourage you to reengage with Technical Preservation Services (TPS), the NPS program that predominantly administers the historic tax credit program, and the National Register of Historic Places to coordinate with the SHPO. This time around, you should ensure that the additional information about the second building within the functionally related complex at 273 Hickory Street be forwarded to the NPS for review as part of this application. In general, functionally related complexes should be reviewed as a single project application.

I also note that you attempted to pursue the "administrative remedy" cited in regulations above by contacting the New York SHPO to pursue a nomination to list the property in the National Register. According to the email you provided from Daniel McEneny dated January 23, 2025, the New York SHPO advised you to seek an appeal of the Part 1 determination directly with the NPS, which you have done. The SHPO further noted that it would not take the nomination to the State Review Board at that time, presumably waiting for the outcome of your Part 1 appeal they recommended, to determine whether there is a path forward with respect to the nomination.

I strongly encourage you to continue to work with NPS staff in the National Register and Historic Tax Credit programs as well as staff at the New York SHPO's office to explore options moving forward. Should you decide to continue to pursue a formal nomination to list the property in the National Register, the process is outlined in the program regulations that govern the National Register of Historic Places, 36 CFR 60.6. The full text of these regulations is available online at www.nps.gov/subjects/nationalregister/regulations.htm. These regulations provide for a separate appeals process in 36 CFR 60.12.

You will be contacted by NPS staff in either Technical Preservation Services program or the National Register of Historic Places program. In the meantime, if you have questions about Federal Historic Preservation Tax Incentives, please contact Brian Goeken at 202-354-2033. Questions about the National Register of Historic Places should be directed to Sherry Frear at 202-913-3763.

Sincerely,

JENNIFER PARKER  Digitally signed by JENNIFER
PARKER
Date: 2025.04.07 16:18:55 -04'00'

Jennifer Parker
Chief Appeals Officer
Cultural Resources, Partnerships, and Science Directorate

cc: NY SHPO