BEFORE THE PUBLIC UTILITY COMMISSION

OF OREGON

IN THE MATTER OF IDAHO POWER COMPANY'S **PETITION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**	**Docket: PCN 5** **Rebuttal Testimony** **Intervenor: John C. Williams**

Date: March 20, 2023

John C. Williams, Intervenor

P.O. Box 1384
La Grande, Oregon 97850

On March 25, 2022, I reached a settlement agreement with IPC to allow hydrological and archeological surveys on my property. Ultimately, I allowed a wetlands, road and structural surveys to take place, all five in late July and early August of last year.

In my Data Request dated 2/20/2023, I requested IPC "to share the data gathered thus far on my land and all reports the contractors have or will submit to IPC. These reports shall include all the most current maps and surveys… ". IPC complied with three of the latest (I assume) maps, two small ones depicting ROW, roads and structures, and one larger more detail-friendly archeological map.

They did not comply with any reports, only notes from the surveys. Lacking any other reports I requested I contend the surveys are incomplete. Of particular concern are the wetlands survey (as at least two towers and a section of access road appear to be upon wetlands), and the archeological survey (as a tower appears to be within a Cultural Resource Polygon).

The following is my rebuttal testimony specifically to the Idaho Power Company's witnesses' Response Testimony: Kirk Ranzetta and Steven Anderson.

Reply Rebuttal to Kirk Ranzetta Testimony, Idaho Power/700

Idaho Power/700, Ranzetta/8-9:

Mr. Ranzetta has this wrong. There are not two parallel processes for cultural resources, the EFCS process and the Section 106 process. The entire project is subject to Section 106 of the NHPA. The Section 106 process has not been completed. I'm surprised that the HPMP is almost a final document, since the 2022 archaeological reporting is not complete, that determinations of eligibility are not completed, that additional archaeological testing is pending, and mitigation plans are not completed (see Idaho Power/700, Ranzetta/9 lines 14-18).

Idaho Power/700, Ranzetta/14, Line 3-5 states:

"Idaho Power completed its evaluation of cultural resources in accordance with the Programmatic Agreement adopted by the Section 106 Working Group, thereby ensuring compliance with the EFSC standards."

The evaluation of archaeological site has not been completed. The EFSC process is a small part of the required cultural resource work for this project. For instance the archaeological site 8B2H-DM-52 (potential open campsite) on Mr. Williams's property has not been evaluated for National Register eligibility. This historic property could be impacted by the placement of a transmission tower (see Stephen Anderson Testimony, Idaho Power/800, Anderson/9, line 7-10). A second archaeological site 8B2H-DM-47 (potential hunting blind) has not been evaluated for National Register eligibility either. While site 8B2H-DM-47 should not be directly impacted by the placement of the transmission line towers (see Stephen Anderson Testimony, Idaho Power/800, Anderson/10, line 10-11). The planned placement of towers will adversely affect aspects of integrity at this site (and likely others**). See National Parks Service's National Register Bulletin 15 on How to Apply the National Register Criteria for Evaluation and the National Parks Service's National Register Bulletin 36 on Guidelines for Evaluating and Registering Archaeological Properties.**[1]

Idaho Power/700, Ranzetta/15-16:

Ranzetta states, "For the 5-mile study area, Idaho Power collected information pertaining to aboveground resources and cultural resources that had the potential to be TCPs and/or HPRCSITs between the 2-mile study area and up to five miles from the Proposed Route and alternative routes centerline (10-mile-wide corridor)." It does not appear that Mr. Ranzetta used an important source of information for this work, Čáw Pawá Láakni – They Are Not Forgotten, the CTUIR place name atlas that points out import cultural areas of the CTUIR.

Idaho Power/700, Ranzetta/19:

Phase 2 inventory work has not been completed. When will these results be available for review?

[1]See EXHIBITS # 201 and 202.

Idaho Power/700, Ranzetta/20:

When will the Enhanced Archaeological Survey begin? No State permits for shovel testing have applied for to my knowledge. What is the anticipated start of this work?

Idaho Power/700, Ranzetta/24-25:

The evaluation of historic properties has not been completed. Determinations of eligibility have not been completed. The reporting from the 2022 field season's cultural resource work is still pending and the work mentioned on, Idaho Power/700, Ranzetta/20, the Enhanced Survey has not been conducted yet.

Idaho Power/700, Ranzetta/28:

Mr. Ranzetta says that the property-specific mitigation and monitoring plans are in process. When will these be completed?

Idaho Power/700, Ranzetta/29:

A HPMP as part of the Section 106 process is mandated by the PA. When will this document be completed?

Idaho Power/700, Ranzetta/36-37:

Placing H-frames may reduce the impacts to archaeological resources on the Williams property, but this alone does not mitigate the adverse effect of building the transmission line. The transmission line will affect several aspects of integrity at these sites and is why property specific mitigation plans should be completed. These documents have not been completed yet. When will mitigation plans be completed?

Idaho Power/700, Ranzetta/37-38:

Congress has decided that the public has an interest in preserving the history and prehistory of the United States. When it passed the National Historic Preservation Act (NHPA), 54 U.S.C. §§ 300101 to 307108, and it remains the primary federal law governing the preservation of cultural and historic resources in the United States. There is indeed a public interest in seeing that cultural resource laws and processes are followed on the Williams property and within the B2H project as a whole. I do understand that this projects is using a phased approach, but there are so

many documents and so much work that has yet to be completed, that it is in the public interest that IPC catch up with its archaeological reporting obligations before starting the CPCN proceedings.

Idaho Power/700, Ranzetta/39-40:

Reducing impacts to the Oregon Trail and avoiding impacts are two different things.

Idaho Power/706, Ranzetta/4-17:

An underground segment in the vicinity of the NHOTIC is a great idea.

Reply to Stephen Anderson Testimony, Idaho Power/800

Stephen Anderson Testimony, Idaho Power/800, Anderson/10:

Mr. Anderson states that site 8B2H-DM-47 (potential hunting blind) will not be directly impacted by the placement of the transmission line towers but is located inside the Direct Analysis Area/APE (see Stephen Anderson Testimony, Idaho Power/800, Anderson/10, line 10-11). He fails to say how the proposed construction would affect the seven aspects of integrity for this or any other archaeological sites on Williams property. As outlined **36 CFR Part 800, PROTECTION OF HISTORIC PROPERTIES[2],** indirect and direct effects need to be considered as effects to historic properties. This project will affect several aspects of integrity even if construction is moved away from its currently planned location.

Stephen Anderson Testimony, Idaho Power/800, Anderson/11:

Idaho Power Company's (IPC) application for certificate of public convenience and necessity (CPCN) request is premature since may work products associated with the projects effects to the archaeological resources on the property owned by John Williams (and others) is not yet completed. There is still archaeological reporting from the 2022 field season that has not been completed or reviewed by consulting parties. There is additional archaeological work scheduled for 2023 that has not been completed. Mr. Anderson states that, Idaho Power is committed to

[2] See EXHIBIT 203

designing B2H to avoid direct impacts to archaeological resources recommended as eligible, but specific data recovery plans or mitigation plans have not been completed.

Stephen Anderson Testimony, Idaho Power/800, Anderson/12, line 7-19:
Mr. Anderson's statement about the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) preferences concerning the Glass Hill Alternative makes it sound like all of the CTUIR's concerns about the B2H route were acted on in a similar manner.

Stephen Anderson Testimony, Idaho Power/800, Anderson/9 line 7-20:
In the information shared with me a tower appears within a precontact archaeological site (B2H-DM-52). It is unclear if this site will be impacted by the proposed project from the information shared at this time.

Stephen Anderson Testimony, Idaho Power/800, Anderson/10 line 9-15:
There is an access road proposed near site B2H-DM-47, a precontact archaeological site. This site (also known as a potential hunting blind). I refer to Idaho Power testimony of Stephen Anderson (Anderson/10 line 9-15) he says, "The second cultural resource that Idaho Power believes Mr. Steinmetz is referring to is B2H-DM-47 (potential hunting blind), which is not directly impacted by the placement of the transmission line towers, but is located inside the Direct Analysis/APE. Based on Mr.Stippel testimony, Idaho Power has agreed to move the access road further away from the cultural resource such that the access road follows directly underneath the transmission line ((Idaho Power/1500, Stippel /8 2/21/2023). Depending on how much the engineers are able to move the access road, B2H-DM-47 may ultimately lie outside the Direct Analysis Area/APE."

The National register of eligibility of this site has not been completed. Other archaeological work like the 2022 field work reporting and the pending 2023 work have not been completed. The project plans for tower locations and roads have been changing making it difficult to see what is planned on my land. These are all indications of incomplete work and the CPCN should not move forward until this outstanding work has been completed.

I hereby declare that the above statements are true to the best of my knowledge and belief, and I understand that they are made for use as evidence in administrative and court proceedings and are subject to penalty for perjury.

Dated this 20th day of March, 2023.

/s/ John C. Williams

John C. Williams

EXHIBIT 201

National Register Bulletin #15

How to Apply the National Register Criteria for Evaluation (nps.gov)

NATIONAL REGISTER BULLETIN

Technical information on the the National Register of Historic Places: survey, evaluation, registration, and preservation of cultural resources

U.S. Department of the Interior
National Park Service
Cultural Resources
National Register, History and Education

How to Apply the National Register Criteria for Evaluation

The mission of the Department of the Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibilities to tribes.

The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

This material is partially based upon work conducted under a cooperative agreement with the National Conference of State Historic Preservation Officers and the U.S. Department of the Interior.

Date of publication: 1990; revised 1991, 1995, 1997. Revised for Internet 1995.

Cover

(Top Left) ***Criterion B - Frederick Douglass Home,*** *Washington, D.C. From 1877-1899, this was the home of Frederick Douglass, the former slave who rose to become a prominent author, abolitionist, editor, orator, and diplomat. (Walter Smalling, Jr.)*

(Top Right) ***Criterion D - Francis Canyon Ruin,*** *Blanco vicinity, Rio Arriba County, New Mexico. A fortified village site composed of 40 masonry-walled rooms arranged in a cluster of four house blocks. Constructed ca. 1716-1742 for protection against raiding Utes and Comanches, the site has information potential related to Navajo, Pueblo, and Spanish cultures. (Jon Samuelson)*

(Bottom Left) ***Criterion C - Bridge in Cherrytree Township,*** *Venago County, Pennsylvania. Built in 1882, this Pratt through truss bridge is significant for engineering as a well preserved example of a type of bridge frequently used in northwestern Pennsylvania in the late 19th century. (Pennsylvania Department of Transportation)*

(Bottom Right) ***Criterion A - Main Street/Market Square Historic District,*** *Houston, Harris County, Texas. Until well into the 20th century this district marked the bounds of public and business life in Houston. Constructed between the 1870s and 1920s, the district includes Houston's municipal and county buildings, and served as the city's wholesale, retail, and financial center. (Paul Hester)*

PREFACE

Preserving historic properties as important reflections of our American heritage became a national policy through passage of the Antiquities Act of 1906, the Historic Sites Act of 1935, and the National Historic Preservation Act of 1966, as amended. The Historic Sites Act authorized the Secretary of the Interior to identify and recognize properties of national significance (National Historic Landmarks) in United States history and archeology. The National Historic Preservation Act of 1966 authorized the Secretary to expand this recognition to properties of local and State significance in American history, architecture, archeology, engineering, and culture, and worthy of preservation. The National Register of Historic Places is the official list of these recognized properties, and is maintained and expanded by the National Park Service on behalf of the Secretary of the Interior.[1]

The National Register of Historic Places documents the appearance and importance of districts, sites, buildings, structures, and objects significant in our prehistory and history. These properties represent the major patterns of our shared local, State, and national experience. To guide the selection of properties included in the National Register, the National Park Service has developed the National Register Criteria for Evaluation. These criteria are standards by which every property that is nominated to the National Register is judged. In addition, the National Park Service has developed criteria for the recognition of nationally significant properties, which are designated National Historic Landmarks and prehistoric and historic units of the National Park System. Both these sets of criteria were developed to be consistent with the Secretary of the Interior's *Standards and Guidelines for Archeology and Historic Preservation*, which are uniform, national standards for preservation activities.[2]

This publication explains how the National Park Service applies these criteria in evaluating the wide range of properties that may be significant in local, State, and national history. It should be used by anyone who must decide if a particular property qualifies for the National Register of Historic Places.

Listing properties in the National Register is an important step in a nationwide preservation process. The responsibility for the identification, initial evaluation, nomination, and treatment of historic resources lies with private individuals, State historic preservation offices, and Federal preservation offices, local governments, and Indian tribes. The final evaluation and listing of properties in the National Register is the responsibility of the Keeper of the National Register.

This bulletin was prepared by staff of the National Register Branch, Interagency Resources Division, National Park Service, with the assistance of the History Division. It was originally issued in draft form in 1982. The draft was revised into final form by Patrick W. Andrus, Historian, National Register, and edited by Rebecca H. Shrimpton, Consulting Historian.

Beth L. Savage, National Register and Sarah Dillard Pope, National Register, NCSHPO coordinated the latest revision of this bulletin. Antionette J. Lee, Tanya Gossett, and Kira Badamo coordinated earlier revisions.

[1]Properties listed in the National Register receive limited Federal protection and certain benefits. For more information concerning the effects of listing, and how the National Register may be used by the general public and Certified Local Governments, as well as by local, State, and Federal agencies, and for copies of National Register Bulletins, contact the National Park Service, National Register, 1849 C Street, NW, NC400, Washington, D.C., 20240. Information may also be obtained by visiting the National Register Web site at **www.cr.nps.gov/nr** or by contacting any of the historic preservation offices in the States and territories.

[2]The *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation* are found in the *Federal Register*, Vol. 48, No. 190 (Thursday, September 29, 1983). A copy can be obtained by writing the National Park Service, Heritage Preservation Services (at the address above).

TABLE OF CONTENTS

Preface i

I. Introduction 1

II. National Register Criteria for Evaluation 2

III. How to Use this Bulletin to Evaluate a Property 3

IV. How to Define Categories of Historic Properties 4

Building 4
Structure 4
Object 5
Site 5
District 5
Concentration, Linkage, & Continuity of Features 5
Significance 5
Types of Features 5
Geographical Boundaries 6
Discontiguous Districts 6

V. How to Evaluate a Property Within its Historic Context 7

Understanding Historic Contexts 7
How to Evaluate a Property Within Its Historic Context 7
Properties Significant Within More Than on Historic Context 9
Comparing Related Properties 9
Local, State, and National Historic Contexts 9

VI. How to Identify the Type of Significance of a Property 11

Introduction 11
Criterion A: Event 12
Understanding Criterion A 12
Applying Criterion A 12
Types of Events 12
Association of the Property with the Events 12
Significance of the Association 12
Traditional Cultural Values 13

Criterion B: Person 14
Understanding Criterion B 14
Applying Criterion B 15
Significance of the Individual 15
Association with the Property 15
Comparison to Related Properties 15
Association with Groups 15
Association with Living Persons 16
Association with Architects/Artisans 16
Native American Sites 16

Criterion C: Design/Construction 17
Understanding Criterion C 17
Applying Criterion C 18

Distinctive Characteristics of Type, Period, and Method of Construction 18
Historic Adaptation of the Original Property 19
Works of a Master 20
Properties Possessing High Artistic Values 20

Criterion D: Information Potential 21
Understanding Criterion D 21
Applying Criterion D 21
Archeological Sites 21
Buildings, Structures, and Objects 21
Association with Human Activity 22
Establishing a Historic Context 22
Developing Research Questions 22
Establishing the Presence of Adequate Data 23
Integrity 23
Partly Excavated or Disturbed Properties 23
Completely Excavated Sites 24

VII. How to Apply the Criteria Considerations 25

Introduction 25
Criteria Consideration A: Religious Properties 26
Understanding Criteria Consideration A 26
Applying Criteria Consideration A 26
Eligibility for Historic Events 26
Eligibility for Historic Persons 27
Eligibility for Architectural or Artistic Distinction 28
Eligibility for Information Potential 28
Ability to Reflect Historic Associations 28

Criteria Consideration B: Moved Properties 29
Understanding Criteria Consideration B 29
Applying Criteria Consideration B 29
Eligibility for Architectural Value 29
Eligibility for Historic Associations 30
Setting and Environment 30
Association Dependent on the Site 30
Properties Designed to Be Moved 31
Artificially Created Groupings 31
Portions of Properties 31

Criteria Consideration C: Birthplaces and Graves 32
Understanding Criteria Consideration C 32
Applying Criteria Consideration C 32
Persons of Outstanding Importance 32
Last Surviving Property Associated with a Person 32
Eligibility for Other Associations 33

Criteria Consideration D: Cemeteries 34
Understanding Criteria Consideration D 34
Applying Criteria Consideration D 34
Persons of Transcendent Importance 34
Eligibility on the Basis of Age 35
Eligibility for Design 35
Eligibility for Association with Events 35
Eligibility for Information Potential 35
Integrity 36
National Cemeteries 36

Criteria Consideration E: Reconstructed Properties 37
Understanding Criteria Consideration E 37
Applying Criteria Consideration E 37
Accuracy of the Reconstruction 37
Suitable Environment 37
Restoration Master Plans 38

Last Surviving Property of a Type 38
Reconstructions Older than Fifty Years 38

Criteria Consideration F: Commemorative Properties 39
Understanding Criteria Consideration F 39
Applying Criteria Consideration F 39
Eligibility for Design 39
Eligibility for Age, Tradition, or Symbolic Value 40
Ineligibility as the Last Representative of an Event or Person 40

Criteria Consideration G: Properties that Have Achieved Significance Within the Past Fifty Years 41
Understanding Criteria Consideration G 41
Applying Criteria Consideration G 42
Eligibility for Exceptional Importance 42
Historical Perspective 42
National Park Service Rustic Architecture 42
Veterans Administration Hospitals 42
Comparison with Related Properties 42
World War II Properties 42
Eligibility for Information Potential 43
Historic Districts 43
Properties Over Fifty Years in Age, Under Fifty Years in Significance 43
Requirement to Meet the Criteria, Regardless of Age 43

VIII. How to Evaluate the Integrity of a Property 44

Introduction 44
Understanding the Aspects of Integrity 44
Location 44
Design 44
Setting 44
Materials 45
Workmanship 45
Feeling 45
Association 45
Assessing Integrity in Properties 45
Defining the Essential Physical Features 46
Visibility of the Physical Features 46
Comparing Similar Properties 47
Determining the Relevant Aspects of Integrity 48

IX. Summary of the National Historic Landmarks Criteria for Evaluation 50

X. Glossary 53

XI. List of National Register Bulletins 54

I. INTRODUCTION

The National Register is the nation's inventory of historic places and the national repository of documentation on the variety of historic property types, significance, abundance, condition, ownership, needs, and other information. It is the beginning of a national census of historic properties. The National Register Criteria for Evaluation define the scope of the National Register of Historic Places; they identify the range of resources and kinds of significance that will qualify properties for listing in the National Register. The Criteria are written broadly to recognize the wide variety of historic properties associated with our prehistory and history.

Decisions concerning the significance, historic integrity, documentation, and treatment of properties can be made reliably only when the resource is evaluated within its historic context. The historic context serves as the framework within which the National Register Criteria are applied to specific properties or property types. (See *Part V* for a brief discussion of historic contexts. Detailed guidance for developing and applying historic contexts is contained in *National Register Bulletin: How to Complete the National Register Registration Form* and *National Register Bulletin: How to Complete the National Register Multiple Property Documentation Form*)

The guidelines provided here are intended to help you understand the National Park Service's use of the Criteria for Evaluation, historic contexts, integrity, and Criteria Considerations, and how they apply to properties under consideration for listing in the National Register. Examples are provided throughout, illustrating specific circumstances in which properties are and are not eligible for the National Register. This bulletin should be used by anyone who is:

- Preparing to nominate a property to the National Register,
- Seeking a determination of a property's eligibility,
- Evaluating the comparable significance of a property to those listed in the National Register, or
- Expecting to nominate a property as a National Historic Landmark in addition to nominating it to the National Register.

This bulletin also contains a summary of the National Historic Landmarks Criteria for Evaluation (see *Part IX*). National Historic Landmarks are those districts, sites, buildings, structures, and objects designated by the Secretary of the Interior as possessing national significance in American history, architecture, archeology, engineering, and culture. Although National Register documentation includes a recommendation about whether a property is significant at the local, State, or national level, the only official designation of national significance is as a result of National Historic Landmark designation by the Secretary of the Interior, National Monument designation by the President of the United States, or establishment as a unit of the National Park System by Congress. These properties are automatically listed in the National Register.

II. THE NATIONAL REGISTER CRITERIA FOR EVALUATION

CRITERIA FOR EVALUATION:[3]

The quality of significance in American history, 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 or 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 or her productive life; or

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.

[3]The Criteria for Evaluation are found in the *Code of Federal Regulations, Title 36, Part 60,* and are reprinted here in full.

III. HOW TO USE THIS BULLETIN TO EVALUATE A PROPERTY

For a property to qualify for the National Register it must meet one of the National Register Criteria for Evaluation by:

- **Being associated with an important historic context** *and*
- **Retaining historic integrity of those features necessary to convey its significance.**

Information about the property based on physical examination and documentary research is necessary to evaluate a property's eligibility for the National Register. Evaluation of a property is most efficiently made when following this sequence:

1. Categorize the property (Part IV). A property must be classified as a district, site, building, structure, or object for inclusion in the National Register.
2. **Determine which prehistoric or historic context(s) the property represents** (Part V). A property must possess significance in American history, architecture, archeology, engineering, or culture when evaluated within the historic context of a relevant geographic area.
3. Determine whether the property is significant under the National Register Criteria (Part VI). This is done by identifying the links to important events or persons, design or construction features, or information potential that make the property important.
4. Determine if the property represents a type usually excluded from the National Register (Part VII). If so, determine if it meets any of the Criteria Considerations.
5. Determine whether the property retains integrity (Part VIII). Evaluate the aspects of location, design, setting, workmanship, materials, feeling, and association that the property must retain to convey its historic significance.

If, after completing these steps, the property appears to qualify for the National Register, the next step is to prepare a written nomination. (Refer to *National Register Bulletin: How to Complete the National Register Registration Form.*)

IV. HOW TO DEFINE CATEGORIES OF HISTORIC PROPERTIES

The National Register of Historic Places includes significant properties, classified as buildings, sites, districts, structures, or objects. It is not used to list intangible values, except in so far as they are associated with or reflected by historic properties. The National Register does not list cultural events, or skilled or talented individuals, as is done in some countries. Rather, the National Register is oriented to recognizing physically concrete properties that are relatively fixed in location.

For purposes of National Register nominations, small groups of properties are listed under a single category, using the primary resource. For example, a city hall and fountain would be categorized by the city hall (building), a farmhouse with two outbuildings would be categorized by the farmhouse (building), and a city park with a gazebo would be categorized by the park (site). Properties with large acreage or a number of resources are usually considered districts. Common sense and reason should dictate the selection of categories.

BUILDING

A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

Buildings eligible for the National Register must include all of their basic structural elements. Parts of buildings, such as interiors, facades, or wings, are not eligible independent of the rest of the existing building. The whole building must be considered, and its significant features must be identified.

If a building has lost any of its basic structural elements, it is usually considered a "ruin" and is categorized as a site.

Examples of buildings include:

administration building
carriage house
church
city or town hall
courthouse
detached kitchen, barn, and privy
dormitory
fort
garage
hotel
house
library
mill building
office building
post office
school
social hall
shed
stable
store
theater
train station

STRUCTURE

The term "structure" is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.

Structures nominated to the National Register must include all of the extant basic structural elements. Parts of structures can not be considered eligible if the whole structure remains. For example, a truss bridge is composed of the metal or wooden truss, the abutments, and supporting piers, all of which, if extant, must be included when considering the property for eligibility.

If a structure has lost its historic configuration or pattern of organization through deterioration or demolition, it is usually considered a "ruin" and is categorized as a site.

Examples of structures include:

aircraft
apiary
automobile
bandstand
boats and ships
bridge
cairn
canal
carousel
corncrib
dam
earthwork
fence
gazebo
grain elevator
highway
irrigation system
kiln
lighthouse
railroad grade
silo
trolley car
tunnel
windmill

OBJECT

The term "object" is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

Small objects not designed for a specific location are normally not eligible. Such works include transportable sculpture, furniture, and other decorative arts that, unlike a fixed outdoor sculpture, do not possess association with a specific place.

Objects should be in a setting appropriate to their significant historic use, roles, or character. Objects relocated to a museum are inappropriate for listing in the National Register.

Examples of objects include:

boundary marker
fountain
milepost
monument
scupture
statuary

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 possesses historic, cultural, or archeological value regardless of the value of any existing structure.

A site can possess associative significance or information potential or both, and can be significant under any or all of the four criteria. A site need not be marked by physical remains if it is the location of a prehistoric or historic event or pattern of events and if no buildings, structures, or objects marked it at the time of the events. However, when the location of a prehistoric or historic event cannot be conclusively determined because no other cultural materials were present or survive, documentation must be carefully evaluated to determine whether the traditionally recognized or identified site is accurate.

A site may be a natural landmark strongly associated with significant prehistoric or historic events or patterns of events, if the significance of the natural feature is well documented through scholarly research. Generally, though, the National Register excludes from the definition of "site" natural waterways or bodies of water that served as determinants in the location of communities or were significant in the locality's subsequent economic development. While they may have been "avenues of exploration," the features most appropriate to document this significance are the properties built in association with the waterways.

Examples of sites include:

battlefield
campsite
cemeteries significant for information potential or historic association
ceremonial site
designed landscape
habitation site
natural feature (such as a rock formation) having cultural significance
petroglyph
rock carving
rock shelter
ruins of a building or structure
shipwreck
trail
village site

DISTRICT

A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

CONCENTRATION, LINKAGE, & CONTINUITY OF FEATURES

A district derives its importance from being a unified entity, even though it is often composed of a wide variety of resources. The identity of a district results from the interrelationship of its resources, which can convey a visual sense of the overall historic environment or be an arrangement of historically or functionally related properties. For example, a district can reflect one principal activity, such as a mill or a ranch, or it can encompass several interrelated activities, such as an area that includes industrial, residential, or commercial buildings, sites, structures, or objects. A district can also be a grouping of archeological sites related primarily by their common components; these types of districts often will not visually represent a specific historic environment.

SIGNIFICANCE

A district must be significant, as well as being an identifiable entity. It must be important for historical, architectural, archeological, engineering, or cultural values. Therefore, districts that are significant will usually meet the last portion of Criterion C plus Criterion A, Criterion B, other portions of Criterion C, or Criterion D.

TYPES OF FEATURES

A district can comprise both features that lack individual distinction and individually distinctive features that serve as focal points. It may even be considered eligible if all of the components lack individual distinction, provided that the grouping achieves significance as a whole within its historic context. In either case, the majority of the components that add to the district's historic character, even if they are individually undistinguished, must possess integrity, as must the district as a whole.

A district can contain buildings, structures, sites, objects, or open spaces that do not contribute to the significance of the district. The number of noncontributing properties a district can contain yet still convey its sense of time and place and historical development depends on how these properties affect the district's integrity. In archeological districts, the primary factor to be considered is the effect of any disturbances on the information potential of the district as a whole.

GEOGRAPHICAL BOUNDARIES

A district must be a definable geographic area that can be distinguished from surrounding properties by changes such as density, scale, type, age, style of sites, buildings, structures, and objects, or by documented differences in patterns of historic development or associations. It is seldom defined, however, by the limits of current parcels of ownership, management, or planning boundaries. The boundaries must be based upon a shared relationship among the properties constituting the district.

DISCONTIGUOUS DISTRICTS

A district is usually a single geographic area of contiguous historic properties; however, a district can also be composed of two or more definable significant areas separated by nonsignificant areas. A discontiguous district is most appropriate where:

- Elements are spatially discrete;
- Space between the elements is not related to the significance of the district; and
- Visual continuity is not a factor in the significance.

In addition, a canal can be treated as a discontiguous district when the system consists of man-made sections of canal interspersed with sections of river navigation. For scattered archeological properties, a discontiguous district is appropriate when the deposits are related to each other through cultural affiliation, period of use, or site type.

It is not appropriate to use the discontiguous district format to include an isolated resource or small group of resources which were once connected to the district, but have since been separated either through demolition or new construction. For example, do not use the discontiguous district format to nominate individual buildings of a downtown commerical district that have become isolated through demolition.

Examples of districts iE,[;lude:

business districts
canal systems
groups of habitation sites
college campuses
estates and farms with large acreage/ numerous properties
industrial complexes
irrigation systems
residential areas
rural villages
transportation networks
rural historic districts

Ordeman-Shaw Historic District, *Montgomery, Montgomery County, Alabama. Historic districts derive their identity from the interrationship of their resources. Part of the defining characteristics of this 19th century residential district in Montgomery, Alabama, is found in the rhythmic pattern of the rows of decorative porches. (Frank L. Thiermonge, III)*

V. HOWTOEVALUATEA PROPERTY WITHIN ITS HISTORIC CONTEXT

UNDERSTANDING HISTORIC CONTEXTS

To qualify for the National Register, a property must be significant; that is, it must represent a significant part of the history, architecture, archeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past. This section explains how to evaluate a property within its historic context.

The significance of a historic property can be judged and explained only when it is evaluated within its historic context. Historic contexts are those patterns or trends in history by which a specific occurrence, property, or site is understood and its meaning (and ultimately its significance) within history or prehistory is made clear. Historians, architectural historians, folklorists, archeologists, and anthropologists use different words to describe this phenomena such as trend, pattern, theme, or cultural affiliation, but ultimately the concept is the same.

The concept of historic context is not a new one; it has been fundamental to the study of history since the 18th century and, arguably, earlier than that. Its core premise is that resources, properties, or happenings in history do not occur in a vacuum but rather are part of larger trends or patterns.

In order to decide whether a property is significant within its historic context, the following five things must be determined:

- The facet of prehistory or history of the local area, State, or the nation that the property represents;
- Whether that facet of prehistory or history is significant;
- Whether it is a type of property that has relevance and importance in illustrating the historic context;
- How the property illustrates that history; and finally
- Whether the property possesses the physical features necessary to convey the aspect of prehistory or history with which it is associated.

These five steps are discussed in detail below. If the property being evaluated does represent an important aspect of the area's history or prehistory *and* possesses the requisite quality of integrity, then it qualifies for the National Register.

HOW TO EVALUATE APROPERTY WITHIN ITS HISTORIC CONTEXT

Identify what the property represents: the theme(s), geographical limits, and chronological period that provide a perspective from which to evaluate the property's significance.

Historic contexts are historical patterns that can be identified through consideration of the history of the property and the history of the surrounding area. Historic contexts may have already been defined in your area by the State historic preservation office, Federal agencies, or local governments. In accordance with the National Register Criteria, the historic context may relate to one of the following:

- An event, a series of events or activities, or patterns of an area's development (Criterion A);
- Association with the life of an important person (Criterion B);
- A building form, architectural style, engineering technique, or artistic values, based on a stage of physical development, or the use of a material or method of construction that shaped the historic identity of an area (Criterion C); or
- A research topic (Criterion D).

[4] For a complete discussion of historic contexts, see *National Register Bulletin: Guidelines for Completing National Register of Historic Places Registration Forms.*

Determine how the theme of the context is significant in the history of the local area, the State, or the nation.

A theme is a means of organizing properties into coherent patterns based on elements such as environment, social/ethnic groups, transportation networks, technology, or political developments that have influenced the development of an area during one or more periods of prehistory or history. A theme is considered significant if it can be demonstrated, through scholarly research, to be important in American history. Many significant themes can be found in the following list of Areas of Significance used by the National Register.

AREAS OF SIGNIFICANCE

Agriculture
Architecture
Archeology
  Prehistoric
  Historic—Aboriginal
  Historic—Non-Aboriginal
Art
Commerce
Communications
Community Planning and Development
Conservation
Economics
Education
Engineering
Entertainment/Recreation
Ethnic Heritage
  Asian
  Black
  European
  Hispanic
  Native American
  Pacific Islander
  Other
Exploration/Settlement
Health/Medicine
Industry
Invention
Landscape Architecture
Law
Literature
Maritime History
Military
Performing Arts
Philosophy
Politics/Government
Religion
Science
Social History
Transportation
Other

Determine what the property type is and whether it is important in illustrating the historic context.

A context may be represented by a variety of important property types. For example, the context of "Civil War Military Activity in Northern Virginia" might be represented by such properties as: a group of mid-19th century fortification structures; an open field where a battle occurred; a knoll from which a general directed troop movements; a sunken transport ship; the residences or public buildings that served as company headquarters; a railroad bridge that served as a focal point for a battle; and earthworks exhibiting particular construction techniques.

Because a historic context for a community can be based on a distinct period of development, it might include numerous property types. For example, the context "Era of Industrialization in Grand Bay, Michigan, 1875 - 1900" could be represented by important property types as diverse as sawmills, paper mill sites, salt refining plants, flour mills, grain elevators, furniture factories, workers housing, commercial buildings, social halls, schools, churches, and transportation facilities.

A historic context can also be based on a single important type of property. The context "Development of County Government in Georgia, 1777 - 1861" might be represented solely by courthouses. Similarly, "Bridge Construction in Pittsburgh, 1870 - 1920" would probably only have one property type.

Determine how the property represents the context through specific historic associations, architectural or engineering values, or information potential (the Criteria for Evaluation).

For example, the context of county government expansion is represented under Criterion A by historic districts or buildings that reflect population growth, development patterns, the role of government in that society, and political events in the history of the State, as well as the impact of county government on the physical development of county seats. Under Criterion C, the context is represented by properties whose architectural treatments reflect their governmental functions, both practically and symbolically. (See *Part VI: How to Identify the Type of Significance of a Property.*)

Determine what physical features the property must possess in order for it to reflect the significance of the historic context.

These physical features can be determined after identifying the following:

- Which types of properties are associated with the historic context,
- The ways in which properties can represent the theme, and
- The applicable aspects of integrity.

Properties that have the defined characteristics are eligible for listing. (See *Part VIII: How to Evaluate the Integrity of a Property.*)

PROPERTIES SIGNIFICANT WITHIN MORE THAN ONE HISTORIC CONTEXT

A specific property can be significant within one or more historic contexts, and, if possible, all of these should be identified. For example, a public building constructed in the 1830s that is related to the historic context of Civil War campaigns in the area might also be related to the theme of political developments in the community during the 1880s. A property is only required, however, to be documented as significant in one context.

COMPARING RELATED PROPERTIES

Properties listed in the National Register must possess significance when evaluated in the perspective of their historic context. Once the historic context is established and the property type is determined, it is not necessary to evaluate the property in question against other properties *if*:

- It is the sole example of a property type that is important in illustrating the historic context or
- It clearly possesses the defined characteristics required to strongly represent the context.

If these two conditions do not apply, then the property will have to be evaluated against other examples of the property type to determine its eligibility. The geographic level (local, State, or national) at which this evaluation is made is the same as the level of the historic context. (See *Part V: How to Evaluate a Property Within Its Historic Context.*)

LOCAL, STATE, AND NATIONAL HISTORIC CONTEXTS

Historic contexts are found at a variety of geographical levels or scales. The geographic scale selected may relate to a pattern of historical development, a political division, or a cultural area. Regardless of the scale, the historic context establishes the framework from which decisions about the significance of related properties can be made.

LOCAL HISTORIC CONTEXTS

A local historic context represents an aspect of the history of a town, city, county, cultural area, or region, or any portions thereof. It is defined by the importance of the property, not necessarily the physical location of the property. For instance, if a property is of a type found throughout a State, or its boundaries extend over two States, but its importance relates only to a particular county, the property would be considered of local significance.

The level of context of archeological sites significant for their information potential depends on the scope of the applicable research design. For example, a Late Mississippian village site may yield information in a research design concerning one settlement system on a regional scale, while in another research design it may reveal information of local importance concerning a single group's stone tool manufacturing techniques or house forms. It is a question of how the available information potential is likely to be used.

STATE HISTORIC CONTEXTS

Properties are evaluated in a State context when they represent an aspect of the history of the State as a whole (or American Samoa, the District of Columbia, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, or the Virgin Islands). These properties do not necessarily have to belong to property types found throughout the entire State: they can be located in only a portion of the State's present political boundary. It is the property's historic context that must be important statewide. For example, the "cotton belt" extends through only a portion of Georgia, yet its historical development in the antebellum period affected the entire State. These State historic contexts may have associated properties that are statewide or locally significant representations. A cotton gin in a small town might be a locally significant representation of this context, while one of the largest cotton producing plantations might be of State significance.

A property whose historic associations or information potential appears to extend beyond a single local area might be significant at the State level. A property can be significant to more than one community or local area, however, without having achieved State significance.

A property that overlaps several State boundaries can possibly be significant to the State or local history of each of the States. Such a property is not necessarily of national significance, however, nor is it necessarily significant to all of the States in which it is located.

Prehistoric sites are not often considered to have "State" significance, per se, largely because States are relatively recent political entities and usually do not correspond closely to Native American political territories or cultural areas. Numerous sites, however, may be of significance to a large region that might geographically encompass parts of one, or usually several, States. Prehistoric resources that might be of State significance include regional sites that provide a diagnostic assemblage of artifacts for a particular cultural group or time period or that provide chronological control (specific dates or relative order in time) for a series of cultural groups.

NATIONAL HISTORIC CONTEXTS

Properties are evaluated in a national context when they represent an aspect of the history of the United States and its territories as a whole. These national historic contexts may have associated properties that are locally or statewide significant representations, as well as those of national significance.

Properties designated as nationally significant and listed in the National Register are the prehistoric and historic units of the National Park System and those properties that have been designated National Historic Landmarks. The National Historic Landmark criteria are the standards for nationally significant properties; they are found in the *Code of Federal Regulations, Title 36, Part 65* and are summarized in this bulletin in *Part IX: Summary of National Historic Landmarks Criteria for Evaluation.*

A property with national significance helps us understand the history of the nation by illustrating the nationwide impact of events or persons associated with the property, its architectural type or style, or information potential. It must be of exceptional value in representing or illustrating an important theme in the history of the nation.

Nationally significant properties do not necessarily have to belong to a property type found throughout the entire country: they can be located in only a portion of the present political boundaries. It is their historic context that must be important nationwide. For example, the American Civil War was fought in only a portion of the United States, yet its impact was nationwide. The site of a small military skirmish might be a locally significant representation of this national context, while the capture of the State's largest city might be a statewide significant representation of the national context.

When evaluating properties at the national level for designation as a National Historic Landmark, please refer to the National Historic Landmarks outline, *History and Prehistory in the National Park System and the National Historic Landmarks Program 1987.* (For more information about the National Historic Landmarks program, please write to the Department of the Interior, National Park Service, National Historic Landmarks, 1849 C Street, NW, NC400, Washington, DC 20240.)

VI. HOW TO IDENTIFY THE TYPE OF SIGNIFICANCE OF A PROPERTY

INTRODUCTION

When evaluated within its historic context, a property must be shown to be significant for *one or more of the four Criteria for Evaluation - A, B, C, or D* (listed earlier in *Part II*). The Criteria describe how properties are significant for their association with important events or persons, for their importance in design or construction, or for their information potential.

The basis for judging a property's significance and, ultimately, its eligibility under the Criteria is *historic context*. The use of historic context allows a property to be properly evaluated in a nearly infinite number of capacities. For instance, Criterion C: Design/Construction can accommodate properties representing construction types that are unusual or widely practiced, that are innovative or traditional, that are "high style" or vernacular, that are the work of a famous architect or an unknown master craftsman. *The key to determining whether the characteristics or associations of a particular property are significant is to consider the property within its historic context.*

After identifying the relevant historic context(s) with which the property is associated, the four Criteria are applied to the property. Within the scope of the historic context, the National Register Criteria define the kind of significance that the properties represent.

For example, within the context of "19th Century Gunpowder Production in the Brandywine Valley," Criterion A would apply to those properties associated with important events in the founding and development of the industry. Criterion B would apply to those properties associated with persons who are significant in the founding of the industry or associated with important inventions related to gunpowder manufacturing. Criterion C would apply to those buildings, structures, or objects whose architectural form or style reflect important design qualities integral to the industry. And Criterion D would apply to properties that can convey information important in our understanding of this industrial process. If a property qualifies under more than one of the Criteria, its significance under each should be considered, if possible, in order to identify all aspects of its historical value.

NATIONAL REGISTER CRITERIA FOR EVALUATION*

The National Register Criteria recognize different types of values embodied in districts, sites, buildings, structures, and objects. These values fall into the following categories:

Associative value (Criteria A and B): Properties significant for their association or linkage to events (Criterion A) or persons (Criterion B) important in the past.

Design or Construction value (Criterion C): Properties significant as representatives of the manmade expression of culture or technology.

Information value (Criterion D): Properties significant for their ability to yield important information about prehistory or history.

*For a complete listing of the Criteria for Evaluation, refer to Part II of this bulletin.

CRITERION A: EVENT

Properties can be eligible for the National Register if they are associated with events that have made a significant contribution to the broad patterns of our history.

UNDERSTANDING CRITERION A: EVENT

To be considered for listing under Criterion A, a property must be associated with one or more events important in the defined historic context. Criterion A recognizes properties associated with single events, such as the founding of a town, or with a pattern of events, repeated activities, or historic trends, such as the gradual rise of a port city's prominence in trade and commerce. The event or trends, however, must clearly be important within the associated context: settlement, in the case of the town, or development of a maritime economy, in the case of the port city. Moreover, the property must have an important association with the event or historic trends, and it must retain historic integrity. (See *Part V: How to Evaluate a Property Within its Historic Context.)*

Several steps are involved in determining whether a property is significant for its associative values:

- Determine the nature and origin of the property,
- Identify the historic context with which it is associated, and
- Evaluate the property's history to determine whether it is associated with the historic context in any important way.

APPLYING CRITERION A: EVENT

TYPES OF EVENTS

A property can be associated with either (or both) of two types of events:

- A specific event marking an important moment in American prehistory or history and
- A pattern of events or a historic trend that made a significant contribution to the development of a community, a State, or the nation.

Refer to the sidebar on the right for a list of specific examples.

ASSOCIATION OF THE PROPERTY WITH THE EVENTS

The property you are evaluating must be documented, through accepted means of historical or archeological research (including oral history), to have existed at the time of the event or pattern of events *and* to have been associated with those events. A property is *not* eligible if its associations are speculative. For archeological sites, well reasoned inferences drawn from data recovered at the site can be used to establish the association between the site and the events.

SIGNIFICANCE OF THE ASSOCIATION

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A: the property's specific association must be considered important as well. For example, a building historically in commercial use must be shown to have been significant in commercial history.

