

## New Mexico Historic Preservation Planning Process

Summary: 1989

In Section 101 of the National Historic Preservation Act of 1966, as amended, one of the responsibilities assigned to the State Historic Preservation Officers is the preparation and implementation of statewide historic preservation plans. The Secretary of the Interior's Standards for Preservation Planning set the following goals for preservation planning: I. Preservation planning establishes historic contexts; II. Preservation planning uses historic contexts to develop goals and priorities for the identification, evaluation, registration, and treatment of historic properties; and III. The results of preservation planning are made available for integration into the broader planning process.

### The New Mexico State Plan

As of 1989, New Mexico's state historic preservation plan consists of four major documents and a series of updates published as annual reports. Additional documentation of the plan and the planning process is to be found in the requests for grant proposals issued each year, in the products of the grants, in the minutes of the Cultural Properties Review Committee meetings, and in Preservation New Mexico, the newsletter funded by the Historic Preservation Division.

The four major documents are Historic Preservation: A Plan for New Mexico, produced in 1971 by the State Planning Office; The Historic Preservation Program for New Mexico, produced in 1973 by the Planning Office; Prehistoric New Mexico: Background for Survey, written by David E. Stuart and Rory P. Gauthier and funded and published by the Historic Preservation Bureau in 1981; and Comprehensive Plan for New Mexico's Statewide Architectural Survey: A Five-Year Plan, prepared by Gregory T. Hicks and Ellen Threinen Ittelson and funded by the Historic Preservation Division in 1985.

The 1971 plan outlined preservation laws, summarized previous preservation efforts in New Mexico, and identified important historic and prehistoric resources that should serve as a focus of preservation activities. This list was developed in consultation with professional historians, architects, and archaeologists; New Mexico communities; preservation-related organizations; and interested members of the general public. This plan also discussed needed legislation and ordinances, proposals for funding and interpretation, and the importance of a publications program.

The 1973 plan identified a series of issues affecting historic preservation in New Mexico:

Vandalism and Theft  
Land Development and Industrial Projects  
Inappropriate Restoration  
Public Education  
State/Federal Cooperation  
Legislation and State Support

and identified and provided brief descriptions of temporal periods into which the history of the state could be organized:

Original Inhabitants  
Spanish Exploration and Conquest  
Early Spanish Settlement  
The Pueblo Revolt  
Reconquest and Colonization  
Mexican Period  
Anglo American Period

Additionally, the plan identified a series of historic themes within which site identification, evaluation, and interpretation activities could be carried out:

Original Inhabitants  
Exploration and Settlement  
Western Expansion  
Political and Military Affairs  
Commerce and Trade  
Ranching and Agriculture  
Lumbering and Mining  
Science and Engineering  
Architecture  
Religion, Education, and Culture  
Collections

The second volume of the 1973 plan provided a brief discussion of the identified themes and listed properties on the State Register of Cultural Properties by theme.

Throughout the mid and late 1970s historic preservation activities in New Mexico were carried out under the provisions of these two planning documents, with annual updates to the list of cultural properties being published in the Planning Office annual report. It became increasingly clear, however, that dependence on personal knowledge of preservation professionals could only take historic preservation in New Mexico so far, and that a more systematic approach to identification, evaluation, and interpretation was needed. It had also become clear by this time that the problems and requirements of the archaeological portion of the Historic Preservation program were very different, both functionally and conceptually, from those of the architectural/historical portion of the program. As a result, planning for the two portions of the program became to some extent separate processes, and in the late 1970s a

separate planning document for the archaeological portion of the program, Prehistoric New Mexico, was commissioned.

Prehistoric New Mexico was designed to provide a systematic evaluation of prehistoric contexts and preservation needs related to archaeology in New Mexico. The book divides the state into five regions and provides a regional synthesis/overview for each. These overviews include (a) the current state of archaeological knowledge for that region, (b) priorities for survey, (c) an assessment of the quality and a description of the nature of the regional archaeological data base, and (d) a list of current State and National Register properties in the region and priorities for additional nominations.

Through much of the 1980s Prehistoric New Mexico served the function of providing a "Background for Survey" quite well. As we approached the 1990s, however, massive increases in the size of the archaeological data base in some regions and marked increases in the amount of excavation and research in others had rendered much of the volume out of date. The Historic Preservation Division is in the process of commissioning regional studies that will be combined into a single publication to replace Prehistoric New Mexico.

Like its predecessor, the new archaeological planning volume will summarize current knowledge in a region, identify current research issues and appropriate historic contexts, evaluate the regional data base, and suggest priorities for surveys and Register nominations. Rather than commission a single study that would be likely to emphasize some portions of the state at the expense of others, the Division has taken the approach of providing grants to recognized experts in particular regions for the purpose of providing overviews of those regions. The grantees are being asked to discover and, where possible, incorporate the views of other experts in their study region so that the finished overviews will be as representative as possible.

The efforts to systematize identification, evaluation, and interpretation efforts in the history/architecture portion of the program resulted first in the publication of the "Historic Building Inventory" manual in 1979. This volume, funded by the Historic Preservation Bureau and prepared by the School of Architecture of the University of New Mexico, established a methodology for 100% surveys of pre-1945 buildings in a given geographical area. What this volume did not provide was a contextual background for architectural surveys. In the mid 1980s, therefore, the Historic Preservation Division commissioned the development of a Comprehensive Plan for New Mexico's Statewide Architectural Survey.

This five-year plan identifies appropriate regional subdivisions for architectural preservation planning, suggests general thematic and temporal backgrounds for architectural surveys, and recommends specific planning, survey, and support activities to be undertaken or funded by the history/architecture portion of the Historic Preservation Division program. These activities include sponsorship of training workshops for surveyors, sponsorship of preservation conferences, preparation of regional architectural overviews, encouragement of community-

based survey and registration projects, improving survey administration, and increasing the availability of data needed prior to survey and of the survey products. This planning document is currently being used to direct the identification, evaluation, and interpretation efforts of the history/architecture portion of the Historic Preservation Division program. It is anticipated that this document will be reviewed and replaced within the next two years.

The major documents discussed above constitute the main planning documents for the New Mexico Historic Preservation Division. Progress toward the goals outlined in these documents is reported each year in the Division's annual report. The annual reports summarize grants awarded, publications produced, legislative initiatives, sites added to the State and National Registers, and registered sites lost during the year. Planning initiatives, projects completed, and other similar information are also described in Preservation New Mexico, the quarterly newsletter funded by the Division.

### State Plan Review and Revision

Revisions of the state plan have taken two forms. Major revisions of the main planning documents are undertaken on a periodic basis. We anticipate that when the regional surveys mandated in the current five-year architectural survey plan are completed (in 1990 or 1991) the Division will commission a study to identify priorities for intensive surveys and thematic surveys leading to National Register nominations and providing developed historic contexts for evaluation and treatment of historic structures.

As noted above, the Division is currently in the process of replacing the major archaeological component of the state plan with a series of regional overviews. Current plans are for publication of the first volume of the replacement document when the third regional overview is completed. These overviews will be used to identify new priorities for survey and nomination and to provide historic contexts for the evaluation and treatment of archaeological sites.

Smaller scale revisions of the state plan and the interim process of implementing and refining the goals of the planning documents take place largely within the context of the annual grant cycle. In the fall of each year, as the products of the previous grant cycle become available, the Division staff develops a list of potential grant projects for the next year based on (a) goals and priorities outlined in the major planning documents, (b) preservation issues outlined in the 1973 plan, and (c) changing threats to historic preservation in New Mexico. Ideas for grant projects also come from the general public, federal and state agencies, and members of the preservation-related professions in the form of requests for technical assistance, offers of matching funds or services, and actual suggestions of appropriate projects.

In open public hearings the Cultural Properties Review Committee and Division staff select projects from the staff-prepared list, taking into account available funding, ongoing survey and evaluation needs, and urgent cases. The Division then issues a request for proposals for the selected projects, and staff and

CPRC review and rank the proposals, with the CPRC and the staff (again in a public meeting) making final decisions about awarding grants.

### **Public Involvement in the Planning Process**

Public involvement in the development, amendment, and implementation of the New Mexico State Historic Preservation Plan can be broken into three categories: involvement of the general public, involvement of preservation professionals, and involvement of federal and state land managing, funding, and permitting agencies.

The general public has several opportunities for involvement in the planning process. Major planning decisions and selection of grant projects are carried out at public meetings of the CPRC. These meetings are advertised in newspapers of statewide circulation and in the Division newsletter (circulation 2400). Information on ways to get ideas into the state plan and Division grant cycle is also made available at meetings of amateur historical and archaeological societies. Inquiries from members of the public suggesting possible grant projects are encouraged and all such inquiries are considered in decisions about the grant cycle. In the past few years we have begun requiring grantees for major survey projects to hold public information meetings within their study areas. At these meetings public input is solicited concerning the identification of historic properties and the development of historic contexts.

Planning input from preservation professionals is solicited through announcements in newsletters (both the Division's and the newsletters of various professional organizations) and through announcements at professional society meetings. One of the requirements of the current cycle of archaeological overviews is that the grantees make comprehensive efforts to contact professionals with research interests in the overview region and incorporate their ideas about appropriate survey and planning goals and historic contexts into the overviews. In the two overviews currently underway, these contacts with professionals have taken the form of letter, telephone, and in-person interviews as well as one plenary session at a regional archaeological conference. We are also hoping to establish informal regional advisory committees of archaeologists (and potentially of other preservation professionals as well) to advise the Division on local planning issues and to provide us with up-to-date information on preservation issues.

To date we have been less successful in involving land-managing, permitting, and funding agencies in our planning process. The archaeological overview grantees have included federal and state agency archaeologists in their solicitations for input into the archaeological state plan. Suggestions from agency personnel about survey and planning projects are included in the annual grant cycle decision process. Division staff serve as members of interagency planning and management groups such as the Interagency Management Group for the Chaco Protection Sites System and IMPACT, an interagency resource protection management group. Likewise, the Division has involved agency personnel in planning for Division-sponsored efforts such as New Mexico

Heritage Preservation Week and for Section 106 workshops jointly sponsored by SHPO and federal agencies. These interagency efforts provide valuable input for Division planning activities, but (as outlined in the next section of this summary) we are hoping to develop a more formal process of disseminating information on the state plan to agencies and soliciting input from those agencies in return.

#### **Dissemination of Information on the State Plan**

Because the long-term planning process of the New Mexico Historic Preservation Division has evolved over a span of more than 20 years, we recognize the need to provide periodic summaries of the process and updates on the results to federal and state agencies, local governments, and the preservation community and other interested parties in New Mexico. We therefore propose to take advantage of the triennial review of our program by the National Park Service as an occasion to summarize and disseminate as widely as possible information about the state plan and the planning process.

Beginning with this summary, prepared for the 1989 program review, we plan to distribute these summaries to federal and state agencies and divisions of government with cover letters requesting input from those agencies about how they would like to be involved in the State Historic Preservation planning process. We will also publish information about the availability of these preservation plan summaries, targeting newsletters and other publications that will reach archaeologists, historians, architects, and preservation specialists and other individuals and organizations with an interest in the preservation of New Mexico's historic and prehistoric resources. The purpose of disseminating these summaries is both to inform those interested in historic preservation about our planning process and to solicit their input into that process.

REGIONAL STUDY AREAS	PALEOINDIAN 10,000 B.C.-6000 B.C. (?)	TEMPORAL/DEVELOPMENTAL AXIS		PROTOHISTORIC/ HISTORIC NATIVE AMERICAN A.D. 1540-Recent	HISTORIC EUROAMERICAN A.D. 1540-Recent
		ARCHAIC 6000 B.C. - A.D. 400 (?)	CERAMIC/FORMATIVE A.D. 400 - A.D. 1540 (?)		
SAN JUAN BASIN	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Settlement Subsistence Technology Paleoenvironment	Settlement Subsistence Technology Social/Political Organ. Demography Chronology	Trade Demography Technology Architecture Ideology Ethnicity Social/Political Organ.	Ethnicity Trade Demography Architecture Crafts/Art
UPPER RIO GRANDE BASIN	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Settlement Subsistence Technology Paleoenvironment	Settlement Demography Subsistence Technology Social/Political Organ.	Trade Ideology Crafts/Art Settlement Social/Political Organ.	Ethnicity Trade Demography Ideology Social/Political Organ. Subsistence
NORTHEAST	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Settlement Subsistence Technology Paleoenvironment	Trade Ethnicity Settlement Subsistence Technology	Ethnicity Settlement Subsistence Technology Trade	Settlement Trade Subsistence
WEST CENTRAL	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Settlement Subsistence Technology Paleoenvironment	Settlement Subsistence Chronology Paleoenvironment Social/Political Organ.	Ethnicity Trade Crafts/Art Chronology Demography Social/Political Organ.	Settlement Trade Subsistence
CENTRAL	Chronology Settlement Subsistence Technology	Chronology Settlement Subsistence Technology Paleoenvironment	Trade Technology Subsistence Paleoenvironment Ethnicity	Demography Chronology Settlement Trade Subsistence	Settlement Trade Subsistence
SOUTHEAST	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Settlement Subsistence Technology Paleoenvironment	Ethnicity Settlement Demography Subsistence Trade Technology Paleoenvironment	Demography Chronology Settlement Subsistence Trade	Settlement Trade Subsistence
SOUTHWEST MIMBRES	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Subsistence Settlement Technology Paleoenvironment	Trade Subsistence Chronology Ethnicity Technology Architecture Paleoenvironment	Ethnicity Chronology Settlement Subsistence	Settlement Trade Subsistence
SOUTHWEST JORNADO	Chronology Settlement Subsistence Technology Paleoenvironment	Chronology Subsistence Settlement Technology Paleoenvironment	Trade Subsistence Settlement Technology Paleoenvironment Social/Political Organ.	Ethnicity Chronology Settlement Subsistence	Settlement Trade Subsistence

## Archaeology

### Thematic Axis

#### Settlement

- site structure
- settlement pattern
- mobility strategies
- site function
- sedentism

#### Subsistence

- hunting and gathering
- agriculture
- domestic animals/herding
- intensification

#### Technology

- lithic
- ceramic
- agricultural
- storage
- food processing

#### Social/political organization

#### Trade/exchange/material procurement

#### Demography

#### Architecture

#### Paleoenvironment

#### Crafts

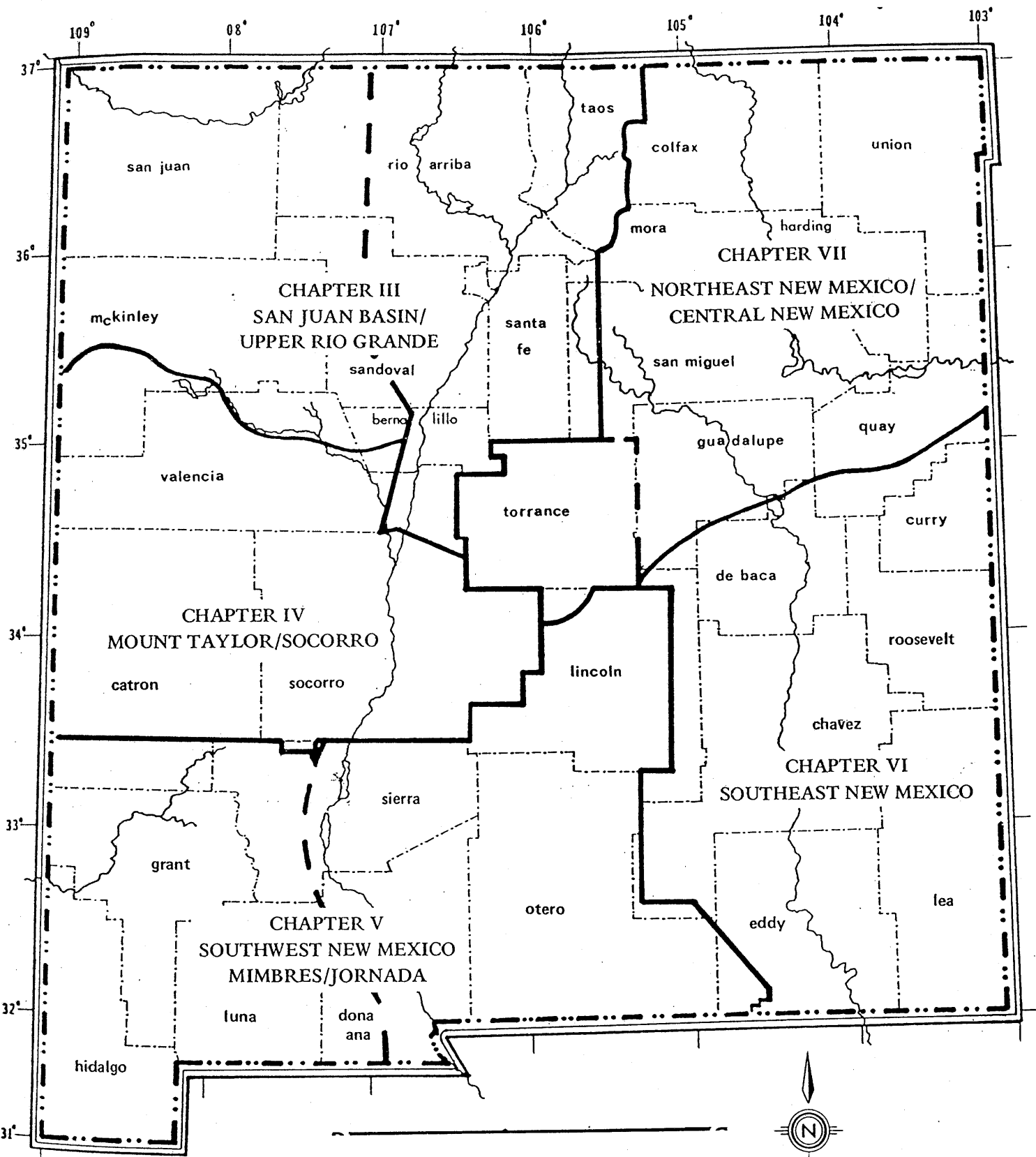
- weaving/basketry
- ornaments
- clothing