EXAMPLES OF PROPERTIES ASSOCIATED WITH EVENTS

Properties associated with specific events:

- *The site of a battle.*
- *The building in which an important invention was developed.*
- *A factory district where a significant strike occurred.*
- *An archeological site at which a major new aspect of prehistory was discovered, such as the first evidence of man and extinct Pleistocene animals being contemporaneous.*
- *A site where an important facet of European exploration occurred.*

Properties associated with a pattern of events:

- *A trail associated with western migration.*
- *A railroad station that served as the focus of a community's transportation system and commerce.*
- *A mill district reflecting the importance of textile manufacturing during a given period.*
- *A building used by an important local social organization.*
- *A site where prehistoric Native Americans annually gathered for seasonally available resources and for social interaction.*
- *A downtown district representing a town's growth as the commercial focus of the surrounding agricultural area.*

TRADITIONAL CULTURAL VALUES

Traditional cultural significance is derived from the role a property plays in a community's historically rooted beliefs, customs, and practices. Properties may have significance under Criterion A if they are associated with events, or series of events, significant to the cultural traditions of a community.[5]

Eligible

- A hilltop associated in oral historical accounts with the founding of an Indian tribe or society is eligible.
- A rural community can be eligible whose organization, buildings, or patterns of land use reflect the cultural traditions valued by its long-term residents.
- An urban neighborhood can be eligible as the traditional home of a particular cultural group and as a reflection of its beliefs and practices.

Not Eligible

- A site viewed as sacred by a recently established utopian or religious community does not have traditional cultural value and is not eligible.

Criterion A - The Old Brulay Plantation, *Brownsville vicinity, Cameron county, Texas. Historically significant for its association with the development of agriculture in southeast Texas, this complex of 10 brick buildings was constructed by George N. Brulay, a French immigrant who introduced commercial sugar production and irrigation to the Rio Grande Valley. (Photo by Texas Historical Commission).*

[5] For more information, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

CRITERION B: PERSON

Properties may be eligible for the National Register if they are associated with the lives of persons significant in our past.

UNDERSTANDING CRITERION B: PERSON[6]

Criterion B applies to properties associated with individuals whose specific contributions to history can be identified and documented. Persons "significant in our past" refers to individuals whose activities are demonstrably important within a local, State, or national historic context. The criterion is generally restricted to those properties that illustrate (rather than commemorate) a person's important achievements. (The policy regarding commemorative properties, birthplaces, and graves is explained further in *Part VIII: How to Apply the Criteria Considerations.)*

Several steps are involved in determining whether a property is significant for its associative values under Criterion B. First, determine the importance of the individual. Second, ascertain the length and nature of his/her association with the property under study and identify the other properties associated with the individual. Third, consider the property under Criterion B, as outlined below.

EXAMPLES OF PROPERTIES ASSOCIATED WITH PERSONS

Properties associated with a Significant Person:

- *The home of an important merchant or labor leader.*
- *The studio of a significant artist.*
- *The business headquarters of an important industrialist.*

Criterion B - The William Whitney House, *Hinsdale, DuPage County, Illinois. This building is locally significant for its historical association with William Whitney, the founder of the town of Hinsdale, Illinois. Whitney, a citizen of New York State, moved to Illinois, established the town, and while living here between 1870 and 1879 was a prominent local businessman and politician. (Photo by Frederick C. Cue).*

[6] For further information on properties eligible under Criterion B, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Properties Associated with Significant Persons.*

APPLYING CRITERION B: PERSON

SIGNIFICANCE OF THE INDIVIDUAL

The persons associated with the property must be *individually* significant within a historic context. A property is not eligible if its only justification for significance is that it was owned or used by a person who is a member of an identifiable profession, class, or social or ethnic group. It must be shown that the person gained importance within his or her profession or group.

Eligible

- The residence of a doctor, a mayor, or a merchant is eligible under Criterion B if the person was significant in the field of medicine, politics, or commerce, respectively.

Not Eligible

- A property is not eligible under Criterion B if it is associated with an individual about whom no scholarly judgement can be made because either research has not revealed specific information about the person's activities and their impact, or there is insufficient perspective to determine whether those activities or contributions were historically important.

ASSOCIATION WITH THE PROPERTY

Properties eligible under Criterion B are usually those associated with a person's *productive* life, reflecting the time period when he or she achieved significance. In some instances this may be the person's home; in other cases, a person's business, office, laboratory, or studio may best represent his or her contribution. Properties that pre- or post-date an individual's significant accomplishments are usually not eligible. (See *Comparison to Related Properties*, below, for exceptions to this rule.)

The individual's association with the property must be documented by accepted methods of historical or archeological research, including written or oral history. Speculative associations are not acceptable. For archeological sites, well reasoned inferences drawn from data recovered at the site are acceptable.

COMPARISON TO RELATED PROPERTIES

Each property associated with an important individual should be compared to other associated properties to identify those that best represent the person's historic contributions. The best representatives usually are properties associated with the person's adult or *productive* life. Properties associated with an individual's formative or later years may also qualify if it can be demonstrated that the person's activities during this period were historically significant *or* if no properties from the person's productive years survives. Length of association is an important factor when assessing several properties with similar associations.

A community or State may contain several properties eligible for associations with the same important person, if each represents a different aspect of the person's productive life. A property can also be eligible if it has brief but consequential associations with an important individual. (Such associations are often related to specific events that occurred at the property and, therefore, it may also be eligible under Criterion A.)

ASSOCIATION WITH GROUPS

For properties associated with several community leaders or with a prominent family, it is necessary to identify specific individuals and to explain their significant accomplishments.

Eligible

- A residential district in which a large number of prominent or influential merchants, professionals, civic leaders, politicians, etc., lived will be eligible under Criterion B if the significance of one or more specific individual residents is explicitly justified.
- A building that served as the seat of an important family is eligible under Criterion B if the significant accomplishments of one or more individual family members is explicitly justified.

Not Eligible

- A residential district in which a large number of influential persons lived is not eligible under Criterion B if the accomplishments of a specific individual(s) cannot be documented. If the significance of the district rests in the cumulative importance of prominent residents, however, then the district might still be eligible under Criterion A. Eligibility, in this case, would be based on the broad pattern of community development, through which the neighborhood evolved into the primary residential area for this class of citizens.
- A building that served as the seat of an important family will not be eligible under Criterion B if the significant accomplishments of individual family members cannot be documented. In cases where a succession of family members have lived in a house and collectively have had a demonstrably significant impact on the community, as a family, the house is more likely to be significant under Criterion A for association with a pattern of events.

ASSOCIATION WITH LIVING PERSONS

Properties associated with living persons are usually not eligible for inclusion in the National Register. Sufficient time must have elapsed to assess both the person's field of endeavor and his/her contribution to that field. Generally, the person's active participation in the endeavor must be finished for this historic perspective to emerge. (See Criteria Considerations C and G in *Part VII: How to Apply the Criteria Considerations.)*

ASSOCIATION WITH ARCHITECTS/ARTISANS

Architects, artisans, artists, and engineers are often represented by their works, which are eligible under Criterion C. Their homes and studios, however, can be eligible for consideration under Criterion B, because these usually are the properties with which they are most personally associated.

NATIVE AMERICAN SITES

The known major villages of individual Native Americans who were important during the contact period or later can qualify under Criterion B. As with all Criterion B properties, the individual associated with the property must have made some specific important contribution to history. Examples include sites significantly associated with Chief Joseph and Geronimo.[7]

[7] For more information, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

CRITERION C: DESIGN/CONSTRUCTION

Properties may be eligible for the National Register if they 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.

Richland Plantation, *East Feliciana Parish, Louisiana. Properties can qualify under Criterion C as examples of high style architecture. Built in the 1830s, Richland is a fine example of a Federal style residence with a Greek Revival style portico. (Photo by Dave Gleason).*

UNDERSTANDING CRITERION C: DESIGN/ CONSTRUCTION

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architecture, engineering, and artwork. To be eligible under Criterion C, a property must meet *at least one* of the following requirements:

- Embody distinctive characteristics of a type, period, or method of construction.
- Represent the work of a master.
- Possess high artistic value.
- Represent a significant and distinguishable entity whose components may lack individual distinction.

The first requirement, that properties "embody the distinctive characteristics of a type, period, or method of construction," refers to the way in which a property was conceived, designed, or fabricated by a people or culture in past periods of history. "The work of a master" refers to the technical or aesthetic achievements of an architect or craftsman. "High artistic values" concerns the expression of aesthetic ideals or preferences and applies to aesthetic achievement.

Resources "that represent a significant and distinguishable entity whose components may lack individual distinction" are called "districts." In the Criteria for Evaluation (as published in the *Code of Federal Regulations* and reprinted here in Part II), districts are defined within the context of Criterion C. *Districts, however, can be considered for eligibility under all the Criteria,* individually or in any combination, as is appropriate. For this reason, the full discussion of districts is contained in *Part IV: How to Define Categories of Historic Properties.* Throughout the bulletin, however, districts are mentioned within the context of a specific subject, such as an individual Criterion.

Grant Family House*, Saco vicinity, York County, Maine. Properties possessing high artistic value meet Criterion C through the expression of aesthetic ideals or preferences. The Grant Family House, a modest Federal style residence, is significant for its remarkably well-preserved stenciled wall decorative treatment in the entry hall and parlor. Painted by an unknown artist ca. 1825, this is a fine example of 19th century New England regional artistic expression. (Photo by Kirk F. Mohney).*

EXAMPLES OF PROPERTIES ASSOCIATED WITH DESIGN/ CONSTRUCTION

Properties associated with design and construction:

- *A house or commercial building representing a significant style of architecture.*
- *A designed park or garden associated with a particular landscape design philosophy.*
- *A movie theater embodying high artistic value in its decorative features.*
- *A bridge or dam representing technological advances.*

APPLYING CRITERION C: DESIGN/ CONSTRUCTION

DISTINCTIVE CHARACTERISTICS OF TYPE, PERIOD, AND METHOD OF CONSTRUCTION

This is the portion of Criterion C under which most properties are eligible, for it encompasses all architectural styles and construction practices. To be eligible under this portion of the Criterion, a property must clearly illustrate, through "distinctive characteristics," the following:

- The pattern of features common to a particular class of resources,
- The individuality or variation of features that occurs within the class,
- The evolution of that class, or
- The transition between classes of resources.

Distinctive Characteristics: "Distinctive characteristics" are the physical features or traits that commonly recur in individual types, periods, or methods of construction. To be eligible, a property must clearly contain enough of those characteristics to be considered a true representative of a particular type, period, or method of construction.

Characteristics can be expressed in terms such as form, proportion, structure, plan, style, or materials. They can be general, referring to ideas of design and construction such as basic plan or form, or they can be specific, referring to precise ways of combining particular kinds of materials.

Eligible

- A building eligible under the theme of Gothic Revival architecture must have the distinctive characteristics that make up the vertical and picturesque qualities of the style, such as pointed gables, steep roof pitch, board and batten siding, and ornamental bargeboard and veranda trim.
- A late Mississippian village that illustrates the important concepts in prehistoric community design and planning will qualify.
- A designed historic landscape will qualify if it reflects a historic trend or school of theory and practice, such as the City Beautiful Movement, evidencing distinguished design, layout, and the work of skilled craftsmanship.

Not Eligible

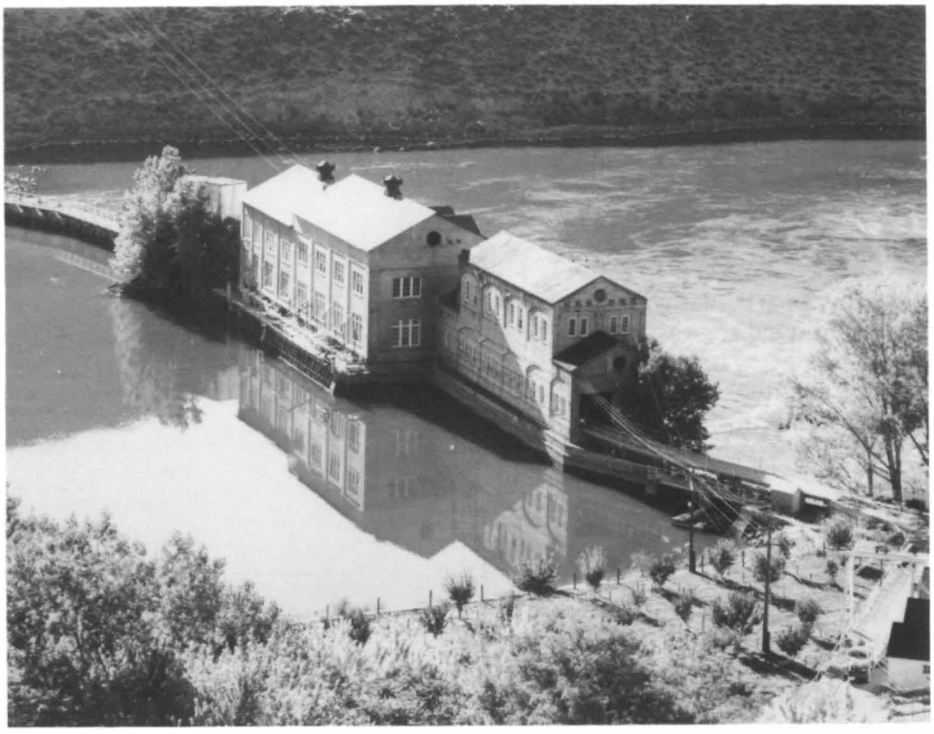
- A commercial building with some Art Deco detailing is not eligible under Criterion C if the detailing was added merely as an afterthought, rather than fully integrated with overall lines and massing typical of the Art Deco style or the transition between that and another style.
- A designed landscape that has had major changes to its historic design, vegetation, original boundary, topography/ grading, architectural features, and circulation system will not qualify.

Type, Period, and Method of Construction: "Type, period, or method of construction" refers to the way certain properties are related to one another by cultural tradition or function, by dates of construction or style, or by choice or availability of materials and technology.

A structure is eligible as a specimen of its type or period of construction if it is an important example (within its context) of building practices of a particular time in history. For properties that represent the variation, evolution, or transition of construction types, it must be demonstrated that the variation, etc., was an important phase of the architectural development of the area or community in that it had an impact as evidenced by later buildings. A property is not eligible, however, simply because it has been identified as the only such property ever fabricated; it must be demonstrated to be significant as well.

Eligible

- A building that has some characteristics of the Romanesque Revival style and some characteristics of the Commercial style can qualify if it illustrates the transition of architectural design and the transition itself is considered an important architectural development.
- A Hopewellian mound, if it is an important example of mound building construction techniques, would qualify as a method or type of construction.
- A building which illustrates the early or the developing technology of particular structural systems, such as skeletal steel framing, is eligible as an example of a particular method of construction.



Swan Falls Dam and Power Plant, *Murphy vicinity, Ada County, Idaho. Significant works of engineering can qualify under Criterion C. Built between 1900-1907 the Swan Falls Dam and Power Plant across the Snake River is one of the early hydroelectric plants in the State of Idaho. (Photo by H.L. Hough).*

Looney House, *Asheville vicinity, St. Clair County, Alabama. Examples of vernacular styles of architecture can qualify under Criterion C. Built ca. 1818, the Looney House is significant as possibly the State's oldest extant two-story dogtrot type of dwelling. The defining open center passage of the dogtrot was a regional building response to the southern climate. (Photo by Carolyn Scott).*

HISTORIC ADAPTATION OF THE ORIGINAL PROPERTY

A property can be significant not only for the way it was originally constructed or crafted, but also for the way it was adapted at a later period, or for the way it illustrates changing tastes, attitudes, and uses over a period of time.

A district is eligible under this guideline if it illustrates the evolution of historic character of a place over a particular span of time.

Eligible

- A Native American irrigation system modified for use by Europeans could be eligible if it illustrates the technology of either or both periods of construction.
- An early 19th century farmhouse modified in the 1880s with Queen Anne style ornamentation could be significant for the modification itself, if it represented a local variation or significant trend in building construction or remodelling, was the work of a local master (see *Works of a Master* on page 20), or reflected the tastes of an important person associated with the property at the time of its alteration.
- A district encompassing the commercial development of a town between 1820 and 1910, characterized by buildings of various styles and eras, can be eligible.

WORKS OF A MASTER

A master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality. The property must express a particular phase in the development of the master's career, an aspect of his or her work, or a particular idea or theme in his or her craft.

A property is not eligible as the work of a master, however, simply because it was designed by a prominent architect. For example, not every building designed by Frank Lloyd Wright is eligible under this portion of Criterion C, although it might meet other portions of the Criterion, for instance as a representative of the Prairie style.

The work of an unidentified craftsman is eligible if it rises above the level of workmanship of the other properties encompassed by the historic context.

PROPERTIES POSSESSING HIGH ARTISTIC VALUES

High artistic values may be expressed in many ways, including areas as diverse as community design or planning, engineering, and sculpture. A property is eligible for its high artistic values if it so fully articulates a particular concept of design that it expresses an aesthetic ideal. A property is not eligible, however, if it does not express aesthetic ideals or design concepts more fully than other properties of its type.

Eligible

- A sculpture in a town square that epitomizes the design principles of the Art Deco style is eligible.
- A building that is a classic expression of the design theories of the Craftsman Style, such as carefully detailed handwork, is eligible.
- A landscaped park that synthesizes early 20th century principles of landscape architecture and expresses an aesthetic ideal of environment can be eligible.
- Properties that are important representatives of the aesthetic values of a cultural group, such as petroglyphs and ground drawings by Native Americans, are eligible.

Not Eligible

- A sculpture in a town square that is a typical example of sculpture design during its period would not qualify for high artistic value, although it might be eligible if it were significant for other reasons.
- A building that is a modest example (within its historic context) of the Craftsman Style of architecture, or a landscaped park that is characteristic of turn of the century landscape design would not qualify for high artistic value.

A Significant and Distinguishable Entity Whose Components May Lack Individual Distinction. This portion of Criterion C refers to districts. For detailed information on districts, refer to *Part IV* of this bulletin.

Williams, John/200
Exhibit 1/201
Page 2

CRITERION D: INFORMATION POTENTIAL

Properties may be eligible for the National Register if they have yielded, or may be likely to yield, information important in prehistory or history.

UNDERSTANDING CRITERION D: INFORMATION POTENTIAL

Certain important research questions about human history can only be answered by the actual physical material of cultural resources. Criterion D encompasses the properties that have the potential to answer, in whole or in part, those types of research questions. The most common type of property nominated under this Criterion is the archeological site (or a district comprised of archeological sites). Buildings, objects, and structures (or districts comprised of these property types), however, can also be eligible for their information potential.

Criterion D has two requirements, which must *both* be met for a property to qualify:

- The property must have, or have had, information to contribute to our understanding of human history or prehistory, and
- The information must be considered important.

Under the first of these requirements, a property is eligible if it has been used as a source of data and contains more, as yet unretrieved data. A property is also eligible if it has not yet yielded information but, through testing or research, is determined a likely source of data.

Under the second requirement, the information must be carefully evaluated within an appropriate context to determine its importance. Information is considered "important" when it is shown to have a significant bearing on a research design that addresses such areas as: 1) current data gaps or alternative theories that challenge existing ones or 2) priority areas identified under a State or Federal agency management plan.

APPLYING CRITERION D: INFORMATION POTENTIAL

ARCHEOLOGICAL SITES

Criterion D most commonly applies to properties that contain or are likely to contain information bearing on an important archeological research question. The property must have characteristics suggesting the likelihood that it possesses configurations of artifacts, soil strata, structural remains, or other natural or cultural features that make it possible to do the following:

- Test a hypothesis or hypotheses about events, groups, or processes in the past that bear on important research questions in the social or natural sciences or the humanities; or
- Corroborate or amplify currently available information suggesting that a hypothesis is either true or false; or
- Reconstruct the sequence of archeological cultures for the purpose of identifying and explaining continuities and discontinuities in the archeological record for a particular area.

BUILDINGS, STRUCTURES, AND OBJECTS

While most often applied to archeological districts and sites, Criterion D can also apply to buildings, structures, and objects that contain important information. In order for these types of properties to be eligible under Criterion D, they themselves must be, or must have been, the principal source of the important information.

Eligible

- A building exhibiting a local variation on a standard design or construction technique can be eligible if study could yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development.

Not Eligible

- The ruins of a hacienda once contained murals that have since been destroyed. Historical documentation, however, indicates that the murals were significant for their highly unusual design. The ruins can not be eligible under Criterion D for the importance of the destroyed murals if the information is contained only in the documentation.

Criterion D - Champe-Fremont 1 Archeological Site, *Omaha vicinity, Douglas County, Nebraska. This archeological site, dating from ca. 1100-1450 A.D., consists of pit houses and storage pits which have the potential to yield important information concerning the subsistence patterns, religious and mortuary practices, and social organization of the prehistoric residents of eastern Nebraska. (Nebraska State Historical Society)*

ASSOCIATION WITH HUMAN ACTIVITY

A property must be associated with *human activity* and be critical for understanding a site's historic environment in order to be eligible under Criterion D. A property can be linked to human activity through events, processes, institutions, design, construction, settlement, migration, ideals, beliefs, lifeways, and other facets of the development or maintenance of cultural systems.

The natural environment associated with the properties was often very different from that of the present and strongly influenced cultural development. Aspects of the environment that are pertinent to human activities should be considered when evaluating properties under Criterion D.

Natural features and paleontological (floral and faunal) sites are not usually eligible under Criterion D in and of themselves. They can be eligible, however, if they are either directly related to human activity or critical to understanding a site's historic environment. In a few cases, a natural feature or site unmarked by cultural materials, that is primarily eligible under Criterion A, may also be eligible under Criterion D, *if* study of the feature, or its location, setting, etc. (usually in the context of data gained from other sources), will yield important information about the event or period with which it is associated.

ESTABLISHING A HISTORIC CONTEXT

The information that a property yields, or will yield, must be evaluated within an appropriate historic context. This will entail consulting the body of information already collected from similar properties or other pertinent sources, including modern and historic written records. The researcher must be able to anticipate if and how the potential information will affect the definition of the context. The information likely to be obtained from a particular property must confirm, refute, or supplement in an important way existing information.

A property is *not* eligible if it cannot be related to a particular time period or cultural group and, as a result, lacks any historic context within which to evaluate the importance of the information to be gained.

DEVELOPING RESEARCH QUESTIONS

Having established the importance of the information that may be recovered, it is necessary to be explicit in demonstrating the connection between the important information and a specific property. One approach is to determine if specific important research questions can be answered by the data contained in the property. Research questions can be related to property-specific issues, to broader questions about a large geographic area, or to theoretical issues independent of any particular geographic location. These questions may be derived from the academic community or from preservation programs at the local, regional, State, or national level. Research questions are usually developed as part of a "research design," which specifies not only the questions to be asked, but also the types of data needed to supply the answers, and often the techniques needed to recover the data.

Eligible

- When a site consisting of a village occupation with midden deposits, hearths, ceramics, and stratified evidence of several occupations is being evaluated, three possible research topics could be: 1) the question of whether the site occupants were indigenous to the area prior to the time of occupation or recent arrivals, 2) the investigation of the settlement-subsistence pattern of the occupants, 3) the question of whether the region was a center for the domestication of plants. Specific questions could include: A) Do the deposits show a sequential development or sudden introduction of Ceramic Type X? B) Do the dates of the occupations fit our expectations based on the current model for the reoccupation behavior of slash-and-burn agriculturalists? C) Can any genetic changes in the food plant remains be detected?

Not Eligible

- A property is not eligible if so little can be understood about it that it is not possible to determine if specific important research questions can be answered by data contained in the property.

Williams, John/200
Exhibit 1/201
Page 90

ESTABLISHING THE PRESENCE OF ADEQUATE DATA

To support the assertion that a property has the data necessary to provide the important information, the property should be investigated with techniques sufficient to establish the presence of relevant data categories. What constitutes appropriate investigation techniques would depend upon specific circumstances including the property's location, condition, and the research questions being addressed, and could range from surface survey (or photographic survey for buildings), to the application of remote sensing techniques or intensive subsurface testing. Justification of the research potential of a property may be based on analogy to another better known property if sufficient similarities exist to establish the appropriateness of the analogy.

Eligible

- Data requirements depend on the specific research topics and questions to be addressed. To continue the example in "Developing Research Questions" above, we might want to ascertain the following with reference to questions A, B, and C: A) The site contains Ceramic Type X in one or more occupation levels and we expect to be able to document the local evaluation of the type or its intrusive nature. B) The hearths contain datable carbon deposits and are associated with more than one occupation. C) The midden deposits show good floral/faunal preservation, and we know enough about the physical evolution of food plants to interpret signs that suggest domestication.

Not Eligible

- Generally, if the applicable research design requires clearly stratified deposits, then subsurface investigation techniques must be applied. A site composed only of surface materials can not be eligible for its potential to yield information that could only be found in stratified deposits.

INTEGRITY

The assessment of integrity for properties considered for information potential depends on the data requirements of the applicable research design. A property possessing information potential does not need to recall *visually* an event, person, process, or construction technique. It is important that the significant data contained in the property remain sufficiently intact to yield the expected important information, if the appropriate study techniques are employed.

Eligible

- An irrigation system significant for the information it will yield on early engineering practices can still be eligible even though it is now filled in and no longer retains the appearance of an open canal.

Not Eligible

- A plowed archeological site contains several superimposed components that have been mixed to the extent that artifact assemblages cannot be reconstructed. The site cannot be eligible if the data requirements of the research design call for the study of artifacts specific to one component.

PARTLY EXCAVATED OR DISTURBED PROPERTIES

The current existence of appropriate physical remains must be ascertained in considering a property's ability to yield important information. Properties that have been partly excavated or otherwise disturbed and that are being considered for their potential to yield additional important information must be shown to retain that potential in their remaining portions.

Eligible

- A site that has been partially excavated but still retains substantial intact deposits (or a site in which the remaining deposits are small but contain critical information on a topic that is not well known) is eligible.

Not Eligible

- A totally collected surface site or a completely excavated buried site is not eligible since the physical remains capable of yielding important information no longer exist at the site. (See *Completely Excavated Sites*, on page 24, for exception.) Likewise, a site that has been looted or otherwise disturbed to the extent that the remaining cultural materials have lost their important depositional context (horizontal or vertical location of deposits) is not eligible.
- A reconstructed mound or other reconstructed site will generally not be considered eligible, because original cultural materials or context or both have been lost.

COMPLETELY EXCAVATED SITES

Properties that have yielded important information in the past and that no longer retain additional research potential (such as completely excavated archeological sites) must be assessed essentially as historic sites under Criterion A. Such sites must be significant for associative values related to: 1) the importance of the data gained or 2) the impact of the property's role in the history of the development of anthropology/archeology or other relevant disciplines. Like other historic properties, the site must retain the ability to convey its association as the former repository of important information, the location of historic events, or the representative of important trends.

Eligible

- A property that has been excavated is eligible if the data recovered was of such importance that it influenced the direction of research in the discipline, as in a site that clearly established the antiquity of the human occupation of the New World. (See Criterion A in *Part VI: How to Identify the Type of Significance of a Property* and Criteria Consideration G in *Part VII: How to Apply the Criteria Considerations.*)

Not Eligible

- A totally excavated site that at one time yielded important information but that no longer can convey either its historic/prehistoric utilization or significant modern investigation is not eligible.

VII. HOW TO APPLY THE CRITERIA CONSIDERATIONS

INTRODUCTION

Certain kinds of properties are not usually considered for listing in the National Register: religious properties, moved properties, birthplaces and graves, cemeteries, reconstructed properties, commemorative properties, and properties achieving significance within the past fifty years. These properties *can* be eligible for listing, however, if they meet special requirements, called Criteria Considerations, in addition to meeting the regular requirements (that is, being eligible under one or more of the four Criteria and possessing integrity). *Part VII* provides guidelines for determining which properties must meet these special requirements and for applying each Criteria Consideration.

The Criteria Considerations need to be applied only to *individual* properties. Components of eligible districts do not have to meet the special requirements unless they make up the majority of the district or are the focal point of the district. These are the general steps to follow when applying the Criteria Considerations to your property:

- Before looking at the Criteria Considerations, make sure your property meets one or more of the four Criteria for Evaluation and possesses integrity.
- If it does, check the Criteria Considerations (next column) to see if the property is of a type that is usually excluded from the National Register. The sections that follow also list specific examples of properties of each type. If your property clearly *does not* fit one of these types, then it does not need to meet any special requirements.
- If your property *does* fit one of these types, then it must meet the special requirements stipulated for that type in the Criteria Considerations.

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 fifty 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 or 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 or her productive life; or

d. a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, 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.

*The Criteria Considerations are taken from the Criteria for Evaluation, found in the *Code of Federal Regulations, Title 36, Part 60.*

Williams, John/200
Exhibit 1/201
Page 3

CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

A religious property is eligible if it derives its primary significance from architectural or artistic distinction or historical importance.

UNDERSTANDING CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

A religious property requires justification on architectural, artistic, or historic grounds to avoid any appearance of judgment by government about the validity of any religion or belief. Historic significance for a religious property cannot be established on the merits of a religious doctrine, but rather, for architectural or artistic values or for important historic or cultural forces that the property represents. A religious property's significance under Criterion A, B, C, or D must be judged in purely secular terms. A religious group may, in some cases, be considered a cultural group whose activities are significant in areas broader than religious history.

Criteria Consideration for Religious Properties applies:

- If the resource was constructed by a religious institution.
- If the resource is presently owned by a religious institution or is used for religious purposes.
- If the resource was owned by a religious institution or used for religious purposes during its Period of Significance.
- If Religion is selected as an Area of Significance.

Examples of Properties that MUST Meet Criteria Consideration A: Religious Properties

- *A historic church where an important non-religious event occurred, such as a speech by Patrick Henry.*
- *A historic synagogue that is significant for architecture.*
- *A private residence is the site of a meeting important to religious history.*
- *A commercial block that is currently owned as an investment property by a religious institution.*
- *A historic district in which religion was either a predominant or significant function during the period of significance.*

Example of Properties that DO NOT Need to Meet Criteria Consideration A: Religious Properties

- *A residential or commercial district that currently contains a small number of churches that are not a predominant feature of the district.*
- *A town meeting hall that serves as the center of community activity and houses a wide variety of public and private meetings, including religious service. The resource is significant for architecture and politics, and the religious function is incidental.*
- *A town hall, significant for politics from 1875 to 1925, that housed religious services during the 1950s. Since the religious function occurred after the Period of Significance, the Criteria Consideration does not apply.*

APPLYING CRITERIA CONSIDERATION A: RELIGIOUS PROPERTIES

ELIGIBILITY FOR HISTORIC EVENTS

A religious property can be eligible under Criterion A for any of three reasons:

- It is significant under a theme in the history of religion having secular scholarly recognition; or
- It is significant under another historical theme, such as exploration, settlement, social philanthropy, or education; or
- It is significantly associated with traditional cultural values.

RELIGIOUS HISTORY

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern in the history of religion.

Eligible

- The site of a convention at which a significant denominational split occurred meets the requirements of Criteria Consideration A. Also eligible is a property that illustrates the broad impact of a religious institution on the history of a local area.

Not Eligible

- A religious property cannot be eligible simply because was the place of religious services for a community, or was the oldest structure used by a religious group in a local area.

OTHER HISTORICAL THEMES

A religious property can be eligible if it is directly associated with either a specific event or a broad pattern that is significant in another historic context. A religious property would also qualify if it were significant for its associations that illustrate the importance of a particular religious group in the social, cultural, economic, or political history of the area. Eligibility depends on the importance of the event or broad pattern and the role of the specific property.

Eligible

- A religious property can qualify for its important role as a temporary hospital during the Revolutionary War, or if its school was significant in the history of education in the community.

Not Eligible

- A religious property is not significant in the history of education in a community simply because it had occasionally served as a school.

TRADITIONAL CULTURAL VALUES

When evaluating properties associated with traditional cultures, it is important to recognize that often these cultures do not make clear distinctions between what is secular and what is sacred. Criteria Consideration A is not intended to exclude traditional cultural resources merely because they have religious uses or are considered sacred. A property or natural feature important to a traditional culture's religion and mythology is eligible if its importance has been ethnohistorically documented and if the site can be clearly defined. It is critical, however, that the activities be documented and that the associations not be so diffuse that the physical resource cannot be adequately defined.[8]

Eligible

- A specific location or natural feature that an Indian tribe believes to be its place of origin and that is adequately documented qualifies under Criteria Consideration A.

ELIGIBILITY FOR HISTORIC PERSONS

A religious property can be eligible for association with a person important in religious history, if that significance has scholarly, secular recognition or is important in other historic contexts. Individuals who would likely be considered significant are those who formed or significantly influenced an important religious institution or movement, or who were important in the social, economic, or political history of the area. Properties associated with individuals important only within the context of a single congregation and lacking importance in any other historic context would not be eligible under Criterion B.

Eligible

- A religious property strongly associated with a religious leader, such as George Whitefield or Joseph Smith, is eligible.

[8] For more information on applying Criteria Consideration A to traditional cultural properties, refer to *National Register Bulletin: Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

ELIGIBILITY FOR ARCHITECTURAL OR ARTISTIC DISTINCTION

A religious property significant for its architectural design or construction should be evaluated as are other properties under Criterion C; that is, it should be evaluated within an established architectural context and, if necessary, compared to other properties of its type, period, or method of construction. (See "Comparing Related Properties" in *Part V: How to Evaluate a Property Within Its Historic Context.)*

Eligible

- A historic camp meeting district that meets the requirements of Criterion C for its significance as a type of construction is eligible.

ELIGIBILITY FOR INFORMATION POTENTIAL

A religious property, whether a district, site, building, structure, or object, is eligible if it can yield important information about the religious practices of a cultural group or other historic themes. This kind of property should be evaluated as are other properties under Criterion D, in relation to similar properties, other information sources, and existing data gaps.

Eligible

- A 19th century camp meeting site that could provide information about the length and intensity of site use during revivals of the Second Great Awakening is eligible.
- Rock cairns or medicine wheels that had a historic religious mythological function and can provide information about specific cultural beliefs are eligible.

ABILITY TO REFLECT HISTORIC ASSOCIATIONS

As with all eligible properties, religious properties must physically represent the period of time for which they are significance. For instance, a recent building that houses an older congregation cannot qualify based on the historic activities of the group because the current building does not convey the earlier history. Likewise, an older building that housed the historic activities of the congregation is eligible if it still physically represents the period of the congregation's significance. However, if an older building has been remodeled to the extent that its appearance dates from the time of the remodeling, it can only be eligible if the period of significance corresponds with the period of the alterations.

Eligible

- A church built in the 18th century and altered beyond recognition in the 19th century is eligible only if the additions are important in themselves as an example of late 19th century architecture or as a reflection of an important period of the congregation's growth.

Not Eligible

- A synagogue built in the 1920s cannot be eligible for the important activities of its congregation in the 18th and 19th centuries. It can only be eligible for significance obtained after its construction date.
- A rural 19th century frame church recently sheathed in brick is not eligible because it has lost its characteristic appearance and therefore can no longer convey its 19th century significance, either for architectural value or historic association.

Criteria Consideration A - Religious Properties. *A religious property can qualify as an exception to the Criteria if it is architecturally significant.* ***The Church of the Navity*** *in Rosedale, Iberville Parish, Louisiana, qualified as a rare example in the State of a 19th century small frame Gothic Revival style chapel. (Robert Obier)*

CRITERIA CONSIDERATION B: MOVED PROPERTIES

A property removed from its original or historically significant location can be eligible if it is significant primarily for architectural value or it is the surviving property most importantly associated with a historic person or event.

UNDERSTANDING CRITERIA CONSIDERATION B: MOVED PROPERTIES

The National Register criteria limit the consideration of moved properties because significance is embodied in locations and settings as well as in the properties themselves. Moving a property destroys the relationships between the property and its surroundings and destroys associations with historic events and persons. A move may also cause the loss of historic features such as landscaping, foundations, and chimneys, as well as loss of the potential for associated archeological deposits. Properties that were moved *before* their period of significance do not need to meet the special requirements of Criteria Consideration B.

One of the basic purposes of the National Register is to encourage the preservation of historic properties as living parts of their communities. In keeping with this purpose, it is not usual to list artificial groupings of buildings that have been created for purposes of interpretation, protection, or maintenance. Moving buildings to such a grouping destroys the integrity of location and setting, and can create a false sense of historic development.

APPLYING CRITERIA CONSIDERATION B: MOVED PROPERTIES

ELIGIBILITY FOR ARCHITECTURAL VALUE

A moved property significant under Criterion C must retain enough historic features to convey its architectural values and retain integrity of design, materials, workmanship, feeling, and association.

Examples of Properties that MUST Meet Criteria Consideration B: Moved Properties

- *A resource moved from one location on its original site to another location on the property, during or after its Period of Significance.*
- *A district in which a significant number of resources have been moved from their original location.*
- *A district which has one moved building that makes an especially significant contribution to the district.*
- *A portable resource, such as a ship or railroad car, that is relocated to a place incompatible with its original function.*
- *A portable resource, such as a ship or railroad car, whose importance is critically linked to its historic location or route and that is moved.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration B: Moved Properties

- *A property that is moved prior to its Period of Significance.*
- *A district in which only a small percentage of typical buildings in a district are moved.*
- *A moved building that is part of a complex but is of less significance than the remaining (unmoved) buildings.*
- *A portable resource, such as a ship or railroad car, that is eligible under Criterion C and is moved within its natural setting (water, rails, etc.).*
- *A property that is raised or lowered on its foundations.*

ELIGIBILITY FOR HISTORIC ASSOCIATIONS

A moved property significant under Criteria A or B must be demonstrated to be the surviving property most importantly associated with a particular historic event or an important aspect of a historic person's life. The phrase "most importantly associated" means that it must be the single surviving property that is most closely associated with the event or with the part of the person's life for which he or she is significant.

Eligible

- A moved building occupied by an business woman during the majority of her productive career would be eligible if the other extant properties are a house she briefly inhabited prior to her period of significance and a commercial building she owned after her retirement.

Not Eligible

- A moved building associated with the beginning of rail transportation in a community is not eligible if the original railroad station and warehouse remained intact on their original sites.

SETTING AND ENVIRONMENT

In addition to the requirements above, moved properties must still have an orientation, setting, and general environment that are comparable to those of the historic location and that are compatible with the property's significance.

Eligible

- A property significant as an example of mid-19th century rural house type can be eligible after a move, provided that it is placed on a lot that is sufficient in size and character to recall the basic qualities of the historic environment and setting, and provided that the building is sited appropriately in relation to natural and manmade surroundings.

Not Eligible

- A rural house that is moved into an urban area and a bridge that is no longer situated over a waterway are not eligible.

ASSOCIATION DEPENDENT ON THE SITE

For a property whose design values or historical associations are directly dependent on its location, any move will cause the property to lose its integrity and prevent it from conveying its significance.

Eligible

- A farm structure significant only as an example of a method of construction peculiar to the local area is still eligible if it is moved within that local area and the new setting is similar to that of the original location.

Not Eligible

- A 19th century rural residence that was designed around particular topographic features, reflecting that time period's ideals of environment, is not eligible if moved.

PROPERTIES DESIGNED TO BE MOVED

A property designed to move or a property frequently moved during its historic use must be located in a historically appropriate setting in order to qualify, retaining its integrity of setting, design, feeling, and association. Such properties include automobiles, railroad cars and engines, and ships.

Eligible

- A ship docked in a harbor, a locomotive on tracks or in a railyard, and a bridge relocated from one body of water to another are eligible.

Not Eligible

- A ship on land in a park, a bridge placed in a pasture, or a locomotive displayed in an indoor museum are not eligible.

ARTIFICIALLY CREATED GROUPINGS

An artificially created grouping of buildings, structures, or objects is not eligible unless it has achieved significance since the time of its assemblage. It cannot be considered as a reflection of the time period when the individual buildings were constructed.

Eligible

- A grouping of moved historic buildings whose creation marked the beginning of a major concern with past lifestyles can qualify as an early attempt at historic preservation and as an illustration of that generation's values.

Not Eligible

- A rural district composed of a farmhouse on its original site and a grouping of historic barns recently moved onto the property is not eligible.

PORTIONS OF PROPERTIES

A moved *portion* of a building, structure, or object is not eligible because, as a fragment of a larger resource, it has lost integrity of design, setting, materials, workmanship, and location.

CRITERIA CONSIDERATION C: BIRTHPLACES OR GRAVES

A birthplace or grave of a historical figure is eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life.

UNDERSTANDING CRITERIA CONSIDERATION C: BIRTHPLACES AND GRAVES

Birthplaces and graves often attain importance as reflections of the origins of important persons or as lasting memorials to them. The lives of persons significant in our past normally are recognized by the National Register through listing of properties illustrative of or associated with that person's productive life's work. Birthplaces and graves, as properties that represent the beginning and the end of the life of distinguished individuals, may be temporally and geographically far removed from the person's significant activities, and therefore are not usually considered eligible.

Examples of Properties that MUST Meet Criteria Consideration C: Birthplaces and Graves

- *The birthplace of a significant person who lived elsewhere during his or her Period of Significance.*
- *A grave that is nominated for its association with the significant person buried in it.*
- *A grave that is nominated for information potential.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration C: Birthplaces and Graves

- *A house that was inhabited by a significant person for his or her entire lifetime.*
- *A grave located on the grounds of the house where a significant person spent his or her productive years.*

APPLYING CRITERIA CONSIDERATION C: BIRTHPLACES AND GRAVES

PERSONS OF OUTSTANDING IMPORTANCE

The phrase "a historical figure of outstanding importance" means that in order for a birthplace or grave to qualify, it cannot be simply the birthplace or grave of a person significant in our past (Criterion B). It must be the birthplace or grave of an individual who was of outstanding importance in the history of the local area, State, or nation. The birthplace or grave of an individual who was one of several people active in some aspect of the history of a community, a state, or the Nation would not be eligible.

LAST SURVIVING PROPERTY ASSOCIATED WITH A PERSON

When an geographical area strongly associated with a person of outstanding importance has lost all other properties directly associated with his or her formative years or productive life, a birthplace or grave may be eligible.

ELIGIBILITY FOR OTHER ASSOCIATIONS

A birthplace or grave can also be eligible if it is significant for reasons other than association with the productive life of the person in question. It can be eligible for significance under Criterion A for association with important events, under Criterion B for association with the productive lives of *other* important persons, or under Criterion C for architectural significance. A birthplace or grave can also be eligible in rare cases if, after the passage of time, it is significant for its commemorative value. (See Criteria Consideration F for a discussion of commemorative properties.) A birthplace or grave can also be eligible under Criterion D if it contains important information on research, *e.g.,* demography, pathology, mortuary practices, socioeconomic status differentiation.