#### Ethnicity/boundary phenomena

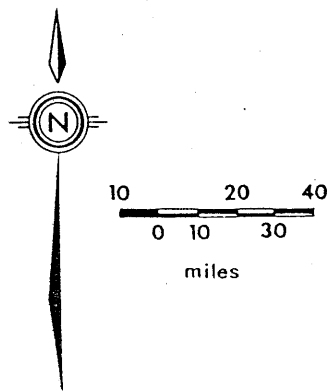
#### Art/style

#### Ideology

- magico/religious/ceremonial behavior
- archaeoastronomy
- ethnoscience



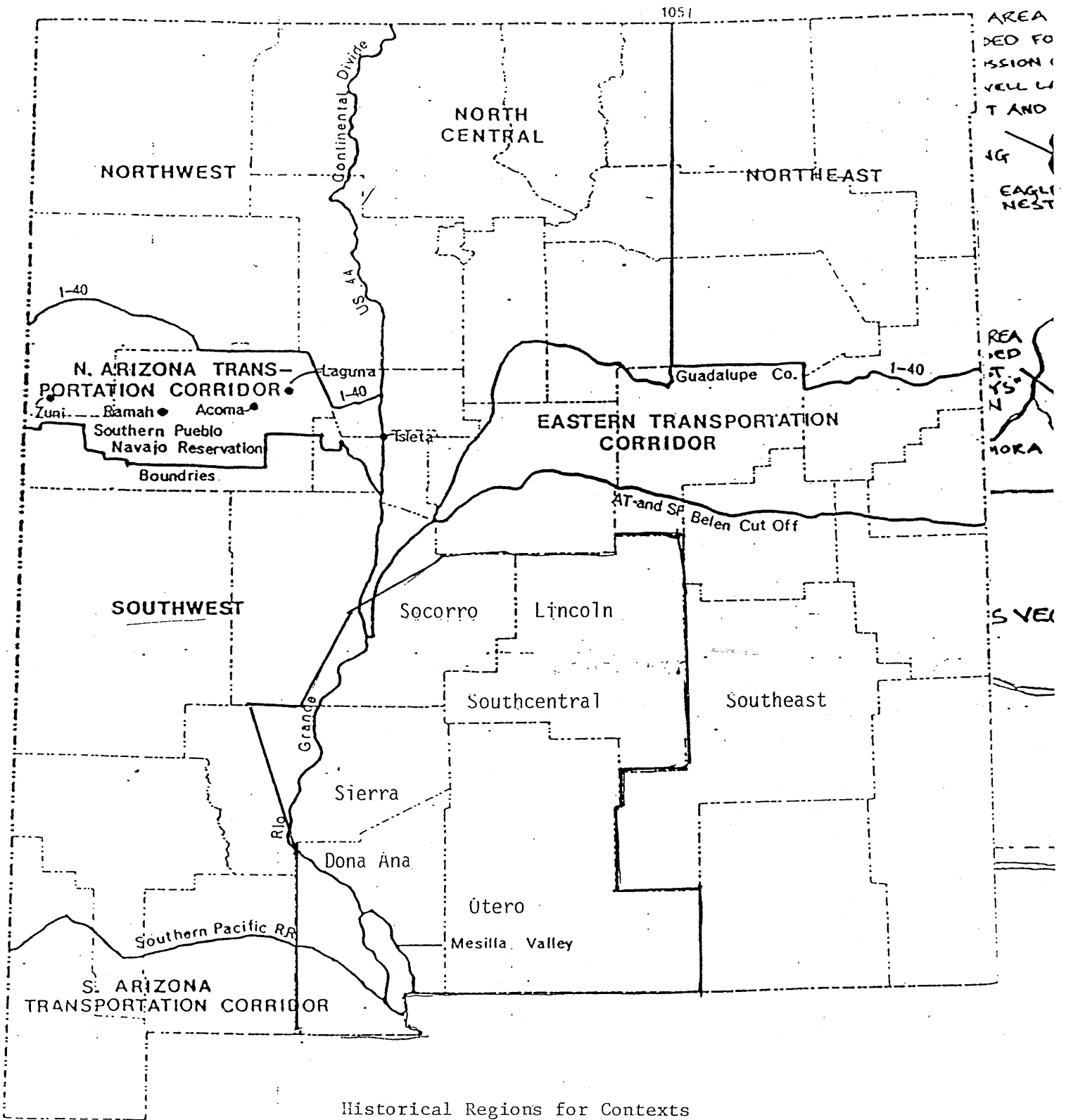
Archaeological Regions for Contexts



## History

### HISTORIC CONTEXTS

THEME	PERIOD
1. Hispanic Entradas	1541-1598
2. Hispanic Settlement	1598-1821
3. Santa Fe Trade	1821-1880
4. Mining	1821-1940
5. Military	1846-1940
6. Ranching	1821-1940
7. Farming	1541-1940
8. Government	1598-1940
Spanish Colonial	
Mexican	
Territorial	
Statehood	
Local	
County	
State	
New Deal	
Federal	
9. Railroad	1880-1940
10. Commercial Development	1821-1940
11. Anglo Influence	1821-1940
12. Urban Development	1821-1940
13. Tourism	1880-1940
14. S. W. Revivalism	1912-1940
15. Transportation	1541-1940
Trails	
Roads	
Route 66	
16. Health Seekers/Spas	1880-1940
17. Energy	1912-1940
Oil	
Gas	
Nuclear Energy	
Solar Energy	
18. Education	1846-1940
19. Arts	1880-1940
20. Religion	1598-1940
21. Native American	1541-1940
22. Entertainment	1821-1940
23. Architecture	1541-1940
24. Water/Irrigation	1541-1940
25. Recreation/ Natural Environment	1865-1940
26. Logging	



Historical Regions for Contexts

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Title 36—Parks, Forests, and Public Property

**PART 60—NATIONAL REGISTER OF  
HISTORIC PLACES**

- Sec.
- 60.1 Authorization and expansion of the National Register.
  - 60.2 Effects of listing under Federal law.
  - 60.3 Definitions.
  - 60.4 Criteria for evaluation.
  - 60.5 Nomination forms and information collection.
  - 60.6 Nominations by the State historic preservation officer under approved State historic preservation programs.
  - 60.7-60.8 (Reserved)
  - 60.9 Nominations by Federal agencies.
  - 60.10 Concurrent State and Federal nominations.

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Sec.

60.11-60.12 (Reserved)

60.13 Publication in the FEDERAL REGISTER and other NPS notification.

60.14 Changes and revisions to properties listed in the National Register.

60.15 Removing properties from the National Register.

AUTHORITY: National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 *et seq.*, and EO 11593.

SOURCE: 46 FR 56187, Nov. 16, 1981, unless otherwise noted.

§ 60.1 Authorization and expansion of the National Register.

(a) The National Historic Preservation Act of 1966, 80 Stat. 915, 16 U.S.C. 470 *et seq.*, as amended, authorizes the Secretary of the Interior to expand and maintain a National Register of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture. The regulations herein set forth the procedural requirements for listing properties on the National Register.

(b) Properties are added to the National Register through the following processes.

(1) Those Acts of Congress and Executive orders which create historic areas of the National Park System administered by the National Park Service, all or portions of which may be determined to be of historic significance consistent with the intent of Congress;

(2) Properties declared by the Secretary of the Interior to be of national significance and designated as National Historic Landmarks;

(3) Nominations prepared under approved State Historic Preservation Programs, submitted by the State Historic Preservation Officer and approved by the NPS;

(4) Nominations from any person or local government (only if such property is located in a State with no approved State Historic Preservation Program) approved by the NPS and;

(5) Nominations of Federal properties prepared by Federal agencies, submitted by the Federal Preservation Officer and approved by NPS.

§ 60.2 Effects of listing under Federal law.

The National Register is an authoritative guide to be used by Federal,

State, and local governments, private groups and citizens to identify the Nation's cultural resources and to indicate what properties should be considered for protection from destruction or impairment. Listing of private property on the National Register does not prohibit under Federal law or regulation any actions which may otherwise be taken by the property owner with respect to the property.