***Criteria Consideration** C - **Birthplaces.** A birthplace of a historical figure is eligible if the person is of outstanding importance and there is no other appropriate site or building associated with his or her productive life. The **Walter Reed Birthplace,** Gloucester vicinity, Gloucester County, Virginia is the most appropriate remaining building associated with the life of the man who, in* 1900, *discovered the cause and mode of transmission of the great scourge of the tropics, yellow fever. (Virginia Historic Landmarks Commission)*

CRITERIA CONSIDERATION D: CEMETERIES

A cemetery is eligible if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

UNDERSTANDING CRITERIA CONSIDERATION D: CEMETERIES

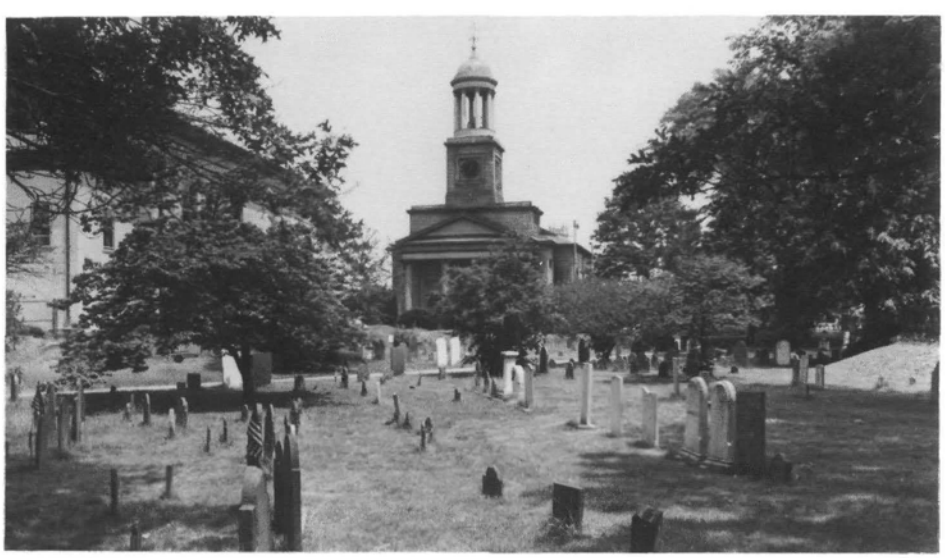
A cemetery is a collection of graves that is marked by stones or other artifacts or that is unmarked but recognizable by features such as fencing or depressions, or through maps, or by means of testing. Cemeteries serve as a primary means of an individual's recognition of family history and as expressions of collective religious and/or ethnic identity. Because cemeteries may embody values beyond personal or family-specific emotions, the National Register criteria allow for listing of cemeteries under certain conditions.

Examples of Properties that MUST Meet Criteria Consideration D: Cemeteries

- *A cemetery that is nominated individually for Criterion A, B, or C.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration D: Cemeteries

- *A cemetery that is nominated along with its associated church, but the church is the main resource nominated.*
- *A cemetery that is nominated under Criterion D for information potential.*
- *A cemetery that is nominated as part of a district but is not the focal point of the district.*



Criteria Consideration D - Cemeteries. *The* ***Hancock Cemetery,*** *Quincy, Norfolk County, Massachusetts meets the exception to the Criteria because it derives its primary significance from its great age (the earliest burials date from 1640) and from the distinctive design features found in its rich collection of late 17th and early 18th century funerary art. (N. Hobart Holly)*

APPLYING CRITERIA CONSIDERATION D: CEMETERIES

PERSONS OF TRANSCENDENT IMPORTANCE

A cemetery containing the graves of persons of transcendent importance may be eligible. To be of transcendent importance the persons must have been of great eminence in their fields of endeavor or had a great impact upon the history of their community, State, or nation. (A single grave that is the burial place of an important person and is located in a larger cemetery that does not qualify under this Criteria Consideration should be treated under Criteria Consideration C: Birthplaces and Graves.)

Eligible

- A historic cemetery containing the graves of a number of persons who were exceptionally significant in determining the course of a State's political or economic history during a particular period is eligible.

Not Eligible

- A cemetery containing graves of State legislators is not eligible if they simply performed the daily business of State government and did not have an outstanding impact upon the nature and direction of the State's history.

ELIGIBILITY ON THE BASIS OF AGE

Cemeteries can be eligible if they have achieved historic significance for their relative great age in a particular geographic or cultural context.

Eligible

- A cemetery dating from a community's original 1830s settlement can attain significance from its association with that very early period.

ELIGIBILITY FOR DESIGN

Cemeteries can qualify on the basis of distinctive design values. These values refer to the same design values addressed in Criterion C and can include aesthetic or technological achievement in the fields of city planning, architecture, landscape architecture, engineering, mortuary art, and sculpture. As for all other nominated properties, a cemetery must clearly express its design values and be able to convey its historic appearance.

Eligible

- A Victorian cemetery is eligible if it clearly expresses the aesthetic principles related to funerary design for that period, through such features as the overall plan, landscaping, statuary, sculpture, fencing, buildings, and grave markers.

Not Eligible

- A cemetery cannot be eligible for design values if it no longer conveys its historic appearance because of the introduction of new grave markers.

ELIGIBILITY FOR ASSOCIATION WITH EVENTS

Cemeteries may be associated with historic events including specific important events or general events that illustrate broad patterns.

Eligible

- A cemetery associated with an important Civil War battle is eligible.
- A cemetery associated with the settlement of an area by an ethnic or cultural group is eligible if the movement of the group into the area had an important impact, if other properties associated with that group are rare, and if few documentary sources have survived to provide information about the group's history.

Not Eligible

- A cemetery associated with a battle in the Civil War does not qualify if the battle was not important in the history of the war.
- A cemetery associated with an area's settlement by an ethnic or cultural group is not eligible if the impact of the group on the area cannot be established, if other extant historic properties better convey association with the group, or if the information that the cemetery can impart is available in documentary sources.

ELIGIBILITY FOR INFORMATION POTENTIAL

Cemeteries, both historic and prehistoric, can be eligible if they have the potential to yield important information. The information must be important within a specific context and the potential to yield information must be demonstrated.

A cemetery can qualify if it has potential to yield important information provided that the information it contains is not available in extant documentary evidence.

Eligible

- A cemetery associated with the settlement of a particular cultural group will qualify if it has the potential to yield important information about subjects such as demography, variations in mortuary practices, or the study of the cause of death correlated with nutrition or other variables.

INTEGRITY

Assessing the integrity of a historic cemetery entails evaluating principal design features such as plan, grave markers, and any related elements (such as fencing). Only that portion of a historic cemetery that retains its historic integrity can be eligible. If the overall integrity has been lost because of the number and size of recent grave markers, some features such as buildings, structures, or objects that retain integrity may be considered as individual properties if they are of such historic or artistic importance that they individually meet one or more of the requirements listed above.

NATIONAL CEMETERIES

National Cemeteries administered by the Veterans Administration are eligible because they have been designated by Congress as primary memorials to the military history of the United States. Those areas within a designated national cemetery that have been used or prepared for the reception of the remains of veterans and their dependents, as well as any landscaped areas that immediately surround the graves may qualify. Because these cemeteries draw their significance from the presence of the remains of military personnel who have served the country throughout its history, the age of the cemetery is not a factor in judging eligibility, although integrity must be present.

A national cemetery or a portion of a national cemetery that has only been set aside for use in the future is not eligible.

CRITERIA CONSIDERATION E: RECONTRUCTED PROPERTIES

A reconstructed property is eligible when it is 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 associations has survived. All three of these requirements must be met.

UNDERSTANDING CRITERIA CONSIDERATION E: RECONSTRUCTED PROPERTIES

"Reconstruction" is defined as the reproduction of the exact form and detail of a vanished building, structure, object, or a part thereof, as it appeared at a specific period of time. Reconstructed buildings fall into two categories: buildings wholly constructed of new materials and buildings reassembled from some historic and some new materials. Both categories of properties present problems in meeting the integrity requirements of the National Register criteria.

Examples of Properties that MUST Meet Criteria Consideration E: Reconstructed Properties

- *A property in which most or all of the fabric is not original.*
- *A district in which an important resource or a significant number of resources are reconstructions.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration E: Reconstructed Properties

- *A property that is remodeled or renovated and still has the majority of its original fabric.*

APPLYING CRITERIA CONSIDERATION E: RECONSTRUCTED PROPERTIES

ACCURACY OF THE RECONSTRUCTION

The phrase "accurately executed" means that the reconstruction must be based upon sound archeological, architectural, and historic data concerning the historic construction and appearance of the resource. That documentation should include both analysis of any above or below ground material and research in written and other records.

SUITABLE ENVIRONMENT

The phrase "suitable environment" refers to: 1) the physical context provided by the historic district and 2) any interpretive scheme, if the historic district is used for interpretive purposes. This means that the reconstructed property must be located at the same site as the original. It must also be situated in its original grouping of buildings, structures, and objects (as many as are extant), and that grouping must retain integrity. In addition, the reconstruction must not be misrepresented as an authentic historic property.

Eligible

- A reconstructed plantation manager's office building is considered eligible because it is located at its historic site, grouped with the remaining historic plantation buildings and structures, and the plantation as a whole retains integrity. Interpretation of the plantation district includes an explanation that the manager's office is not the original building, but a reconstruction.

Not Eligible

- The same reconstructed plantation manager's office building would not qualify if it were rebuilt at a location different from that of the original building, or if the district as a whole no longer reflected the period for which it is significant, or if a misleading interpretive scheme were used for the district or for the reconstruction itself.

RESTORATION MASTER PLANS

Being presented "as part of a restoration master plan" means that: 1) a reconstructed property is an essential component in a historic district and 2) the reconstruction is part of an overall restoration plan for an entire district. "Restoration" is defined as accurately recovering the form and details of a property and its setting as it appeared at a particular period by removing later work or by replacing missing earlier work (as opposed to completely rebuilding the property). The master plan for the entire property must emphasize restoration, not reconstruction. In other words, the master plan for the entire resource would not be acceptable under this consideration if it called for reconstruction of a majority of the resource.

Eligible

- A reconstructed plantation manager's office is eligible if the office were an important component of the plantation *and* if the reconstruction is one element in an overall plan for restoring the plantation *and* if no other building or structure with the same associations has survived.
- The reconstruction of the plantation manager's office building can be eligible only if the majority of buildings, structures, and objects that comprised the plantation are extant and are being restored. For guidance regarding restoration see the *Secretary of the Interior's Standards for Historic Preservation Projects.*

LAST SURVIVING PROPERTY OF A TYPE

This consideration also stipulates that a reconstruction can qualify if, in addition to the other requirements, no other building, object, or structure with the same association has survived. A reconstruction that is part of a restoration master plan is appropriate only if: 1) the property is the only one in the district with which a particular important activity or event has been historically associated or 2) no other property with the same associative values has survived.

RECONSTRUCTIONS OLDER THAN FIFTY YEARS

After the passage of fifty years, a reconstruction may attain its own significance for what it reveals about the period in which it was built, rather than the historic period it was intended to depict. On that basis, a reconstruction can possibly qualify under any of the Criteria.

CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

A property primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historical significance.

UNDERSTANDING CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

Commemorative properties are designed or constructed after the occurrence of an important historic event or after the life of an important person. They are not directly associated with the event or with the person's productive life, but serve as evidence of a later generation's assessment of the past. Their significance comes from their value as cultural expressions at the date of their creation. Therefore, a commemorative property generally must be over fifty years old and must possess significance based on its own value, not on the value of the event or person being memorialized.

Examples of Properties that MUST Meet Criteria Consideration F: Commemorative Properties

- *A property whose sole or primary function is commemorative or in which the commemorative function is of primary significance.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration F: Commemorative Properties

- *A resource that has a non-commemorative primary function or significance.*
- *A single marker that is a component of a district (whether contributing or non-contributing).*

APPLYING CRITERIA CONSIDERATION F: COMMEMORATIVE PROPERTIES

ELIGIBILITY FOR DESIGN

A commemorative property derives its design from the aesthetic values of the period of its creation. A commemorative property, therefore, may be significant for the architectural, artistic, or other design qualities of its own period in prehistory or history.

Eligible

- A commemorative statue situated in a park or square is eligible if it expresses the aesthetics or craftsmanship of the period when it was made, meeting Criterion C.
- A late 19th century statue erected on a courthouse square to commemorate Civil War veterans would qualify if it reflects that era's shared perception of the noble character and valor of the veterans and their cause. This was commonly conveyed by portraying idealized soldiers or allegorical figures of battle, victory, or sacrifice.

ELIGIBILITY FOR AGE, TRADITION, OR SYMBOLIC VALUE

A commemorative property cannot qualify for association with the event or person it memorializes. A commemorative property may, however, acquire significance after the time of its creation through *age, tradition,* or *symbolic* value. This significance must be documented by accepted methods of historical research, including written or oral history, and must meet one or more of the Criteria.

Eligible

- A commemorative marker erected by a cultural group that believed the place was the site of its origins is eligible if, for subsequent generations of the group, the marker itself became the focus of traditional association with the group's historic identity.
- A building erected as a monument to an important historical figure will qualify if through the passage of time the property itself has come to symbolize the value placed upon the individual and is widely recognized as a reminder of enduring principles or contributions valued by the generation that erected the monument.
- A commemorative marker erected early in the settlement or development of an area will qualify if it is demonstrated that, because of its relative great age, the property has long been a part of the historic identity of the area.

Not Eligible

- A commemorative marker erected in the past by a cultural group at the site of an event in its history would not be eligible if the marker were significant only for association with the event, and it had not become significant itself through tradition.
- A building erected as a monument to an important historical figure would not be eligible if its only value lay in its association with the individual, and it has not come to symbolize values, ideas, or contributions valued by the generation that erected the monument.
- A commemorative marker erected to memorialize an event in the community's history would not qualify simply for its association with the event it memorialized.

INELIGIBILITY AS THE LAST REPRESENTATIVE OF AN EVENT OR PERSON

The loss of properties directly associated with a significant event or person does not strengthen the case for consideration of a commemorative property. Unlike birthplaces and graves, a commemorative property usually has no direct historic association. The commemorative property can qualify for historic association only if it is clearly significant in its own right, as stipulated above.

CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE LAST FIFTY YEARS[9]

A property achieving significance within the last fifty years is eligible if it is of exceptional importance.

UNDERSTANDING CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE LAST FIFTY YEARS

The National Register Criteria for Evaluation exclude properties that achieved significance within the last fifty years unless they are of exceptional importance. Fifty years is a general estimate of the time needed to develop historical perspective and to evaluate significance. This consideration guards against the listing of properties of passing contemporary interest and ensures that the National Register is a list of truly historic places.

Examples of Properties that MUST Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Last Fifty Years

- *A property that is less than fifty years old.*
- *A property that continues to achieve significance into a period less than fifty years before the nomination.*
- *A property that has non-contiguous Periods of Significance, one of which is less than fifty years before the nomination.*
- *A property that is more than fifty years old and had no significance until a period less than fifty years before the nomination.*

Examples of Properties that DO NOT Need to Meet Criteria Consideration G: Properties that Have Achieved Significance Within the Last Fifty Years

- *A resource whose construction began over fifty years ago, but the completion overlaps the fifty year period by a few years or less.*
- *A resource that is significant for its plan or design, which is over fifty years old, but the actual completion of the project overlaps the fifty year period by a few years.*
- *A historic district in which a few properties are newer than fifty years old, but the majority of properties and the most important Period of Significance are greater than fifty years old.*

[9] For more information on Criteria Consideration G, refer to *National Register Bulletin: Guidelines for Evaluating and Nominating Properties that Have Achieved Significance Within the Last Fifty Years.*

APPLYING CRITERIA CONSIDERATION G: PROPERTIES THAT HAVE ACHIEVED SIGNIFICANCE WITHIN THE PAST FIFTY YEARS

ELIGIBILITY FOR EXCEPTIONAL IMPORTANCE

The phrase "exceptional importance" may be applied to the extraordinary importance of an event or to an entire category of resources so fragile that survivors of any age are unusual. Properties listed that had attained significance in less than fifty years include: the launch pad at Cape Canaveral from which men first traveled to the moon, the home of nationally prominent playwright Eugene O'Neill, and the Chrysler Building (New York) significant as the epitome of the "Style Moderne" architecture.

Properties less than fifty years old that qualify as exceptional because the entire category of resources is fragile include a recent example of a traditional sailing canoe in the Trust Territory of the Pacific Islands, where because of rapid deterioration of materials, no working Micronesian canoes exist that are more than twenty years old. Properties that by their nature can last more than fifty years cannot be considered exceptionally important because of the fragility of the class of resources.

The phrase "exceptional importance" does not require that the property be of national significance. It is a measure of a property's importance within the appropriate historic context, whether the scale of that context is local, State, or national.

Eligible

- The General Laundry Building in New Orleans, one of the few remaining Art Deco Style buildings in that city, was listed in the National Register when it was forty years old because of its exceptional importance as an example of that architectural style.

HISTORICAL PERSPECTIVE

A property that has achieved significance within the past fifty years can be evaluated only when sufficient historical perspective exists to determine that the property is exceptionally important. The necessary perspective can be provided by scholarly research and evaluation, and must consider both the historic context and the specific property's role in that context.

In many communities, properties such as apartment buildings built in the 1950s cannot be evaluated because there is no scholarly research available to provide an overview of the nature, role, and impact of that building type within the context of historical and architectural developments of the 1950s.

NATIONAL PARK SERVICE RUSTIC ARCHITECTURE

Properties such as structures built in a rustic style by the National Park Service during the 1930s and 1940s can be evaluated because a broad study, *National Park Service Rustic Architecture* (1977), provides the context for evaluating properties of this type and style. Specific examples were listed in the National Register prior to reaching fifty years of age when documentation concerning the individual properties established their significance within the historical and architectural context of the type and style.

VETERANS ADMINISTRATION HOSPITALS

Hospitals less than fifty years old that were constructed by the Veterans Bureau and Veterans Administration can be evaluated because the collection of forty-eight facilities built between 1920 and 1946 has been analyzed in a study prepared by the agency. The study provided a historic and architectural context for development of veteran's care within which hospitals could be evaluated. The exceptional importance of specific individual facilities constructed within the past fifty years could therefore be determined based on their role and their present integrity.

COMPARISON WITH RELATED PROPERTIES

In justifying exceptional importance, it is necessary to identify other properties within the geographical area that reflect the same significance or historic associations and to determine which properties *best* represent the historic context in question. Several properties in the area could become eligible with the passage of time, but few will qualify now as exceptionally important.

POST-WORLD WAR II PROPERTIES

Properties associated with the post-World War II era must be identified and evaluated to determine which ones in an area could be judged exceptionally important. For example, a public housing complex may be eligible as an outstanding expression of the nation's post-war urban policy. A military installation could be judged exceptionally important because of its contribution to the Cold War arms race. A church building in a Southern city may have served as the pivotal rallying point for the city's most famous civil rights protest. A post-war suburban subdivision may be the best reflection of contemporary siting and design tenets in a metropolitan area. In each case, the nomination preparer must justify the *exceptional* importance of the property relative to similar properties in the community, State, or nation.

ELIGIBILITY FOR INFORMATION POTENTIAL

A property that has achieved significance within the past fifty years can qualify under Criterion D only if it can be demonstrated that the information is of exceptional importance within the appropriate context and that the property contains data superior to or different from those obtainable from other sources, including other culturally related sites. An archeological site less than fifty years old may be eligible if the former inhabitants are so poorly documented that information about their lifeways is best obtained from examination of the material remains.

Eligible

- Data such as the rate of adoption of modern technological innovations by rural tenant farmers in the 1950s may not be obtainable through interviews with living persons but could be gained by examination of homesites.

Not Eligible

- A recent archeological site such as the remains of a Navajo sheep corral used in the 1950s would not be considered exceptionally significant for its information potential on animal husbandry if better information on the same topic is available through ethnographic studies or living informants.

HISTORIC DISTRICTS

Properties which have achieved significance within the past fifty years can be eligible for the National Register if they are an integral part of a district which qualifies for National Register listing. This is demonstrated by documenting that the property dates from within the district's defined Period of Significance and that it is associated with one or more of the district's defined Areas of Significance.

Properties less than fifty years old may be an integral part of a district when there is sufficient perspective to consider the properties as historic. This is accomplished by demonstrating that: 1) the district's Period of Significance is justified as a discrete period with a defined beginning and end, 2) the character of the district's historic resources is clearly defined and assessed, 3) specific resources in the district are demonstrated to date from that discrete era, and 4) the majority of district properties are over fifty years old. In these instances, it is not necessary to prove exceptional importance of either the district itself or the less-than-fifty-year-old properties. Exceptional importance still must be demonstrated for district where the majority of properties or the major Period of Significance is less than fifty years old, and for less-than-fifty-year-old properties which are nominated individually.

PROPERTIES MORE THAN FIFTY YEARS IN AGE, LESS THAN FIFTY YEARS IN SIGNIFICANCE

Properties that are more than fifty years old, but whose significant associations or qualities are less than fifty years old, must be treated under the fifty year consideration.

Eligible

- A building constructed early in the twentieth century (and having no architectural importance), but that was associated with an important person during the 1950s, must be evaluated under Criteria Consideration G because the Period of Significance is within the past fifty years. Such a property would qualify if the person was of exceptional importance.

REQUIREMENT TO MEET THE CRITERIA, REGARDLESS OF AGE

Properties that are less than fifty years old and are not exceptionally important will *not* automatically qualify for the National Register once they are fifty years old. In order to be listed in the National Register, all properties, regardless of age, must be demonstrated to meet the Criteria for Evaluation.

VIII. HOW TO EVALUATE THE INTEGRITY OF A PROPERTY

INTRODUCTION

Integrity is the ability of a property to convey its significance. To be listed in the National Register of Historic Places, a property must not only be shown to be significant under the National Register criteria, but it also must have integrity. The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance.

Historic properties either retain integrity (this is, convey their significance) or they do not. Within the concept of integrity, the National Register criteria recognizes seven aspects or qualities that, in various combinations, define integrity.

To retain historic integrity a property will always possess several, and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining *which* of these aspects are most important to a particular property requires knowing why, where, and when the property is significant. The following sections define the seven aspects and explain how they combine to produce integrity.

SEVEN ASPECTS OF INTEGRITY

- Location
- Design
- Setting
- Materials
- Workmanship
- Feeling
- Association

UNDERSTANDING THE ASPECTS OF INTEGRITY

LOCATION

Location is the place where the historic property was constructed or the place where the historic event occurred. The relationship between the property and its location is often important to understanding why the property was created or why something happened. The actual location of a historic property, complemented by its setting, is particularly important in recapturing the sense of historic events and persons. Except in rare cases, the relationship between a property and its historic associations is destroyed if the property is moved. (See Criteria Consideration B in *Part VII: How to Apply the Criteria Considerations*, for the conditions under which a moved property can be eligible.)

DESIGN

Design is the combination of elements that create the form, plan, space, structure, and style of a property. It results from conscious decisions made during the original conception and planning of a property (or its significant alteration) and applies to activities as diverse as community planning, engineering, architecture, and landscape architecture. Design includes such elements as organization of space, proportion, scale, technology, ornamentation, and materials.

A property's design reflects historic functions and technologies as well as aesthetics. It includes such considerations as the structural system; massing; arrangement of spaces; pattern of fenestration; textures and colors of surface materials; type, amount, and style of ornamental detailing; and arrangement and type of plantings in a designed landscape.

Design can also apply to districts, whether they are important primarily for historic association, architectural value, information potential, or a combination thereof. For districts significant primarily for historic association or architectural value, design concerns more than just the individual buildings or structures located within the boundaries. It also applies to the way in which buildings, sites, or structures are related: for example, spatial relationships between major features; visual rhythms in a streetscape or landscape plantings; the layout and materials of walkways and roads; and the relationship of other features, such as statues, water fountains, and archeological sites.

SETTING

Setting is the physical environment of a historic property. Whereas location refers to the specific place where a property was built or an event occurred, setting refers to the *character* of the place in which the property played its historical role. It involves *how*, not just where, the property is situated and its relationship to surrounding features and open space.

Setting often reflects the basic physical conditions under which a property was built and the functions it was intended to serve. In addition, the way in which a property is positioned in its environment can reflect the designer's concept of nature and aesthetic preferences.

The physical features that constitute the setting of a historic property can be either natural or manmade, including such elements as:

- Topographic features (a gorge or the crest of a hill);
- Vegetation;
- Simple manmade features (paths or fences); and
- Relationships between buildings and other features or open space.

These features and their relationships should be examined not only within the exact boundaries of the property, but also between the property and its *surroundings*. This is particularly important for districts.

MATERIALS

Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. The choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies. Indigenous materials are often the focus of regional building traditions and thereby help define an area's sense of time and place.

A property must retain the key exterior materials dating from the period of its historic significance. If the property has been rehabilitated, the historic materials and significant features must have been preserved. The property must also be an actual historic resource, not a recreation; a recent structure fabricated to look historic is not eligible. Likewise, a property whose historic features and materials have been lost and then reconstructed is usually not eligible. (See Criteria Consideration E in *Part VII: How to Apply the Criteria Considerations* for the conditions under which a reconstructed property can be eligible.)

WORKMANSHIP

Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. It is the evidence of artisans' labor and skill in constructing or altering a building, structure, object, or site. Workmanship can apply to the property as a whole or to its individual components. It can be expressed in vernacular methods of construction and plain finishes or in highly sophisticated configurations and ornamental detailing. It can be based on common traditions or innovative period techniques.

Workmanship is important because it can furnish evidence of the technology of a craft, illustrate the aesthetic principles of a historic or prehistoric period, and reveal individual, local, regional, or national applications of both technological practices and aesthetic principles. Examples of workmanship in historic buildings include tooling, carving, painting, graining, turning, and joinery. Examples of workmanship in prehistoric contexts include Paleo-Indian clovis projectile points; Archaic period beveled adzes; Hopewellian birdstone pipes; copper earspools and worked bone pendants; and Iroquoian effigy pipes.

FEELING

Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. It results from the presence of physical features that, taken together, convey the property's historic character. For example, a rural historic district retaining original design, materials, workmanship, and setting will relate the feeling of agricultural life in the 19th century. A grouping of prehistoric petroglyphs, unmarred by graffiti and intrusions and located on its original isolated bluff, can evoke a sense of tribal spiritual life.

ASSOCIATION

Association is the direct link between an important historic event or person and a historic property. A property retains association if it *is* the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer. Like feeling, association requires the presence of physical features that convey a property's historic character. For example, a Revolutionary War battlefield whose natural and manmade elements have remained intact since the 18th century will retain its quality of association with the battle.

Because feeling and association depend on individual perceptions, their retention *alone* is never sufficient to support eligibility of a property for the National Register.

ASSESSING INTEGRITY IN PROPERTIES

Integrity is based on significance: why, where, and when a property is important. Only after significance is fully established can you proceed to the issue of integrity.

The steps in assessing integrity are:

- Define the **essential physical features** that must be present for a property to represent its significance.
- Determine whether the **essential physical features are visible** enough to convey their significance.
- Determine whether the property needs to be **compared with similar properties.** And,
- Determine, based on the significance and essential physical features, **which aspects of integrity** are particularly vital to the property being nominated and if they are present.

Ultimately, the question of integrity is answered by whether or not the property retains the **identity** for which it is significant.

DEFINING THE ESSENTIAL PHYSICAL FEATURES

All properties change over time. It is not necessary for a property to retain all its historic physical features or characteristics. The property must retain, however, the essential physical features that enable it to convey its historic identity. The essential physical features are those features that define both *why* a property is significant (Applicable Criteria and Areas of Significance) and *when* it was significant (Periods of Significance). They are the features without which a property can no longer be identified as, for instance, a late 19th century dairy barn or an early 20th century commercial district.

CRITERIA A AND B

A property that is significant for its historic association is eligible if it retains the essential physical features that made up its character or appearance during the period of its association with the important event, historical pattern, or person(s). If the property is a site (such as a treaty site) where there are no material cultural remains, the setting must be intact.

Archeological sites eligible under Criteria A and B must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to convey important associations with events or persons.

CRITERION C

A property important for illustrating a particular architectural style or construction technique must retain most of the physical features that constitute that style or technique. A property that has lost some historic materials or details can be eligible *if* it retains the majority of the features that illustrate its style in terms of the massing, spatial relationships, proportion, pattern of windows and doors, texture of materials, and ornamentation. The property is not eligible, however, if it retains some basic features conveying massing but has lost the majority of the features that once characterized its style.

Archeological sites eligible under Criterion C must be in overall good condition with excellent preservation of features, artifacts, and spatial relationships to the extent that these remains are able to illustrate a site type, time period, method of construction, or work of a master.

CRITERION D

For properties eligible under Criterion D, including archeological sites and standing structures studied for their information potential, less attention is given to their overall condition, than it they were being considered under Criteria A, B, or C. Archeological sites, in particular, do not exist today exactly as they were formed. There are always cultural and natural processes that alter the deposited materials and their spatial relationships.

For properties eligible under Criterion D, integrity is based upon the property's potential to yield specific data that addresses important research questions, such as those identified in the historic context documentation in the Statewide Comprehensive Preservation Plan or in the research design for projects meeting the *Secretary of the Interior's Standards for Archeological Documentation.*

INTERIORS

Some historic buildings are virtually defined by their exteriors, and their contribution to the built environment can be appreciated even if their interiors are not accessible. Examples of this would include early examples of steel-framed skyscraper construction. The great advance in American technology and engineering made by these buildings can be read from the outside. The change in American popular taste during the 19th century, from the symmetry and simplicity of architectural styles based on classical precedents, to the expressions of High Victorian styles, with their combination of textures, colors, and asymmetrical forms, is readily apparent from the exteriors of these buildings.

Other buildings "are" interiors. The Cleveland Arcade, that soaring 19th century glass-covered shopping area, can only be appreciated from the inside. Other buildings in this category would be the great covered train sheds of the 19th century.

In some cases the loss of an interior will disqualify properties from listing in the National Register—a historic concert hall noted for the beauty of its auditorium and its fine acoustic qualities would be the type of property that if it were to lose its interior, it would lose its value as a historic resource. In other cases, the overarching significance of a property's exterior can overcome the adverse effect of the loss of an interior.

In borderline cases particular attention is paid to the significance of the property and the remaining historic features.

HISTORIC DISTRICTS

For a district to retain integrity as a whole, the majority of the components that make up the district's historic character must possess integrity even if they are individually undistinguished. In addition, the relationships among the district's components must be substantially unchanged since the period of significance.

When evaluating the impact of intrusions upon the district's integrity, take into consideration the relative number, size, scale, design, and location of the components that do not contribute to the significance. A district is not eligible if it contains so many alterations or new intrusions that it no longer conveys the sense of a historic environment.

A component of a district cannot contribute to the significance if:

- it has been substantially altered since the period of the district's significance *or*
- it does not share the historic associations of the district.

VISIBILITY OF PHYSICAL FEATURES

Properties eligible under Criteria A, B, and C must not only retain their essential physical features, but the features must be visible enough to convey their significance. This means that even if a property is physically intact, its integrity is questionable if its significant features are concealed under modern construction. Archeological properties are often the exception to this; by nature they usually do not require visible features to convey their significance.

NON-HISTORIC EXTERIORS

If the historic *exterior* building material is covered by non-historic material (such as modern siding), the property can still be eligible *if* the significant form, features, and detailing are not obscured. If a property's exterior is covered by a non-historic false-front or curtain wall, the property will not qualify under Criteria A, B, or C, because it does not retain the visual quality necessary to convey historic or architectural significance. Such a property also cannot be considered a contributing element in a historic district, because it does not add to the district's sense of time and place. If the false front, curtain wall, or non-historic siding is removed and the original building materials are intact, then the property's integrity can be re-evaluated.

PROPERTY CONTAINED WITHIN ANOTHER PROPERTY

Some properties contain an earlier structure that formed the nucleus for later construction. The exterior property, if not eligible in its own right, can qualify on the basis of the interior property *only if* the interior property can yield significant information about a specific construction technique or material, such as rammed earth or tabby. The interior property *cannot* be used as the basis for eligibility if it has been so altered that it no longer contains the features that could provide important information, or if the presence of important information cannot be demonstrated.

SUNKEN VESSELS

A sunken vessel can be eligible under Criterion C as embodying the distinctive characteristics of a method of construction if it is structurally intact. A *deteriorated* sunken vessel, no longer structurally intact, can be eligible under Criterion D if the remains of either the vessel or its contents is capable of yielding significant information. For further information, refer to *National Register Bulletin: Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places.*

Natural Features

A natural feature that is associated with a historic event or trend, such as a rock formation that served as a trail marker during westward expansion, must retain its historic appearance, unobscured by modern construction or landfill. Otherwise it is not eligible, even though it remains intact.

COMPARING SIMILAR PROPERTIES

For some properties, comparison with similar properties should be considered during the evaluation of integrity. Such comparison may be important in deciding what physical features are essential to properties of that type. In instances where it has not been determined what physical features a property must possess in order for it to reflect the significance of a historic context, comparison with similar properties should be undertaken during the evaluation of integrity. This situation arises when scholarly work has not been done on a particular property type or when surviving examples of a property type are extremely rare. (See **Comparing Related Properties** in *Part V: How to Evaluate a Property within its Historic Context.)*

RARE EXAMPLES OF A PROPERTY TYPE

Comparative information is particularly important to consider when evaluating the integrity of a property that is a rare surviving example of its type. The property must have the essential physical features that enable it to convey its historic character or information. The rarity and poor condition, however, of other extant examples of the type may justify accepting a greater degree of alteration or fewer features, provided that enough of the property survives for it to be a significant resource.

Eligible

- A one-room schoolhouse that has had all original exterior siding replaced and a replacement roof that does not exactly replicate the original roof profile can be eligible if the other extant rare examples have received an even greater degree of alteration, such as the subdivision of the original one-room plan.

Not Eligible

- A mill site contains information on how site patterning reflects historic functional requirements, but parts of the site have been destroyed. The site is not eligible for its information potential if a comparison of other mill sites reveals more intact properties with complete information.

DETERMINING THE RELEVANT ASPECTS OF INTEGRITY

Each type of property depends on certain aspects of integrity, more than others, to express its historic significance. Determining which of the aspects is most important to a particular property requires an understanding of the property's significance and its essential physical features.

CRITERIA A AND B

A property important for association with an event, historical pattern, or person(s) ideally might retain *some* features of all seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Integrity of design and workmanship, however, might not be as important to the significance, and would not be relevant if the property were a site. A basic integrity test for a property associated with an important event or person is whether a historical contemporary would recognize the property as it exists today.

For archeological sites that are eligible under Criteria A and B, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the potential to yield information is required.

Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is eligible if:

- it is still on its original site (**Location**), and
- the important features of its setting are intact (**Setting**), and
- it retains most of its historic materials (**Materials**), and
- it has the basic features expressive of its design and function, such as configuration, proportions, and window pattern (**Design**).

Not Eligible

A mid-19th century waterpowered mill important for its association with an area's industrial development is not eligible if:

- it has been moved (**Location, Setting, Feeling**, and **Association**), or
- substantial amounts of new materials have been incorporated (**Materials, Workmanship,** and **Feeling**), or
- it no longer retains basic design features that convey its historic appearance or function (**Design, Workmanship,** and **Feeling**).

CRITERION C

A property significant under Criterion C must retain those physical features that characterize the type, period, or method of construction that the property represents. Retention of design, workmanship, and materials will usually be more important than location, setting, feeling, and association. Location and setting will be important, however, for those properties whose design is a reflection of their immediate environment (such as designed landscapes and bridges).

For archeological sites that are eligible under Criterion C, the seven aspects of integrity can be applied in much the same way as they are to buildings, structures, or objects. It is important to note, however, that the site must have *demonstrated* its ability to convey its significance, as opposed to sites eligible under Criterion D where only the *potential* to yield information is required.

Eligible

A 19th century wooden covered bridge, important for illustrating a construction type, is eligible if:

- the essential features of its design are intact, such as abutments, piers, roof configuration, and trusses (**Design, Workmanship,** and **Feeling**), and
- most of the historic materials are present (**Materials, Workmanship**, and **Feeling**), and
- evidence of the craft of wooden bridge technology remains, such as the form and assembly technique of the trusses (**Workmanship**).
- Since the design of a bridge relates directly to its function as a transportation crossing, it is also important that the bridge still be situated over a waterway (**Setting, Location, Feeling,** and **Association**).

Not Eligible

For a 19th century wooden covered bridge, important for its construction type, replacement of some materials of the flooring, siding, and roofing would not necessarily damage its integrity. Integrity would be lost, however, if:

- the abutments, piers, or trusses were substantially altered (**Design, Workmanship,** and **Feeling**) or
- considerable amounts of new materials were incorporated (**Materials, Workmanship,** and **Feeling**).
- Because environment is a strong factor in the design of this property type, the bridge would also be ineligible if it no longer stood in a place that conveyed its function as a crossing (**Setting, Location, Feeling,** and **Association**).

CRITERION D

For properties eligible under Criterion D, setting and feeling may not have direct bearing on the property's ability to yield important information. Evaluation of integrity probably will focus primarily on the location, design, materials, and perhaps workmanship.

Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns can be eligible if:

- floral or faunal remains are found in clear association with cultural material (**Materials** and **Association**) and
- the site exhibits stratigraphic separation of cultural components (**Location**).

Not Eligible

A multicomponent prehistoric site important for yielding data on changing subsistence patterns would not be eligible if:

- floral or faunal remains were so badly decomposed as to make identification impossible (**Materials**), or
- floral or faunal remains were disturbed in such a manner as to make their association with cultural remains ambiguous (**Association**), or
- the site has lost its stratigraphic context due to subsequent land alterations (**Location**).

Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period can be eligible if:

- the site contains lithic debitage, finished stone tools, hammerstones, or antler flakers (**Material** and **Design**), and
- the site contains datable material (**Association**).

Not Eligible

A lithic scatter site important for yielding data on lithic technology during the Late Archaic period would not be eligible if:

- the site contains natural deposits of lithic materials that are impossible to distinguish from culturally modified lithic material (**Design**) or
- the site does not contain any temporal diagnostic evidence that could link the site to the Late Archaic period (**Association**).

IX. SUMMARY OF THE NATIONAL HISTORIC LANDMARKS CRITERIA FOR EVALUATION

A property being nominated to the National Register may also merit consideration for potential designation as a National Historic Landmark. Such consideration is dependent upon the stringent application of the following distinct set of criteria (found in the *Code of Federal Regulations, Title 36, Part 65*).

NATIONAL HISTORIC LANDMARKS CRITERIA

The quality of national significance is ascribed to districts, sites, buildings, structures, and objects that possess exceptional value or quality in illustrating or interpreting the heritage of the United States in history, architecture, archeology, engineering, and culture and that possess a high degree of integrity of location, design, setting, materials, workmanship, feeling, and association, and:

1. That are associated with events that have made a significant contribution to, and are identified with, or that outstandingly represent, the broad national patterns of United States history and from which an understanding and appreciation of those patterns may be gained; or
2. That are associated importantly with the lives of persons nationally significant in the history of the United States; or
3. That represent some great idea or ideal of the American people; or
4. That embody the distinguishing characteristics of an architectural type specimen exceptionally valuable for a study of a period, style or method of construction, or that represent a significant, distinctive and exceptional entity whose components may lack individual distinction; or
5. That are composed of integral parts of the environment not sufficiently significant by reason of historical association or artistic merit to warrant individual recognition but collectively compose an entity of exceptional historical or artistic significance, or outstandingly commemorate or illustrate a way of life or culture; or
6. That have yielded or may be likely to yield information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

NATIONAL HISTORIC LANDMARK EXCLUSIONS

Ordinarily, cemeteries, birthplaces, 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 and properties that have achieved significance within the past fifty years are not eligible for designation. If such properties fall within the following categories they may, nevertheless, be found to qualify:

1. A religious property deriving its primary national significance from architectural or artistic distinction or historical importance; or
2. A building or structure removed from its original location but which is nationally significant primarily for its architectural merit, or for association with persons or events of transcendent importance in the nation's history and the association consequential; or
3. A site of a building or structure no longer standing but the person or event associated with it is of transcendent importance in the nations's history and the association consequential; or

4. A birthplace, grave or burial if it is of a historical figure of transcendent national significance and no other appropriate site, building, or structure directly associated with the productive life of that person exists; or
5. A cemetery that derives its primary national significance from graves of persons of transcendent importance, or from an exceptionally distinctive design or an exceptionally significant event; or
6. A reconstructed building or ensemble of buildings of extraordinary national significance when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other buildings or structures with the same association have survived; or
7. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own national historical significance; or
8. A property achieving national significance within the past 50 years if it is of extraordinary national importance.

COMPARING THE NATIONAL HISTORIC LANDMARKS CRITERIA AND THE NATIONAL REGISTER CRITERIA

In general, the instructions for preparing a National Register nomination and the guidelines stated in this bulletin for applying the National Register Criteria also apply to Landmark nominations and the use of the Landmark criteria. While there are specific distinctions discussed below, *Parts IV and V* of this bulletin apply equally to National Register listings and Landmark nominations. That is, the categories of historic properties are defined the same way; historic contexts are identified similarly; and comparative evaluation is carried out on the same principles enumerated in *Part V*.

There are some differences between National Register and National Historic Landmarks Criteria. The following is an explanation of how each Landmark Criterion compares with its National Register Criteria counterpart:

CRITERION 1

This Criterion relates to National Register Criterion A. Both cover properties associated with events. The Landmark Criterion, however, requires that the events associated with the property be *outstandingly* represented by that property and that the property be related to the broad national patterns of U.S. history. Thus, the quality of the property to convey and interpret its meaning must be of a higher order and must relate to national themes rather than the narrower context of State or local themes.

CRITERION 2

This Criterion relates to National Register Criterion B. Both cover properties associated with significant people. The Landmark Criterion differs in that it specifies that the association of a person to the property in question be an important one and that the person associated with the property be of *national* significance.

CRITERION 3

This Criterion has no counterpart among the National Register Criteria. It is rarely, if ever, used alone. While not a landmark at present, the Liberty Bell is an object that might be considered under this Criterion. The application of this Criterion obviously requires the most careful scrutiny and would apply only in rare instances involving ideas and ideals of the highest order.

CRITERION 4

This Criterion relates to National Register Criterion C. Its intent is to qualify exceptionally important works of architecture or collective elements of architecture extraordinarily significant as an ensemble, such as a historic district. Note that the language is more restrictive than that of the National Register Criterion in requiring that a candidate in architecture be "a specimen exceptionally valuable for the study of a period, style, or method of construction" rather than simply embodying distinctive characteristics of a type, period, or method of construction. With regard to historic districts, the Landmarks Criterion requires an entity that is distinctive and exceptional. Unlike National Register Criterion C, this Criterion will not qualify the works of a master, per se, but only such works which are exceptional or extraordinary. Artistic value is considered only in the context of history's judgement in order to avoid current conflicts of taste.

CRITERION 5

This Criterion does not have a strict counterpart among the National Register Criteria. It may seem redundant of the latter part of Landmark Criterion 4. It is meant to cover collective entities such as Greenfield Village and historic districts like New Bedford, Massachusetts, which qualify for their collective association with a nationally significant event, movement, or broad pattern of national development.

CRITERION 6

The National Register counterpart of this is Criterion D. Criterion 6 was developed specifically to recognize archeological sites. All such sites must address this Criterion. The following are the qualifications that distinguish this Criterion from its National Register counterpart: the information yielded or likely to be yielded must be of *major* scientific importance by revealing new cultures, or by shedding light upon periods of occupation *over large areas* of the United States. Such sites should be expected to yield data affecting *theories, concepts, and ideas* to a *major degree.*

The data recovered or expected to be recovered must make a major contribution to the existing corpus of information. Potentially recoverable data must be likely to revolutionize or substantially modify a major theme in history or prehistory, resolve a substantial historical or anthropological debate, or close a serious gap in a major theme of U. S. history or prehistory.

EXCLUSIONS AND EXCEPTIONS TO THE EXCLUSIONS

This section of the National Historic Landmarks Criteria has its counterpart in the National Register's "Criteria Considerations." The most abundant difference between them is the addition of the qualifiers "national," "exceptional," or "extraordinary" before the word significance. Other than this, the following are the most notable distinctions:

EXCLUSION 2

Buildings moved from their original location, qualify only if one of two conditions are met: 1) the building is nationally significant for architecture, *or* 2) the persons or events with which they are associated are of *transcendent* national significance and the association is consequential.

Transcendent significance means an order of importance higher than that which would ordinarily qualify a person or event to be nationally significant. A consequential association is a relationship to a building that had an evident impact on events, rather than a connection that was incidental and passing.

EXCLUSION 3

This pertains to the site of a structure no longer standing. There is no counterpart to this exclusion in the National Register Criteria. In order for such a property to qualify for Landmark designation it must meet the second condition cited for Exclusion 2.

EXCLUSION 4

This exclusion relates to Criteria Consideration C of the National Register Criteria. The only difference is that a burial place qualifies for Landmark designation only if, in addition to other factors, the person buried is of *transcendent* national importance.

When evaluating properties at the national level for designation as a National Historic Landmark, please refer to the National Historic Landmarks outline, *History and Prehistory in the National Park System and the National Historic Landmarks Program, 1987*. (For more information about the National Historic Landmarks program, please write to Department of the Interior, National Park Service, National Historic Landmarks, 1849 C Street, NW, NC400, Washington, DC 20240.)

X. GLOSSARY

Associative Qualities - An aspect of a property's history that links it with historic events, activities, or persons.

Code of Federal Regulations - Commonly referred to as "CFR." The part containing the National Register Criteria is usually referred to as 36 CFR 60, and is available from the National Park Service.

CLG - Certified Local Government.

Culture - A group of people linked together by shared values, beliefs, and historical associations, together with the group's social institutions and physical objects necessary to the operation of the institution.

Cultural Resource - See Historic Resource.

Evaluation - Process by which the significance and integrity of a historic property are judged and eligibility for National Register listing is determined.

Historic Context - An organizing structure for interpreting history that groups information about historic properties that share a common theme, common geographical area, and a common time period. The development of historic contexts is a foundation for decisions about the planning, identification, evaluation, registration, and treatment of historic properties, based upon comparative historic significance.

Historic Integrity - The unimpaired ability of a property to convey its historical significance.

Historic Property - See Historic Resource.

Historic Resource - Building, site, district, object, or structure evaluated as historically significant.

Identification - Process through which information is gathered about historic properties.

Listing - The formal entry of a property in the National Register of Historic Places. See also, Registration.

Nomination - Official recommendation for listing a property in the National Register of Historic Places.

Property Type - A grouping of properties defined by common physical and associative attributes.

Registration - Process by which a historic property is documented and nominated or determined eligible for listing in the National Register.

Research Design - A statement of proposed identification, documentation, investigation, or other treatment of a historic property that identifies the project's goals, methods and techniques, expected results, and the relationship of the expected results to other proposed activities or treatments.

XI. LIST OF NATIONAL REGISTER BULLETINS

The Basics
How to Apply National Register Criteria for Evaluation *

Guidelines for Completing National Register of Historic Places Form
Part A: How to Complete the National Register Form *
Part B: How to Complete the National Register Multiple Property Documentation Form *

Researching a Historic Property *

Property Types
Guidelines for Evaluating and Documenting Historic **Aids to Navigation** *

Guidelines for Identifying, Evaluating and Registering **America's Historic Battlefields**

Guidelines for Evaluating and Registering Historical **Archeological Sites**

Guidelines for Evaluating and Documenting Historic **Aviation Properties**

Guidelines for Evaluating and Registering **Cemeteries and Burial Places**

How to Evaluate and Nominate **Designed Historic Landscapes** *

Guidelines for Identifying, Evaluating and Registering Historic **Mining Sites**

How to Apply National Register Criteria to **Post Offices** *

Guidelines for Evaluating and Documenting **Properties Associated with Significant Persons**

Guidelines for Evaluating and Documenting **Properties That Have Achieved Significance Within the Last Fifty Years** *

Guidelines for Evaluating and Documenting **Rural Historic Landscapes** *

Guidelines for Evaluating and Documenting **Traditional Cultural Properties** *

Nominating Historic **Vessels and Shipwrecks** to the National Register of Historic Places

Technical Assistance
Defining Boundaries for National Register Properties*

Guidelines for Local Surveys: A Basis for Preservation Planning *

How to Improve the Quality of Photographs for National Register Nominations

National Register Casebook: Examples of Documentation *

Using the UTM Grid System to Record Historic Sites

To order these publications, write to: National Register of Historic Places, National Park Service, 1849 C St., NC 400, NW, Washington, D.C. 20240, or e-mail at: nr_reference@nps.gov. Publications marked with an asterisk (*) are also available in electronic form at **www.cr.nps.gov/nr**.

U.S. GOVERNMENT PRINTING OFFICE: 2005—717-788

EXHIBIT 202

National Register Bulletin # 36

National Register Bulletin 36 (nps.gov)

GUIDELINES FOR EVALUATING AND
REGISTERING ARCHEOLOGICAL PROPERTIES

NATIONAL REGISTER BULLETIN

Technical information on the National Register of Historic Places: survey, evaluation, registration, and preservation of cultural resources

U.S. Department of the Interior
National Park Service
Cultural Resources

GUIDELINES FOR EVALUATING AND REGISTERING ARCHEOLOGICAL PROPERTIES

The mission of the Department of Interior is to protect and provide access to our Nation's natural and cultural heritage and honor our trust responsibility to tribes.

The National Park Service preserves unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world.

This material is partially based on work conducted under a cooperative agreement between the National Conference of State Historic Preservation Officers and the U.S. Department of the Interior.

Cover photo:
Adolph Bandelier at Pecos National Historical Park, New Mexico, in 1880. Photo taken by George C. Bennett, Museum of New Mexico.

NATIONAL REGISTER BULLETIN

GUIDELINES FOR EVALUATING AND REGISTERING ARCHEOLOGICAL PROPERTIES

by
Barbara Little
Erika Martin Seibert

Jan Townsend
John H. Sprinkle, Jr.
John Knoerl

U.S. DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE
National Register, History and Education
2000

TABLE OF CONTENTS

ACKNOWLEDGMENTS 5

I. INTRODUCTION 7
What is archeology? 7
What is an archeological property? 7
What is the purpose of this bulletin? 9
Archeology and the National Historic Preservation Act 9
Who can prepare nominations for archeological properties? 10
Who can determine the eligibility of archeological properties? 11
When should information be restricted from public access? 11
Using the National Register 12
What if an archeological property is nationally significant? 12
What other National Register bulletins may be helpful? 12
What other National Park Service guidance may be helpful? 13

II. HISTORIC CONTEXTS FOR ARCHEOLOGICAL EVALUATION 14

III. HOW ARE ARCHEOLOGICAL PROPERTIES IDENTIFIED? 17

IV. EVALUATING THE SIGNIFICANCE OF ARCHEOLOGICAL PROPERTIES 19
National Register Criteria 19
Criteria Considerations 19
Evaluating Properties in Context 20
Local Context 20
State Context 21
National Context 21
The Importance of Small or Overlooked Sites 21
Evaluating Archeological Properties Under the Criteria 22
Criterion A: Event(s) and Broad Patterns of Events 22
Criterion B: Important Persons 24
Criterion C: Design, Construction, and Work of a Master 25
Criterion D: Information Potential 28
Data Sets 31
Important Information and Research Questions 31
Other Significance Considerations 33
Areas of Significance 33
Period of Significance 34

Significant Dates 35
Significant Person(s) 35
Cultural Affiliation 35
Architect or Builder 35
Aspects, or Qualities of Integrity 35
Location 38
Design 39
Setting 40
Materials 40
Workmanship 41
Feeling 42
Association 42

V. PREPARING DOCUMENTATION FOR NATIONAL REGISTER ELIGIBILITY AND LISTING 43
Classification 43
Sites and Districts 43
Multiple Property Submissions 44
Archeological Districts: Contributing and Noncontributing Resources 45
Historic and Current Functions or Uses 46
Architectural Classification Materials 46
Narrative Description 47
Narrative Statement of Significance 49

VI. BIBLIOGRAPHIC REFERENCES 50
Previous National Park Service Documentation 50

VII. ESTABLISHING BOUNDARIES AND GEOGRAPHIC INFORMATION 51
Acreage 51
UTM References 52
Verbal Boundary Description 53
Boundary Justification 53

VIII. MAPS AND PHOTOGRAPHS 54
Maps 54
Photographs 54

IX. OWNERSHIP 57

X. BIBLIOGRAPHY 58

APPENDIX A—NATIONAL REGISTER BULLETINS 61

APPENDIX B—MULTIPLE PROPERTY SUBMISSION COVER DOCUMENTS UNDER WHICH ARCHEOLOGICAL PROPERTIES HAVE BEEN NOMINATED 62

APPENDIX C—CHECKLIST FOR ARCHEOLOGICAL NOMINATIONS 65

ACKNOWLEDGMENTS

This bulletin was prepared by Dr. Barbara Little and Ms. Erika Martin Seibert, working from the 1993 bulletin on historical archeology prepared by Ms. Jan Townsend, Dr. John H. Sprinkle, Jr. and Dr. John Knoerl. Dr. Sprinkle and Ms. Townsend prepared the final version of that initial bulletin based on Dr. Knoerl's initial work. Dr. Little expanded the bulletin and both Dr. Little and Ms. Seibert incorporated comments to prepare the final version. Ms. Carol D. Shull, Keeper of the National Register and Chief of the National Historic Landmarks Survey, reviewed all versions of the bulletin, provided guidance, and pressed first for the completion of a historical archeology National Register bulletin and then for a more general bulletin on archeology.

The authors wish to thank all of the individuals who assisted in the development and review of this bulletin. Mr. Douglas Kupel, formerly a historian with Arizona State Parks, initially proposed the preparation of a historical archeology bulletin and drafted a paper on evaluating historical archeological properties. Although the historical archeology bulletin had been well-received as useful guidance, many archeologists and other preservationists requested that a bulletin be prepared that covered archeology in a more general way. For example, many of the participants in National Register workshops given in conjunction with the Society for American Archaeology annual meetings requested a broader bulletin.

Comments and input on the bulletin on historical archeology were received from: J. Stephen Alexandrowicz, Archaeological Consulting Services; Patrick Andrus, National Park Service, National Register of Historic Places; Lawrence E. Aten, National Park Service, Interagency Resources Divisions; Leo Barker, National Park Service, Western Region Office; Beth M. Boland, National Park Service, National Register of Historic Places; Harry E. Bradley, Jr., U.S. Department of Commerce, Office of Federal Property Programs; Gordon Chappell, National Park Service, Western Regional Office; Lloyd N. Chapman, National Park Service, Mid-Atlantic Regional Office; Patty Chrisman, National Park Service, National Register of Historic Places; William T. Civish, Bureau of Land Management, Branch of Recreation, Cultural & Wilderness; Alice P. Coneybeer, General Services Administration, Region 4; Kirk A. Cordell, National Park Service, Southeast Regional Office; Julia G. Costello, Society for Historical Archaeology; Shelly Davis-King, Infotec Research, Inc.; Holly Dunbar, National Park Service Western Regional Office; Kathryn B. Eckert, Michigan Department of State; Jeanette Gaston, Idaho Transportation Department, Leland Gilsen, Oregon State Historic Preservation Office; Donald L. Hardesty, University of Nevada, Reno, Department of Anthropology; Marilyn Harper, National Park Service, National Register of Historic Places; Susan L. Henry, National Park Service, Interagency Resources Division, Preservation Planning Branch; Martha Sharp Joukowsky, Archaeological Institute of America; Roger E. Kelly, National Park Service, Western Regional Office; Thomas E. King, Consultant; Ruthann Knudson, National Park Service, Archeological Assistance Division; Jan Lawson, National Park Service, Death Valley National Monument; Antoinette J. Lee, National Park Service, National Register of Historic Places; Ben Levy, National Park Service, History Division; Gretchen Luxenberg, National Park Service, Pacific Northwest Regional Office, Cathy Masters, National Park Service, Midwest Archeological Center; Barbara E. Mattick, Florida Department of State, Division of Historic Resources; Linda Flint McClelland, National Park Service, National Register of Historic Places; Frances P. McManamon, National Park Service, Archeological Assistance Division; Diane Miller, National Park Service, Interagency Resource Division, Information Management Unit; Hugh C. Miller, Virginia Department of Historic Resources; Nancy Miller, National Conference of State Historic Preservation Officers; David L. Morgan, Kentucky Heritage Council; Kenneth H. P'Pool, Mississippi Department of Archives and History; Patricia L. Parker, National Park Service, Interagency Resources Division, Preservation Planning Branch; Margaret Pepin-Donat, National Park Service, Western Regional Office; Paul Robinson, Rhode Island Historical Preservation Commission; Stephanie Rodeffer, Western Archeological and Conservation Center, National Park Service; Beth L. Savage, National Park Service, National Register Historic Places; Douglas H. Scovill, National Park Service, Anthropology Division; Donna J. Seifert, John Milner Associates; Carol D. Shull, National Park Service, National Register of Historic Places, National Historic

Landmarks Survey; Brona Simon, Massachusetts Historical Commission; Cathy Buford Slater, Arkansas Historic Preservation Program; Carl Spath, Metcalf Archaeological Consultants, Inc.; Pat H. Stein, Arizona State Parks; Thomas Thiessen, National Park Service, Midwest Archeological Center; and Robert Wilson, National Park Service, Southeast Archeological Center.

Comments and input on the bulletin on archeology were received from: Michael A. Aimone, DCS/Installations and Logistics, Department of the Airforce; Daphne Owens Battle, Alabama Historical Commission; Mark F. Baumler and Staff, Montana State Historic Preservation Office; Ira Carl Beckerman, Pennsylvania Department of Transportation; Diane Dallal and Members, The Professional Archaeologists of New York City, South Street Seaport Museum; Elsa Gilbertson, Vermont Division for Historic Preservation; Leland Gilsen, Oregon State Historic Preservation Office; David B. Guldenzopf, Department of the Army; Ruben O. Hernandez and Staff, Resource Stewardship, Tennessee Valley Authority; Thomas E. King, Consultant; Chris Kula, Pennsylvania Department of Transportation; Joni L. Manson, Ohio Historical Society; Cecil McKithan and Staff, National Park Service, Southeast Regional Office; Anmarie Medin, California Department of Transportation; Sheila Mone, California Department of Transportation; Nancy Niedernhofer, Oregon State Historic Preservation Office; Sarah Pope, National Park Service, National Register of Historic Places; Sue Henry Renaud, National Park Service, Heritage Preservation Services; Becky Saleeby, National Park Service, Alaska Support Office; Beth L. Savage, National Park Service, National Register of Historic Places; Gary D. Shaffer, Maryland Department of Housing and Community Development; Carol D. Shull, National Park Service, National Register of Historic Places, National Historic Landmarks Survey; Dave Skilton, Oregon State Historic Preservation Office; Gary P. Smith and Staff, Bureau of Land Management, Montana State Office; Catherine Spohn, Pennsylvania Department of Transportation; Fern Swenson, State Historical Society of North Dakota; Charlotte Taylor and Staff, Rhode Island Historical Preservation and Heritage Commission; Al Tonetti, ASC Group, Inc.; Jan Townsend, Bureau of Land Management, Eastern States; Rosetta Virgilio, Nuclear Regulatory Commission; John R. Welch, Bureau of Indian Affairs, Fort Apache Agency and White Mountain Apache Tribe.

Dr. Little and Ms. Martin Seibert especially would also like to thank the following people who participated in the Evaluation subgroup during the Workshop on Evaluating and Improving Federal Archeology Guidance in Washington, D.C., June 27-29, 2000 and provided valuable comments during the last stages of this bulletin's preparation: Jeff Altschul, Statistical Research, Inc.; Sarah T. Bridges, Natural Resources Conservation Service; Thomas Emerson, Illinois Department of Transportation; Mike Hargrave, U.S. Army Construction Engineers Research Laboratory; William Reed, U.S. Forest Service, Boise National Forest; Brona Simon, Massachusetts Historical Commission; Joseph Tainter, U.S. Forest Service, Rocky Mountain Research Station.

The collective contribution of people who gave their time and expertise in commenting has vastly improved the quality of this publication.

This bulletin has been prepared pursuant to the National Historic Preservation Act of 1966, as amended, which directs the Secretary of the Interior to develop and make available information concerning historic properties. It was developed under the general editorship of Carol D. Shull, Keeper of the National Register of Historic Places and Chief of the National Historic Landmarks Survey. Beth L. Savage, architectural historian, National Register of Historic Places, is responsible for publications coordination. Sarah Dillard Pope, historian, National Register of Historic Places, provides editorial and technical support. Comments on this publication may be directed to Keeper, National Register of Historic Places, National Park Service, 1849 C Street, NW, NC400, Washington, D.C. 20240.

I. INTRODUCTION

WHAT IS ARCHEOLOGY?

Archeology is the study of past ways of life through material remains. Archeology is often combined with oral history and ethnography to generate multi-disciplinary or interdisciplinary studies of past lifeways and is usually categorized as a social science. In the United States it is considered one of the four fields of anthropology along with cultural, biological, and linguistic anthropology.

Archeologists have at least three connected over-arching goals. The first is to reconstruct sequences of societies and events in chronological order in local and regional contexts. The second is to reconstruct past lifeways, including the ways that people made a living (such as how they obtained and raised food as well as how they produced, distributed and consumed tools and other goods); the ways they used the landscape (such as the size and distribution of camps, villages, towns, and special places); and their interactions with other societies and within their own society (such as household structure, social organization, political organizations and relationships). The third is to achieve some understanding of how and why human societies have changed through time.

To pursue these goals, archeologists must assemble information from many individual sites. The synthesis of archeological research requires a great deal of time, but it is the accumulation and comparison of answers to many questions of seemingly local or short-term interest that allow questions of major anthropological significance to be addressed. For example, archeologists seek to understand the effects of environmental change and population pressure and the impact of human actions on the landscape. Such questions often require pieces of information from numerous small and large sites. Like most sciences, archeology is less involved with spectacular discoveries than with testing modest hypotheses about rather humble phenomena. The accumulated results of such tests provide the basis for large scale research. Thus, no one should be surprised at the fact that archeologists often work more on small, simple, ordinary, and seemingly common properties rather than the rare, big, impressive monuments.

WHAT IS AN ARCHEOLOGICAL PROPERTY?

As humans interact with their environment and with each other, they leave behind evidence of their actions. Derived from the common phrase "archeological site," the National Register defines an archeological property as the place or places where the remnants of a past culture survive in a physical context that allows for the interpretation of these remains. It is this physical evidence of the past and its patterning that is the archeologist's data base. The physical evidence, or archeological remains, usually takes

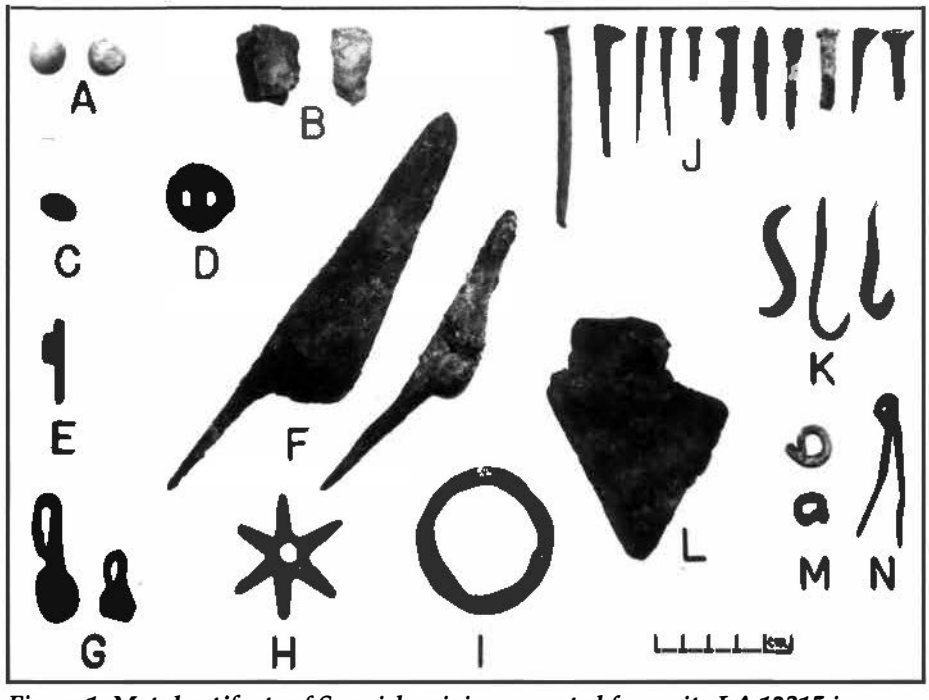


Figure 1. Metal artifacts of Spanish origin excavated from site LA 12315 in Bernalillo County, New Mexico, represent the physical remnants resulting from contact between the Spanish and Native American groups in the southwestern United States. (Museum of Albuquerque)

the form of artifacts (e.g., fragments of tools or ceramic vessels), features (e.g., remnants of walls, cooking hearths, or trash middens), and ecological evidence (e.g., pollens remaining from plants that were in the area when the activities occurred). Ecological remains of interest to archeologists are often referred to as "ecofacts." Things that are of archeological importance may be very subtle, that is, hard to see and record. It is not only artifacts themselves that are important but the locations of artifacts relative to one another, which is referred to as archeological context (not to be confused with historic contexts, discussed below).

In accordance with National Register terminology, an archeological property can be a district, site, building, structure, or object. However, archeological properties are most often sites and districts.

An archeological property may be "prehistoric" (pre-contact), "historic" (post-contact), or contain components from both periods. What is often termed ***prehistoric archeology*** studies the archeological remains of indigenous American societies as they existed before substantial contact with Europeans and resulting written records. The National Historic Preservation Act treats prehistory as a part of history for purposes of national policy; therefore the terms "historic," and, "historical," as used in this document, refer to both pre and post-contact periods. We use the term "pre-contact" instead of "prehistoric" in this bulletin unless we are directly quoting materials which use the term "prehistoric," quoting legislation or regulations, or unless we are referring to the language used in other bulletins.

The date of contact varied across the country. Therefore there is no single year that marks the transition from pre-contact to post-contact. It is important to use the periods of significance for a property to understand its chronological place in the history of what is now the

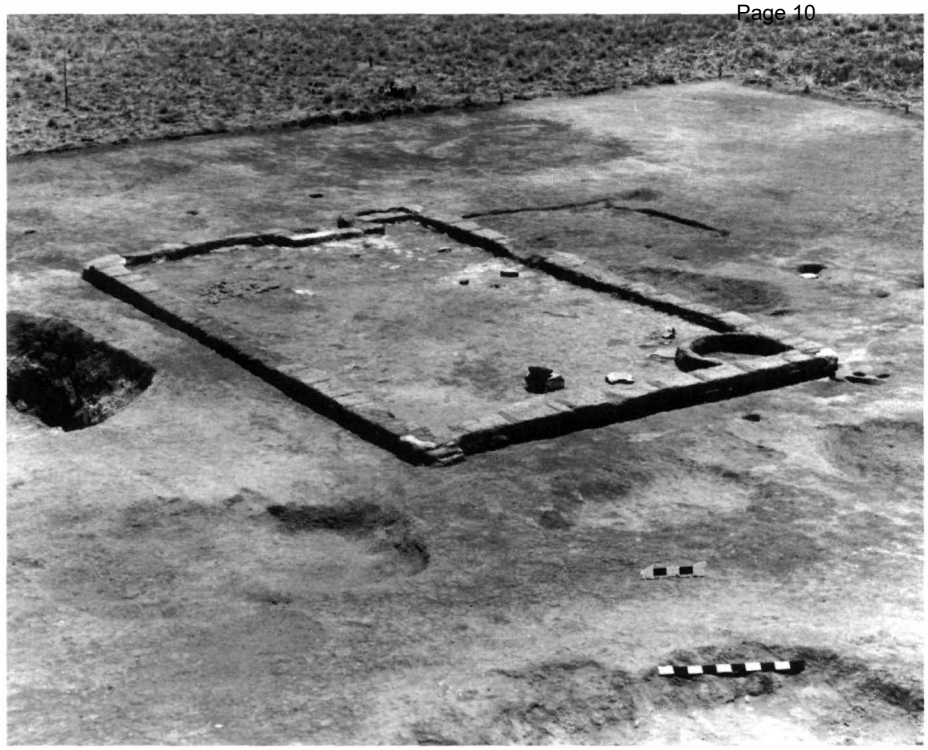


Figure 2. An excavated Spanish house from site LA 12315 in Bernalillo County, New Mexico, is an example of an archeological feature. (Museum of Albuquerque)

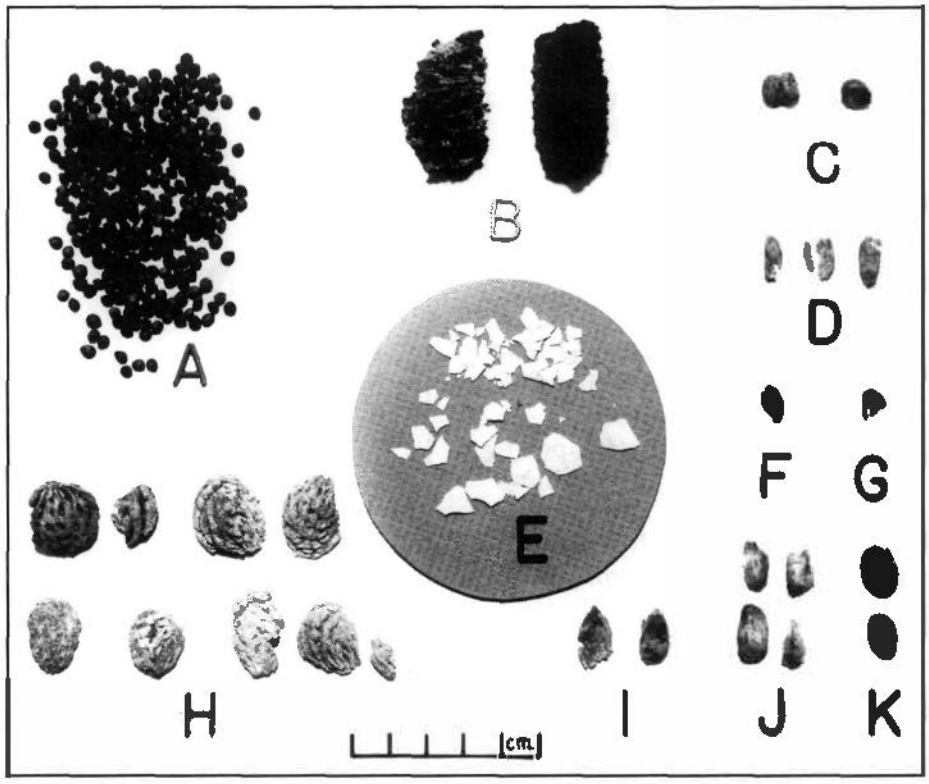


Figure 3: Ecofacts can include juniper berries, charred corn cobs, corn kernels, squash seeds, egg shell fragments, wild plant seeds, peach pits, gourd seeds, and domesticated beans. (Museum of Albuquerque)

United States. For example, between 1492 and 1495, Christopher Columbus landed on the island of Puerto Rico; Juan Ponce de Leon named and explored the Florida peninsula in 1513; the English labeled a portion of the Atlantic coastline (now North Carolina) as "Virginia" in 1584, and Jean Nicolet arrived in Wisconsin in 1634. In the western United States, Juan de Anza contacted the Native Americans of what is now inland Southern California in 1749, the year that Alexandria, Virginia, already a thriving port, was officially chartered; and Meriwether Lewis and William Clark first contacted the Native Americans of the northwest plains in 1805, several centuries after Columbus arrived in the New World. Thus, the boundary between the pre-contact and post-contact periods is individually defined from region to region. What constitutes contact between Native Americans and Europeans also varies. In most regions of the country, Native American groups experienced European contact through long-range trade and the diffusion of European diseases long before they had any direct, face-to-face interaction with Europeans.

Historical archeology is the archeology of sites and structures dating from time periods since significant contact between Native Americans and Europeans. Documentary records as well as oral traditions can be used to better understand these properties and their inhabitants. An integrated historical and archeological investigation will generally produce more information about a particular historic property (or activities associated with that property) than would have been gleaned through the separate study of either the archeological remains or the historical record alone. For reasons of consistency, we use the term "post-contact" instead of "historical," when referring to archeology, where appropriate, in this bulletin unless we are directly quoting materials which use the term "historical," quoting legislation or regulations, or unless we are referring to the language used in other bulletins.

Archeological properties also may include standing or intact buildings or structures that have a direct historical association with below-ground archeological remains. Historic places such as Mount Vernon, the home of George Washington, that are well-recognized for their historical and architectural importance often contain hidden archeological components.

Archeological remains can be terrestrial or underwater. Although it is common to think of underwater archeology as dealing exclusively with shipwrecks, there are many types of sites that are submerged. Some sites, for example, are submerged under the water of reservoirs.

Archeologists strive to better understand humankind and its history through the study of the physical remains that are left behind and the patterning of these remains. Even modern trash cans and landfills may be worthy of investigation (e.g., Rathje 1977, 1979). For the purposes of the National Register of Historic Places, however, archeological properties are at least 50 years old. An archeological property less than 50 years old may be listed in the National Register if the exceptional importance of the archeological remains can be demonstrated.

WHAT IS THE PURPOSE OF THIS BULLETIN?

The purpose of this bulletin is to assist in the documentation of archeological properties for the National Register. Across the United States, archeological properties are a finite and increasingly threatened cultural resource. Because archeological sites contain a unique source of information about the past, their study can often require a considerable investment of personnel and funding in background research, excavation, and curation. As the only official national listing of important archeological properties, the National Register is a valuable tool in the management and preservation of our increasingly rare archeological resources. Thus, National Register nominations should be prepared for archeological properties where the management or preservation of the property is anticipated or desirable. All archeologists should be well versed in the kinds and level of information needed to complete a National Register nomination form prior to conducting fieldwork.

In many ways, a National Register nomination often is similar to a synopsis of an archeological research report. Research summaries describe the physical environment of the site, sketch the cultural background for the project area, outline the history of previous investigations, detail the nature of the archeological record at the site, and elucidate the important scientific questions that were addressed by the study. National Register nominations contain components comparable to this ideal research report, with specific emphasis on the description of the site and its significance in understanding our past (See also, Sprinkle 1995).

This bulletin provides specific guidance on how to prepare National Register of Historic Places nomination forms for archeological properties. This guidance applies also to the preparation of the individual nominations that accompany multiple property National Register nominations. It also applies to Determination of Eligibility (DOE) documents. Although DOE documents need not be prepared on the standard nomination forms, use of the forms will ensure that all relevant information is included.

ARCHEOLOGY AND THE NATIONAL HISTORIC PRESERVATION ACT

Most archeology in the United States is done as a result of statute and regulation, particularly that of the National Historic Preservation Act of 1966, as amended (NHPA). Section 106 of the National Historic Preservation Act requires that Federal agencies take into account the effect their projects

have on properties listed in or eligible for listing in the National Register of Historic Places. As part of the process, the State Historic Preservation Officer (SHPO), Federal Preservation Officer (FPO) or Tribal Historic Preservation Officer (THPO) and the Advisory Council on Historic Preservation, where appropriate, must be afforded an opportunity to comment on the proposed project. It is the responsibility of the Federal Agency to comply with the Advisory Council's regulations, 36 CFR Part 800, to ensure that these cultural resources are considered in the Federal planning process.

The evaluation criteria for the National Register of Historic Places are used for the daily work of cultural resource management by every Federal agency to identify cultural resources that may be affected by Federal or Federally assisted projects. The criteria are applied far beyond the actual listing of sites in the Register; they are applied to nearly every potentially threatened site on Federal, much state land, and on private lands. Defining the research potential and other values of archeological sites and districts according to these criteria has affected the way the public, as well as the profession, regards the significance of archeology. There has been a great deal of discussion in the professional literature about the significance concept and its application to archeological properties. For an annotated bibliography see Briuer and Mathers (1997). See also Briuer and Mathers (1996) and Lees and Noble (1990a, 1990b). Different groups value properties for many different reasons. The importance of consultation with descendant and other concerned communities has been emphasized in much professional and scholarly literature (Dongoske et al. 2000; Stapp and Longenecker 2000; Epperson 1999; Blakey 1997; Blakey and LaRoche 1997; Swidler et al. 1997), encouraging professionals to promote communication among the social, scientific, and preservation communities about the significance concept, archeology, and cultural resource management in general.

Listing of a property in the National Register of Historic Places does not give the Federal government any control over a property, nor does it impose any financial obligations on the owners, or obligations to make the property accessible to the public, or interfere with an owner's right to alter, manage, or dispose of their property. Listing in the National Register provides recognition that a property is significant to the Nation, the State, or the community and assures that Federal agencies consider the historic values of the property in the planning for Federal or Federally assisted projects. In addition, listing in the National Register ensures that significant archeological resources become part of a national memory. Listing may influence the public's perception of archeological resources, and often influences a community's attitude toward its heritage (See also NPS 1994: viii, ix; Little 1999).

For more information about the Advisory Council's regulations and Section 106, see the website for the Advisory Council for Historic Preservation at www.achp.gov, or refer to the Federal Register/Vol. 64, No. 95.

WHO CAN PREPARE NOMINATIONS FOR ARCHEOLOGICAL PROPERTIES?

Anyone may prepare an archeological property nomination and submit it to the National Register through the appropriate SHPO, a FPO, or a THPO. At a minimum, the preparer(s) should have a first-hand knowledge of the relevant archeological and historical literature and of archeological resources similar to the property being nominated or have the assistance of persons who do.

In general, archeologists who meet the minimum qualifications for a professional in archeology have the knowledge or expertise needed to adequately describe and evaluate the significance of an archeological property. These qualifications include a graduate degree in archeology, anthropology, or a related field; field and analytical experience in North American archeology; at least one year of full-time supervisory experience in the study of archeological properties; and a demonstrated ability to carry research to completion. With guidance from a SHPO, FPO, or THPO or Federal agency or with training through paraprofessional certification programs or academic course work, avocational archeologists and others can acquire the knowledge needed to prepare archeological nominations. The minimum qualifications for an archeologist are outlined in the Professional Qualification Standards for Archeology in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (48 FR 44716). Laws, regulations, standards, and conventions related to cultural resources can be found on the Internet at <www.cr.nps.gov/linklaws.htm>.

WHO CAN DETERMINE THE ELIGIBILITY OF ARCHEOLOGICAL PROPERTIES?

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the impacts of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places. Regulations provide two ways to make eligibility evaluations. Formal determinations are made by the Keeper of the National Register at the request of the Federal agency official (36 CFR 63.2). More commonly, Federal agencies use the Consensus Determination of Eligibility (Consensus DOE) process provided by Section 800.4 of the Advisory Council on Historic Preservation's regulations. This allows Federal decision makers, in consultation with SHPOs, FPOs or THPOs, and other consulting parties to assess a property and, should they both agree that it meets the criteria for listing on the National Register of Historic Places, treat the property as eligible for purposes of compliance with Section 106 of the NHPA as implemented by the Council's regulations.

The use of the consensus process does not allow for a lower threshold for significance than the formal Determination of Eligibility or National Register listing procedures. Determination of Eligibility is a legally recognized finding that a property meets the criteria for listing in the National Register. Under Section 106, properties that are eligible are given the same legal status as properties formally listed in the National Register, requiring that the Federal agency official "take into account" the effects of an undertaking upon them. To qualify, a property must be found to meet one or more of the National Register criteria (See "Evaluating Archeological Properties Under the Criteria," in Section IV) either by the formal determination of the Keeper (36 CFR 63) or by the consensus process. It is essential to note that the same criteria, including concepts of significance and integrity, apply to properties determined eligible and those accepted by the Keeper for formal listing in the National Register. This means that a property determined eligible could be nominated to the National Register because it meets the same criteria, although nomination is not legally required.

WHEN SHOULD INFORMATION BE RESTRICTED FROM PUBLIC ACCESS?

Although the information in the National Register is part of the public record, Section 304 of the National Historic Preservation Act (NHPA), as amended in 1992 and Section 9(a) of the Archeological Resources Protection Act (ARPA) provide the legal authority for restricting information about archeological properties. The National Register bulletin *Guidelines for Restricting Information About Historic and Prehistoric Resources* specifies the legislative authority and provides procedural guidelines for restricting information in the National Register as well as in other inventories.

Section 304 (a) Authority to Withhold from Disclosure, reads as follows:

> The head of a Federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may — (1) cause a significant invasion of privacy; (2) risk harm to the historic resource; or (3) impede the use of a traditional religious site by practitioners.

In this context privacy refers to the privacy of individuals, as this term is defined by Federal law.

Archeological Resources Protection Act (ARPA) protects archeological resources on public lands and Indian lands. Section 9(a) permits the withholding from the public of information concerning the nature and location of any archeological resource unless such information does "not create a risk of harm to such resources or to the site at which such resources are located" [(9(a)(2)].

The full text of the relevant sections of these laws should be consulted.

Vandalism, artifact collecting (also called pot hunting, looting, relic hunting, bottle collecting, etc.) and removal of historic features or structures are all activities that diminish the integrity of an archeological site. In order to minimize the possibility that these activities will occur as a result of nominating the site to the National Register, the preparer or the appropriate Preservation Officer may ask that the specific location of the property be restricted. There is no need to prove that a particular site is at risk if other similar types of sites are endangered. Other kinds of information (e.g., the presence of human remains or marketable artifacts) may also be restricted. Restricted information other than location should be clearly marked as such on a separate continuation sheet and not in the body of the text. Locational information is provided in specific sections of the nomination and is deleted easily. For this reason, the preparer should ensure that locational information is indeed restricted to easily deleted parts of the text and not scattered throughout the description of the property.

If the property and its location are generally known, then locational information should not be restricted. Also, if all of the site information should be made available to those conducting research or, for example developing heritage tourism or education projects, then the information should not be restricted.

USING THE NATIONAL REGISTER

The National Register helps us understand and appreciate our heritage and what specific places mean in American history. National Register documentation is used by researchers, planners, teachers, tourism professionals, community advocates, property owners and the general public. National Register documentation is an important source of archeological information directly available to the general public. The National Register Information System (NRIS) is a data base that is available to anyone via the Internet as a link on the National Register Web Page: www.nr.nps.gov. It does not contain specific locational information for properties where this information is restricted. The NRIS facilitates research that is regional and comparative. Multiple property documentation, in particular, can provide excellent source material for both professional research and popular interpretation (See Appendix B of this bulletin).

The National Register's Teaching with Historic Places program develops lesson plans based on National Register documentation. These lesson plans are available to teachers and others via the Internet at <www.cr.nps.gov/nr/twhp>. National Register travel itineraries, *Discover Our Shared Heritage*, describe and link registered historic places. Travel itineraries are available on the Internet at www.cr.nps.gov/nr/travel and some are available in print.

Listing of resources promotes their preservation rather than destruction, thereby fostering stewardship of significant places. Planning is more efficiently done when information about properties that are recognized as significant is readily available in nominations. Unless properties are actually listed in the National Register, it is difficult for archeological sites—particularly those not readily apparent to the casual observer—to be fully appreciated by the public. However, the Section 106 process treats properties that are eligible for the National Register in the same manner as properties that are listed in the National Register for the purposes of managing archeological properties.

WHAT IF AN ARCHEOLOGICAL PROPERTY IS NATIONALLY SIGNIFICANT?

Archeological properties are nominated at the local, state, or national level of significance. The SHPO, THPO or the FPO make the recommendation as to level of significance based upon the documentation presented in the nomination. Most archeological sites are listed as significant at a statewide or local level. Note that "statewide" is checked for "regionally" significant properties. The preservation officer may check "nationally" significant if the significance of the property transcends regional significance.

The Secretary of the Interior can go a step further with national significance and designate a property as a National Historic Landmark (NHL). In order to make this determination, the Secretary applies the NHL Criteria and follows the procedures in 36 CFR, Part 65-National Historic Landmarks Program. The NHL Criteria set a stringent test for national significance, including high historical integrity. There are six NHL Criteria, however, archeological sites are evaluated generally under Criterion 6, which reads:

> (6) that have yielded information of major scientific importance by revealing new cultures, or by shedding light upon periods of occupation over large areas of the United States. Such sites are those which have yielded, or which may reasonably be expected to yield, data affecting theories, concepts and ideas to a major degree.

If a property appears to be nationally significant and qualify for designation as a National Historic Landmark, then Appendix V of *How to Complete the National Register Registration Form* should be consulted for additional guidelines on completing the National Register form and providing supplemental information. (Also see technical briefs on the NHL program: Grumet 1988; 1990.) In-depth guidance is provided in the National Register bulletin *How to Prepare National Historic Landmark Nominations* (For more information on ordering and viewing National Register Bulletins via the Internet, go to: www.cr.nps.gov/nr/publications).