(a) The National Register was designed to be and is administered as a planning tool. Federal agencies undertaking a project having an effect on a listed or eligible property must provide the Advisory Council on Historic Preservation a reasonable opportunity to comment pursuant to section 106 of the National Historic Preservation Act of 1966, as amended. The Council has adopted procedures concerning, *inter alia*, their commenting responsibility in 36 CFR Part 800. Having complied with this procedural requirement the Federal agency may adopt any course of action it believes is appropriate. While the Advisory Council comments must be taken into account and integrated into the decisionmaking process, program decisions rest with the agency implementing the undertaking.

(b) Listing in the National Register also makes property owners eligible to be considered for Federal grants-in-aid for historic preservation.

(c) If a property is listed in the National Register, certain provisions of the Tax Reform Act of 1976 as amended by the Revenue Act of 1978 and the Tax Treatment Extension Act of 1980 may apply. These provisions encourage the preservation of depreciable historic structures by allowing favorable tax treatments for rehabilitation, and discourage destruction of historic buildings by eliminating certain otherwise available Federal tax provisions both for demolition of historic structures and for new construction on the site of demolished historic buildings. Owners of historic buildings may benefit from the investment tax credit provisions of the Revenue Act of 1978. The Economic Recovery Tax Act of 1981 generally replaces the rehabilitation tax incentives under these laws beginning January 1, 1982 with a 25% investment tax credit for rehabilita-

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tions of historic commercial, industrial and residential buildings. This can be combined with a 15-year cost recovery period for the adjusted basis of the historic building. Historic buildings with certified rehabilitations receive additional tax savings by their exemption from any requirement to reduce the basis of the building by the amount of the credit. The denial of accelerated depreciation for a building built on the site of a demolished historic building is repealed effective January 1, 1982. The Tax Treatment Extension Act of 1980 includes provisions regarding charitable contributions for conservation purposes of partial interests in historically important land areas or structures.

(d) If a property contains surface coal resources and is listed in the National Register, certain provisions of the Surface Mining and Control Act of 1977 require consideration of a property's historic values in the determination on issuance of a surface coal mining permit.

§ 60.3 Definitions.

(a) *Building.* A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail or a house and barn.

*Examples*

Molly Brown House (Denver, CO)  
Meek Mansion and Carriage House (Hayward, CA)  
Huron County Courthouse and Jail (Norwalk, OH)  
Fairmontsh Plantation (Durham vicinity, NC)

(b) *Chief elected local official.* Chief elected local official means the mayor, county judge, county executive or otherwise titled chief elected administrative official who is the elected head of the local political jurisdiction in which the property is located.

(c) *Determination of eligibility.* A determination of eligibility is a decision by the Department of the Interior that a district, site, building, structure or object meets the National Register criteria for evaluation although the property is not formally listed in the National Register. A determina-

tion of eligibility does not make the property eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite.

(d) *District.* A district is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

*Examples*

Georgetown Historic District (Washington, DC)  
Martin Luther King Historic District (Atlanta, GA)  
Durango-Silverton Narrow-Gauge Railroad (right-of-way between Durango and Silverton, CO)

(e) *Federal Preservation Officer.* The Federal Preservation Officer is the official designated by the head of each Federal agency responsible for coordinating that agency's activities under the National Historic Preservation Act of 1966, as amended, and Executive Order 11593 including nominating properties under that agency's ownership or control to the National Register.

(f) *Keeper of the National Register of Historic Places.* The Keeper is the individual who has been delegated the authority by NPS to list properties and determine their eligibility for the National Register. The Keeper may further delegate this authority as he or she deems appropriate.

(g) *Multiple Resource Format submission.* A Multiple Resource Format submission for nominating properties to the National Register is one which includes all or a defined portion of the cultural resources identified in a specified geographical area.

(h) *National Park Service (NPS).* The National Park Service is the bureau of the Department of Interior to which the Secretary of Interior has delegated the authority and responsibility for administering the National Register program.

(i) *National Register Nomination Form.* National Register Nomination

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Form means (1) National Register Nomination Form NPS 10-900, with accompanying continuation sheets (where necessary) Form NPS 10-900a, maps and photographs or (2) for Federal nominations, Form No. 10-306, with continuation sheets (where necessary) Form No. 10-300A, maps and photographs. Such nomination forms must be "adequately documented" and "technically and professionally correct and sufficient." To meet these requirements the forms and accompanying maps and photographs must be completed in accord with requirements and guidance in the NPS publication, "How to Complete National Register Forms" and other NPS technical publications on this subject. Descriptions and statements of significance must be prepared in accord with standards generally accepted by academic historians, architectural historians and archeologists. The nomination form is a legal document and reference for historical, architectural, and archeological data upon which the protections for listed and eligible properties are founded. The nominating authority certifies that the nomination is adequately documented and technically and professionally correct and sufficient upon nomination.

(j) *Object*. An object is a material thing of functional, aesthetic, cultural, historical or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

*Examples*

Delta Queen Steamboat (Cincinnati, OH)  
Adams Memorial (Rock Creek Cemetery, Washington, DC)  
Sumpter Valley Gold Dredge (Sumpter, OR)

(k) *Owner or owners*. The term owner or owners means those individuals, partnerships, corporations or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature.

(l) *Site*. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself

maintains historical or archeological value regardless of the value of any existing structure.

*Examples*

Cabin Creek Battlefield (Pensacola vicinity, OK)  
Mound Cemetery Mound (Chester vicinity, OH)  
Mud Springs Pony Express Station Site (Dalton vicinity, NE)

(m) *State Historic Preservation Officer*. The State Historic Preservation Officer is the person who has been designated by the Governor or chief executive or by State statute in each State to administer the State Historic Preservation Program, including identifying and nominating eligible properties to the National Register and otherwise administering applications for listing historic properties in the National Register.

(n) *State Historic Preservation Program*. The State Historic Preservation Program is the program established by each State and approved by the Secretary of Interior for the purpose of carrying out the provisions of the National Historic Preservation Act of 1966, as amended, and related laws and regulations. Such program shall be approved by the Secretary before the State may nominate properties to the National Register. Any State Historic Preservation Program in effect under prior authority of law before December 12, 1980, shall be treated as an approved program until the Secretary approves a program submitted by the State for purposes of the Amendments of December 12, 1983, unless the Secretary chooses to rescind such approval because of program deficiencies.

(o) *State Review Board*. The State Review Board is a body whose members represent the professional fields of American history, architectural history, historic architecture, prehistoric and historic archeology, and other professional disciplines and may include citizen members. In States with approved State historic preservation programs the State Review Board reviews and approves National Register nominations concerning whether or not they meet the criteria for evaluation prior to their submittal to the NPS.

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(p) *Structure.* A structure is a work made up of interdependent and inter-related parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.

*Examples*

Swanton Covered Railroad Bridge (Swanton vicinity, VT)

Old Point Loma Lighthouse (San Diego, CA)

North Point Water Tower (Milwaukee, WI)

Reber Radio Telescope (Green Bay vicinity, WI)

(q) *Thematic Group Format submission.* A Thematic Group Format submission for nominating properties to the National Register is one which includes a finite group of resources related to one another in a clearly distinguishable way. They may be related to a single historic person, event, or developmental force; of one building type or use, or designed by a single architect; of a single archeological site form, or related to a particular set of archeological research problems.

(r) *To nominate.* To nominate is to propose that a district, site, building, structure, or object be listed in the National Register of Historic Places by preparing a nomination form, with accompanying maps and photographs which adequately document the property and are technically and professionally correct and sufficient.

§ 60.4 Criteria for evaluation.

The criteria applied to evaluate properties (other than areas of the National Park System and National Historic Landmarks) for the National Register are listed below. These criteria are worded in a manner to provide for a wide diversity of resources. The following criteria shall be used in evaluating properties for nomination to the National Register, by NPS in reviewing nominations, and for evaluating National Register eligibility of properties. Guidance in applying the criteria is further discussed in the "How To" publications, Standards & Guidelines sheets and Keeper's opinions of the National Register. Such materials are available upon request.

*National Register criteria for evaluation.*  
The quality of significance in American his-

tory, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

(a) that are associated with events that have made a significant contribution to the broad patterns of our history; or

(b) that are associated with the lives of persons significant in our past; or

(c) that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(d) that have yielded, or may be likely to yield, information important in prehistory or history.

*Criteria considerations.* Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria of if they fall within the following categories:

(a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

(b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

(c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.

(d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

(e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or

(f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or

(g) A property achieving significance within the past 50 years if it is of exceptional importance.

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This exception is described further in NPS "How To" #2, entitled "How to Evaluate and Nominate Potential National Register Properties That Have Achieved Significance Within the Last 50 Years" which is available from the National Register of Historic Places Division, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

§ 60.5 Nomination forms and information collection.