WHAT OTHER NATIONAL REGISTER BULLETINS MAY BE HELPFUL?

Appendix A, of this bulletin lists the current National Register bulletins that provide guidance on nominating properties to the National Register. The primary bulletin for all individual and district nominations is *How to Complete the National Register Registration Form. How to Complete the National Register Multiple Property Documentation* outlines how to prepare a multiple property documentation form.

It is important to consult *How to Apply the National Register Criteria for Evaluation*, especially when evaluating archeological properties that may also be important for their association with historical events or broad patterns, significant persons, or significant architecture. *How to Establish Boundaries for National Register Properties* and in particular its appendix, *Definition of National Register Boundaries for Archeological Properties*, will be especially helpful. Those working with places of cultural value to local communities, Indian tribes, other indigenous groups, and minority groups will want to consult *Guidelines for Evaluating and Documenting Traditional Cultural Properties*. Other National Register Bulletins, especially those on particular resource types such as: *America's Historic Battlefields, Mining Sites*, and *Rural Historic Landscapes*, may also be useful.

In addition to the requirements described in this and other National Register bulletins, individual SHPOs, THPOs and FPOs may request additional information not required as part of a complete National Register form. Prior to budgeting for, or embarking upon, a nomination project, consult the appropriate Preservation Officer about additional requirements and the nomination review process.

WHAT OTHER NATIONAL PARK SERVICE GUIDANCE MAY BE HELPFUL?

National Park Service *Thematic Framework* (NPS 1996) www.cr.nps.gov/history/thematic.html

Archeological Assistance Program Technical Briefs www.cr.nps.gov/aad/aepubs.htm#briefs1):
#3: Archeology in the National Historic Landmarks Program. 1988, 1990. Robert S. Grumet.
#10: The National Historic Landmarks Program Theme Study and Preservation Planning. 1992. Robert S. Grumet.

Heritage Preservation Services (www2.cr.nps.gov): *Protecting Archeological Sites on Private Lands*. 1993. Susan L. Henry. Preservation Planning Branch, Interagency Resources Division, National Park Service.

Strategies for Protecting Archeological Sites on Private Lands. 2000. Susan L. Henry Renaud. Heritage Preservation Services, National Park Service. www2.cr.nps.gov/pad/strategies

II. HISTORIC CONTEXTS FOR ARCHEOLOGICAL EVALUATION

Historic contexts provide a basis for judging a property's significance and, ultimately, its eligibility under the Criteria. Historic contexts are those patterns, themes, or trends in history by which a specific occurrence, property, or site is understood and its historic meaning (and ultimately its significance) is made clear. Context discussion includes relevant information from what is often called a "culture history" or "historical and archeological background" section in archeological site reports. This bulletin addresses evaluation, but survey and identification goals also should be based on historic contexts.

A historic context is a body of thematically, geographically, and temporally linked information. For an archeological property, the historic context is the analytical framework within which the property's importance can be understood and to which an archeological study is likely to contribute important information.

A historic context is multidimensional; numerous contexts may be appropriate for an individual archeological property. For example, an architectural context would be applicable if one were nominating a property with a standing structure that is directly associated with the archeological deposits and is also an excellent example of an important architectural style that has been rarely documented.

Many factors influence the determination of which contexts are most important vis-a-vis a given archeological property. These factors include the type of property; the data sets and archeological patterning represented at the site; the region in which the property is located; the time period that the property was occupied or used; the history of the region where the site is located; the role that the property played in the historical development of the jurisdiction, state, and region in which it is located; the property's role in America's history; the information identified in the State historic preservation plan based upon work and research that has already been done; and the research interests and theoretical orientation of the archeologist.

Archeological properties can be associated with a variety of historic contexts, and these contexts will contain varying levels of refinement and sophistication. Only those contexts important to understanding and justifying the significance of the property must be discussed.

EXAMPLE: Through research one has learned that the well-preserved ruins of an eighteenth-century sugar factory are directly linked to the chartering and early economic development of a town in which they are located. The ruins also are the only surviving sugar factory ruins that illustrate the region's early maritime and international trade activities. In addition, research indicates that 100 years after its abandonment the sugar factory housed a state militia unit for a few weeks; this was the only other use of the property.

- To illustrate the sugar factory's significance, discuss the establishment and early economic development of the town and the maritime and international trade activities of the region at the time the factory was in operation. The association of the sugar factory with these activities, as well as the technology of sugar production, must be addressed.
- Assuming no historical importance associated with the militia's stay, however, it is unlikely that an archeological study of the property would contribute information important to understanding the state's military history. As a result, this aspect of the property's history need not be discussed as a context.
- If the use of the factory by the militia unit has a bearing on the integrity of the property, this should be noted in the descriptive text.

The discussion of historic contexts should be organized in a manner that best presents the context information for the given property. Document the supporting evidence for the significance criteria checked and for the information categories (Areas of Significance, Historic Function, Period of Significance, and Cultural Affiliation). If applicable, document Architectural Classification, Criteria Considerations, Significant Dates, Significant Person, and Architect/Builder. Each information category does not need to be discussed separately. Nevertheless, the reader should be able to see the link between the information presented in the discussion of historic contexts and that provided in the information categories. For example, if "Education" is entered under "Areas of Significance," the "Historic Context" discussion must include sufficient information to justify entering that category.

In addition, the information presented in the historic contexts and in other sections of the significance section must be interrelated. For example, a nomination that includes hypotheses on economic development among its important research questions should have a discussion of the property's, district's, or region's economic development in the historic context.

Major decisions about identifying, evaluating, registering, and treating historic properties are most reliably made in the context of other related properties. A historic context is an organizational format that groups information about related historic properties, based on a theme, geographic limits and chronological period. Contexts should identify gaps in data and knowledge to help determine what is significant information.

The National Register bulletin *How to Apply the National Register Criteria for Evaluation* states that, "...a property is not eligible if it cannot be related to a particular time period or cultural group and, as a result, lacks any historic context within which to evaluate the importance of the information to be gained." However, pre-contact sites which lack temporal diagnostics or radiocarbon dates may still be eligible within a context which defines important atemporal or non-cultural questions, such as those that concern site formation processes or archeological methodology. Therefore, sites of unknown age, or broadly defined age, may be found eligible within a research framework which specifies the important information potential of such sites.

Evaluation uses the historic context as the framework within which to apply the criteria for evaluation to specific properties or property types. Historic contexts are linked to actual historic properties through the concept of the property type. The following procedures should be included in creating a historic context:

1. Identify the concept, time period and geographic limits for the historic context;
2. Assemble existing information about the historic context;
3. Synthesize the information;
4. Define property types;
5. Identify further information needs.

All archeological sites have some potential to convey information about the past, however, not all of that information may be important to our understanding of the pre and post-contact periods of our history. The nature of important information is linked to the theories or paradigms that drive the study of past societies. It is important to realize that historic contexts, and therefore site significance, should be updated and changed to keep pace with current work in the discipline. As Nicholas Honerkamp (1988:5) writes:

> We ignore theory at our peril... It is very easy to become scientifically and/or humanistically superfluous if we do not continually redefine what is important and why it is important. If as archeologists we can identify questions that matter and then explain why they matter, a number of things then begin to fall into place. For

Further guidance may be found in the National Register bulletin *How to Complete the National Register Multiple Property Documentation Form*. For additional guidance, consult the National Park Service's Thematic Framework (1996). The Thematic Framework provides guidance on the development of historic contexts. Consideration of the main themes and associated topics will promote a framework that includes many levels of community and regional history. The framework is designed to assist in the development of historic contexts by guiding researchers to ask thorough questions about a property or region. The text of the Thematic Framework is available at www.cr.nps.gov/history/thematic.html. While the Thematic Framework may serve as a guide for developing contexts, please see, "Areas of Significance," in Section IV of this bulletin for guidance on determining the area of significance.

> instance, field methodologies and analysis routines become driven by solid research designs instead of existing in a theoretical vacuum and being applied in a mechanistic fashion; in the cultural resource management context, the "significance" concept becomes better defined and less slippery in its application…

To assist in the preparation of National Register nominations, all SHPOs have gathered information, such as county and state histories, cartographic sources, archeological and architectural site files, and management documents that foster the identification, evaluation, and preservation of cultural resources. These materials may include previously identified local, regional, or statewide historic contexts. The State, Tribal or Federal historic preservation office may be able to provide relevant historic contexts. In many cases, the "Areas of Significance" or the historic "Functions and Uses," listed in *How to Complete the National Register Registration Form* suggest appropriate historic contexts. Helpful information regarding historic contexts also may be found in multiple property National Register submissions for similar historic properties (see "Appendix B" of this bulletin). For discussion on evaluating archeological properties in context, please see "Evaluating Properties in Context" in Section IV.

III. HOW ARE ARCHEOLOGICAL PROPERTIES IDENTIFIED?

Proper identification of a historic property serves as the foundation for evaluation, a sound National Register nomination, and for subsequent planning protection, and management of the resource. When considering a property for listing in the National Register, the nomination preparer needs to be able to answer questions about the history of the property and its physical setting, the characteristics of the site's archeological record, and the boundaries of the property.

The identification of archeological properties generally involves background research, field survey, archeological testing and analysis, and evaluation of the results. Archeologists use a variety of information sources to reconstruct the history of a property including written documents, oral testimony, the presence and condition of surviving buildings, structures, landscapes, and objects, and the archeological record. Where the archeological record is well-known, the locations and types of sites may serve as the basis for predictive models for further site identification. Written documentary resources, oral history, and traditional knowledge may provide information about the people and activities that occurred at a site, and can enumerate aspects of the archeological property's use, abandonment and subsequent alteration. Extant buildings, structures, landscape features, and objects can provide important temporal and functional information upon which to base additional research.

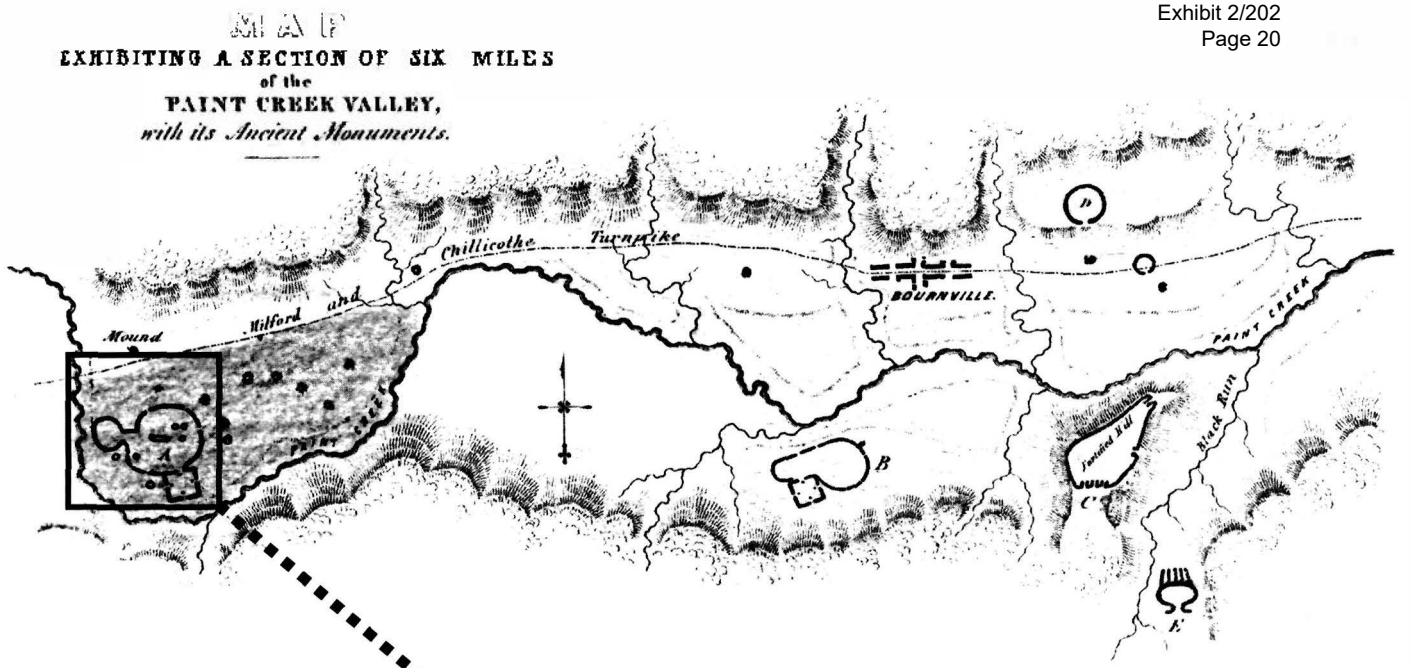
Generally background research should be completed prior to the field studies. This research may involve: examining primary sources of historical information (e.g., deeds and wills), secondary sources (e.g., local histories and genealogies), and historic cartographic sources; reviewing previous archeological research in similar areas, models that predict site distribution, and archeological, architectural, and historical site inventory files; and conducting informant interviews.

Information obtained only through archeological survey or test excavations may be needed for many archeological properties before a nomination can be prepared. The identification of archeological properties is discussed more thoroughly in the National Register bulletin *Guidelines for Local Surveys: A Basis for Preservation Planning*, especially Chapter 11, "Conducting the Survey," and Appendix 1, "Archeological Surveys." Also see The Secretary of Interior's Standards and Guidelines for Identification. Individual states or localities may have specific guidelines or permit requirements for archeological investigations. Contact your SHPO, THPO, or the FPO prior to beginning any archeological research project.

In order to identify the presence and location of a site, an archeologist generally begins by inspecting the ground surface or probing below the surface using soil cores or shovel tests. Artifacts and features are the most common indicators of archeological properties. Artifacts in the plow-disturbed soils of active and former agricultural fields can also demonstrate the location of archeological properties. Non-native plant species or spatial patterning of plants (such as clusters of daffodils, lilac bushes, or groupings of cedar trees) may signal the presence of an archeological property.

Archeologists usually identify the presence and extent of a site through excavation of randomly, systematically, or judgmentally placed test units. Test units are used to show the presence or absence of artifacts and features below the present ground surface. The fieldwork to determine the National Register eligibility of an archeological property should follow logically from the historic context used. For example, the context should provide important research questions and the data needed for an eligibility determination. Such data may include the horizontal and vertical extent of a site, chronology or periods of occupation/use, site type, site function, and internal configuration.

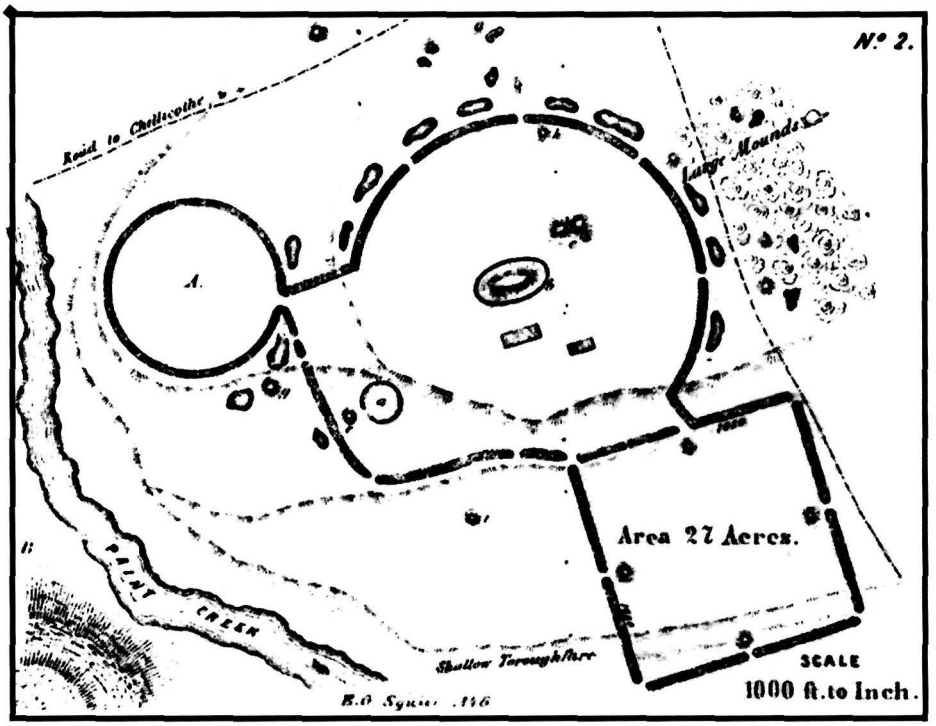
Increasingly, archeologists are using scientific instruments to identify subsurface archeological features. Remote sensing techniques, that include ground-penetrating radar (GPR), soil resistivity, and soil chemistry surveys, are often applied in conjunction with test excavations that confirm the presence of subsurface cultural remains (Thomas 1987). Such prospecting techniques are non-destructive and can provide rapid three-dimensional reconnais-



sance of a site, but the results are often ambiguous unless they are checked in the field. For further information see, for example, Heimmer and Devore (1995) and Bevan (1998).

After the field studies are complete, the archeologist identifies and documents the artifacts, features, and ecofacts that make up the property. For the purpose of comparison with other properties, these data are quantified. Special attention is given to describing and analyzing temporally, functionally, and culturally diagnostic artifacts, features, or ecofacts. Generally, one must complete the laboratory analysis phase of a project before determining the potential significance of an archeological property.

Among American archeologists, specific test strategies—that is, the number, shape, placement, and method of test excavations—are as diverse as the characteristics of the archeological record. Because of the impact on the quality of information recovered, the archeological field methods used are an important part of the description of any archeological research project.



Figures 4 and 5: Historic cartographic resources are an excellent source of information on a variety of archeological properties. These 1848 maps by Squire and Davis show earthen walls in the shape of a square, circle and semi-circle with mounds inside and outside of enclosures associated with the Hopewell from 300 B.C. to A.D. 500. The area is part of the Seip Earthworks and Dill Mounds District in Seip County, Ohio. (Ohio Historical Society, Seip Mound State Memorial)

IV. EVALUATING THE SIGNIFICANCE OF ARCHEOLOGICAL PROPERTIES

NATIONAL REGISTER CRITERIA

The quality of significance in American history, architecture, archeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, 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 value, 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.

A National Register property must meet at least one of the above National Register criteria; it may meet more than one. Each criterion that is checked on the nomination form must be fully justified. For example, if a Civil War battlefield qualifies under Criteria A and D, then both the battle and its importance and the important information that archeological investigations would likely yield need to be addressed.

Properties nominated to the National Register under Criteria A, B, or C often contain archeological deposits. For example, a nineteenth-century farmstead (including the main houses and outbuildings) that qualifies for listing under Criteria A, B, or C may have intact archeological deposits. In many cases, however, these deposits are undocumented. In such cases, the preparer should clearly note the potential for archeological deposits in the text of the nomination. Unless the significance of the property is justified under Criterion D, Criterion D should not be checked on the nomination form. Once additional studies are done to document the archeological information retained from the site, then the nomination form should be amended to add Criterion D.

In a case, such as that noted above, the archeological deposits need not relate to the significance of the documented standing structures. For example, the Henderson Hill Historic District in West Virginia is a large nineteenth-century farm complex eligible under A, B, C, and D. The archeological component of the farm itself has not been evaluated but three Woodland period mounds on the property are likely to yield important information. If additional documentation were to be added to demonstrate the information potential of the nineteenth-century archeological deposits, both significant contexts (the relevant, nineteenth-century historic context, and the Woodland period) should be justified.

CRITERIA CONSIDERATIONS

Unless certain special requirements (known as the criteria considerations) are met, moved properties; birthplaces; cemeteries; reconstructed buildings, structures, or objects; commemorative properties; and properties that have achieved significance within the past 50 years are not generally eligible for the National Register. The criteria considerations, or exceptions to these rules, are found in *How to Complete the National Register Registration Form* and *How to Apply the National Register Criteria for Evaluation.*

The National Register criteria considerations are:

A. A religious property may be eligible if it derives its primary significance from architectural or artistic distinction or historical importance.

B. A property removed from its original or historically significant location can be eligible if it is significant primarily for its architectural value or it is the surviving property most importantly associated with a historic person or event.

C. A birthplace or grave of a historical figure may be eligible if the person is of outstanding importance and if there is no other appropriate site or building directly associated with his or her productive life.

D. A cemetery may be eligible if it derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events.

E. A reconstructed property may be eligible when it is 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 associations has survived.

F. A property primarily commemorative in intent can be eligible if design, age, tradition, or symbolic value has invested it with its own historic significance.

G. A property achieving significance within the last 50 years may be eligible if it is of exceptional importance

Note: if a property is an integral part of a district or site that meets the criteria, then **do not apply** the criteria considerations to the individual property. For example, a nomination for an archeological district consisting of archeological sites, some above-ground ruins, several standing structures, and two historically associated cemeteries need not address the criterion consideration for cemeteries because the two cemeteries are an integral part of the district. For more information on cemeteries and burial places, see the National Register bulletin *Guidelines for Evaluating and Registering Cemeteries and Burial Places*. A cemetery that is nominated under Criterion D for information potential does not need to meet Criteria Consideration D.

EVALUATING PROPERTIES IN CONTEXT

The National Register bulletin *How to Apply the National Register Criteria for Evaluation*, recommends the following sequence for evaluation:

1. Categorize the Property;
2. Determine which historic context(s) the property represents;
3. Determine whether the property is significant under the National Register Criteria;
4. Determine if the property represents a type usually excluded from the National Register.;
5. Determine whether the property retains integrity.

There are a few things to keep in mind when following this sequence. Historic contexts usually have been developed in some form for the identification of properties. It is possible, though, that the contexts will need to be further developed for evaluation. The assessment of integrity is the final step in the sequence and should not be used as an initial step with which to screen properties.

Since decisions regarding the evaluation of properties involves placing properties in historic contexts, the more that is known about a given context, the better the evaluation decisions about particular properties will be. Evaluation decisions can be made on the basis of incomplete data, but it is wise not to make them without some information on historic contexts, significance, and their component property types. A decision that a given property is not significant should never be made without access to a reasonable body of data on relevant historic contexts, since such an uninformed decision may result in the property's destruction without attention to its historic values.

When an evaluation must be made without a firm understanding of the relevant historic contexts, however, it should be made on the basis of as much relevant data as it is possible to accumulate. There should be full recognition that it may result in the destruction of a property that might later be found to be very significant, on the basis of complete survey results, or in the investment of money and other resources in a property later found to lack historic value.

A statement of significance, whether designed to show that a property is or is not significant, should be developed as a reasoned argument, first identifying the historic context or contexts to which the property could relate, next discussing the property types within the context and their relevant characteristics, and then showing how the property in question does or does not have the characteristics required to qualify it as part of the context.

In order to decide whether a property is significant within its historic context, determine:

- the facet of history of the local area, state, or the nation that the property represents;
- whether that facet of pre-contact or post-contact history is significant;
- whether it is a type of property that has relevance and importance in illustrating the historic context;
- how the property illustrates that history; and
- whether the property possesses the physical features necessary to convey the aspect of pre-contact or post-contact history with which it is associated.

LOCAL CONTEXT

The level of context of archeological sites significant for their information potential depends on the scope of the applicable research design. For example, a late Mississippian village site may yield information in a research design concerning one settlement system on a regional scale, while in another research design it may reveal information of local importance concerning a single group's stone tool manufacturing techniques or house forms. It is a question of how the available information potential is likely to be used.

STATE CONTEXT

Pre-contact and many early colonial sites are not often considered to have "State" significance, per se, largely because States are relatively recent political entities and usually do not correspond closely either to Native American political territories or cultural areas or to U.S. lands prior to statehood. Numerous sites, however, may be of significance to a large region that might geographically encompass parts of one, or usually several, States. Pre-contact resources that might be of State significance include regional sites that provide a diagnostic assemblage of artifacts for a particular cultural group or time period or that provide chronological control (specific dates or relative order in time) for a series of cultural groups.

NATIONAL CONTEXT

A property with national significance helps us to understand the history of the nation by illustrating the nationwide impact of events or persons associated with the property, its architectural type or style, or information potential. It must be of exceptional value in representing or illustrating an important theme in the history of the nation. Awatovi Ruins in Navajo County, Arizona, is an example of a pre-contact site of national significance. Designated a National Historic Landmark in 1966, Awatovi, meaning "high place of the bow," was one of the largest and most important of the five villages of Tusayan. Settled during the late twelfth century, it was the site of at least two thriving Hopi villages. A post-contact site that is of national significance is Mission Santa Ines in Santa Barbara County, California. This National Historic Landmark represents one of the most intact physical records of a colonial mission institution in the western United States. Archeological information recovered from Mission Santa Innes can shed light on the history of this diverse mission community and the relationship of this Spanish colony to world economic networks. (See the previous section, "What if an archeological property is nationally significant?")

THE IMPORTANCE OF SMALL OR OVERLOOKED SITES

Archeological properties which obviously stand out within the landscape, such as the ruins of southwestern pueblos and the mounds and earthworks of the mid-continent, may clearly convey their significance simply because they are visible. It is no surprise that archeologists have spent a lot of energy on researching and writing about these salient sites (e.g. Tainter and Tainter 1996:7). However, it is clear from many studies that small sites also yield important information. Many of the arguments made by Talmage and others (1977) in "The Importance of Small, Surface, and Disturbed Sites as Sources of Significant Archeological Data" still hold. For example, demonstrating the significance of small sites on the Colorado Plateau, Alan Sullivan (1996) has looked at the evidence of wild-resource production from two non-architectural sites along the eastern south rim of the Grand Canyon. The most obvious features at these sites are piles of fire-cracked rocks. Several things suggest that these are production locations—the form of the rock piles, paleobotanical contents, and patterned artifacts, including manos and metates and Tusayan Grayware. There are no fragments of trough metates, a form associated with maize processing. In the Upper Basin trough metates are found exclusively at architectural sites. Sullivan (1996:154) surmises that "these patterned differences in metate form support the hypothesis that the role of wild resources in Western Anasazi subsistence economies has been underestimated" because our economic models are based on data skewed toward consumption rather than production locales and assemblages.

Sullivan states that archeologists have been remiss in not fully evaluating the contexts of subsistence remains. Because we have focused all our attention on sites of food consumption (the large Pueblo sites with architecture) rather than on sites of production (including these small sites), we have misinterpreted the role of wild resources among the Western Anasazi. The editors (Tainter and Tainter 1996:17) of a recent volume summarize his point this way:

> Sullivan makes the important suggestion that we have misunderstood Puebloan subsistence because we have focused our research on locations where food was consumed (pueblos) rather than locations where it was produced. The latter may be small, ephemeral artifact scatters. Many archaeologists overlook the importance of these small sites [See also Sullivan, Tainter, and Hardesty 1999; Tainter 1998].

Overlooking the significance of small sites may skew our understanding of past lifeways as those sites not only receive less research attention, but also are destroyed without being recorded thoroughly because they are "written off" as ineligible for listing in the National Register. Such losses point up the need to continuously reexamine historic contexts and allow new discoveries to challenge our ideas about the past. The development of local, statewide, and national historic contexts is also important because these contexts are used to judge significance by developing research agendas for all types of sites. If no historic context exists which relates to a specific property, a site's significance may be difficult to distinguish and consequently, the site may be determined ineliglible and/or destroyed.

Evaluators of archeological properties using the National Register Criteria should be aware of new discoveries and developments that affect historic contexts and take them into account during site evaluation.

It is also important to consider significance before considering integrity. At Fort Leonard Wood in Missouri, Smith (1994:96) developed a regional context through a combined cultural, historical, and landscape approach. The context assists in identifying sites that best represent the range and variety of culture history. Smith found that the most difficult part in devising such a context was the integration of the historic context with the archeological remains. Smith used site types as the key in an approach that could be used as a model for approaching the evaluation and management of common site types. In developing the context for the Fort Leonard Wood settler community, Smith identified different types of settlers with purposes ranging from subsistence to cash cropping and characterized associated sites according to their archeological visibility, signature, and sensitivity. Some sites, such as twentieth-century tenant sites, have high visibility, easily identified signatures, and low sensitivity. It would be important to examine some but by no means all of this common type of site. (See also Peacock and Patrick 1997 for a discussion of common site types and information potential). Other sites, such as those of early squatters, have very low visibility, low signatures (that is, they are difficult to identify), and very high sensitivity because they are extremely rare and would provide important information. Even a damaged site could address research questions if it were a less common type. In a region that is very poorly known, for example, the investigation even of deflated sites may yield information potential for 1) basic archeological questions about use of the region and 2) baseline data on site condition with which to evaluate other similar sites in the region.

EVALUATING ARCHEOLOGICAL PROPERTIES UNDER THE CRITERIA

The use of Criteria A, B, and C for archeological sites is appropriate in limited circumstances and has never been supported as a universal application of the criteria. However, it is important to consider the applicability of criteria other than D when evaluating archeological properties. The preparer should consider as well whether, in addition to research significance, a site or district has traditional, social or religious significance to a particular group or community. It is important to note that under Criteria A, B, and C the archeological property must have demonstrated its ability to convey its significance, as opposed to sites eligible under Criterion D, where only the potential to yield information is required.

CRITERION A: EVENT(S) AND BROAD PATTERNS OF EVENTS

Mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A—the property's specific association must be considered important as well. Often, a comparative framework is necessary to determine if a site is considered an important example of an event or pattern of events.

1. Identify the event(s) with which the property is associated. Generally for archeological properties this is demonstrated primarily through specific historic contexts. Archeological evidence supports the linkage. Event or events include:

- a specific event marking an important moment in American (including local) history (e.g., a battle, treaty signing, court decision); or
- a series of linked events or a historical trend (e.g., a military campaign, relocation of Native Americans to missions, establishment of a town, growth of a city's fishing industry, a major migration, establishment of a new cultural or political system, emergence of agriculture).

2. Document the importance of the event(s) within the broad pattern(s) of history. For example, the nomination of a Revolutionary War battle site, at a minimum, should include a discussion of the importance of the battle and its relevance to the Revolutionary War. Note that broad patterns of our history (including local history) are the same as what the National Register calls historic contexts, which are defined as relevant historic themes set within a time period and geographic region.

3. Demonstrate the strength of association of the property to the event or patterns of events. In order to do this, the property must have existed at the time of and be directly associated with the event or pattern of events. A mission built 50 years after the Pueblo Revolt would probably have no direct association with the Pueblo Revolt. A mission that was abandoned as a result of the Pueblo Revolt, on the other hand, would have a direct association.

4. Assess the integrity of the property. Under Criterion A, a property must convey its historic significance. For example, archeological properties must have well-preserved features, artifacts, and intra-site patterning in order to illustrate a specific event or pattern of events in history. Refer to the section "Aspects, or Qualities, of Integrity," on page 40 for an example of when a site would or would not be eligible under Criterion A due to integrity of setting.

Archeological sites that are recognized "type" sites for specific archeological complexes or time periods are often eligible under Criterion A. Because they define archeological complexes or cultures or time periods, type sites are directly associated with the events and broad patterns of history. In addition, archeological sites that define the chronology of a region are directly associated with events that have made significant contributions to the broad patterns of our history.

Properties that have yielded important information in the past and that no longer retain additional research potential, such as completely excavated archeological sites, must be assessed essentially as historic sites under Criterion A. Such sites must be significant for associative values related to: 1) the importance of the data gained; or 2) the impact of the property's role in the history of the development of anthropology/archeology or other relevant disciplines. Like other historic properties, the site must retain the ability to convey its association as the former repository of important information, the location of historic events, or the representation of important trends. For instance, a completely excavated pre-contact quarry site known to have been the only quarry site utilized by Native Americans in a northeastern state has revealed important information concerning the seasonal rounds of Native groups, and the procurement and reduction of local lithic materials. Information about how mining materials from this quarry functioned within the overall cultural system of the area and affected settlement and subsistence practices and the intact physical environment of the site convey its importance as the best example of pre-contact industry and commerce in this locale. The quarry is visible, located in a remote area, and maintains integrity of location, setting, feeling, and association. The site would be eligible at the local level of significance under Criterion A, but not D. The site may not be eligible at the state level of significance under Criterion A, as it may not exemplify an important quarry, comparatively, for the region.

Some sites may be listed for their significance in the history of archeology. In Colorado, the first Basketmaker II rockshelter excavated is listed under Criterion A at the state level for archeology. House types and domestic features were identified archeologically here for the first time. The rockshelter, excavated in LaPlata County by Earle Morris in 1938, is also listed for Criterion D because at least half of the midden remains and there is likely to be information there on the transition from the Archaic to Basketmaker adaptations.

The Yamasee Indian towns in the South Carolina Low Country are eligible under Criterion A as well as D as part of the first Indian land reservation in South Carolina. The Yamasee played a key role in the defense of South Carolina against the Spanish from 1684 to 1715.

A cultural landscape which includes both traditional cultural places and archeological sites may be eligible under Criteria A and D for its significance in the areas of Ethnic Heritage and Archeology. In an example from California, a landscape containing a village site and additional cultural features, as well as natural features of oak groves and grasslands, demonstrates the management of hunted and gathered resources through burning to promote particular environments. One of several research questions identified concerned the relationship between inland and coastal sites in the region.

Figure 6: Listed under Criteria A and D, the Charles Forte site (38BU51) is near Beaufort, South Carolina. The fort was built in 1562 and represents the first European occupation of South Carolina.
(J.M. Rhett)

The Multiple Property Submission (MPS) "Precontact American Indian Earthworks, 500 BC - AD 1650" for Minnesota creates registration requirements for earthworks under Criteria A, B, C, and D. The following two examples demonstrate the requirements.

Site X was first mapped in 1885 and contains more than 60 mounds and earthworks. A village site appears to be immediately associated with the site. Several of the mounds have looter's holes in them but the site has never been plowed. The site is still wooded and there is no recent development on or near the site. It is essentially in pristine condition. This site has excellent integrity of design, setting, materials, feeling, and association, and could therefore be nominated to the National Register under Criteria A, C, and D.

Site Y consisted of at least 225 earthworks and mounds and associated village site. It is the type site for a Late Pre-Contact context. However, the site has been extensively plowed, several factories have been built on it, and it is within an industrial park. Although the location of the mounds have been relocated using aerial photography and remote sensing, most have been destroyed. There is some evidence, however, that there are still some intact materials at the site. In this case, the site is not eligible under Criteria A or C because integrity of design, setting, and feeling are very poor and integrity of materials and association are merely acceptable. However it is eligible under Criterion D if the mound group and village are considered one site because together they still hold significant research potential.

A site determined eligible under Criteria A and D under this Multiple Property Submission cover document is eligible under Criterion A because it typifies a distinctive type of site that is part of the broader pattern associated with the emergence of agriculture along the margin of the eastern Plains and increasing population nucleation after circa 1100 A.D. For further examples of sites listed under Criterion A, see the "Summary of Significance" for Cannonball Ruins and Fort Davis under "Narrative Statement of Significance," in Section V of this bulletin.

CRITERION B: IMPORTANT PERSONS

In order to qualify under Criterion B, the persons associated with the property must be individually significant within a historic context. The known major villages of individual Native Americans who were important during the contact period or later may qualify under Criterion B. As with all Criterion B properties, the individual associated with the property must have made some specific important contribution to history. Examples include sites significantly associated with Chief Joseph and Geronimo.

1. Identify the important person or persons associated with the property. (For in-depth guidance on nominating a property under Criterion B, refer to the National Register bulletin *Guidelines for Evaluating and Documenting Properties Associated with Significant Persons*) "Persons significant in our past" refers to individuals whose activities are demonstrably important within a local, state, or national historic context. Under Criterion B, a property must be illustrative rather than commemorative of a person's life. An illustrative property is directly linked to the person and to the reason why that person is considered to be important. In most cases, a monument built to commemorate the accomplishments of a judge, for example, important in this nation's history would not be eligible for listing in the National Register. (For exceptions to this general rule refer to the "Criteria Consideration F: Commemorative Properties" discussion in *How to Apply the National Register Criteria for Evaluation*) The courthouse where the judge worked and wrote his opinions, on the other hand, may be eligible under Criterion B.

2. Discuss the importance of the individual within the relevant historic context(s). The person associated with the property must be individually significant and not just a member of a profession, class, or social or ethnic group. For example, a doctor who is known to have been important in the settlement and early development of a community would be important under Criterion B. A person who is known to have been a doctor but with no special professional or community standing would not be important under Criterion B.

3. Demonstrate the strength of association between the person and the property. Generally, properties should be associated with the activities, events, etc. for which the person is important. For example, the lab where a renowned scientist developed his inventions would be more strongly associated with the scientist than the apartment house where he lived. The importance or relevance of the property in comparison to other properties associated with the person should be addressed. Properties that pre- or post-date an individual's significant accomplishments usually are not eligible under Criterion B.

4. Address the property's integrity. Sufficient integrity implies that the essential physical features during its association with the person's life are intact. If the property is a site that had no material cultural remains, then the setting must be intact. Under Criterion B, archeological properties need to be in good condition with excellent preservation of features, artifacts, and spatial relationships. An effective test is to ask if the person would recognize the property. If "no," then integrity may be insufficient to qualify under Criterion B. Refer to "Aspects, or Qualities, of Integrity," in Section IV of this bulletin.

The Puckshunubbee-Haley Site in Madison County, Mississippi, is listed under both Criteria B and D as the residence site (without standing structures) of two significant individuals: Puckshunubbee, an important Choctaw chief from about 1801 to 1824, and pioneer Major David W. Haley, who purchased the chief's house after his death and was central to land negotiations with the Choctaw. This three-acre property also contains a Late Mississippian mound.

The farm site where a famous scientist lived for several years when she was a young woman is now in the middle of a modern day housing development. Several other properties associated with this scientist's career and her birthplace are already listed on the National Register. In addition, research and excavations have shown that the site is highly disturbed. This site would not be eligible under Criterion A, B, C, or D.

The Modoc Lava Beds Archaeological District in California is listed under Criteria A, B, and D. Under A, this 46,780-acre district is associated with the Modoc War of 1872-73 and contains places of traditional cultural significance to the Modoc people. Eligibility under B is for association with Captain Jack, the principal Modoc leader during the war, for the areas of significance: ETHNIC HERITAGE: Native American, and MILITARY. Important information under Criterion D is associated with chronology; settlement and subsistence; exchange relationships; military architecture; art and religion. The Modoc Lava beds were a major geographic crossroads for the far western United States. The role of the district's inhabitants in controlling the distribution of obsidian from the Medicine Lake Highland volcanic field is one of the specific research topics.

The Kukaniloko Birth Site in Hawaii is listed under A, B, and D for, "ARCHEOLOGY: Prehistoric; ETHNIC HERITAGE: Native Hawaiian; SOCIAL HISTORY; POLITICS-GOVERNMENT; and RELIGION. Kukaniloko is a celebrated place set aside for the birth of high ranking chiefs, marked by large basalt stones. Once part of a larger religious complex, Kukaniloko continues to be visited by Hawaiians who occasionally leave offerings. It is associated with a number of prominent chiefs born there. The nomination states that important information may be gathered from the analysis of the boulders and petroglyphs, which are thought to have astronomical significance.

CRITERION C: DESIGN, CONSTRUCTION, AND WORK OF A MASTER

To be eligible under Criterion C, a property must meet at least one of the following requirements: the property must embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or represent a significant and distinguishable entity whose components may lack individual distinction.

A Significant and Distinguishable Entity Whose Components May Lack Individual Distinction. This portion of Criterion C refers to districts. For detailed information on districts, refer to the National Register bulletin *How to Apply the National Register Criteria for Evaluation.*

Figure 7: The bedrock mortars and rock alignment on a bedrock base mark a work area or former above-ground structure in the Modoc Lava Beds Archaeological District in Tulelake County, California, part of the Lava Beds National Monument. (Janet P. Eidsness)

The above requirements should be viewed within the context of the intent of Criterion C; that is, to distinguish those properties that are significant as representatives of the human expression of culture or technology (especially architecture, artistic value, landscape architecture, and engineering).

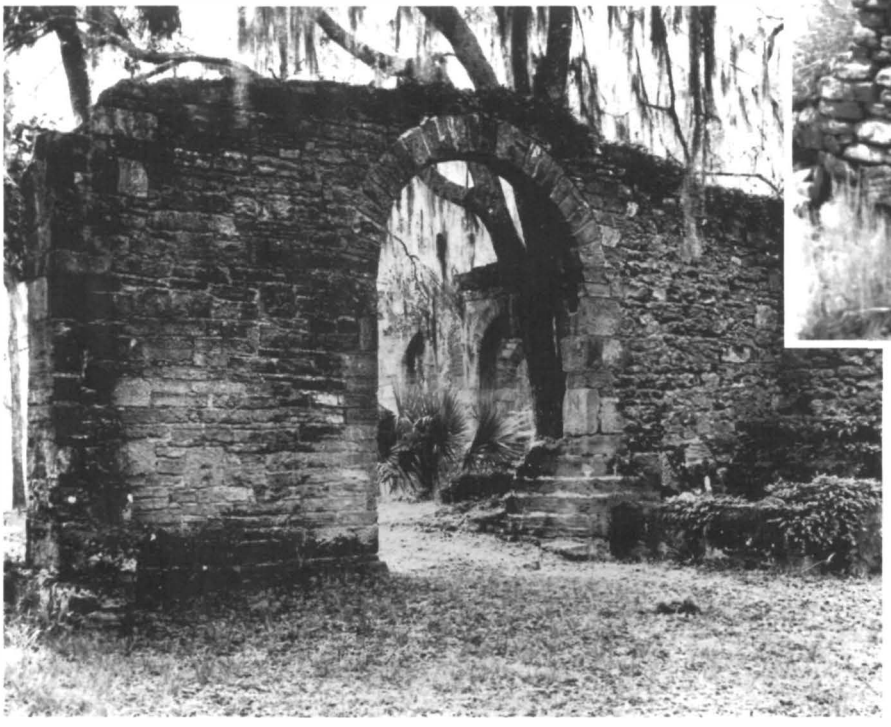
1. Identify the distinctive characteristics of the type, period, or method of construction, master or craftsman, or the high artistic value of the property. Distinctive characteristics of type, period, or method of construction are illustrated in one or more ways, including:

- The pattern of features common to a particular class of resources, such as a sugar mill with associated archeological remains that is representative of eighteenth-century Caribbean sugar mills;
- The individuality or variation of features that occurs within the class, such as the well-preserved ruins of an 1860s brewery that was designed and built to produce one type of ale;
- The evolution of that class, or the transition between the classes of resources, such as the well-preserved sites of four adjacent shipyards, each representing a different time period in clipper ship building.

A master is a figure of generally recognized greatness in a field, a known craftsman of consummate skill, or an anonymous craftsman whose work is distinguishable from others by its characteristic style and quality. If a well-preserved, eighteenth-century pottery kiln site, such as the Mt. Sheppard, North Carolina pottery, illustrates how a particular type of exceptional pottery was produced by a renowned pottery manufacturer, then it would qualify under Criterion C.

High artistic value may take a variety of forms including community design or planning, landscaping, engineering and works of art. A property with high artistic value must (when compared to similar resources) fully express an aesthetic ideal of a particular concept of design. The well-preserved ruins of a building that was used as a hospital and still has intact walls covered with pictures and graffiti drawn by Civil War soldiers who stayed there would be eligible under Criterion C.

2. Discuss the importance of the property given the historic contexts that are relevant to the property and the applicability of Criterion C. Note that the work of an unidentified craftsman or builder is eligible if the work (usually a building or structure) rises above the level of workmanship of other similar or thematically-related properties. As a result, comparison with other properties is usually required to make the case of eligibility under Criterion C.



Figures 8 and 9: Florida's New Smyrna Sugar Mill ruins (left) (Florida State News Bureau) and Seven Towers Pueblo (above), nominated under the Great Pueblo Period of the McElmo Drainage Unit MPS in Colorado (Richard Fuller), are good examples of archeological properties with significant standing architectural and subsurface archeological components.

For example, a colonial plantation site may have standing buildings that are excellent examples of a rare form of colonial construction. To illustrate this, Colonial-period construction methods need to be discussed to a level of detail sufficient to demonstrate that the construction methods seen at the example plantation are rare.

3. Evaluate how strongly the property illustrates the distinctive characteristics of the type, period, or method of construction, master or craftsman, or the high artistic value of the property. For example, an archeological property with a standing structure that was used as a stage stop for the Butterfield Overland Mail service may qualify under Criterion A but not be eligible under Criterion C because the structure is not representative of the stage stops that were actually built to service the stages and mail carriers.

4. Address the integrity of the property. To meet the integrity requirement of Criterion C, an archeological property must have remains that are well-preserved and clearly illustrate the design and construction of the building or structure. An exception to the above-ground rule is structures that were intentionally built below the ground. For example, many industrial complexes, such as brick manufacturing or mining sites, contain potentially significant architectural or engineering remains below ground. Another exception might be found at archeological sites that contained relatively intact architectural remains buried through either cultural or natural processes. Thus, well-preserved architectural remains that were uncovered by archeological excavation might be considered eligible under Criterion C. Refer to "Aspects, or Qualities, of Integrity" in Section IV of this bulletin.

A late Mississippian village that illustrates the important concepts in pre-contact community design and planning will qualify. A Hopewellian mound, if it is an important example of mound building construction techniques, would qualify as a method or type of construction. A Native American irrigation system modified for use by Europeans could be eligible if it illustrates the technology of either or both periods of construction. Properties that are important representatives of the aesthetic values of a cultural group, such as petroglyphs and ground drawings by Native Americans, are generally eligible.

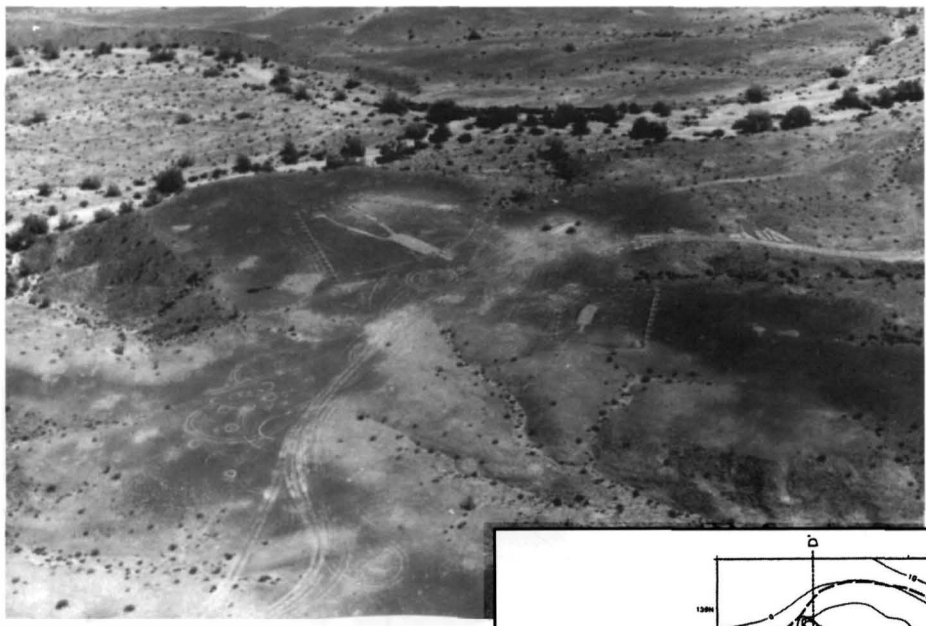


Figure 10: The Blythe Intaglios in California represent a property with high artistic value. (Bureau of Land Management)

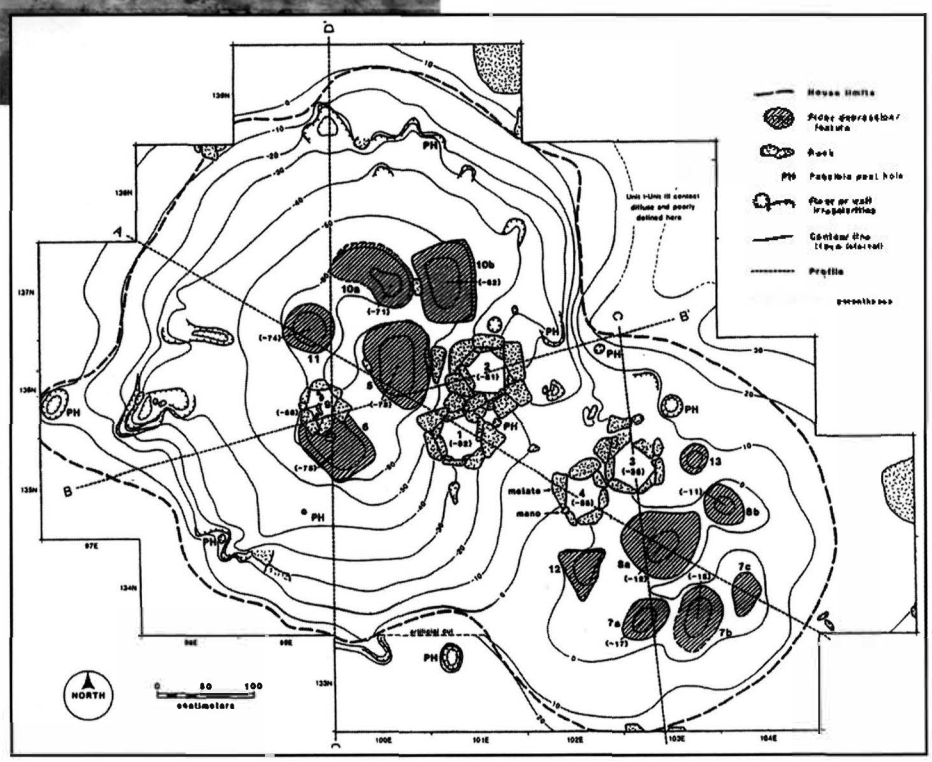


Figure 11: At the multicomponent Yarmony Archaeological Site in Colorado, the 7000 year old Early Archaic pithouses (such as the one shown here) are exemplary buildings in their age, complexity of features, artifact associations, and physical integrity. This site is listed under Criterion C for architecture and Criterion D for archaeology. (Figure from Michael Metcalf and Kevin Black, *Southwestern Lore* 54(1) 1988)

The Beattie Mound Group in downtown Rockford, Illinois, is eligible under Criteria C and D for architecture and archeology. The mound group embodies distinctive characteristics of the earthwork type of construction in three forms: conical, linear, and turtle effigy. This group is unusual in representing a variety of forms in a small area. These mounds are part of the "Effigy Mound" tradition of the Upper Mississippi Valley, which dates from about A.D. 300-1100.

An archeological district in Colorado is listed at the state level of significance under Criteria C and D for architecture and archeology. The district contains at least 24 sites dating from A.D. 975-1150. These sites include rock shelters with coursed masonry features, rock shelters with wall alignments, rock shelters without architectural features, open masonry which incorporate boulders/rocks outcrops into room features, and mesa top sites with alignments. Research questions focus on the relationship of the district to related sites in the Four Corners region. As a frontier community established during a time of dynamic cultural change, this district may establish the extreme northern extension of an important culture area. The boundary contains a complete environmental profile from the mesa top downslope to the creek.

The archeological remains of a seventeenth-century integrated iron production facility are important at the state level of significance as they represent the earliest example of this type of facility in the state. Road construction has disturbed only a portion of the site, however, the major activity areas are not discernable archeologically due to this disturbance. This site is not eligible under Criterion C as an example of the first phase in the evolution of iron production facilities in this locale, but may still be eligible under Criterion D if other areas of the site are intact enough to produce important information.

In Alaska, a cedar dugout canoe more than 29 feet long is listed as a structure and a site. Its historic function is Transportation/water-related; it is not currently in use. In fact, it was never finished by the Tlingit Indian(s) who began construction sometime before 1920. Because it is unfinished, it shows part of the construction process that would not be apparent in a finished canoe. It is an example of an early Northern type of Indian canoe with a distinctive profile. When it was listed in 1989, it was the only partially finished Native canoe of this type found *in situ* in southeast Alaska. The canoe is eligible under Criterion C as it embodies the distinctive characteristics of a type—the Northern canoe; and method of construction—the unfinished canoe retains construction elements usually lost in a completed canoe. The construction site itself is preserved as the tree stump from which the log was cut is intact and exhibits saw marks that help date the construction to no earlier than the late nineteenth century. The site has the potential to yield important information about the use of the forest by Tlingit peoples and about the construction of canoes during the last decades when they were being made. Archeological investigations at the site are likely to yield artifacts or features associated with manufacture.

CRITERION D: INFORMATION POTENTIAL

Criterion D requires that a property "has yielded, or may be likely to yield, information important in prehistory or history." Most properties listed under Criterion D are archeological sites and districts, although extant structures and buildings may be significant for their information potential under this criterion. To qualify under Criterion D, a property must meet two basic requirements:

- The property must have, or have had, information that can contribute to our understanding of human history of any time period;
- The information must be considered important.

Figure 12: Leluh Ruins, located on Leluh Island, Kosrae State, Federated States of Micronesia, includes massive basalt walls, high chief's compounds, a royal tomb and other sacred compounds, several streets, a canal system and extensive archeological deposits. The site is listed under Criteria A, C, and D as it is associated with the rise of complex society in the Pacific, contains a distinctive form of architecture in its stacked basalt prisms and blocks, and the associated archeological remains may address a wide range of important research questions. (R. Cordy)

Nominations should outline the type of important information that a property is likely to yield as shaped by the applicable research topics. To do this, the property must have the necessary kinds and configuration of data sets and integrity to address important research questions.

There are five primary steps in a Criterion D evaluation.

1. Identify the property's data set(s) or categories of archeological, historical, or ecological information.
2. Identify the historic context(s), that is, the appropriate historical and archeological framework in which to evaluate the property.
3. Identify the important research question(s) that the property's data sets can be expected to address.
4. Taking archeological integrity into consideration, evaluate the data sets in terms of their potential and known ability to answer research questions.
5. Identify the important information that an archeological study of the property has yielded or is likely to yield.

Application of Criterion D requires that the important information which an archeological property may yield must be anticipated at the time of evaluation. Archeological techniques and methods have improved greatly even in the few decades since the passage of the National Historic Preservation Act. The questions that archeologists ask have changed and become, in many cases, more detailed and more sophisticated. The history of archeology is full of examples of important information being gleaned from sites previously thought unimportant. Because important information and methods for acquiring it change through time, it may be necessary to reassess historic contexts and site evaluations periodically.

Changing perceptions of significance are simply a matter of the normal course of all social sciences and humanities as they evolve and develop new areas of study. What constitutes "information important in prehistory or history" changes with archeological and historical theory, method, and technique.

Specific questions may change but there are a number of categories of questions that are used routinely to frame research designs in terms of anthropological observations of societies. Such general topics include but are not limited to: economics of subsistence, technology and trade; land use and settlement; social and political organization; ideology, religion, and cosmology; paleo-environmental reconstruction; and ecological adaptation. In addition, a category of questions that relate to improvement to archeological methodology should be considered. For other general categories see the National Park Service *Thematic Framework* (NPS 1996), available at <www.cr.nps.gov/history/thematic.html>.

Through the disciplined study of the archeological record and supporting information, archeologists can provide answers to certain important questions about the past that are unobtainable from other sources. Archeological inquiry generally contributes to our understanding of the past in three ways. It:

- describes, records, and reconstructs past lifeways across time and space;
- tests new hypotheses about past activities; and
- reinforces, alters, or challenges current assumptions about the past.

The Mt. Jasper Lithic Source in Coos County, New Hampshire, is listed under "ARCHEOLOGY: Prehistoric; and INDUSTRY," for its contribution to the understanding of lithic technology and, secondarily, for its contribution to understanding settlement and exchange patterns. The lithic source area contains places where a rare and high quality raw material was found, mined, and made into tools essential for survival by hunter-gatherers from ca. 7000 BC

Figure 13: The Shenks Ferry Site in Lancaster County, Pennsylvania, an important contact period village site, was excavated in the 1930s and 1970s. It was listed in the National Register in 1982 without additional excavations. (Archaeology Laboratory, WPMM, Harrisburg, Pennsylvania)

to A.D. 1500. The recovery of tools made from Mt. Jasper rhyolite at sites distant from the source shows it widespread use.

In the southern Idaho uplands, a large district significant at the state level encompasses the drainages of two creeks and represents 6000 years of occupation. Site types in this high desert sagebrush-grass-juniper environment include rockshelters and caves, rock art sites, campsites, lithic scatters, workshops, and rock alignments. Important research questions under Criterion D concern the arrival of the Shoshoni in southern Idaho, the relationship of the area people to the Fremont residents in Utah, and the function of various types of rock alignments.

The Big Sioux Prehistoric Prairie Procurement System Archeological District contains a representative sample of the best preserved elements of a hunting and gathering system in the northwest Iowa plains from 10,000 to 200 years ago. It includes large and small sites, plowed and unplowed, and material on all types of landforms in the river valley. This discontiguous district's 30 sites are stretched along 15 miles of river terraces and blufftops. They include: late base camps; deeply-buried early Archaic camps; and procurement sites from all pre-contact time periods. The nomination argues that there is a common bias toward emphasizing individual sites, especially large and spectacular sites. Small, temporarily occupied sites seem to be the first to fall out of research designs. Small sites may appear to produce little information because broad cultural patterns cannot be reconstructed from one small site. However, small sites, especially single-component sites may contain detailed information which is unobtainable from larger, multi-component sites. Without the context of a larger subsistence and settlement system, small sites may appear meaningless but in a well-developed context, their significance can be assessed realistically. Base camps must be connected with temporary sites in order to reconstruct the whole settlement system.

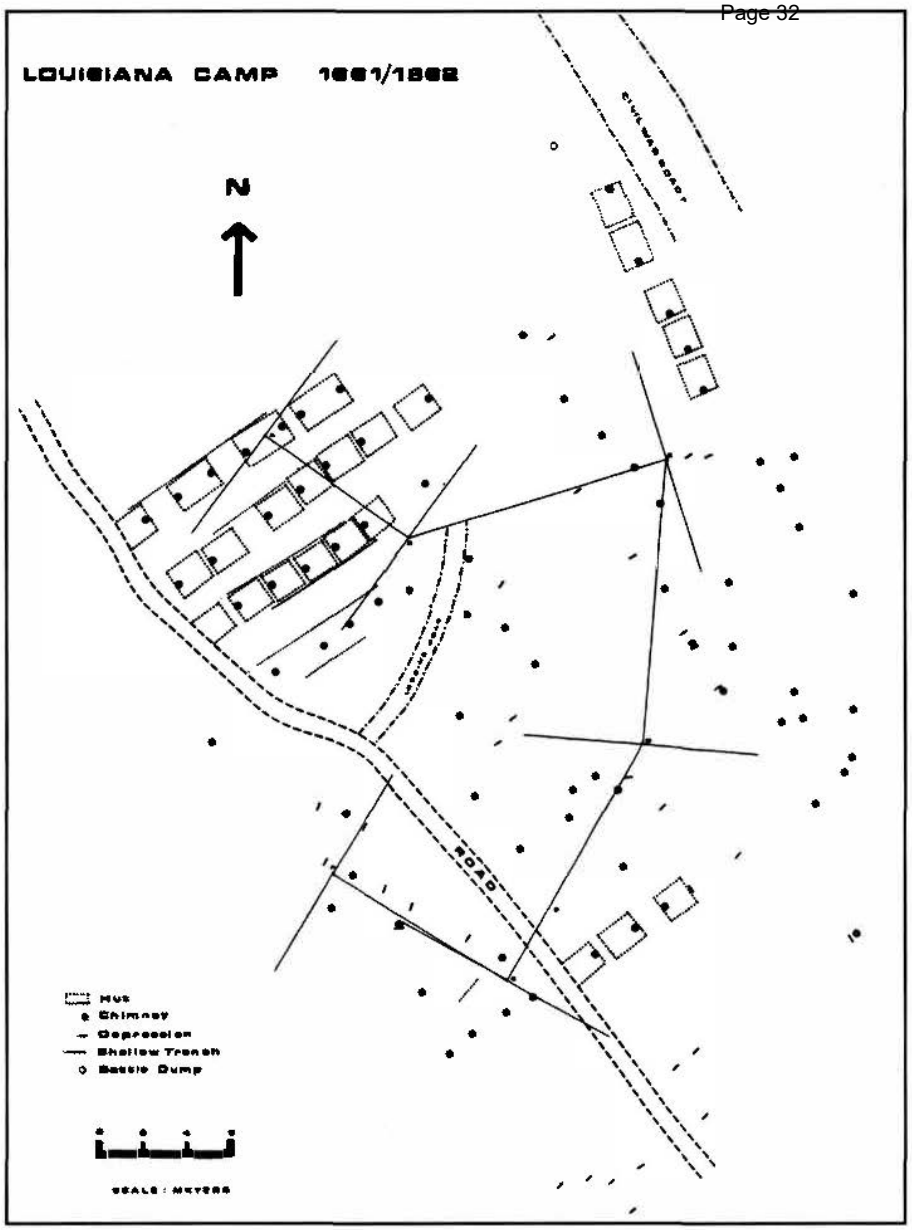


Figure 14: Because the recorded surface manifestations were obvious at Camp Carondelet, Prince William County, Virginia, archeological excavations were not required to list this Civil War encampment under Criterion D. (Jan Townsend)

If archeological studies were conducted previously at a site, additional test excavation may not be required before preparing a National Register nomination. For example, the Shenks Ferry site in Lancaster County, Pennsylvania (a contact period village dating from the sixteenth century), was excavated in the early 1930s and in the 1970s and was listed in the National Register in 1982 without additional field investigations.

The patterning of artifacts and features on the ground surface of some properties may be sufficient to warrant nominating them to the National Register. If this is the case, then demonstrating the presence of intact subsurface artifact or feature patterning through test excavations may not be required. That is, there is no mandatory testing of sites to determine their significance. For

example, Camp Carondelet in Prince William County, Virginia, the 1861-1862 winter camp of a Louisiana brigade, was listed in the National Register without excavations. This Civil War camp, which is evidenced by above-ground patterning of hut outlines, chimney falls, trash pits, roads, and rifle pits has sufficient surface information to justify a statement of significance. Field work included mapping the above camp features and noting the location of artifacts visible on the surface of the ground and in and around holes dug by relic hunters. Similarly, mounds or earthworks such as those of the Effigy Mound tradition of the Upper Mississippi Valley would not require intrusive testing for a convincing statement of significance to be argued based on analogy with similar excavated properties.

At the John Dickinson house, a National Historic Landmark located near Dover, Delaware, ground-penetrating radar was used to locate subsurface evidence of outbuildings, barns, and other features prior to the reconstruction of this eighteenth-century plantation's architecture (Bevan 1981). At Fort Benning, Georgia, electromagnetic, magnetic, and GPR investigations at the Creek town of Upatoi revealed highly patterned subsurface features interpreted as probably graves. The use of non-destructive techniques provided evidence of subsurface remains and raised the priority of site protection as a land management concern (Briuer et al. 1997).

Data Sets

Data sets, or data categories, are groups of information. Data sets are defined by the archeologist, taking into consideration the type of artifacts and features at the property, the research questions posed, and the analytical approach that is used. Whatever their theoretical orientation, all archeologists look at patterns in the archeological record. It is the evaluation or analysis of data sets and their patterning within the framework of research questions that yields information. Data sets can be types of artifacts (such as ceramics, glass, or tools), archeological features (such as privies, trash middens, or tailings piles), or patterned relationships between artifacts, features, soil stratigraphy, or above-ground remains. A graveyard, for example, might contain at least three data sets: the human remains, items buried with the deceased, and the arrangement of the graves within the cemetery.

Data sets that are known or expected to be represented at the property should be described. If the property is a district and there are multiple data sets (which is likely), then each of the kinds of data sets should be described. The data sets represented at each site may be presented in tabular form or in a matrix. The data sets described in this section must be consistent with the artifact and feature information included in the "Narrative Description" of the site. For example, if a chronology data set is described, then the property must have data (such as time-diagnostic artifacts) that can be used to address chronology. If there is a data set, or data sets, linked to a research topic of non-local exchange systems, for example, then there must be evidence of such activities represented in the archeological deposits.

Important Information and Research Questions

What are important questions in archeology? Even if a current list of important research questions existed (that archeologists could agree upon), the questions would still change as the discipline evolves and certain questions are answered and others are asked. Moreover, as research questions of the future cannot be anticipated, the kinds of data necessary to answer them cannot be determined with certainty. Thus, the research potential of a historic property must be evaluated in light of current issues in archeology, anthropology, history, and other disciplines of study (Ferguson 1977). The list of important research questions does not need to be lengthy or exhaustive. Examples of the kinds of research questions anticipated may be provided. A single important question is sufficient.

Theoretical positions on and pragmatic debates about important research questions are expressed at professional archeological conferences and in the professional literature and journals. For example, the Society for Historical Archeology sponsored a plenary session titled "Questions that Count in Archeology" at its annual meeting in 1987. This session addressed the issue of which theoretical frameworks or general research topics will generate the most important questions for post-contact archeology (e.g. Deagan 1988). From a theoretical viewpoint, Kathleen Deagan (1988:9), for example, makes the case that the questions that "count cannot be answered by either historical or archeological data alone, or through simple comparisons of two data categories." Rather than simply reinforcing other documentary sources, the interpretation of archeological evidence provides a supplementary and complementary record of the past. Other questions that count are those that apply archeological techniques to answering history-based questions about which there is inadequate documentation. In fact, to date, this has been post-contact archeology's most successful scholarly contribution (Deagan 1988:9). According to Deagan (1988:9), "other questions appropriate to the unique capabilities of historical archeology focus on understanding general cultural phenomena that transcend specific time and space."

A nomination should provide a clear link between the contexts, the research questions, and the data found at the property. Whatever the theoretical orientation of the archeologist, the connection between the archeological data and the important questions should be explicit in the National Register nomination.

One way to link archeological remains with research questions is through middle-range theories that connect the empirical world with generalized hypotheses (Leone 1988;

Merton 1967; Binford 1977, 1981a, 1981b; Thomas 1983a, 1983b; South 1977,1988). The middle-range and general theories should follow from and be consistent with the information presented in the discussion of historic contexts.

As noted above, there is no set outline that must be followed in describing research questions within the narrative statement of significance. General theories and the more specific hypotheses that shape the research questions, for example, may be presented in the historic context discussion and simply referenced during the description of important research questions. The National Register nomination should include a clear and concise presentation of the required information. The specific format for doing this will be determined in large part by the nature of the archeological property and its information potential.

Archeologists have recognized the importance of comparative information from a regional data base in making effective eligibility decisions. This is especially true when dealing with large numbers of a common resource type that have not been evaluated, such as nineteenth-century farmsteads or stone circles. A regional perspective provides a logical framework in which to evaluate seemingly "mundane" or "redundant" historic properties (e.g., Hardesty 1990; McManamon 1990; Peacock and Patrick 1997; Smith 1990; Wilson 1990).

Preparing Multiple Property Submission cover documents may also help solve the problems encountered with the eligibility of "redundant" resources. The format of the multiple property document may serve as a research design that specifies significance, important information, documenting protocols and identification strategies for particular types of resources that are worthy of preservation. For instance, registration requirements specify eligibility requirements. (For further guidance on multiple property submissions, see the National Register bulletin *How to Complete the National Register Multiple Property Documentation Form*).

A good example of a regional study proposed in National Register documentation is the Multiple Property Submission, "Native American Archaeological Sites of the Oregon Coast." In the cover document, several sets of research topics and questions are presented at local, regional, and national scales of research. Topics used to evaluate the eligibility of individual sites include: how have Oregon Coast environments been occupied and/or used by Native Americans varied through space and time; when and how did coastal adaptations develop along the Oregon Coast; how did Oregon Coast settlement and subsistence change through time; when did ethnographic patterns first develop on the Oregon Coast; how did Euroamerican colonization affect Oregon Coast Native Americans and how did Native Americans affect the course of colonization; and questions related to general archeological method and theory.

Under each of these topics are more detailed questions. The Multiple Property Submission cover document recognizes that the study of individual sites creates the building blocks for regional models and ultimately for more general and broadly applicable archeological and anthropological method and theory. Regional research topics that can be addressed through the comparative study of individual sites include the following: 1) Changes in Oregon coast environments through time; 2) Antiquity of coastal adaptations; 3) Regional developments in settlement and subsistence; 4) Origins and development of ethnographic cultural patterns; and 5) Effects of European contact and colonization on Native Americans and their resources.

General topics of broad importance are addressed in a comparative framework. Four such topics are extensions of the regional questions. These are: 1) Environmental Change and Human Adaptations; 2) Coastal Adaptations and Maritime Cultural Ecology; 3) Cultural Complexity and its origins; and 4) "European radiation" and indigenous societies.

When evaluating sites within a regional perspective, the following kinds of information should be presented:

- definition of the region or community under consideration;
- relative estimate of how many other similar properties were once located within the region;
- identification, where applicable, of surviving standing structures or sites;
- evaluation of level of archeological investigation of similar properties; and the
- outline of the documentary, ethnographic, or other supporting evidence related to the property.

To systematically evaluate properties, National Register nomination preparers often use an evaluation matrix, especially for pre-contact archeological properties. This approach to evaluation can also be particularly useful for evaluating the scientific or information potential of a post-contact archeological property. Donald L. Hardesty describes the development of a significance evaluation matrix in his 1988 publication, *The Archeology of Mining and Miners: A View From the Silver State*. Although Hardesty's focus is on mining properties, the process that Hardesty calls "a logical questioning framework" is applicable to all kinds of archeology properties (1990:48).

In Hardesty's evaluation matrix the vertical axis comprises key areas of research (such as demography, technology, economics, social organization, and ideology) while the horizontal axis describes three research levels (world system, region, and locality) where questions about the past may be addressed. The specific features of an evaluation matrix are determined taking into consideration the theoretical framework, middle range theories linking the data sets

to the relevant research questions, the research questions or topics, and the data sets represented at the property. In this example, a post-contact archeological property would be eligible for the National Register if its archeological record contains information with sufficient integrity that can be used to address one of the topics within the evaluation matrix. If the information at the site cannot be used to address these research themes, then the property may not be eligible for the National Register.

Archeological properties that fall between the clearly eligible and the clearly ineligible are the most difficult to evaluate for inclusion in the National Register. Moreover, it is important to realize that professional archeologists, historians, and architectural historians may disagree on the eligibility of a particular historic property. In theory, given high quality, and often site-specific, archeological research designs and comprehensive historic contexts, questions of eligibility should be minimal. As with all scientific and humanistic endeavors, it is the quality and bias of the questions we ask that determines the nature of the answers we recover from the past.

OTHER SIGNIFICANCE CONSIDERATIONS

The following: Areas of Significance, Period of Significance, Significant Dates, Significant Person(s), Cultural Affiliation, Architect or Builder, are important for all nominations, whether Criteria A, B, C, or D are being applied. Criteria considerations are listed and discussed on pp. 19-20 under "National Register Criteria."

AREAS OF SIGNIFICANCE

For post-contact archeological properties enter "ARCHEOLOGY: Historic-Aboriginal" or "ARCHEOLOGY: Historic-Non-Aboriginal" or both. For pre-contact properties enter "ARCHEOLOGY: Prehistoric." In addition, enter any categories and subcategories about which the property is likely to yield important information and list them in relative importance to the property. For example, an Indian industrial school may have the following areas of significance: "ARCHEOLOGY: Historic-Aboriginal," "EDUCATION," and "ETHNIC HERITAGE: Native American." If the school was of a special architectural design, then "Architecture" may also be added to the list. A pre-contact lithic source may have areas of significance "ARCHEOLOGY: Prehistoric" and "INDUSTRY." A paleo-Indian kill site may have the areas of significance "ARCHEOLOGY: Prehistoric" and "ECONOMICS" because there are no areas of significance specific to non-agricultural societies.

The ARCHEOLOGY Area of Significance has the subcategories noted above. Many archeological sites can be associated with a specific ethnic group, which also has subcategories. If this is the case, then enter "ETHNIC HERITAGE: Asian," "ETHNIC HERITAGE: Black," "ETHNIC HERITAGE: European," "ETHNIC HERITAGE: Hispanic," "ETHNIC HERITAGE: Native American," "ETHNIC HERITAGE: Pacific Islander," or "ETHNIC HERITAGE: Other."

Other Areas of Significance include: AGRICULTURE, ART, COMMERCE, COMMUNICATIONS, COMMUNITY PLANNING AND DEVELOPMENT, CONSERVATION, ECONOMICS, EDUCATION, ENGINEERING, ENTERTAINMENT/ RECREATION, EXPLORATION/

AN EVALUATION MATRIX FOR MINES

Research Domain	World System	Region	Locality
Demography	Comparative data on patterns of mining frontier demography	Patterns of occupation / abandonment in district	Reconstruction of household population
Technology	Adaptive variety and change in industrial and appropriate technologies on the mining frontier	Adaptive change in industrial technologies imported into district	Reconstruction of mining/milling technologies
Economics	Adaptive patterns of economic production and distributions on the mining frontier	Patterns of economic distribution and production within the district	Reconstruction of household consumption and production
Social Organization	Patterns of mining frontier social structure and change	Patterns of "colony" social structure and ethnic relations	Reconstruction of household status and ethnicity
Ideology	Emergence of "syncretic" mining frontier ideology	Interaction of Victorian and ethnic folk cultures	Reconstruction of household ideology

SETTLEMENT, HEALTH/MEDICINE, INDUSTRY, INVENTION, LANDSCAPE ARCHITECTURE, LAW, LITERATURE, MARITIME HISTORY, MILITARY, PERFORMING ARTS, PHILOSOPHY, POLITICS/GOVERNMENT, RELIGION, SCIENCE, SOCIAL HISTORY, TRANSPORTATION, AND OTHER. Each of these Areas of Significance, none of which have subcategories, are defined in the National Register bulletin *How to Complete the National Register Registration Form.*

Every effort should be made to use the listed "Areas of Significance." If none are applicable (except, of course, "Archeology..."), then "Other" may be entered and the appropriate area(s) of significance described in the text. The use of the "Other" category, however, precludes analysis of the property in terms of the other properties listed in the National Register. Each of the areas of significance must be described in the narrative significance section, and, if the property is eligible under Criterion D, linked to the information potential of the property.

PERIOD OF SIGNIFICANCE

The period of significance for an archeological property is the time range (which is usually estimated) during which the property was occupied or used and for which the property is likely to yield important information if evaluated under Criterion D. There may be more than one period of significance. If the periods of significance overlap, then they should be combined into one longer period of significance. Periods of significance should be listed in order of importance relative to the property's history, the areas of significance, and the criteria under which the property is being nominated. The periods of significance must follow from the data presented in the narrative description and significance statements in the nomination.

For example, an antebellum plantation that was built in 1820 and burned in 1864 and has well preserved archeological deposits dating from 1820 to 1864 has a 1820-1864 period of significance. If the same property was reoccupied from 1870 through 1900 and this period is represented by intact archeological deposits, then the periods of significance are 1820-1864 and 1870-1900. If the same site was then occupied sporadically from 1910 to 1920 by transients and there are no archeological remains associated with this period of use, then the periods of significance are still 1820-1864 and 1870-1900.

If a portion of the same property was mined for gold from 1875 through 1880 and the remains of this mining activity are intact and well preserved, then the periods of significance will still be 1820-1864 and 1870-1900. If the mining activity extended from 1865 to 1875, then the property's period of significance would be 1820-1900. The subperiods of significance (i.e., 1820-1864,1865-1875, and 1870-1900) may be listed below the overall period of significance but, since subperiods are not coded into the National Register database, this is not required. The subperiods of significance, however, should be described in the narrative significance statement.

Figures 15 and 16: Archeological properties illustrate the diversity of a region's history. In Hawaii, for example, post-contact archeological properties include the Kalaoa Permanent House Site (above) (ca. A.D. 1400-1800) (R. Cordy) and the Kalaupapa Leprosy Settlement (right) (early twentieth century). (NPS)

SIGNIFICANT DATES

Significant dates are single years in which a special event or activity associated with the significance of the property occurred. A significant date is by definition included within the period of significance time range. The property must have historical integrity for all the significant dates entered. The beginning and closing dates of a period of significance are "significant dates" only if they mark specific events or activities related to the significance of the property. The dates should be listed in order of importance given the property's history and why it is significant. Martin's Hundred in Virginia has two significant dates: 1619, the year when it was established; and 1622, the year when it was almost completely destroyed in a Native American uprising (Nöel Hume 1982).

For archeological districts enter dates that relate to the significance of the district as a whole and not for individual resources unless the dates are also significant relative to the district. For many archeological properties, specific significant dates cannot be identified. If this is the case, enter "N/A." Radiocarbon, tree ring or other scientifically-determined absolute dates can be entered in this section. Note, however, that radiocarbon dates will be listed in the NRIS without their standard deviations.

SIGNIFICANT PERSON(S)

If an archeological property is being listed in the National Register under Criterion B (i.e., association with a significant person or persons), then this category should be completed. Enter the full name of the significant person, placing the last name first. If there is more than one significant person, list them in order of importance relative to the property's history. Do not enter the name of a family, fraternal group or organization. Enter the names of several individuals in one family or organization, only if each person made contributions for which the property meets Criterion B. Enter the name of a property's architect or builder only if the property meets Criterion B for association with that individual.

CULTURAL AFFILIATION

Cultural affiliation must be filled out when nominating a property under Criterion D. Cultural affiliation has been defined by the National Register to be "the archeological or ethnographic culture to which a collection of artifacts or resources (or property) belongs." For pre-contact archeological resources, "cultural affiliation" generally refers to a cultural group that is, in part, defined by a certain archeological assemblage and time period. For example, "Paleoindian," "Hopewell," "Hohokam," "Adena," and "Shoshonean" are commonly used cultural affiliation terms. Archeologists also commonly enter the archeological time period in this category; for example, "Early Archaic," "Late Woodland," and "Late Prehistoric," and "Proto-historic."

Archeologists who study the post-contact period usually are able to enter the ethnic identity of the group that occupied or used the property because the information is generally available through documents, oral histories, or comparative studies. For example, "Hawaiian," "Chemehuevi," Creek," "Irish-American," "Chinese-American," "African-American," "British," "Spanish," and "Dutch" are common cultural affiliation entries. Entries such as "Shaker" and "Mormon" are also used. When a historical property, such as a mining camp, cannot be linked to a specific cultural group, then the appropriate entry simply may be "Anglo-American" or "Euro-American" or even "American." Every effort should be made to complete the cultural affiliation section; however, if the cultural affiliation is unknown, enter "unknown."

ARCHITECT OR BUILDER

The name of the person(s) responsible for the design or construction of the property, if known, is entered in this category. The full name should be used. If the property's design derived from the stock plans of a company or government agency and are not credited to a specific individual, enter the name of the company or agency; for example, "Southern Pacific Railroad," "Sears," or "U.S. Army." Enter the name of property owners or contractors only if they were actually responsible for the property's design or construction. If the architect or builder is unknown, enter "unknown."

ASPECTS, OR QUALITIES OF INTEGRITY

The National Register criteria stipulate that a property must possess integrity of location, design, setting, materials, workmanship, feeling, and association. The National Register bulletin *How to Apply the National Register Criteria for Evaluation* directs that "integrity is the ability of a property to convey its significance" and "to retain historic integrity a property will always possess several, and usually most, of the aspects." (For further guidance, see *How to Apply the National Register Criteria for Evaluation*).

The evaluation of integrity is sometimes a subjective judgment, but it must always be grounded in an understanding of a property's physical features and how they relate to its significance. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining which of these aspects are most important to a particular property requires knowing why, where, and when the property is significant.

The importance of each of these aspects of integrity depends upon the nature of the property and the Criterion or Criteria under which it is being nominated. Integrity of location, design, materials, and association are of primary importance, for example, when nominating archeological sites under Criteria A and B. Design, materials, and workmanship are especially important under Criterion C. Location, design,

materials, and association are generally the most relevant aspects of integrity under Criterion D. Integrity of setting within the site is important under Criteria A and B. Under Criteria C and D, integrity of setting adds to the overall integrity of an individual site and is especially important when assessing the integrity of a district. Integrity of feeling also adds to the integrity of archeological sites or districts as well as to other types of properties. Integrity of setting and feeling usually increases the "recognizability" of the site or district and enhances one's ability to interpret an archeological site's or district's historical significance.

Assessment of integrity must come after an assessment of significance:

Significance + integrity = eligibility.

To assess integrity, first define the essential physical qualities that must be present for the property to represent its significance.

Second, determine if those qualities are visible or discernible enough to convey their significance. Remember to consider the question of "to whom significance might be conveyed." For example, the significance of particular historic buildings may be apparent primarily to architectural historians but not to many individuals in the general public. Similarly, the significance of some properties may be apparent primarily to specialists, including individuals whose expertise is in the traditional cultural knowledge of a tribe. A property does not have to readily convey its significance visually to the general public; however, National Register documentation of the significance of a property should be written such that members of the general public can understand the property's significance and the physical qualities which convey that significance.

Third, determine if the property needs to be compared to other similar properties. This decision is made in light of the historic context(s) in which the property's significance is defined.

ASPECTS, OR QUALITIES, OF INTEGRITY

Aspect/Quality	Definition
Location	The place where the historic property was constructed or the place where the historic event occurred.
Design	The combination of elements that create the form, plan, space, structure, and style of a property.
Setting	The physical environment of a historic property. Setting includes elements such as topographic features, open space, viewshed, landscape, vegetation, and artificial features.
Materials	The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
Workmanship	The physical evidence of the labor and skill of a particular culture or people during any given period in history.
Feeling	A property's expression of the aesthetic or historic sense of a particular period of time.
Association	The direct link between an important historic event or person and a historic property. Under D it is measured in the strength of association between data and important research questions.

Finally, based on the significance and essential physical qualities, **determine which aspects of integrity are vital to the property being nominated and whether they are present** (See also the recommended sequence for evaluation under "Evaluating Sites in Context," in Section IV of this bulletin).

Solely meeting **any** aspect of integrity is not sufficient to meet eligibility requirements. For instance, just because most archeological sites retain integrity of location does not make them eligible. As the National Register bulletin *How to Apply the National Register Criteria for Evaluation* states,

> To retain historic integrity a property will always possess several and usually most, of the aspects. The retention of specific aspects of integrity is paramount for a property to convey its significance. Determining *which* of these aspects are most important to a particular property requires knowing why, where and when the property is significant.

Archeologists use the word integrity to describe the level of preservation or quality of information contained within a district, site, or excavated assemblage. A property with good archeological integrity has archeological deposits that are relatively intact and complete. The archeological record at a site with such integrity has not been severely impacted by later cultural activities or natural processes. Properties without good archeological integrity may contain elements that are inconsistent with a particular time period or culture. For example, the contents of a thirteenth-century Native American trash pit should not contain artifacts indicative of a

nineteenth-century American farmstead. Because of the complexity of the archeological record, however, integrity is a relative measure and its definition depends upon the historic context of the archeological property.

Few archeological properties have wholly undisturbed cultural deposits. Often, the constant occupation or periodic reuse of site locations can create complex stratigraphic situations. Above-ground organization of features and artifacts may be used as evidence that below-ground patterning is intact. Because of the complexity of the archeological record and the myriad of cultural and natural formation processes that may impact a site, the definition of archeological integrity varies from property to property. For properties eligible under Criterion D, integrity requirements relate directly to the types of research questions defined within the archeologist's research design. In general, archeological integrity may be demonstrated by the presence of:

- Spatial patterning of surface artifacts or features that represent differential uses or activities;
- Spatial patterning of subsurface artifacts or features; or
- Lack of serious disturbance to the property's archeological deposits.

In addressing the presence of nineteenth-century farmsteads, archeologist John Wilson, for example, posed three sets of questions that are helpful in determining the potential archeological integrity of a given site or district (Wilson 1990):

- Are the archeological features and other deposits temporally diagnostic, spatially discrete, and functionally defined? Can you interpret what activities took place at the property and when they occurred?
- How did the historic property become an archeological site? Were the cultural and natural site formation processes catastrophic, deliberate, or gradual? How did these changes impact the property's archeological deposits?
- What is the quality of the documentary record associated with the occupation and subsequent uses of the property? Are the archeological deposits assignable to a particular individual's, family's, or group's activities?

Generally, integrity can be thought of as a finite quality of a property. Integrity is relative to the specific significance which the property conveys. Although it is possible to correlate the seven aspects of integrity with standard archeological

Figure 17: Seventeenth-century foundations at Gloucester Point, Virginia help to demonstrate the archeological integrity of this district.
(Virginia Research Center for Archaeology)

Figure 18: At the Shea Site in North Dakota, the visibility of an exterior ditch and interior ditch (shown here) are evidence of the high integrity of this Northeastern Plains Village dating ca. A.D. 1400-1600. This site addresses questions of sedentism, defense, domestic plant use in the Red River region, and fluid cultural boundaries between the Plains and the Woodlands.
(Michael Micholovic)

site characteristics, those aspects are often unclear for evaluating the ability of an archeological property to convey significance under Criterion D. The integrity of archeological properties under Criterion D is judged according to important information potential. Archeological sites may contain a great deal of important information and yet have had some disturbance or extensive excavation (and, thereby, destruction). For example, sites that have been plowed may be eligible if it is demonstrated that the disturbance caused by plowing does not destroy the important information that the site holds.