(a) All nominations to the National Register are to be made on standard National Register forms. These forms are provided upon request to the State Historic Preservation Officer, participating Federal agencies and others by the NPS. For archival reasons, no other forms, photocopied or otherwise, will be accepted.

(b) The information collection requirements contained in this part have been approved by the Office of Management and Budget under 44 U.S.C. 3507 and assigned clearance number 1024-0018. The information is being collected as part of the nomination of properties to the National Register. This information will be used to evaluate the eligibility of properties for inclusion in the National Register under established criteria. The obligation to respond is required to obtain a benefit.

§ 60.6 Nominations by the State Historic Preservation Officer under approved State Historic Preservation programs.

(a) The State Historic Preservation Officer is responsible for identifying and nominating eligible properties to the National Register. Nomination forms are prepared under the supervision of the State Historic Preservation Officer. The State Historic Preservation Officer establishes statewide priorities for preparation and submittal of nominations for all properties meeting National Register criteria for evaluation within the State. All nominations from the State shall be submitted in accord with the State priorities, which shall be consistent with an approved State historic preservation plan.

(b) The State shall consult with local authorities in the nomination process. The State provides notice of the intent to nominate a property and solicits written comments especially on

the significance of the property and whether or not it meets the National Register criteria for evaluation. The State notice also gives owners of private property an opportunity to concur in or object to listing. The notice is carried out as specified in the subsections below.

(c) As part of the nomination process, each State is required to notify in writing the property owner(s), except as specified in paragraph (d) of this section, of the State's intent to bring the nomination before the State Review Board. The list of owners shall be obtained from either official land recordation records or tax records, whichever is more appropriate, within 90 days prior to the notification of intent to nominate. If in any State the land recordation or tax records is not the most appropriate list from which to obtain owners that State shall notify the Keeper in writing and request approval that an alternative source of owners may be used.

The State is responsible for notifying only those owners whose names appear on the list consulted. Where there is more than one owner on the list, each separate owner shall be notified. The State shall send the written notification at least 30 but not more than 75 days before the State Review Board meeting. Required notices may vary in some details of wording as the States prefer, but the content of notices must be approved by the National Register. The notice shall give the owner(s) at least 30 but not more than 75 days to submit written comments and concur in or object in writing to the nomination of such property. At least 30 but not more than 75 days before the State Review Board meeting, the States are also required to notify by the above mentioned National Register approved notice the applicable chief elected official of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located. The National Register nomination shall be on file with the State Historic Preservation Program during the comment period and a copy made available by mail when requested by the public, or made available at a location of rea-

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sonable access to all affected property owners, such as a local library courthouse, or other public place, prior to the State Review Board meeting so that written comments regarding the nomination can be prepared.

(d) For a nomination with more than 50 property owners, each State is required to notify in writing at least 30 but not more than 75 days in advance of the State Review Board meeting the chief elected local officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property or district is located. The State shall provide general notice to property owners concerning the State's intent to nominate. The general notice shall be published at least 30 days but not more than 75 days before the State Review Board meeting and provide an opportunity for the submission of written comments and provide the owners of private property or a majority of such owners for districts an opportunity to concur in or object in writing to the nomination. Such general notice must be published in one or more local newspapers of general circulation in the area of the nomination. The content of the notices shall be approved by the National Register. If such general notice is used to notify the property owners for a nomination containing more than 50 owners, it is suggested that a public information meeting be held in the immediate area prior to the State Review Board meeting. If the State wishes to individually notify all property owners, it may do so, pursuant to procedures specified in Subsection 60.6(c), in which case, the State need not publish a general notice.

(e) For Multiple Resource and Thematic Group Format submission, each district, site, building, structure and object included in the submission is treated as a separate nomination for the purpose of notification and to provide owners of private property the opportunity to concur in or object in writing to the nomination in accord with this section.

(f) The commenting period following notifications can be waived only when all property owners and the chief elected local official have advised the

State in writing that they agree to the waiver.

(g) Upon notification, any owner or owners of a private property who wish to object shall submit to the State Historic Preservation Officer a notarized statement certifying that the party is the sole or partial owner of the private property, as appropriate, and objects to the listing. In nominations with multiple ownership of a single private property or of districts, the property will not be listed if a majority of the owners object to listing. Upon receipt of notarized objections respecting a district or single private property with multiple owners, it is the responsibility of the State Historic Preservation Officer to ascertain whether a majority of owners of private property have objected. If an owner whose name did not appear on the list certifies in a written notarized statement that the party is the sole or partial owner of a nominated private property such owner shall be counted by the State Historic Preservation Officer in determining whether a majority of owners has objected. Each owner of private property in a district has one vote regardless of how many properties or what part of one property that party owns and regardless of whether the property contributes to the significance of the district.

(h) If a property has been submitted to and approved by the State Review Board for inclusion in the National Register prior to the effective date of this section, the State Historic Preservation Officer need not resubmit the property to the State Review Board; but before submitting the nomination to the NPS shall afford owners of private property the opportunity to concur in or object to the property's inclusion in the Register pursuant to applicable notification procedures described above.

(i) [Reserved]

(j) Completed nomination forms or the documentation proposed for submission on the nomination forms and comments concerning the significance of a property and its eligibility for the National Register are submitted to the State Review Board. The State Review Board shall review the nomination forms or documentation proposed for

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submission on the nomination forms and any comments concerning the property's significance and eligibility for the National Register. The State Review Board shall determine whether or not the property meets the National Register criteria for evaluation and make a recommendation to the State Historic Preservation Officer to approve or disapprove the nomination.

(k) Nominations approved by the State Review Board and comments received are then reviewed by the State Historic Preservation Officer and if he or she finds the nominations to be adequately documented and technically, professionally, and procedurally correct and sufficient and in conformance with National Register criteria for evaluation, the nominations are submitted to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240. All comments received by a State and notarized statements of objection to listing are submitted with a nomination.

(l) If the State Historic Preservation Officer and the State Review Board disagree on whether a property meets the National Register criteria for evaluation, the State Historic Preservation Officer, if he or she chooses, may submit the nomination with his or her opinion concerning whether or not the property meets the criteria for evaluation and the opinion of the State Review Board to the Keeper of the National Register for a final decision on the listing of the property. The opinion of the State Review Board may be the minutes of the Review Board meeting. The State Historic Preservation Officer shall submit such disputed nominations if so requested within 45 days of the State Review Board meeting by the State Review Board or the chief elected local official of the local, county or municipal political subdivision in which the property is located but need not otherwise do so. Such nominations will be substantively reviewed by the Keeper.

(m) [Reserved]

(n) If the owner of a private property or the majority of such owners for a district or single property with multiple owners have objected to the nomi-

nation prior to the submittal of a nomination, the State Historic Preservation Officer shall submit the nomination to the Keeper only for a determination of eligibility pursuant to subsection (s) of this section.

(o) The State Historic Preservation Officer signs block 12 of the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The State Historic Preservation Officer's signature in block 12 certifies that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient;

(4) In the opinion of the State Historic Preservation Officer, the property meets the National Register criteria for evaluation.

(p) When a State Historic Preservation Officer submits a nomination form for a property that he or she does not believe meets the National Register criteria for evaluation, the State Historic Preservation Officer signs a continuation sheet Form NPS 10-900a explaining his/her opinions on the eligibility of the property and certifying that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient.

(q) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places as specified in § 60.13.

(r) Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves a nomination, an appeal is filed, or the owner of private property (or the majority of such owners for a district or single property with multiple owners) objects by notarized statements received by the Keeper prior to listing. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When

Section 60.6 was amended on October 12, 1983.  
See Participant's Course Book, Section V-D,  
page 16, for paragraph (m).

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a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanation as to why the property does not meet the National Register criteria for evaluation.

(s) If the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected to the nomination by notarized statement prior to listing, the Keeper shall review the nomination and make a determination of eligibility within 45 days of receipt, unless an appeal is filed. The Keeper shall list such properties determined eligible in the National Register upon receipt of notarized statements from the owner(s) of private property that the owner(s) no longer object to listing.

(t) Any person or organization which supports or opposes the nomination of a property by a State Historic Preservation Officer may petition the Keeper during the nomination process either to accept or reject a nomination. The petitioner must state the grounds of the petition and request in writing that the Keeper substantively review the nomination. Such petitions received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owners object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

(u) State Historic Preservation Officers are required to inform the property owners and the chief elected local official when properties are listed in the National Register. In the case of a nomination where there are more than 50 property owners, they may be notified of the entry in the National Register by the same general notice stated in § 60.6(d). States which notify all property owners individually of entries in the National Register need not publish a general notice.

(v) In the case of nominations where the owner of private property (or the majority of such owners for a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, the State Historic Preservation Officer

shall notify the appropriate chief elected local official and the owner(s) of such property of this determination. The general notice may be used for properties with more than 50 owners as described in § 60.6(d) or the State Historic Preservation Officer may notify the owners individually.

(w) If subsequent to nomination a State makes major revisions to a nomination or renominates a property rejected by the Keeper, the State Historic Preservation Officer shall notify the affected property owner(s) and the chief elected local official of the revisions or renomination in the same manner as the original notification for the nomination, but need not resubmit the nomination to the State Review Board. Comments received and notarized statements of objection must be forwarded to the Keeper along with the revisions or renomination. The State Historic Preservation Officer also certifies by the resubmittal that the affected property owner(s) and the chief elected local official have been renotified. "Major revisions" as used herein means revisions of boundaries or important substantive revisions to the nomination which could be expected to change the ultimate outcome as to whether or not the property is listed in the National Register by the Keeper.

(x) Notwithstanding any provision hereof to the contrary, the State Historic Preservation Officer in the nomination notification process or otherwise need not make available to any person or entity (except a Federal agency planning a project, the property owner, the chief elected local official of the political jurisdiction in which the property is located, and the local historic preservation commission for certified local governments) specific information relating to the location of properties proposed to be nominated to, or listed in, the National Register if he or she determines that the disclosure of specific information would create a risk of destruction or harm to such properties.

(y) With regard to property under Federal ownership or control, completed nomination forms shall be submitted to the Federal Preservation Officer for review and comment. The Fed-

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eral Preservation Officer, may approve the nomination and forward it to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240.

§§ 60.7—60.8 [Reserved]

§ 60.9 Nominations by Federal agencies.

(a) The National Historic Preservation Act of 1966, as amended, requires that, with the advice of the Secretary and in cooperation with the State Historic Preservation Officer of the State involved, each Federal agency shall establish a program to locate, inventory and nominate to the Secretary all properties under the agency's ownership or control that appear to qualify for inclusion on the National Register. Section 2(a) of Executive Order 11593 provides that Federal agencies shall locate, inventory, and nominate to the Secretary of the Interior all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing on the National Register of Historic Places. Additional responsibilities of Federal agencies are detailed in the National Historic Preservation Act of 1966, as amended, Executive Order 11593, the National Environmental Policy Act of 1969, the Archeological and Historic Preservation Act of 1974, and procedures developed pursuant to these authorities, and other related legislation.

(b) Nomination forms are prepared under the supervision of the Federal Preservation Officer designated by the head of a Federal agency to fulfill agency responsibilities under the National Historic Preservation Act of 1966, as amended.

(c) Completed nominations are submitted to the appropriate State Historic Preservation Officer for review and comment regarding the adequacy of the nomination, the significance of the property and its eligibility for the National Register. The chief elected local officials of the county (or equivalent governmental unit) and municipal political jurisdiction in which the property is located are notified and given 45 days in which to comment. The State Historic Preservation Offi-

cer signs block 12 of the nomination form with his/her recommendation.

(d) After receiving the comments of the State Historic Preservation Officer, and chief elected local official, or if there has been no response within 45 days, the Federal Preservation Officer may approve the nomination and forward it to the Keeper of the National Register of Historic Places, National Park Service, United States Department of the Interior, Washington, D.C. 20240. The Federal Preservation Officer signs block 12 of the nomination form if in his or her opinion the property meets the National Register criteria for evaluation. The Federal Preservation Officer's signature in block 12 certifies that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient;

(4) In the opinion of the Federal Preservation Officer, the property meets the National Register criteria for evaluation.

(e) When a Federal Preservation Officer submits a nomination form for a property that he or she does not believe meets the National Register criteria for evaluation, the Federal Preservation Officer signs a continuation sheet Form NPS 10-900a explaining his/her opinions on the eligibility of the property and certifying that:

(1) All procedural requirements have been met;

(2) The nomination form is adequately documented;

(3) The nomination form is technically and professionally correct and sufficient.

(f) The comments of the State Historic Preservation Officer and chief local official are appended to the nomination, or, if there are no comments from the State Historic Preservation Officer an explanation is attached. Concurrent nominations (see § 60.10) cannot be submitted, however, until the nomination has been considered by the State in accord with Sec. 60.6, supra. Comments received by the State concerning concurrent nominations and notarized statements of ob-

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jection must be submitted with the nomination.

(g) Notice will be provided in the FEDERAL REGISTER that the nominated property is being considered for listing in the National Register of Historic Places in accord with § 60.13.

(h) Nominations will be included in the National Register within 45 days of receipt by the Keeper or designee unless the Keeper disapproves such nomination or an appeal is filed. Nominations which are technically or professionally inadequate will be returned for correction and resubmission. When a property does not appear to meet the National Register criteria for evaluation, the nomination will be returned with an explanation as to why the property does not meet the National Register criteria for evaluation.

(i) Any person or organization which supports or opposes the nomination of a property by a Federal Preservation Officer may petition the Keeper during the nomination process either to accept or reject a nomination. The petitioner must state the grounds of the petition and request in writing that the Keeper substantively review the nomination. Such petition received by the Keeper prior to the listing of a property in the National Register or a determination of its eligibility where the private owner(s) object to listing will be considered by the Keeper and the nomination will be substantively reviewed.

§ 60.10 Concurrent State and Federal nominations.

(a) State Historic Preservation Officers and Federal Preservation Officers are encouraged to cooperate in locating, inventorying, evaluating, and nominating all properties possessing historical, architectural, archeological, or cultural value. Federal agencies may nominate properties where a portion of the property is not under Federal ownership or control.

(b) When a portion of the area included in a Federal nomination is not located on land under the ownership or control of the Federal agency, but is an integral part of the cultural resource, the completed nomination form shall be sent to the State Histor-

ic Preservation Officer for notification to property owners, to give owners of private property an opportunity to concur in or object to the nomination, to solicit written comments and for submission to the State Review Board pursuant to the procedures in § 60.6.

(c) If the State Historic Preservation Officer and the State Review Board agree that the nomination meets the National Register criteria for evaluation, the nomination is signed by the State Historic Preservation Officer and returned to the Federal agency initiating the nomination. If the State Historic Preservation Officer and the State Review Board disagree, the nomination shall be returned to the Federal agency with the opinions of the State Historic Preservation Officer and the State Review Board concerning the adequacy of the nomination and whether or not the property meets the criteria for evaluation. The opinion of the State Review Board may be the minutes of the State Review Board meeting. The State Historic Preservation Officer's signed opinion and comments shall confirm to the Federal agency that the State nomination procedures have been fulfilled including notification requirements. Any comments received by the State shall be included with the letter as shall any notarized statements objecting to the listing of private property.

(d) If the owner of any privately owned property, (or a majority of the owners of such properties within a district or single property with multiple owners) objects to such inclusion by notarized statement(s) the Federal Historic Preservation Officer shall submit the nomination to the Keeper for review and a determination of eligibility. Comments, opinions, and notarized statements of objection shall be submitted with the nomination.

(e) The State Historic Preservation Officer shall notify the nonfederal owners when a concurrent nomination is listed or determined eligible for the National Register as required in § 60.6.

Sections 60.11 and 60.12 were added on October 12, 1983. See Participant's Course Book, Section V-D, page 16, for these sections.

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§§ 60.11—60.12 [Reserved]

§ 60.13 Publication in the "Federal Register" and other NPS notification.

(a) When a nomination is received, NPS will publish notice in the FEDERAL REGISTER that the property is being considered for listing in the National Register. A 15-day commenting period from date of publication will be provided. When necessary to assist in the preservation of historic properties this 15-day period may be shortened or waived.

(b) NPS shall notify the appropriate State Historic Preservation Officer, Federal Preservation Officer, person or local government when there is no approved State program of the listing of the property in the National Register and will publish notice of the listing in the FEDERAL REGISTER.

(c) In nominations where the owner of any privately owned property (or a majority of the owners of such properties within a district or single property with multiple owners) has objected and the Keeper has determined the nomination eligible for the National Register, NPS shall notify the State Historic Preservation Officer, the Federal Preservation Officer (for Federal or concurrent nominations), the person or local government where there is no approved State Historic Preservation Program and the Advisory Council on Historic Preservation. NPS will publish notice of the determination of eligibility in the FEDERAL REGISTER.

§ 60.14 Changes and revisions to properties listed in the National Register

(a) *Boundary changes.* (1) A boundary alteration shall be considered as a new property nomination. All forms, criteria and procedures used in nominating a property to the National Register must be used. In the case of boundary enlargements only those owners in the newly nominated as yet unlisted area need be notified and will be counted in determining whether a majority of private owners object to listing. In the case of a diminution of a boundary, owners shall be notified as specified in § 60.15 concerning removing properties from the National Register. A professionally justified recom-

mendation by the State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program shall be presented to NPS. During this process, the property is not taken off the National Register. If the Keeper or his or her designee finds the recommendation in accordance with the National Register criteria for evaluation, the change will be accepted. If the boundary change is not accepted, the old boundaries will remain. Boundary revisions may be appealed as provided for in §§ 60.12 and 60.15.