For example, survey has identified the first free African American settlement in the state, dating to the early nineteenth century. Few documentary records exist which document the site, therefore, most information about the settlement will be gained through archeological research. However, more than half of the site has been destroyed through previous development of the area. While the integrity of the site is questionable, the site may still be eligible under Criterion D for the important information it can provide about the free African American community in the state during this time period.

All properties must be able to convey their significance. Under Criterion D, properties do this through the information that they contain. Under Criteria A, B, and C, the National Register places a heavy emphasis on a property looking like it did during its period of significance. One of the tests is to ask if a person from the time or the important person who lived there, would recognize it. If the answer is "yes," then the property probably has integrity of materials and design. If the answer is "no," then the property probably does not. Keep in mind that the reason why the property is significant is a very important factor when determining what it is that the person should recognize. For example, if a plantation was best known for its formal and informal gardens and agricultural activities, then recognizable landscapes may be more important than recognizable buildings.

One of the most common questions asked about archeological sites and integrity is: Can a plowed site be eligible for listing in the National Register? The answer, which relates to integrity of location and design, is: If plowing has displaced artifacts to some extent, but the activity areas or the important information at the site are still discernable, then the site still has integrity of location or design. If not, then the site has no integrity of location or design.

A 17-acre multi-component camp site in the southeastern United States has been plowed continuously since 1965 to depths greater than the thickness of topsoil. Portions of some features remain intact and the property has horizontal integrity, with Archaic, Troyville and Plaquemine components somewhat co-mingled yet concentrated in different sections. The nomination states that "The nature and dispersion patterns of the artifacts from the various components indicate that the hill was primarily a scene of small scale and/or temporary activities. It was never a large village occupied by numerous people. Therein lies a compelling reason for the site's importance." The site is significant in the lower Mississippi Valley partly because of the small scale occupation there. Small sites are not always evaluated because attention is paid primarily to large mound and village sites in the region. Important research questions would involve the relationship of this small hamlet/work camp to the larger mound sites and villages. The nomination points out specific research goals from the State archeological plan as well.

Sites that have lost contributing elements may retain sufficient integrity to convey their significance under Criterion D. For example, at a 25-acre mound site in the southeastern United States, of four mounds described in 1883, there is now one left associated with an extensive artifact scatter. Repeated surface collections were carried out to better understand the internal organization of the settlement. The nomination states that "On the basis of knowledge of similar sites, subsurface features such as cooking facilities, storage pits, and domestic habitations are likely to exist." One of the research domains likely to be addressed at this A.D. 600-1000 property, which was listed in 1995, concerns the study of the technology and social organization of craft production. The researchers expect to find evidence of rudimentary craft specialization in connection with the emergence of social inequality. At this major mound group, such crafts could have been used by the elite who could control access to or the production of craft items in support of their status.

LOCATION

The location of a property often helps explain its importance. Archeological sites and districts almost always have integrity of location. Integrity of location is closely linked to integrity of association, which is discussed below. Integrity of location would not necessarily preclude the eligibility of secondary or redeposited deposits in an archeological property. Integrity depends upon the significance argued for the property. Shipwreck sites best illustrate the subtleties of integrity of location.

EXAMPLES: The shipwreck comprises a ship that fought in a very important battle of the Civil War. Its significance is tied to only this battle.

- If the ship sank during the battle or in a place away from the battle site but the sinking was related to the battle, then the shipwreck still retains integrity of location under any of the criteria.
- If, for reasons unrelated to the battle, the ship sank in another location, then the shipwreck, no matter how intact it is, does not have integrity of location under Criterion A.

EXAMPLE: The above mentioned ship is also important because of its unique construction.

- If the ship's sinking is unrelated to its role in the Civil War, then the shipwreck may still be eligible for listing under Criterion C, because the location of the ship's sinking is unrelated to the importance of the ship's construction.

EXAMPLE: The shipwreck is a ship that was commanded by one naval officer from 1850 to 1870. It engaged in blockades, battles, and general transport. The naval officer is now recognized as one of the most important naval officers in the Civil War and an innovator of naval engagement techniques.

- No matter where the ship sank, it may still be eligible under Criterion B.

Note that, as under Criterion A, integrity of location is usually a prerequisite under Criterion B. In this example, however, the property's significance is tied to an important naval officer and by nature, ships change location.

EXAMPLE: The shipwreck is a sailing ship that patrolled Maine's coast from 1840 to 1890. Its significance is tied to that function. It has statewide significance.

- If the ship later sank off Maine's coast or in an adjoining river or bay, then the ship has integrity of location under Criterion A.
- If the ship sailed to Florida in 1890 to serve as a private yacht and along the way sank off Cape Hatteras, then the ship does not have integrity of location under Criterion A.

EXAMPLE: Each of the above shipwreck examples have intact archeological deposits.

- If each of the shipwreck sites can yield important information through archeological investigations, then each, as a post-contact archeological site, has integrity of location under Criterion D.

EXAMPLE: The shipwreck is a ship that sank during a War of 1812 naval battle. Subsequent natural erosion and turbulence has since scattered the ship's structure and contents over at least a two square-mile area. Occasionally, divers find artifacts that are believed to be from the ship, but there is no discernable patterning of remains.

- The shipwreck has no integrity of location under any of the criteria, including Criterion D.

DESIGN

Elements of design include organization of space, proportion, scale, technology, ornamentation, and materials. It is of paramount importance under Criterion C and is extremely important under Criteria A and B. The word "design" brings to mind architectural plans and images of buildings or structures. Design, however, also applies to the layout of towns, villages, plantations, etc. For an archeological site, integrity of design generally refers to the patterning of structures, buildings, or discrete activity areas relative to one another. Recognizability of a property, or the ability of a property to convey its significance, depends largely upon the degree to which the design of the property is intact. The nature of the property and its historical importance are also a factor.

Under Criterion D, integrity of design for archeological sites most closely approximates intra-site artifact and feature patterning. For districts, inter-site patterning can be used to illustrate integrity of design.

EXAMPLE: The archeological site was a large 1890s horse farm that had a main house and office, many outbuildings, a race track, and paddocks. The horse farm is most noted for the innovative layout of its buildings and structures. Because its site plan proved to be especially efficient, all later horse farms in the area adopted the same design for placement of their buildings and structures. Because of the increased efficiency, horse farming surpassed crop-based farming and has served as the economic base for the region since 1900.

- If only the foundation of the main house and adjacent archeological deposits still exist, then the archeological site does not have sufficient integrity to qualify under Criterion A (or Criterion B if the property was owned and operated by an important horse breeder). The site may still retain sufficient archeological data on 1890s settlement and consumer behavior to nominate it under Criterion D.
- If this archeological site encompasses the entire horse farm complex and its significance can be conveyed from the patterning of the remaining building and structure foundations and track, remnants of paddock fence posts, intact road beds, etc., then the horse farm site likely has sufficient integrity of design under Criteria A and D, and perhaps C. If the horse farm was built and operated by a renowned horse breeder, then the property would qualify under Criterion B.

Keep in mind that the reason why the property is significant is a very important factor. For example, if a plantation was best known for its formal and informal gardens and agricultural activities, then the integrity of the landscapes may be more important than the integrity of the buildings.

EXAMPLE: The site was a 1790s mill site. Above-ground ruins, including the millrace and mill foundation, are present. The mill was the village's first and only industry, and the village grew up around it.

- If the site is in a 1950s subdivision and the creek is gone, then this archeological site lacks sufficient integrity of design under Criterion A.

- If the mill site is located within a small, relatively intact 1790s village and its importance in the early development of the village is evident given its placement relative to the neighboring 1790s buildings and the still flowing creek, then the archeological site has sufficient integrity of design under Criterion A. If it were associated with a miller important in the establishment and early development of the village, then the site would qualify under Criterion B.

SETTING

Setting includes elements such as topographic features, open-space, views, landscapes, vegetation, man-made features (e.g., paths, fences), and relationships between buildings and other features.

Archeological sites may be nominated under Criterion D without integrity of setting if they have important information potential. For example, if a site has rich and well-stratified archeological deposits dating from the 1690s to the 1790s but is located under a modern parking lot and between two modern commercial buildings, it will still qualify under Criterion D. In this case, the setting does not detract from the information potential of the site.

If a site's or district's historical setting (or the physical environment as it appeared during its period of significance) is intact, then the ability of the site or district to convey its significance is enhanced. If the setting conveys an archeological site's significance, then the site has integrity of setting under Criteria A and B. In order to convey significance, the setting should:

- appear as it did during the site's or district's period of significance; and
- be integral to the importance of the site or district.

EXAMPLE: The archeological district encompasses an area occupied by a Native American tribe during the Late Woodland period. Fifteen fishing camps are located on points of land that jut into the large lake and three villages are on high knolls overlooking the lake. These fishing camps and villages together represent Native American occupation and exploitation of the lake during the Late Woodland period. The economy was based on fishing and local trapping. The fishing camps and villages are represented by below-ground archeological deposits.

- If the natural environment around the lake and on the knolls appears similar to its Late Woodland appearance and the visitor can easily understand the significance of the sites and their relationships to each other and the lake and the surrounding knolls and can appreciate the Late Woodland lifeways of the Native Americans who lived there, then the district is eligible for listing under Criterion A.
- If modern cabins and large residences are near most of the fishing camps, high-rise structures line much of the lake shoreline, a shopping center is located on one of the three villages, and small play-ground parks are atop the other two villages, then this district does not have sufficient integrity for listing under Criteria A. In this scenario, Criterion D might be questioned.

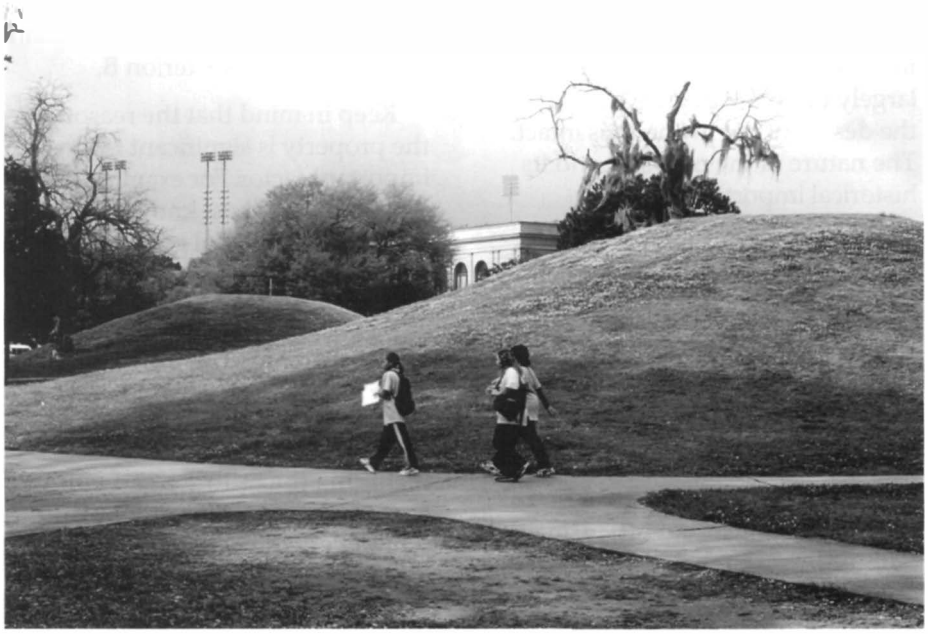


Figure 19: The LSU Campus Mounds Site (16EBR6) is located on the campus of Louisiana State University in Baton Rouge. The site dates from 3000 B.C. to 2000 B.C. and is nominated under Criterion D as it has the potential to contribute to our understanding of Archaic lifeways. Even though the site's setting does not have integrity because it is physically surrounded by LSU structures and buildings, limited investigations have shown that the mounds are extremely well preserved. (Chris Hays)

MATERIALS

According to the National Register bulletin *How to Apply the National Register Criteria for Evaluation*, "the choice and combination of materials reveal the preferences of those who created the property and indicate the availability of particular types of materials and technologies." Integrity of materials is of paramount importance under Criterion C. Under Criteria A and B, integrity of materials should be considered within the framework of the property's significance.

Under Criterion D, integrity of materials is usually described in

Figure 20: The Madison Buffalo Jump State Monument in Gallatin County, Montana, shown in this aerial photo, exhibits excellent integrity of setting. The area includes a site identified for communal buffalo drives by pre-contact peoples over a period of at least 4,000 years. The pristine physical environment enhances the site's ability to convey its significance. (Rocky Rothweiler)

Figure 21: The Melting Furnace Site, part of the Estellville Glassworks Historic District, is in Atlantic County, New Jersey. Cemented with limestone mortar, it was constructed of sandstone and aggregated stone. All four walls of this structure were once pierced with large arched openings in brick. The site displays integrity of workmanship because of its standing wall surface, showing the brick arched colonnade. (Karen DeRosa)

terms of the presence of intrusive artifacts/ features, the completeness of the artifact/feature assemblage, or the quality of artifact or feature preservation.

EXAMPLE: The archeological site is a battery built by the Confederates early in the Civil War to blockade the Potomac River, which was Washington, D.C.'s primary supply route. The battery was formed by an intricate pattern of earthen berms shored up by wooden planks. Wood was also used to line the magazines and provide level platforms for guns. The wood is now gone.

- If the battery consists of earthen berms and depressions which show the configuration of the original battery and the location of gun platforms, magazines, etc., then this site has integrity of materials and is eligible under Criterion A.
- If the battery's earthen berms and depressions are indistinct because of erosion or other factors, then the site does not have integrity of materials under Criterion A.

WORKMANSHIP

Workmanship "is the evidence of an artisan's labor and skill in constructing or altering a building, structure, object, or site." It can apply to the property as a whole or to its individual components. Most often, integrity of workmanship is an issue under Criterion C. Under Criteria A and B, integrity of workmanship is important if workmanship is tied to the significance of the property.

Under Criterion D, workmanship usually is addressed indirectly in terms of the quality of the artifacts or architectural features. The skill needed to produce the artifact or construct the architectural feature is also an indication at of workmanship. The importance of workmanship is dependent on the nature of the site and its research importance.

EXAMPLE: The archeological site was a late eighteenth-century glass house that produced a unique kind of glassware. Rare silicates and an unusual melting technique were used to produce the unusual characteristics of the glass. The individual glass items were prized for their high quality and decorative styles.

- If the furnaces are still evident and activity areas where the components were processed and formed into vessels are discernable, then the site may have integrity of workmanship and be eligible under Criterion C. If the glass maker and owner of the glass house is well-known, then the property may be eligible under Criterion B.

FEELING

A property has integrity of feeling if its features in combination with its setting convey a historic sense of the property during its period of significance. Integrity of feeling enhances a property's ability to convey its significance under all of the criteria.

- If the site itself is still intact, but it is now surrounded by housing subdivisions and commercial buildings, then the site does not have integrity of feeling under Criterion A.

EXAMPLE: The archeological property was an early 1900s railway stop. It was located in the desert at a point were the railroad crossed one of the region's primary cattle trials. There were two nearby springs, structures to load cattle onto the rail cars, and a hinged, wooden sidewalk that could be realigned to accommodate the shifting sands. Camp sites were situated on a nearby knoll and adjacent to one of the springs. The closest town was 30 miles away when the site was used. This remote railway stop was vital to the surrounding ranches whose economy was based on cattle ranching.

- If the site is still in a remote area of the desert, and what remains at the site evokes a feeling of early cattle ranching days, then the site has integrity of feeling under Criterion A. The presence of the springs, remnants of the cattle-loading structures, segments of the hinged sidewalk following the railway tracks, and scattered rock-lined hearths, tobacco tins, solder tin cans, broken glass, etc., in combination with the site's remoteness, conveys feelings of times past.
- If the site itself is still intact, but it is now surrounded by housing subdivisions and commercial buildings, then the site does not have integrity of feeling under Criterion A.

ASSOCIATION

According to the National Register bulletin *How to Apply the National Register Criteria for Evaluation*, "a property retains association if it is the place where the event or activity occurred and is sufficiently intact to convey that relationship to an observer." Integrity of association is very important under Criteria A and B. The association between a property and its stated significance must be direct under these two criteria.

Under Criterion D, integrity of association is measured in terms of the strength of the relationship between the site's data or information and the important research questions. For example, a site with well-stratified archeological deposits containing butchered animal remains has information on subsistence practices over time. There is a strong association between the site's information and questions on subsistence practices. *How to Apply the National Register Criteria for Evaluation*, should be consulted for additional guidance on evaluating integrity.

EXAMPLE. The archeological property is an 1830s Cherokee settlement located in Georgia. The event or broad pattern of events under Criterion A is the removal of the Cherokee to Oklahoma.

- If soldiers invaded the settlement in 1839, taking the Cherokee prisoners and moving them into camps before marching them to Oklahoma, then the property is directly associated with the removal of the Cherokee to Oklahoma. The site has integrity of association under Criterion A.
- If the property was abandoned in 1835 because of disease and the Cherokee moved to another settlement several miles away, then the property probably has no direct association with the removal of the Cherokee to Oklahoma. The site does not have integrity of association under Criterion A.

V. PREPARING DOCUMENTATION FOR NATIONAL REGISTER ELIGIBILITY AND LISTING

When completing the National Register form with name and locational information, please consult the previous section "When should information about historic properties be restricted from public access?" In some cases, the common name of a site may give its location. In such cases, a Smithsonian trinomial or similar designation may be more appropriate as the preferred name.

CLASSIFICATION

SITES AND DISTRICTS

Most archeological properties are classified either as a site or as a district. A **site** is the location of a significant event or of historical human occupation or activity. The location must possess historical, cultural, or archeological value regardless of the value of any existing building or structure. Comprising the remains of a sixteenth- through nineteenth-century Spanish mission, Mission Socorro in El Paso County, Texas, is an example of an archeological site. Established after the Pueblo Revolt of 1680, this property functioned as a refugee mission for the Piro Indians. This site contains a material record of Piro acculturation into the Spanish and subsequent Anglo-American cultures. Study of the property could reveal information about lifeways at eighteenth-century Spanish missions and changes in Spanish and Native American technology, society, and ideology in a colonial frontier setting.

A **district** is a grouping of sites, buildings, structures, or objects that are linked historically by function, theme, or physical development or aesthetically by plan. The properties within a district are usually contiguous. For example, the Wakulla Springs Archeological and Historical District in Florida contains 55 archeological properties and six buildings that contribute to this diverse National Register district with a period of significance beginning in 15,000 B.C. Because archeological investigations are labor intensive and time consuming, survey and evaluation of 100 percent of the resources within a proposed archeological district may be impractical, if not unattainable. If it can be demonstrated that the area between the individual properties, although not completely surveyed, is likely to contain significant resources related to the documented properties, then classification as a district may still be appropriate despite the lack of a 100 percent survey.

If sites have a direct relationship through cultural affiliation, related elements of a pattern of land use, or historical development, but they are not contiguous and the space between the sites is not significant, then the property is best described as a discontiguous district.

Figure 22: A contributing resource in the Wakulla Springs Florida Archeological District, this early twentieth-century turpentine processing camp was identified through surface evidence. (Stephen C. Byrne)

A discontiguous district is most appropriate where:

- Elements, such as sites, are spatially discrete;
- Space between the elements, or sites, has not been demonstrated to be significant as it relates to the district;
- Visual continuity is not a factor in the significance.

The Brogan Mound and Village Site in Clay County, Mississippi, is an example of a discontiguous district. This property consists of a Middle Woodland burial mound and an associated multi-component habitation area approximately 200 meters away. A highway right-of-way and a house occupy the area between these portions of the district.

MULTIPLE PROPERTY SUBMISSIONS

Multiple Property Submissions comprise a group of individual properties that share a common theme or historic context. Multiple property nominations facilitate the evaluation and registration of individual properties by grouping them with other properties with similar characteristics. A Multiple Property Submission calls for the development of historic contexts, selection of related property types, and the identification and documentation of related significant properties. It may be based on the results of a comprehensive interdisciplinary survey for a specific area, county, or region of a state, or it may be based on an intensive study of the resources illustrative of a specific type of site, a single cultural affiliation, or a single or closely related group of historic events or activities.

Multiple Property Submissions are made up of a cover document (NPS 10-900-b) and individual nominations. The cover document includes the following sections: Statement of Historic Contexts; Associated Property Types; Geographical Data; Summary of Identification and Evaluation Methods; and Major Bibliographic References. The individual nominations, which can be districts, sites, structures, buildings and/or objects, include brief description and significance sections and boundary and bibliographic information. Multiple Property Submissions are designed to facilitate evaluating the eligibility and/or nominating additional properties at a later date.

Previously prepared Multiple Property Submissions can be useful guides to appropriate historic contexts and registration requirements for archeological properties. Multiple property submissions are discussed in the National Register bulletin *How to Complete the National Register Multiple Property Documentation Form*. The National Register maintains a list of approved multiple property submissions; the list and copies of the documentation are available upon request and on the web at: www.cr.nps.gov/nr/research/mplist.htm. A list of current multiple property submissions under which archeological properties have been nominated is included as Appendix B in this bulletin.

NATIONAL REGISTER PROPERTY CATEGORIES

District
A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development. **Examples:** college campuses; central business districts; residential areas; commercial areas; large forts; industrial complexes; civic centers; rural villages; canal systems; collections of habitation and limited activity sites; irrigation systems; large farms, ranches, estates, or plantations; transportation networks; and large landscaped parks.

Site
A site is the location of a significant event, a pre or post-contact occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of the value of any existing structure. **Examples:** habitation sites, funerary sites; rock shelters; village sites; hunting and fishing sites; ceremonial sites; petroglyphs; rock carvings; gardens; battlefields; ruins of historic buildings and structures; campsites; sites of treaty signing; trails; areas of land; shipwrecks; cemeteries; designed landscapes; and natural features, such as springs, rock formations, and land areas having cultural significance.

Building
A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. "Building" may also be used to refer to a historically and functionally related unit, such as a courthouse and a jail or a house and a barn. **Examples:** Houses; barns; stables; sheds; garages; courthouses; city halls; social halls; commercial buildings; libraries; factories; mills; train depots; stationary mobile homes; hotels; theaters; schools; stores; and churches.

Structure
The term "structure" is used to distinguish those functional constructions made usually for purposes other than creating human shelter. **Examples:** bridges; tunnels; gold dredges; fire towers; canals; turbines; dams; power plants; corncribs; silos; roadways; shot tower; windmills; grain elevators; kilns; mounds; cairns; palisade fortifications; earthworks; railroad grades; systems of roadways and paths; boats and ships; railroad locomotives and cars; telescopes; carousels; bandstands; gazebos; and aircraft.

Object
The term "object" is used to distinguish those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment. **Examples:** sculpture; monuments; boundary markers; statuary; and foundations.

ARCHEOLOGICAL DISTRICTS: CONTRIBUTING AND NONCONTRIBUTING RESOURCES

A contributing site, building, structure, or object adds to the historical associations, historic architectural qualities, or archeological values for which a property is significant. A contributing resource has the following characteristics:

- It was present during the period of time that the property achieved its significance;
- It relates to the documented significance of the property;
- It possesses historical integrity or is capable of yielding important information relevant to the significance of the property.

A noncontributing building, site, structure, or object does not add to the historical associations, historic architectural qualities, or archeological values for which a property is significant because:

- It was not present during the period of time that the property achieved its significance;
- It does not relate to the documented significance of the property;
- Due to alterations, disturbances, additions, or other changes, it no longer possesses historical integrity or is capable of yielding important information relevant to the significance of the property.

Contributing **and** noncontributing resources need to be differentiated and tallied. Identify all sites, buildings, structures, and objects located within the property's boundaries that are substantial in size and scale and determine which are contributing and which are noncontributing. As a general rule:

- Count a geographically continuous site as a single unit regardless of its size or complexity;
- Count separate areas of a discontiguous district as separate entities (e.g., sites, structures, etc.);
- Do not count minor resources (such as small sheds, grave markers, or machinery) unless they are important to the property's significance;
- Do not count architectural ruins separately from the site of which they are a part;
- Do not count landscape features (such as fences and paths) separately from the site of which they are a part unless they are particularly important or intrusive. For example, a narrow gravel pathway built 10 years ago to guide tourists from one mission building to another should not be counted.
- Do not count individual archeological components of stratified archeological sites separately;

A landscape feature, such as a formal garden or complex of formal gardens, may be classified and counted either as a site or as a district. Landscape features associated with archeological properties, however, will generally be counted as sites. The National Register bulletin *Guidelines for Evaluating and Documenting Rural Historic Landscape* and the National Register bulletin *How to Evaluate and Nominate Designed Historic Landscapes* provide guidance on defining, describing, and evaluating rural and designed landscapes. Refer to *How to Complete the National Register Registration Form* for further guidance on counting resources.

CLASSIFICATION EXAMPLES

Situation	Classification
1870s homestead archeological site with no standing structures or above-ground ruins.	Site
1870s homestead archeological site with a standing barn and house dating to the 1870s.	Site
1870s homestead archeological site situated atop and adjacent to important pre-contact archeological deposits.	Site
Four 1870s homestead sites adjacent to one another.	District
A pre-contact irrigation system fragmented by modern developments.	Discontiguous District
Three historically-related shipwrecks that are located approximately one-quarter mile apart.	Discontiguous District
Twenty shell midden sites located within a particular county.	Multiple Property Submission

Williams, John/200
Exhibit 2/202
Page 4

HISTORIC AND CURRENT FUNCTIONS OR USES

Historic function or use relates to the function of the property during the time period associated with the property's significance. Current function refers to the present-day function/use of the property. Historic function and current function for archeological properties usually differ. For example, a Colonial-period site with a buried foundation of a county courthouse that is currently under cultivation has a historic function of GOVERNMENT/ county courthouse and a current function of AGRICULTURE / SUBSISTENCE/ agricultural field. If none of the listed functions and uses is appropriate, then the "Other" category may be checked and a description filled in.

Note that completion of the "Functions/Uses" category is especially important. There is no site-type category, in the sense that archeologists use the term, on the nomination form. Since most archeological properties are classified by function or use, the Function/Use designation approximates a site-type designation.

ARCHITECTURAL CLASSIFICATION MATERIALS

The descriptive categories, Architectural Classification and Material, are applicable only for archeological sites that have standing buildings or structures. If the property has a standing, contributing structure or building then these descriptive categories must be completed.

Data categories for "Architectural Classification" and architectural style references are listed in *How to*

FUNCTIONS AND USES PERTAINING TO ARCHEOLOGICAL PROPERTIES

Category	Subcategory
Domestic	Single dwelling, multiple dwelling, secondary structure, hotel, institutional housing, camp, village site
Agriculture/ Subsistence	Processing, storage, agricultural field, animal facility, fishing facility or site, horticultural facility, agricultural outbuilding, irrigation facility
Industry/ Processing/ Extraction	Manufacturing facility, extractive facility, waterworks, energy facility, communications facility, processing site, industrial storage, quarry site, tool production site
Commerce/Trade	Business, professional, organizational, financial institution, specialty store, department store, restaurant, warehouse, trade (archeology)
Transportation	Rail-related, air-related, water-related, road-related (vehicular), pedestrian-related, trail
Government	Capitol, city hall, correctional facility, fire station, government office, diplomatic building, custom house, post office, public works, courthouse
Defense	Arms storage, fortification, military facility, battle site, Coast Guard facility, naval facility, air facility
Recreation and Culture	Theater, auditorium, museum, music facility, sports facility, outdoor recreation, fair, monument/marker, work of art
Landscape	Parking lot, park, plaza, garden, forest, unoccupied land, underwater, natural feature, street furniture/ object, conservation area
Education	School, college, library, research facility, education-related
Religion	Religious facility, ceremonial site, church school, church-related residence
Funerary	Cemetery, graves/burial, mortuary
Health Care	Hospital, clinic, sanitarium, medical business/office, resort
Social	Meeting hall, clubhouse, civic
Vacant/Not in Use	(Use this category when the property is not being used)
Work in Progress	
Unknown	
Other	

Complete the National Register Registration Form. These categories represent American architectural styles. If the building or structure does not fit into the classification scheme and an appropriate classification is known, then "Other" should be checked and the name written in—for example, "Other: Mesa Verde Pueblo." If a building or structure style is not listed in the "Architectural Classification" list and "Other" is inappropriate, then "No Style" should be entered.

Architectural classification such as categories, subcategories, and other stylistic terminology have not been established for ruins. **Ruins** are defined by the National Register as buildings or structures that no longer possess original design or structural integrity. When there is considerable structural integrity still remaining, which is the case at many pueblos, the property should be classified as buildings rather than ruins. The principal existing and visible exterior materials, whether historic or non-historic, of standing buildings or structures or of above ground ruins must be described. A listing of materials from which to choose is provided in *How to Complete the National Register Registration Form.* If there are no aboveground buildings, structures, or ruins, enter "N/A." For example, if there is a subsurface stone foundation but no above-ground evidence, "N/A" should be entered.

NARRATIVE DESCRIPTION

The narrative description is the text that describes the archeological property as it was in the past (i.e., during its "period of significance") and as it is in the present. It also describes the property's environmental or physical condition, including the property's past environmental setting and its current setting. The property's physical integrity should also be discussed. There is no outline that must be followed when describing archeological properties. Many preparers, however, have found the following outline useful.

1. SUMMARY

Summarize the highlights of the information presented in the description narrative. At a minimum, the summary paragraph(s) should identify the general location of the property, its type, period of significance, the cultural group(s) associated with the property, the range of contributing resources, and the integrity of the property and its setting. Note that the period of significance and the cultural group associated with the property will be discussed more fully in the preceding "Evaluating Significance" section. For the purposes of this summary, these subjects should be discussed to the level needed to provide the reader with a basic orientation regarding the property.

2. ENVIRONMENT

Describe the present and, if different, the relevant past environment and physical setting that prevailed during the property's period(s) of occupation or use, or period of significance. This description should focus on the environmental features or factors that are or were relevant to the location, use, formation, or preservation of the archeological property.

3. TIME PERIOD OF OCCUPATION OR USE

Identify the time period when the property is known or projected to have been occupied or used. Explain how the period of time was determined, especially the beginning and end dates. Include comparisons with similar properties if data from them were used to establish the time period. The period of occupation often corresponds to the period of significance. Note that the individual period(s) of occupation or use is discussed in detail under the physical description of the property. This section is intended to be more general and inclusive of the periods of occupation.

4. PERSONS, ETHNIC GROUPS, OR ARCHEOLOGICAL CULTURES

Identify those who, through their activities, created the archeological property or, in the case of a district, occupied or used the area and created the sites within it. Discuss the supporting evidence for making such a determination.

5. PHYSICAL CHARACTERISTICS

Describe the physical makeup of the nominated property or properties. Where appropriate, the description of a site or a district should include the following:

Site

- Site type, such as village, quarry, tavern, rural homestead, military fortification, or shoe factory;
- Important (or contributing) standing structures, buildings, or ruins;
- Kinds and approximate number or density of features (e.g., middens, hearths, roads, or garden terraces), artifacts (e.g., manos and metates, lithic debitage, medicine bottles), and ecofacts (e.g., insects, macrobotanical remains);
- Known or projected depth and extent of the archeological deposits and the supporting evidence for archeological integrity. Known or projected dates for the period(s) in which the site was occupied or used and the supporting evidence;
- Vertical and horizontal distribution of features, artifacts, and ecofacts;
- Natural and cultural processes, such as flooding and refuse disposal, that have influenced the formation of the site;
- Noncontributing buildings, structures, and objects within the site.

District

- Type of district, such as an eighteenth-century New England village or a Middle Woodland mound group.
- Cultural, historical, or other relationships among the sites that make the district a cohesive unit.
- Kinds and number of contributing sites, buildings, structures, and objects that make up the district.
- Information on individual or representative sites and other resources within the district. Refer to the "Physical Characteristics" of a site previously presented. For districts with few significant archeological resources (usually sites), describe the individual sites. For archeological districts with a number of resources (usually sites), describe the most representative resources or types of resources and present the data on the individual resources in a table.
- Noncontributing sites, buildings, structures, and objects within the district.

6. LIKELY APPEARANCE OF THE PROPERTY DURING ITS PERIOD(S) OF OCCUPATION OR USE

Because of limited data, this description is often general and speculative, especially if aboveground elements no longer exist. Nevertheless, the description should be consistent with the description of the archeological remains. Knowledge of similar properties that have been comprehensively investigated may be used to support the description. A description of the property as it likely appeared in the past is particularly useful in evaluating integrity.

7. CURRENT AND PAST IMPACTS

Identify the impacts, natural and cultural, past and current, on or immediately around the property, such as modern development, vandalism, neglect, road construction, agriculture, soil erosion, or flooding. For a district, describe the integrity of the district as a whole and the integrity of individual sites. The emphasis in this section should be on identifying the kinds of impacts and assessing the extent or degree of impact. If qualitative categories, such as "high," "low," etc., are used, then these should be defined.

8. INTEGRITY

As defined by the National Register, properties that are eligible for inclusion have integrity. Integrity has seven aspects: location, design, setting, materials, workmanship, feeling, and association. As with much of the National Register nomination process, assessment of the archeological integrity at a particular historic property or district depends upon the identified historic contexts, questions, and research design. A comprehensive, accurate, and explicit evaluation of archeological integrity is an essential part of any nomination. For further discussion of integrity, refer to "Aspects, or Qualities, of Integrity," in Section IV of this bulletin for further guidance.

9. PREVIOUS INVESTIGATIONS

Previous investigations are discussed for the purposes of (1) documenting disturbances from archeological investigations, (2) identifying the information that the property has already yielded, and (3) determining, in part, the information potential if additional studies are conducted at the property. The following topics should be addressed: archival, literature, and oral history research; the extent and purpose of any excavation, testing, mapping, or surface collection; dates of relevant research and field work and pertinent biases; the identity of the researchers and, if relevant, their institutional or organizational affiliation; and directly relevant bibliographic references. Focus on those studies that pertain to the specific property being nominated. Other relevant studies and research should become evident through reading the "Contexts" section in the narrative significance discussion. Of particular importance are the archeological studies conducted to identify the property and to determine its horizontal and vertical extent and its integrity. Identify the location of repositories where collections and site records are maintained.

10. CONTRIBUTING AND NONCONTRIBUTING RESOURCES

List the contributing and noncontributing resources if they have not already been described as such in previous subsections. Often in the case of archeological properties, all categories of resources except "site" are noncontributing. When this occurs, the preparer simply needs to state, for example, that "all nine buildings on the property postdate the period of significance and are noncontributing resources" and that "there is only one contributing resource—the archeological site." Note that the totals of the contributing and noncontributing counts in the text must match with those found on the National Register form under the heading "Number of Resources within Property" and match those identified on the site map.

NARRATIVE STATEMENT OF SIGNIFICANCE

The "Statement of Significance" is an analytical statement. It is the most important section of any archeological nomination, and documents and justifies the significance of the property. In this section the significance of the property is justified by addressing applicable National Register criteria, areas of significance, period of significance, cultural affiliation, and, if applicable, criteria considerations, significant dates, significant persons, and the architect or builder.

With the exception of the "Summary of Significance" at the beginning of the section, there is no established outline for presenting the significance information. At a minimum, all statements of significance should describe the historic contexts used to evaluate the significance of the historic property, include a discussion of how the property is significant in these contexts, and an explanation of how archeological information provides important information for understanding these contexts (See also "Evaluating Sites in Context," in Section IV of this bulletin).

The "Summary of Significance" is a concise statement, accompanied by the supporting rationale, of why the property is significant. The criterion or criteria under which the property is being nominated and the areas of significance should be cited. In addition, the important information that the property is likely to yield should be summarized.

SUMMARY OF SIGNIFICANCE: FORT DAVIS, IN JEFF DAVIS COUNTY, TEXAS

The significance of Fort Davis, 41SE289, lies in the fact that it was a major force in providing protection for Euro-American settlers who remained in the Rolling Plains southwest of Fort Worth during the Civil War. In the absence of adequate military protection, families realized they would have to "fort up" together, or retreat east to larger settlements. Their decision to stay was an important determinant in the subsequent settlement and history of the western frontier of Texas following the Civil War, qualifying the site for listing on the National Register under Criterion A. Moreover, the site is significant as the only family fort that has been investigated archeologically, and contains an archeological assemblage of a very short time span (1864-1867) from families living at some distance from supplies during the Civil War. Such a collection will be of value to other researchers working on properties dating to this period. The cemetery is considered significant for the genealogical and historical data that it can provide concerning the fort residents and their descendants. Therefore, Fort Davis also meets Criterion D for inclusion in the National Register (Kenmotsu 1992).

SUMMARY OF SIGNIFICANCE: CANNONBALL RUINS, IN MONTEZUMA COUNTY, COLORADO (LISTED UNDER THE GREAT PUEBLO PERIOD OF THE MCELMO DRAINAGE UNIT MPS)

Cannonball Ruins is eligible under Criterion D in the areas of Community Planning/Development and Ethnic Heritage. The site has the potential to provide information regarding the organization of pre-contact communities as well as information regarding Mesa Verde cultural tradition and how it contributes to historic Pueblo Indian culture. The site is also significant in the area of Agriculture for its ability to provide information regarding the role of intensified horticulture. Habitation sites with public architecture are extremely important to our understanding of Southwestern U.S. pre-contact political and social development, population aggregation and regional abandonment. Cannonball Ruins is eligible under Criterion A for association with the movement of Mesa Verde Anasazi settlements to canyon and canyon-head settings in the thirteenth century A. D., an event that made a significant contribution to the broad patterns of Southwestern prehistory. The site represents a well-preserved example of a thirteenth-century village and is one of the largest and last villages from this period. The site is also eligible under Criterion B because of its association with the life and career of Sylvanus G. Morley, a person significant in the history of American archeology. Cannonball Ruins was the only excavation Morley undertook in the continental United States and the one in which he obtained his first fieldwork experience. Cannonball Ruins is eligible under Criterion C for its architectural significance. The standing structures at the site embody the distinctive characteristics of "Hovenweep-type" architecture and construction.

VI. BIBLIOGRAPHIC REFERENCES

In the bibliography, or reference section, include all primary and secondary sources that were used in documenting and evaluating the property and in preparing the National Register nomination. All references cited in the text must be listed in the bibliography. Established historic context reports or multiple property nominations that were used to evaluate the property also should be cited.

There is no mandatory bibliographic style. The National Register does require, however, that a standard style be used and only one style be used for any given nomination. Standard bibliographic styles are found in *A Manual of Style* and *A Manual for Writers*, both published by the University of Chicago Press. Archeologists may choose to use the bibliographic styles endorsed by the primary professional journals—*American Antiquity* and *Historical Archaeology*.

If an archeological property is in a national park and has standing structures or buildings, then the "List of Classified Structures" (LCS) should be consulted and cited. Each park maintains a list of properties within its boundaries, and each National Park Service Regional Office has a LCS Coordinator who maintains the files for the park units within the region.

PREVIOUS NATIONAL PARK SERVICE DOCUMENTATION

Although the nominating official (i.e., the SHPO, THPO, or FPO) is responsible for completing this section of the nomination, the preparer of the nomination should know whether or not the property has been:

- listed in the National Register, or determined eligible by the National Register for listing in the National Register (DOE);
- designated as a National Historic Landmark (NHL);
- recorded by Historic American Buildings Survey (HABS);
- recorded by Historic American Engineering Record (HAER); or
- preliminarily determined to be eligible as an individual listing under 36 CFR 67, that are rules and regulations regarding the certification of historic properties for rehabilitation tax benefits.

Files are maintained by the National Park Service for all of the above kinds of evaluated historic properties. The National Register, History and Education program of the National Park Service, which is located in Washington D.C., maintains the National Register and official DOE files and the National Historic Landmark files. Records of many other properties determined eligible are found in files maintained by SHPO, THPO and FPO. Historic American Buildings Survey and Historic American Engineering Record files are prepared by the National Park Service's HABS/HAER division, which also maintains a comprehensive listing of all HABS/HAER documented properties. Most HABS/HAER files and accompanying photographs are available through the Library of Congress. These files, some dating back to the 1930s, typically include detailed architectural drawings and excellent black-and-white photographs. State Historic Preservation Offices maintain files on the properties listed or determined to be eligible for listing in the National Register and on the properties certified for tax purposes under 36 CFR 67.

VII. ESTABLISHING BOUNDARIES AND GEOGRAPHIC INFORMATION

Boundaries define the horizontal extent of a historic property. Defining the perimeter of an archeological site is often difficult because of the unique environmental setting and archeological characteristics of individual properties. There is no single standard method for defining the extent of an archeological site's boundaries.

The methods for defining and documenting the boundaries of an archeological property should be explicitly described. Although final boundaries may have to be determined after data analysis is complete, the archeologist should make every effort to define preliminary boundaries of the property while in the field (For further guidance, consult the National Register bulletin *Defining Boundaries for National Register Properties* and its appendix, *Definition of National Register Boundaries for Archeological Properties*).

The intent of the "Geographical Data" section of the National Register nomination is to define the location and extent of the property being nominated. The parameters that physically define and describe the property's boundaries and the rationale for establishing those parameters are of paramount importance in this section.

Absolute boundary definition is often not achievable, especially for archeological properties. Nevertheless, for public administration purposes, defensible boundaries are required. This means that the boundaries chosen have to be justified and that justification must be consistent with the information presented in the description and significance sections.

When selecting boundaries, keep in mind the following general guidelines:

- The boundaries should encompass, but not exceed, the full extent of the significant resources and land area making up the property;
- Buffer zones or acreage not directly contributing to the significance of the property should be excluded;
- Include landscape features that are important in understanding the property;
- A setting that directly contributes to the significance of the property may be included;
- Leave out peripheral areas of the property that no longer retain integrity;
- As a general rule, because it is inconsistent with the concept of a site or district representing a discrete entity, specific areas within the boundaries of the property cannot be excluded from the nomination of the property. If the district does contain individual resources or areas that are linked by historic association or function but are separated geographically, then it may be appropriate to describe and evaluate the property as a discontiguous district.

National Register bulletins provide guidance on defining boundaries, including *How to Complete the National Register Registration Form*, and *Defining Boundaries for National Register Properties* and its appendix, *Definition of National Register Boundaries for Archeological Properties*.