(2) Four justifications exist for altering a boundary: Professional error in the initial nomination, loss of historic integrity, recognition of additional significance, additional research documenting that a larger or smaller area should be listed. No enlargement of a boundary should be recommended unless the additional area possesses previously unrecognized significance in American history, architecture, archeology, engineering or culture. No diminution of a boundary should be recommended unless the properties being removed do not meet the National Register criteria for evaluation. Any proposal to alter a boundary has to be documented in detail including photographing the historic resources falling between the existing boundary and the other proposed boundary.

(b) *Relocating properties listed in the National Register.* (1) Properties listed in the National Register should be moved only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

(2) If it is proposed that a property listed in the National Register be moved and the State Historic Preservation Officer, Federal agency for a property under Federal ownership or control, or person or local government where there is no approved State Historic Preservation Program, wishes the property to remain in the National Register during and after the move, the State Historic Preservation Officer or Federal Preservation Officer having ownership or control or person or local

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government where there is no approved State Historic Preservation Program, shall submit documentation to NPS prior to the move. The documentation shall discuss: (i) The reasons for the move; (ii) the effect on the property's historical integrity; (iii) the new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archeological significance that would be adversely affected by the intrusion of the property; and (iv) photographs showing the proposed location.

(3) Any such proposal with respect to the new location shall follow the required notification procedures, shall be approved by the State Review Board if it is a State nomination and shall continue to follow normal review procedures. The Keeper shall also follow the required notification procedures for nominations. The Keeper shall respond to a properly documented request within 45 days of receipt from the State Historic Preservation Officer or Federal Preservation Officer, or within 90 days of receipt from a person or local government where there is no approved State Historic Preservation Program, concerning whether or not the move is approved. Once the property is moved, the State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program shall submit to the Keeper for review (i) a letter notifying him or her of the date the property was moved; (ii) photographs of the property on its new site; and (iii) revised maps, including a U.S.G.S. map, (iv) acreage, and (v) verbal boundary description. The Keeper shall respond to a properly documented submittal within 45 days of receipt with the final decision on whether the property will remain in the National Register. If the Keeper approves the move, the property will remain in the National Register during and after the move unless the integrity of the property is in some unforeseen manner destroyed. If the Keeper does not approve the move, the property will be automatically deleted from the National Register when moved. In cases of properties

removed from the National Register, if the State, Federal agency, or person or local government where there is no approved State Historic Preservation Program has neglected to obtain prior approval for the move or has evidence that previously unrecognized significance exists, or has accrued, the State, Federal agency, person or local government may resubmit a nomination for the property.

(4) In the event that a property is moved, deletion from the National Register will be automatic unless the above procedures are followed prior to the move. If the property has already been moved, it is the responsibility of the State, Federal agency or person or local government which nominated the property to notify the National Park Service. Assuming that the State, Federal agency or person or local government wishes to have the structure reentered in the National Register, it must be nominated again on new forms which should discuss: (i) the reasons for the move; (ii) the effect on the property's historical integrity, and (iii) the new setting and general environment, including evidence that the new site does not possess historical or archeological significance that would be adversely affected by intrusion of the property. In addition, new photographs, acreage, verbal boundary description and a U.S.G.S. map showing the structure at its new location must be sent along with the revised nomination. Any such nomination submitted by a State must be approved by the State Review Board.

(5) Properties moved in a manner consistent with the comments of the Advisory Council on Historic Preservation, in accord with its procedures (36 CFR Part 800), are granted as exception to § 60.12(b). Moving of properties in accord with the Advisory Council's procedures should be dealt with individually in each memorandum of agreement. In such cases, the State Historic Preservation Officer or the Federal Preservation Officer, for properties under Federal ownership or control, shall notify the Keeper of the new location after the move including new documentation as described above.

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§ 60.15 Removing properties from the National Register.

(a) Grounds for removing properties from the National Register are as follows: (1) The property has ceased to meet the criteria for listing in the National Register because the qualities which caused it to be originally listed have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing; (2) additional information shows that the property does not meet the National Register criteria for evaluation; (3) error in professional judgement as to whether the property meets the criteria for evaluation; or (4) prejudicial procedural error in the nomination or listing process. Properties removed from the National Register for procedural error shall be reconsidered for listing by the Keeper after correction of the error or errors by the State Historic Preservation Officer, Federal Preservation Officer, person or local government which originally nominated the property, or by the Keeper, as appropriate. The procedures set forth for nominations shall be followed in such reconsiderations. Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.

(b) Properties listed in the National Register prior to December 13, 1980, may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section.

(c) Any person or organization may petition in writing for removal of a property from the National Register by setting forth the reasons the property should be removed on the grounds established in paragraph (a) of this section. With respect to nominations determined eligible for the National Register because the owners of private property object to listing, anyone may petition for reconsideration of whether or not the property meets the criteria for evaluation using these procedures. Petitions for removal are submitted to the Keeper by the State Historic Preservation Officer for

State nominations, the Federal Preservation Officer for Federal nominations, and directly to the Keeper from persons or local governments where there is no approved State Historic Preservation Program.

(d) Petitions submitted by persons or local governments where there is no approved State Historic Preservation Program shall include a list of the owner(s). In such cases the Keeper shall notify the affected owner(s) and the chief elected local official and give them an opportunity to comment. For approved State programs, the State Historic Preservation Officer shall notify the affected owner(s) and chief elected local official and give them an opportunity to comment prior to submitting a petition for removal. The Federal Preservation Officer shall notify and obtain the comments of the appropriate State Historic Preservation Officer prior to forwarding an appeal to NPS. All comments and opinions shall be submitted with the petition.

(e) The State Historic Preservation Officer or Federal Preservation Officer shall respond in writing within 45 days of receipt to petitions for removal of property from the National Register. The response shall advise the petitioner of the State Historic Preservation Officer's or Federal Preservation Officer's views on the petition.

(f) A petitioner desiring to pursue his removal request must notify the State Historic Preservation Officer or the Federal Preservation Officer in writing within 45 days of receipt of the written views on the petition.

(g) The State Historic Preservation Officer may elect to have a property considered for removal according to the State's nomination procedures unless the petition is on procedural grounds and shall schedule it for consideration by the State Review Board as quickly as all notification requirements can be completed following procedures outlined in § 60.6, or the State Historic Preservation Officer may elect to forward the petition for removal to the Keeper with his or her comments without State Review Board consideration.

(h) Within 15 days after receipt of the petitioner's notification of intent

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to pursue his removal request, the State Historic Preservation Officer shall notify the petitioner in writing either that the State Review Board will consider the petition on a specified date or that the petition will be forwarded to the Keeper after notification requirements have been completed. The State Historic Preservation Officer shall forward the petitions to the Keeper for review within 15 days after notification requirements or Review Board consideration, if applicable, have been completed.

(i) Within 15 days after receipt of the petitioner notification of intent to pursue his petition, the Federal Preservation Officer shall forward the petition with his or her comments and those of the State Historic Preservation Officer to the Keeper.

(j) The Keeper shall respond to a petition for removal within 45 days of receipt, except where the Keeper must notify the owners and the chief elected local official. In such cases the Keeper shall respond within 90 days of receipt. The Keeper shall notify the petitioner and the applicable State Historic Preservation Officer, Federal Preservation Officer, or person or local government where there is no approved State Historic Preservation Program, of his decision. The State Historic Preservation Officer or Federal Preservation Officer transmitting the petition shall notify the petitioner, the owner(s), and the chief elected local official in writing of the decision. The Keeper will provide such notice for petitions from persons or local governments where there is no approved State Historic Preservation Program. The general notice may be used for properties with more than 50 owners. If the general notice is used it shall be published in one or more newspapers with general circulation in the area of the nomination.

(k) The Keeper may remove a property from the National Register on his own motion on the grounds established in paragraph (a) of this section, except for those properties listed in the National Register prior to December 13, 1980, which may only be removed from the National Register on the grounds established in paragraph (a)(1) of this section. In such cases,

the Keeper will notify the nominating authority, the affected owner(s) and the applicable chief elected local official and provide them an opportunity to comment. Upon removal, the Keeper will notify the nominating authority of the basis for the removal. The state Historic Preservation Officer, Federal Preservation Officer, or person or local government which nominated the property shall notify the owner(s) and the chief elected local official of the removal.

(l) No person shall be considered to have exhausted administrative remedies with respect to removal of a property from the National Register until the Keeper has denied a petition for removal pursuant to this section.

**PART 60—NATIONAL REGISTER OF HISTORIC PLACES**

Accordingly, 36 CFR Part 60 is amended as follows:

1. Section 60.6 is amended by adding paragraph (m) as follows:

§ 60.6 Nominations by the State Historic Preservation Officer under approved State Historic Preservation Programs.

(m) The State Historic Preservation Officer shall also submit to the Keeper nominations if so requested under the appeals process in Section 60.12.

2. Sections 60.11 and 60.12 are added as follows:

§ 60.11 Requests for nominations.

(a) The State Historic Preservation Officer or Federal Preservation Officer as appropriate shall respond in writing within 60 days to any person or organization submitting a completed National Register nomination form or requesting consideration for any previously prepared nomination form on record with the State or Federal agency. The response shall provide a technical opinion concerning whether or not the property is adequately documented and appears to meet the National Register criteria for evaluation in § 60.4. If the nomination form is determined to be inadequately documented, the nominating authority shall provide the applicant with an explanation of the reasons for that determination.

(b) If the nomination form does not appear to be adequately documented, upon receiving notification, it shall be the responsibility of the applicant to provide necessary additional documentation.

(c) If the nomination form appears to be adequately documented and if the property appears to meet the National Register criteria for evaluation, the State Historic Preservation Officer shall comply with the notification requirements in Section 60.6 and schedule the property for presentation at the earliest possible State Review Board meeting. Scheduling shall be consistent with the State's established priorities for processing nominations. If the nomination form is adequately documented, but the property does not appear to meet National Register criteria for evaluation, the State Historic

Preservation Officer need not process the nomination, unless so requested by the Keeper pursuant to § 60.12.

(d) The State Historic Preservation Officer's response shall advise the applicant of the property's position in accord with the State's priorities for processing nominations and of the approximate date the applicant can expect its consideration by the State Review Board. The State Historic Preservation Officer shall also provide notice to the applicant of the time and place of the Review Board meeting at least 30 but not more than 75 days before the meeting, as well as complying with the notification requirements in § 60.6.

(e) Upon action on a nomination by the State Review Board, the State Historic Preservation Officer shall, within 90 days, submit the nomination to the National Park Service, or, if the State Historic Preservation Officer does not consider the property eligible for the National Register, so advise the applicant within 45 days.

(f) If the applicant substantially revises a nomination form as a result of comments by the State or Federal agency, it may be treated by the State Historic Preservation Officer or Federal Preservation Officer as a new submittal and reprocessed in accord with the requirements in this section.

(g) The Federal Preservation Officer shall request the comments of the State Historic Preservation Officer and notify the applicant in writing within 60 days of receipt of an adequately documented nomination form as to whether the Federal agency will nominate the property. The Federal Preservation Officer shall submit an adequately documented nomination to the National Park Service unless in his or her opinion the property is not eligible for the National Register.

§ 60.12 Nomination appeals.

(a) Any person or local government may appeal to the Keeper the failure or refusal of a nominating authority to nominate a property that the person or local government considers to meet the National Register criteria for evaluation upon decision of a nominating authority to not nominate a property for any reason when requested pursuant to § 60.11, or upon failure of a State Historic Preservation Officer to nominate a property recommended by the State Review Board. (This action differs from the procedure for appeals during the review of a nomination by the National Park Service where an individual or organization may petition the Keeper during the nomination

process," as specified in §§ 60.6(i) and 60.9(i). Upon receipt of such petition the normal 45-day review period will be extended for 30 days beyond the date of the petition to allow the petitioner to provide additional documentation for review.)

(b) Such appeal shall include a copy of the nomination form and documentation previously submitted to the State Historic Preservation Officer or Federal Preservation Officer, an explanation of why the applicant is submitting the appeal in accord with this section and shall include pertinent correspondence from the State Historic Preservation Officer or Federal Preservation Officer.

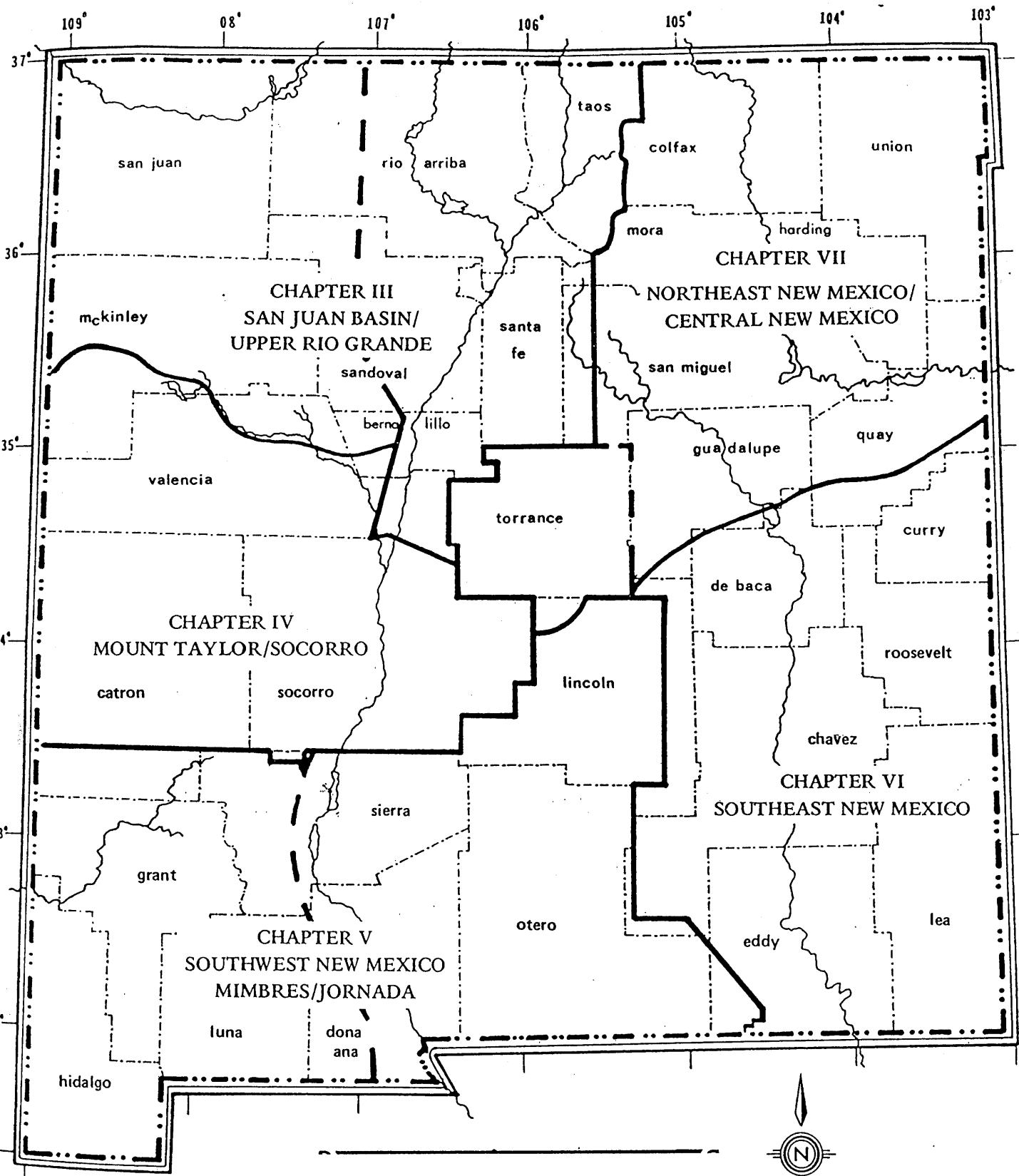
(c) The Keeper will respond to the appellant and the State Historic Preservation Officer or Federal Preservation Officer with a written explanation either denying or sustaining the appeal within 45 days of receipt. If the appeal is sustained, the Keeper will:

(1) request the State Historic Preservation Officer or Federal Preservation Officer to submit the nomination to the Keeper within 15 days if the nomination has completed the procedural requirements for nomination as described in Section 60.6 or 60.9 except that concurrence of the State Review Board, State Historic Preservation Officer or Federal Preservation Officer is not required; or

(2) if the nomination has not completed these procedural requirements, request the State Historic Preservation Officer or Federal Preservation Officer to promptly process the nomination pursuant to Section 60.6 or 60.9 and submit the nomination to the Keeper without delay.

(d) State Historic Preservation Officers and Federal Preservation Officers shall process and submit such nominations if so requested by the Keeper pursuant to this section. The Secretary reserves the right to list properties in the National Register or determine properties eligible for such listing on his own motion when necessary to assist in the preservation of historic resources and after notifying the owner and appropriate parties and allowing for a 30-day comment period.

(e) No person shall be considered to have exhausted administrative remedies with respect to failure to nominate a property to the National Register until he or she has complied with procedures set forth in this section. The decision of the Keeper is the final administrative action on such appeals.



Archaeological Regions for Contexts