Note that for **discontiguous districts**, each separate area of land must be described in terms of acreage, Universal Transverse Mercator (UTM) references, a boundary description, and a boundary justification.

ACREAGE

Enter the total acreage for the property. Acreage should be accurate to the nearest whole acre; or, if known, to the nearest tenth of an acre. If the property is less than one acre, enter "less than one acre." On the other hand, if the property acreage is known to be, for example 0.7 acres, then 0.7 may be entered instead. (For properties that are more than 100 acres, a United States Geological Survey (USGS) acreage estimator or other accurate method may be used to calculate the acreage). If the property is a discontiguous district, then the acreage for each area must be listed as well as the total acreage (e.g., A = 0.3; B = 1.2; and C = 5.7 acres. Total = 7.2 acres).

GUIDELINES FOR SELECTING BOUNDARIES

(summarized from
How to Complete the National Register Registration Form, p. 57)

The selection of boundaries for archeological sites and districts depends primarily on the scale and horizontal extent of the significant features. A regional pattern or assemblage of remains, a location of repeated habitation, a location or a single habitation, or some other distribution of archeological evidence, all imply different spatial scales. Although it is not always possible to determine the boundaries of a site conclusively, a knowledge of local cultural history and related features such as site type can help predict the extent of a site. Consider the property's setting and physical characteristics along with the results of archeological survey to determine the most suitable approach.

Obtain evidence through one or several of the following techniques:

- **Subsurface testing**, including test excavations, core and auger borings, and observation of cut banks;
- **Surface observation** of site features and materials that have been uncovered by plowing or other disturbance or that have remained on the surface since deposition;
- **Observation of topographic or other natural features** that may or may not have been present during the period of significance;
- **Observation of land alterations** subsequent to site formation that may have affected the integrity of the site;
- **Study of historical or ethnographic documents**, such as maps and journals.

If the techniques listed above cannot be applied, set the boundaries by conservatively estimating the extent and location of the significant features. Thoroughly explain the basis for selecting the boundaries in the boundary justification section.

If a portion of a known site cannot be tested because access to the property has been denied by the owner, the boundaries may be drawn along the legal property lines of the portion that is accessible, provided that portion by itself has sufficient significance to meet the National Register criteria and the full extent of the site is unknown.

Archeological districts may contain **discontiguous elements** under the following circumstances:

1. When one or several outlying sites has a direct relationship to the significance of the main portion of the district, through common cultural affiliation or as related elements of a pattern of land use; and
2. When the intervening space does not have known significant resources.

(Geographically separate sites not forming a discontiguous district may be nominated together as individual properties within a multiple property submission.)

UTM REFERENCES

Universal Transverse Mercator (UTM) grid references are used to identify the exact location of the property. A USGS quadrangle map and a UTM coordinate counter are tools for determining UTM reference points. Other methods for accurately determining UTMs, such as GPS, are also acceptable. Many state historic preservation offices will assist applicants in completing this item. Appendix VIII of *How to Complete the National Register Registration Form* and *Using the UTM Grid System to Record Historic Sites* (only available on the National Register Web site at: www.cr.nps.gov/nr/publications) provides instructions on how to determine UTMS. The following are general guidelines that apply to all kinds of properties:

- For properties that are less than 10 acres, enter the UTM reference for the point corresponding to the center of the property;
- For properties of 10 or more acres enter three or more UTM references. The references should correspond to the vertices of a polygon drawn on the USGS map accompanying the nomination;
- For linear properties of 10 or more acres, such as canals or trails, enter three or more UTM references, all of which should correspond to points along the line drawn on the accompanying USGS map;
- If UTM references define the boundaries of the property, as well as indicate the location, the polygon or line delineated by the references must correspond exactly to the property's boundaries;
- If the property is a discontiguous district, then a UTM reference is needed for each area. Three or more UTM references will be needed for those areas that are greater than ten acres.

VERBAL BOUNDARY DESCRIPTION

The verbal boundary description is a textual description of the boundary of the property as shown on the maps accompanying the nomination. It usually takes one of the following forms:

- a legal parcel number (e.g., Henderson County tax map 40, parcel 0024);
- a block and lot number (e.g., Block or Square 52, Lot 006);
- a subsection of a section within the Township and Range system (e.g., NW 1/4, NW 1/4, SE 1/4 of Section 11, Township 10S, Range 7E);
- metes and bounds (e.g., From the north side of the intersection of Walnut Creek and County Highway 36, the boundary proceeds in a northwest direction for 600 feet, the boundary line then turns and heads east for 200 feet, at which point the boundary turns and proceeds in a south-southeast direction to the original starting point.) This type of description should always begin at a readily identifiable feature located on the ground as well as on the map.
- the dimensions of a parcel of land fixed upon a given point such as the intersection of two streets, a benchmark, the tip of a spit of land jutting into a bay (e.g., The property boundary forms a rectangle which is 2000' in a north-south direction and 1000' in an east-west direction. The property's southeast corner corresponds to the northwest corner of the intersection of U.S. Highway 40 and Main Ave.).

A map drawn to a scale of at least 1" = 200' may be used in place of a verbal description. When using a map for this purpose, note under the heading "Verbal Boundary Description" that the boundaries are indicated on the accompanying base map. For example, "The boundary of the property is shown as the dashed line on the accompanying Willow Creek County parcel map #14." The map must have a scale and a north arrow and clearly show the relationship between the archeological property, its boundaries, and the surrounding natural and cultural features. The primary disadvantage of simply referring to a map for the property boundary is a pragmatic one—if the map is misplaced, then the location cannot be accurately determined.

If the boundaries of a large property are exactly the same as the UTM polygon, then the boundaries marked on the USGS map may be used in place of a verbal boundary description. For example, the boundary of the Anywhere Archeological District is delineated by the polygon whose vertices correspond to the following points: A 18 213600 4136270; B 18 322770 4125960; and C 18 314040 4166790. If the UTM polygon is the same as the property's boundaries, then the boundaries of the property may be recreated even if the map is misplaced.

BOUNDARY JUSTIFICATION

The boundary justification explains the reasons for selecting the boundaries of the property. The reasons should follow from the description and significance discussions. For archeological properties more than one reason may apply. All the reasons should be given and linked to the boundaries as they are drawn on the map. For example, "The property's western and southern boundaries correspond to the historic boundary of the property; the northern boundary follows the shoreline of the bay, which has not changed since the time period of the property's significance; and the eastern boundary corresponds to the eastern extent of intact archeological deposits. These boundaries encompass all of the archeological deposits and above-ground features and structures associated with the property."

For discontiguous districts, explain how the property meets the condition for a discontiguous district and how the boundaries were selected for each area. If the boundary justification is the same for all the areas of the district, simply present the justification and explain that this applies to each of the areas and list them.

VIII. MAPS AND PHOTOGRAPHS

At a minimum, a USGS map showing the location of the property (and, if more than 10 acres, its boundaries) and black-and-white photographs documenting the appearance and condition of the property must be included with every National Register nomination. Additionally, because of the complex nature of archeological properties, a site map (sketch or to scale) is usually required. The National Register Bulletin *How to Complete the National Register Registration Form* outlines the requirements for maps and photographs. See also the National Register Bulletin *How to Improve the Quality of Photos for National Register Nominations*. Some basic information is presented below.

MAPS

For most properties, the National Register requires a sketch map to document a district or a complex site. Site maps drawn to scale are preferable. All maps need to conform to the following requirements:

- Maps should be drawn, printed, or photocopied on archival paper. Maps should be folded to be no larger than 8½ by 11 inches. When submitting a large map that is not on archival paper, fold the map and submit it in an archival folder no larger than 8 ½ by 11 inches;
- Display the following 14 items on the map:
  1. Boundaries of the property, including points of UTM readings, carefully delineated;
  2. Names of major streets near the district and all named streets bordering the property;
  3. Names of places, especially those mentioned in the text sections of the nomination;
  4. Highway numbers;
  5. A north arrow (magnetic or true);
  6. Approximate scale for a sketch map and exact scale for a map drawn to scale;
  7. Contributing sites, buildings, structures, and objects (These should correspond to the description or list of contributing resources in the narrative sections and to the totals of contributing resources.);
  8. Noncontributing sites, buildings, structures, and objects (These should correspond to the description or list of noncontributing resources in the narrative sections and to the totals of noncontributing resources.);
  9. Land uses and natural features covering substantial acreage or having historic significance, such as forests, fields, orchards, quarries, rivers, lakes, and harbors;
  10. The general location and extent of disturbance, especially that described in the narrative sections;
  11. The location of previous archeological excavations, especially those that were extensive enough to cause some disturbance to the archeological deposits;
  12. The location of features and artifact loci described in the narrative section;
  13. The distribution of sites in a district. If more practical, this information may also be shown on the USGS map;
  14. For districts, the number of the accompanying photographs intended to show views of the property.

If the property is more than 10 acres, then a USGS map may be used in place of a sketch map as long as it can legibly show the required information. Maps drawn to a larger scale may be used to show the concentration of resources or types of representative sites. These maps should be keyed to a larger map covering the entire property. Archeological site numbers are usually sufficient for keying.

PHOTOGRAPHS

Clear black-and-white photographs need to be submitted with each nomination form. The photographs should accurately represent the property as described and its integrity. One photograph may be adequate to document a very small archeological site; more, however, are generally needed to adequately document the property. Documenting each property in an archeological district is unnecessary. Photographs of the properties most representative of the district, however, should be submitted. The photographs should be keyed to those representative properties described in the narratives. Prints of historic photographs, artifacts, features, etc. may supplement documentation. All, or a representative sample, of the contributing standing structures must be photographed.

Figure 23: Marking boundaries on low-level aerial photographs is an effective way of showing boundaries and the location of excavations. This photograph shows the Sand Hill Archeological Site in Jackson County, Indiana (see bottom, left-hand corner of photograph). (John W. Winship)

Guidelines include the following:

- The number of photographic views depends on the size and complexity of the property. Submit as many photographs as needed to depict the current condition and significant aspects of the property. Include representative views of both contributing and, if instructive, noncontributing resources. Photographs of representative artifacts and features may be included as well.

For archeological sites submit one or more photographs that depict:

- the condition of the site and above-ground or surface features;
- significant disturbances; and
- the site in relation to its environmental setting.

For archeological districts submit one or more photographs that show:

- the principal sites;
- the representative site types;
- the overall integrity of the district; and
- areas of significant disturbance.

The National Register requests recent photographs to document the present condition of the property. If photographs already exist and they accurately depict the condition of the property, then the older photographs may be used. A note to this effect, however, should be included in the nomination.

One copy of each photograph is submitted to the National Register. The SHPO, THPO or FPO may require additional sets of photographs. In addition, they may also require a set of slides. It is important to know this information prior to conducting field work or even budgeting a National Register nomination project.

Photographs must be:

- unmounted;
- of high quality;
- at least 3½ by 5 inches, preferably 8 by 10 inches for the most important views;
- printed on double or medium weight black and white paper having a standard finish (matte, glossy, satin); and
- labeled in pencil or with a photographic marker.

The preferred way to label photographs is to print in pencil (soft lead pencils work best) on the back of the photograph. **Photographs with adhesive labels will not be accepted.** Include the following information:

1. Name of the property or, if a district, the name of the resources (e.g., site number), and then the name of the district;

Williams, John/200
Exhibit 2/202
Page 56

2. **County** and **state** where the property is located;
3. **Name** of the photographer;
4. **Date** of the photograph;
5. Location of the original **negative**;
6. **Description of the view** indicating direction of the camera;
7. **Photograph number.** For districts use this number to identify the vantage point on the accompanying sketch map.

Alternatively, continuation sheets may be used instead of completely labeling each photograph. To do this, label the photographs by name of property, county, and state, and photograph number (Items 1, 2, and 7 above). For each photograph, list the remaining information (Items 3-6) and Items 1, 2, and 7 on a continuation sheet. Information common to all photographs, such as the photographer's name or the location of the negatives, may be listed once with a statement that it applies to all photographs.

If the photographic paper will not accept pencil marks, print Items 1, 2, and 7 using a permanent marking pen in the front border near the lower right corner of the photograph (do not mark on the image area) and use the continuation sheets alternative.

In submitting a photograph to the NPS with a National Register form, **photographers grant permission to the NPS** to use the photograph for publication and other purposes, including duplication, display, distribution, study, publicity, and audio-visual presentations. The photographer will be credited. Please indicate on the photograph label which photos fall under Section 304 of the National Historic Preservation Act (For guidance on Section 304, see, "When should information be restricted from public access?" in Section I of this bulletin)

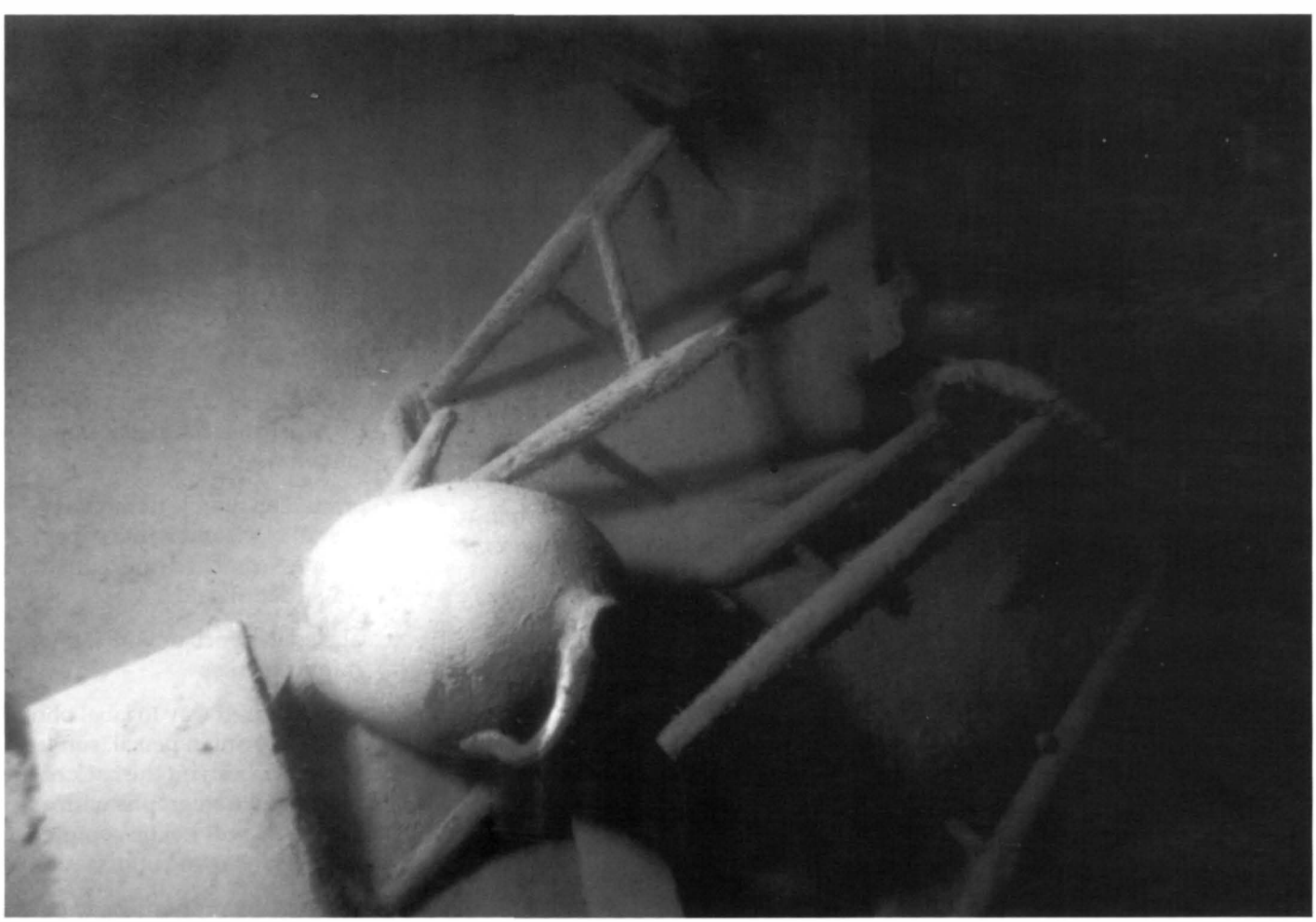


Figure 24: It is often difficult to get good photographs of underwater shipwrecks. The* F. T. Barney *is an exception. This photograph shows an interior view of a stern cabin. (Dale Purchase)

IX. OWNERSHIP

All State Historic Preservation Offices need the names and addresses of all fee-simple property owners. This information is used to notify owners of the intended nomination of their property to the National Register and its listing. The SHPO, THPO, or FPO may ask applicants to enter this information on the nomination form, on continuation sheets, or on another form.

The preservation officer will also submit the following items with the completed National Register form:

- notarized letters of objection from property owners; and
- comments received from public officials, owners, and the general public.

For more information on the notification process, see 36 CFR 60.

X. BIBLIOGRAPHY

Bevan, Bruce W.
1998 Geophysical Exploration for Archeology: An Introduction to Geophysical Exploration. Midwest Archeological Center. Special Report No. 1. National Park Service.

1981 *A Ground-Penetrating Radar Survey at Dickinson Mansion*. Prepared for Delaware Division of Historical and Cultural Affairs, Bureau of Archaeology and Historic Preservation, Dover, Delaware.

Blakey, Michael
1997 Past is Present: Comments on "In the Realm of Politics: Prospects for Public Participation in African-American Plantation Archaeology." *Historical Archaeology* 31(3):140-145.

Blakey, Michael and Cheryl LaRoche
1997 Seizing Intellectual Power: The Dialogue at the New York African Burial Ground. *Historical Archaeology* 31(3):84-106.

Binford, Lewis R.
1977 General Introduction. In *For Theory Building in Archaeology. Essays on Faunal Remains, Aquatic Resources, Spatial Analysis, and Systemic Modeling*, edited by L. R. Binford, pp. 1-10. Academic Press, New York.

1981a Middle-range Research and the Role of Actualistic-Studies. In *Bones: Ancient Men and Modern Myths*, edited by L. R. Binford, pp. 21-30. Academic Press, New York.

1981b Introduction to Part 11: Middle-range Research-In Search of Methodology. In *Bones: Ancient Men and Modern Myths*, edited by L. R. Binford, pp. 31-34. Academic Press, New York.

Briuer, Frederick L., and Clay Mathers, editors
1996 Cultural Resource Significance Evaluation: Proceedings of a U.S. Army Corps of Engineers Workshop 3-4 October 1994, Vicksburg, Mississippi.

Briuer, Frederick L. and Clay Mathers
1997 Trends and Patterns in Cultural Resources Significance: A Historical Perspective and Annotated Bibliography. Technical Report EL-97-5, April 1997. U. S. Army Corps of Engineers Waterways Experiment Station, Vicksburg, Mississippi. http://134.164.46.9/Archimages/6646.PDF

Briuer, Frederick, Janet E. Simms, and Lawson M. Smith
1997 Site Mapping, Geophysical Investigation, and Geomorphic Reconnaissance at Site 9ME395 Upatoi Town, Fort Benning, Georgia. U.S. Army Corps of Engineers Miscellaneous Paper EL-97-3. http://134.164.46.9/Archimages/6645.PDF

Deagan, Kathleen A.
1988 Neither History Nor Prehistory: the Questions that Count in Historical Archaeology. *Historical Archaeology* 22:7-12.

Dongoske, Kurt E., Mark Aldenderfer and Karen Doehner (editors)
2000 *Working Together: Native Americans and Archaeologists*. Society for American Archaeology. Washington, D.C.

Epperson, Terrance
1999 The Contested Commons: Archaeologies of Race, Repression, and Resistance in New York City. In *Historical Archaeologies of Capitalism*, edited by Mark P. Leone and Parker B. Potter, Jr. Kluwer Academic, Plenum Publishers, New York, pp. 81-110.

Ferguson, Leland (editor)
1977 Historical Archaeology and the Importance of Material Things. *Special Publication Series*, Number 2. Society for Historical Archaeology.

Grumet, Robert S.
1988 *Archeology in the National Historic Landmarks Program*. Technical Brief No. 3, Archeological Assistance Program, National Park Service, Washington, D.C. www.cr.nps.gov/aad/aepubs.htm#briefs1

1990 *The National Historic Landmarks Program Theme Study and Preservation Planning*. Technical Brief No. 10. (revised 1992) Archeological Assistance Division, National Park Service, Washington, D.C. www.cr.nps.gov/aad/aepubs.htm#briefs1

Hardesty, Donald
1988 *The Archeology of Mining and Miners: A View From the Silver State*. Society for Historical Archaeology Special Publication Series 6. Ann Arbor, Michigan.

1990 Evaluating Site Significance in Historical Mining Districts, Historical Archaeology 24:42-51.

Heimmer, D. H., and Steven L. De Vore
1995 Near Surface, High Resolution Geophysical Methods for Cultural Resource Management and Archeological Investigations. USDI, NPS, Rocky Mountain Regional Office, Interagency Archeological Services, Denver. Second Edition.

Honerkamp, Nicholas
1988 Questions that Count in Archaeology: Plenary Session, 1987 Meeting of the Society for Historical Archaeology Conference on Historical and Underwater Archaeology Savannah, Georgia. *Historical Archaeology* 22:5-6.

Kenmotsu, Nancy
1992 Fort Davis Family Fort, Stephens County, Texas. National Register of Historic Places Nomination, National Register of Historic Places, Washington, D.C.

Lees, William B, and Vergil E. Noble
1990a Methodological Approaches to Assessing the Archaeological Significance of Historic Sites, *Historical Archaeology* 24:9.

1990b Other Questions that Count: Introductory Comments on Assessing Significance in Historical Archaeology, *Historical Archaeology* 24:10-13.

Leone, Mark P.
1988 The Relationship Between Archaeological Data and the Documentary Record: 18th Century Gardens in Annapolis, Maryland. *Historical Archaeology* 22:29-35.

Little, Barbara J.
1999 Nominating Archaeological Sites to the National Register of Historic Places: What's the Point? *Society for American Archaeology Bulletin* 17 (4):19. www.saa.org/Publications/index.html

McManamon, Francis P.
1990 A Regional Perspective on Assessing the Significance of Historic Period Sites, *Historical Archaeology* 24:14-22.

Merton, Robert K.
1967 On *Theoretical Sociology. Five Essays, Old and New.* The Free Press, Glencoe, Illinois.

National Park Service [NPS]
1996 *Thematic Framework.* www.cr.nps.gov/history/thematic.html

National Park Service [NPS]
1994 *National Register of Historic Places, 1966 to 1994.* Cummulative list through January 1, 1994. In cooperation with The Preservation Press, National Trust for Historic Preservation, Washington, D.C., and the National Conference of State Historic Preservation Officers.

Nöel Hume, Ivor
1982 *Martin's Hundred.* Victor Gollancz Ltd., London.

Peacock, Evan and Alanna J. Patrick
1997 Site Survey and Land-Records Research: A Comparison of Two Methods for Locating and Characterizing Historic Period Sites on the Tombigbee National Forest, Mississippi. *Mississippi Archaeology* 32(1):1-26.

Rathje, William L.
1977 In Praise of Archaeology: Le Project du Garbage. In Historical Archaeology and the Importance of Material Things, edited by Leland Ferguson. *Special Publication Series,* No. 2:36-42. Society for Historical Archaeology.

1979 Modem Material Culture Studies. In *Advances in Archaeological Method and Theory.* Vol. 2. edited by Michael B. Schiffer. Academic Press, Inc., New York.

Smith, Samuel D.
1990 Site Survey as a Method for Determining Historic Site Significance, *Historical Archaeology* 24:34-41.

Smith, Steven D.
1994 Context and Archaeology of Settler Communities: An Example from Fort Leonard Wood, Missouri. Pp 95-105 in *Settler Communities in the West*; Historic Contexts for Cultural Resource Managers of Department of Defense Lands, edited by Robert Lyon. National Park Service, Rocky Mountain Region.

South, Stanley
1977 *Method and Theory in Historical Archeology.* Academic Press, New York.

1988 Whither Pattern? *American Antiquity* 22:25-28.

Sprinkle, Jr., John H.
1995 A Site Form for Important Sites – Converting Archeological Reports into National Register Nominations. *CRM Supplement* 18(6):13-16. www.cr.nps.gov/crm/

Stapp, Darby C.,
and Julie Longenecker
2000 Working Together – 'The Times They Are A-Changin': Can Archaeologists and Native Americans Change with the Times? *Society for American Archaeology* Bulletin 18: 18-20. www.saa.org/Publications/index.html

Sullivan, Alan P. III
1996 Risk, Anthropogenic Environments, and Western Anasazi Subsistence. In *Evolving Complexity and Environmental Risk in the Prehistoric Southwest*, edited by J. A. Tainter and B. B. Tainter, pp. 145-165. Proceedings of the Workshop "Resource Stress, Economic Uncertainty, and Human Response in the Prehistoric Southwest," held February 25-29, 1992 in Santa Fe, New Mexico. Santa Fe Institute for Studies in the Sciences of Complexity, Proceedings Volume XXIV, Addison-Wesley.

Sullivan, Alan P. III, Joseph A. Tainter, and Donald L. Hardesty
1999 Historical Science, Heritage Resources, and Ecosystem Management. In *Ecological Stewardship: A Common Reference for Ecosystem Management*, edited by R.C. Szaro, N.C. Johnson, W.T. Sexton, and A.J. Malk, pp. 493-515. Elsevier Science, Oxford.

Swidler, Nina, Kurt E. Dongoske, Roger Anyon, and Alan S. Downer, editors
1997 *Native Americans and Archaeologist, Stepping Stones to Common Ground*. Altamira Press, Walnut Creek, California.

Tainter, Joseph A.
1998 Surface Archaeology: Perceptions, Values, and Potential. In *Surface Archaeology*, edited by A.P. Sullivan, III, pp. 169-179. University of New Mexico Press, Albuquerque, New Mexico.

Tainter, Joseph A. and Bonnie Bagley Tainter, Editors
1996 *Evolving Complexity and Environmental Risk in the Prehistoric Southwest*. Proceedings of the Workshop "Resource Stress, Economic Uncertainty, and Human Response in the Prehistoric Southwest," held February 25-29, 1992 in Santa Fe, New Mexico. Santa Fe Institute for Studies in the Sciences of Complexity, Proceedings Volume XXIV, Addison-Wesley.

Talmage, Valerie, Olga Chesler and Staff of Interagency Archeological Services.
1977 *The Importance of Small, Surface, and Disturbed Sites as Sources of Significant Archeological Data*. USDI, National Park Service, Washington, D.C.

Thomas, David Hurst
1983a *The Archaeology of Monitor Valley. 1. Epistemology.* Anthropological Papers of the American Museum of Natural History, Vol. 58: Part 1. New York.

1983b *The Archaeology of Monitor Valley. 2. Gatecliff Shelter.* Anthropological Papers of the American Museum of Natural History, Vol. 59: Part 1. New York.

1987 *The Archaeology of Mission Santa Catalina de Guale 1. Search and Discovery.* Anthropological Papers of the American Museum of Natural History, Vol. 63: Part 2. New York.

Wilson, John S.
1990 We've Got Thousands of These! What Makes an Historic Farmstead Significant? *Historical Archaeology* 24:23-33.

APPENDIX A
NATIONAL REGISTER BULLETINS

THE BASICS

*How to Apply National Register Criteria for Evaluation**
Guidelines for Completing National Register of Historic Places Form
*Part A: How to Complete the National Register Form**
*Part B: How to Complete the National Register Multiple Property Documentation Form**
*How to Prepare National Historic Landmark Nominations**
*Researching a Historic Property**

PROPERTY TYPES

*Guidelines for Evaluating and Documenting Historic Aids to Navigation**
*Guidelines for Identifying, Evaluating and Registering America's Historic Battlefields**
*Guidelines for Evaluating and Documenting Historic Aviation Properties**
*Guidelines for Evaluating and Registering Cemeteries and Burial Places**
*How to Evaluate and Nominate Designed Historic Landscapes**
*Guidelines for Identifying, Evaluating and Registering Historic Mining Sites**
*How to Apply National Register Criteria to Post Offices**
*Guidelines for Evaluating and Documenting Properties Associated with Significant Persons**
*Guidelines for Evaluating and Documenting Properties That Have Achieved Significance Within the Last Fifty Years**
*Guidelines for Evaluating and Documenting Rural Historic Landscapes**
*Guidelines for Evaluating and Documenting Traditional Cultural Properties**
*Nominating Historic Vessels and Shipwrecks to the National Register of Historic Places**

TECHNICAL ASSISTANCE

*Defining Boundaries for National Register Properties**
*Guidelines for Local Surveys: A Basis for Preservation Planning**
How to Improve the Quality of Photographs for National Register Nominations
*National Register Casebook: Examples of Documentation**
Telling the Stories: Planning Effective Interpretive Programs for Properties Listed in the National Register
*Using the UTM Grid System to Record Historic Sites** (only available on the Web)

The above publications may be obtained by writing to the National Register of Historic Places, National Park Service, 1849 C Street, NC 400, NW, Washington, D.C. 20240.

Publications marked with an asterisk (*) are also available in electronic form on the Web at www.cr.nps.gov/nr, or send your request by e-mail to nr_reference@nps.gov.

APPENDIX B
MULTIPLE PROPERTY SUBMISSIONS

Multiple Property Submission cover documents under which archeological properties have been nominated as of January, 2000. A list of Multiple Property Submission cover documents may also be found on the web at: www.cr.nps.gov/nr/research/mplist.htm.

***Multiple Property Submission (MPS)** is the format currently used by the National Register for multiple property documentation, together with individual registration forms. In the past, the National Register has used the **Multiple Resource Area (MRA)** and T**hematic Group Resources (TR)** formats, however, these formats are no longer active. Nominations may still be submitted under previously accepted MRAs and TRs if they are submitted on National Register individual registration forms and meet the current standards for listing. For more information on multiple property submissions, refer to the National Register bulletin *How to Complete the National Register Multiple Property Documentation Form*. MRAs and TRs may also be updated and/or amended. For guidance on preparing an amendment please see the National Register bulletin *How to Complete the National Register Registration Form*, Appendix VI.

ALABAMA

- Plantation Houses of the Alabama Canebrake and Their Associated Outbuildings MPS

ARIZONA

- Bandelier's, Adolph F. A., Archeological survey of Tonto Basin, Tonto NF MPS
- Casa Grande MRA
- Fort Lowell MRA
- Hohokam Platform Mound Communities of the Lower Santa Cruz River Basin c. A.D. 1050-1450 MPS
- Hohokam and Euroamerican Land Use and Settlement along the Northern Queen Creek Delta MPS
- Logging Railroad Resources of the Conconino and Kaibab National Forests MPS
- Prehistoric Walled Hilltop sites of Prescott National Forest and Adjacent Regions MPS
- Snake Gulch Rock Art MPS

ARKANSAS

- Rock Art Sites in Arkansas TR

CALIFORNIA

- Earth Figures of California – Arizona Colorado River Basin TR

COLORADO

- Archaic Period Architectural sites in Colorado MPS
- Dinosaur National Monument MRA
- Great Pueblo Period of the McElmo Drainage Unit MPS
- Historic Resources of Aspen MPS
- Prehistoric Paleo-Indian Cultures of the Colorado Plains MPS

CONNECTICUT

- Lower Connecticut River Valley Woodland Period Archaeological TR

DELAWARE

- Nanticoke Indian Community TR
- St. Jones Neck MRA

FLORIDA

- Archaeological Resources in the Upper St. Johns River Valley MPS
- Archaeological Resources of the Caloosahatchee Region
- Archaeological Resources of the Everglades National Park MPS
- Archaeological Resources of the Naval Live Oaks Reservation MPS
- Rural Resources of Leon County

GEORGIA

- Baconton MRA
- Columbus MRA
- Cumberland Island National Seashore MRA
- Old Federal Road in Georgia's Banks and Franklin Counties MPS

IDAHO

- Chinese sites in the Warren Mining District MPS

IOWA

- Mines of Spain Archeological MPS
- Municipal, County, and State Corrections Properties MPS
- Prehistoric Hunters and Gatherers on the Northwest Iowa Plains, C. 10,000-200 B.P. MPS
- Prehistoric Mounds of the Quad-State Region of the upper Mississippi River Valley MPS

KANSAS

- Kansas Rock Art TR
- Santa Fe Trail MPS

KENTUCKY

- Ashland MRA
- Clark County MRA
- Early Stone Buildings of Kentucky TR
- Green River Shell Middens of Kentucky TR
- Hickman, Kentucky MPS
- Mammoth Cave National Park MPS
- Pisgah Area of Woodford County MPS
- Prehistoric Rock Art Sites in Kentucky MPS

LOUISIANA

- Louisiana's French Creole Architecture MPS

MAINE

- Native American Petroglyphs and Pictographs in Maine MPS
- Androscoggin River Drainage Prehistoric Sites MPS
- Boothbay Region Prehistoric Sites TR
- Cobscook Area Coastal Prehistoric Sites MPS
- Maine Fluted Point Paleoindian Sites MPS
- Penebscot Headwater Lakes Prehistoric Sites MPS
- Prehistoric Sites in North Haven TR

MARYLAND

- Delaware Chalcedony Complex TR
- Prehistoric human adaptation to the Coastal Plain Environment of Anne Arundel County MPS

MASSACHUSETTS

- Barnstable MRA
- Blue Hills and Neponset River Reservations MRA
- First Period Buildings of Eastern Massachusetts TR
- Stoneham MRA

MICHIGAN

- Shipwrecks of Isle Royale National Park TR

MINNESOTA

- American Indian Rock Art in Minnesota MPS
- Minnesota's Lake Superior Shipwrecks MPS
- Minnesota State Park CCC/WPS/Rustic Style MPS
- Pipestone County MRA
- Portage Trails in Minnesota MPS
- Pre-contact American Indian Earthworks MPS
- Washington County MRA

MISSOURI

- Prehistoric Rock Shelter and Cave Sites in Southwestern Missouri MPS
- Santa Fe Trail MPS

MONTANA

- Archeological Resources of the Upper Missouri River Corridor MPS
- Whoop-Up Trail of Northcentral Montana MPS

NEW HAMPSHIRE

- Harrisville MRA

NEW MEXICO

- Anasazi Sites within the Chacoan interaction sphere TR
- Animas Phase sites in Hidalgo county MPS
- Anton Chico Land Grant MRA
- Archaic sites of the northwest Jemez Mountains MPS
- Chaco Mesa Pueblo III TR
- Corona Phase Sites in the Jicarilla Mountains, New Mexico, MPS
- Cultural Developments on the Pajarito Platueau MPS
- Gallina Culture Developments in North Central New Mexico MPS
- Jimenez Cultural Developments in North-Central New Mexico
- Jemez Springs Pueblo sites TR
- Late Prehistoric Cultural Developments along the Rio Chama and Tributaries MPS
- Lincoln Phase sites in the Sierra Blanca Region MPS
- Mining sites in the Nogal mining district of the Lincoln National Forest MPS
- Navajo-Refugee Pueblo TR
- Prehistoric adaptations along the Rio Grande Drainage, Sierra County, New Mexico TR
- Prehistoric and Historic Agricultural sites in the Lower Rio Bonito Valley TR
- Pueblo IV sites of the Chupadera Arroyo MPS
- Railroad Logging Era Resources MPS
- Rayado Ranch MPS
- Ring Midden sites of the Guadalupe Mountains MPS
- Santa Fe Trail MPS

NEW YORK

- Colonie Town MRA
- Rhinebeck Town MRA

NORTH CAROLINA

- Dan River Navigation System in North Carolina TR
- Durham MRA
- Iredell County MRA

OREGON

- Early French-Canadian Settlement MPS
- Native American Archeological sites of the Oregon Coast MPS

PENNSYLVANIA

- Bituminous Coal and Coke resources of PA MPS
- Gristmills in Berks County MPS
- Industrial Resources of Huntingdon county MPS
- Iron and Steel Resources in Pennsylvania MPS

RHODE ISLAND

- Foster MPS
- Indian use of Block Island, 500 BC-AD 1676 MPS
- Indian use of Salt Pond Region between ca. 4000 BP and ca 1750 AD MPS
- North Kingstown MRA

SOUTH CAROLINA

- Congaree Swamp National Monument MPS
- Early Ironworks of Northwestern South Carolina TR
- Edisto Island MRA
- Historic Resources of St. Helena Island c. 1740-c. 1935 MPS
- Late Archaic-Early Woodland period shell rings of South Carolina
- McCormick MRA
- Pacolet Soapstone Quarries TR
- Yamasee Indian Towns in the South Carolina Low county MPS

SOUTH DAKOTA

- 19th century South Dakota Trading Posts MPS
- Big Bend Area MRA
- James River Basin Woodland sites TR
- Petroforms of South Dakota TR
- Prehistoric Rock Art of South Dakota MPS
- Rock Art in the Southern Black Hills TR
- South Dakota portion of the Bismark to Deadwood trail MPS

TENNESSEE

- Historic and historic archaeological resources of the American Civil War MPS
- Iron Industry on the Western Highland Rim 1790s-1920s MPS
- Mississippian Cultural Resources of the Central Basin (AD 900-AD 1450) MPS
- Mocassin Bend MRA

TEXAS

- 19th century pottery kilns of Denton County TR
- Bastrop MPS
- Indian Hot Springs MPS
- New Mexican Pastor Sites in Texas Panhandle TR
- Salado MRA

UTAH

- Great Basin Style Rock Art TR
- Tintic Mining District MRA

VERMONT

- Bellows Falls Island MRA

VIRGIN ISLANDS

- Virgin Islands National Park MRA

VIRGINIA

- Civil War Properties in Prince William County MPS
- Montgomery County MPS
- Oakland Farm Industrial Park MRA

WEST VIRGINIA

- Berkeley County MRA
- Bulltown MRA
- Rockshelters on the Gauley Ranger District, Monongahela National Forest MPS

WISCONSIN

- Cooksville MRA
- Great Lakes Shipwrecks MPS
- Late Woodland Stage in Archeological Region 8 (AD 650-1300) MPS
- Paleo-Indian Tradition in Wisconsin MPS
- Prehistoric Archaeological resources of the Milwaukee VA Medical Center MPS
- Trempeauleau MRA
- Wisconsin Indian Rock Art Sites MPS

WYOMING

- Aboriginal Lithic Source Areas in Wyoming TR
- Domestic Stone Circle Sites in Wyoming MPS
- Early and Middle Archaic Housepit sites in Wyoming MPS

APPENDIX C
CHECKLIST FOR ARCHEOLOGICAL NOMINATIONS

The following list of questions may be used as a checklist in the final review of a nomination prior to submission to the National Register of Historic Places. Bold-printed segments indicate major categories of information in the National Register nomination.

2 LOCATION

- Has the "not for publication" box been considered?

7 DESCRIPTION

- Is the environmental setting described and related to the property or district? Cross check with topographic and sketch maps and photographs.
- Are the probable occupation or construction dates identified for all components of the property or district? If the property can not be dated, the text should so state. Cross check with sketch maps and photographs.
- Are all major or significant features identified and described? Cross check with topographic and sketch maps and photographs. Check areas and periods of significance.
- Are the major types of alterations and disturbances identified and evaluated for their impact upon the property's or district's integrity? Cross check with sketch maps and photographs.
- Are all contributing and non-contributing properties in the district identified and counted? Cross check with topographic and sketch maps and photographs.
- Does the description convey the significant qualities of the property? Do the significant aspects retain integrity?
- Is the character of the district identified?
- Does this character provide a basis for grouping properties into a district?

8 SIGNIFICANCE

- Does the narrative clearly represent and convey the Period(s) and Area(s) of Significance checked? Have they been justified in a specific discussion within the Statement of Significance?
- Have the applicable criteria been identified and documented within the Statement of Significance?
- Does the context in which a property has been evaluated as significant justify the local, state, or national level of significance chosen for the property?
- Is Cultural Affiliation (necessary under D) indicated in the Statement of Significance?
- Have the criteria considerations been indicated and justified where applicable?

FOR PROPERTIES MEETING CRITERION A:

- Does the significance statement identify the applicable major event(s) associated with the property or district?
- Does the significance statement justify the importance of the event(s) with respect to its impact on the broad patterns of prehistory or history?
- Does the significance statement demonstrate that the property or district has stronger associations to the event(s) than other comparable properties or districts?

FOR PROPERTIES MEETING CRITERION B:

- Does the significance statement identify the specific person(s) who was significant in the past?
- Does the significance statement justify the importance of the person(s)?
- Does the significance statement demonstrate that the property or district has stronger associations to the person(s) than other comparable properties or districts? Comparison should be made on the basis of length of association and degree of integrity.

FOR PROPERTIES MEETING CRITERION C

- Does the significance statement identify and justify the importance of an applicable design concept(s), construction technique(s), or usage of building material(s)?
- Does the significance statement demonstrate that the property or district provides a better illustration of a design concept(s), construction technique(s), or usage of building materials than other properties or districts?

  Comparison should be made on the basis of those:
  - Characteristics that were typically common to a:

    Design concept(s), construction technique(s), or usage of building material(s)
  - Characteristics that express individuality or variation within a:

    Design concept(s), construction technique(s), or usage of building materials
  - Characteristics that documents the evolution of a:

    Design concept(s), construction technique(s), or usage of building material(s)
  - Characteristics that documents the transition of one:

    Design concept(s), construction technique(s), or usage of building material(s)

FOR PROPERTIES MEETING CRITERION D:

- Does the significance statement describe the potential research topics that the property can address?
- Does the significance statement justify the importance of these research topics within an applicable historic context? Does the significance statement identify the data that can address these research topics?
- Does the significance statement affirm that the property contains or is likely to contain these data?

9 BIBLIOGRAPHY

- Were all appropriate areas in the text properly referenced?
- Are all citations used in the text referenced in the bibliography?

10 GEOGRAPHICAL DATA

- Are boundary lines fixed at permanent features or UTM references appearing on USGS topographic maps?
- Does the sketch map indicate the boundary of the nominated property?
- Does the verbal boundary description describe the boundaries on all sides of the property or district?
- Does the boundary justification discuss the:
  - method(s) used to define the boundary, and
  - relationship between the property's or district's significance and the boundary?
- Are all major or significant features included within the boundary?
- Does the boundary exclude unjustified acreage or buffer zones?
- Does the boundary include entire buildings, structures, or objects as opposed to only portions of buildings, structures, or objects?

ACCOMPANYING DOCUMENTATION

- Are the sketch maps labeled? Do maps have a:
  - title,
  - legend,
  - north arrow, and
  - scale?
- Does the sketch map show the entire boundary of the property or district?
- Does the sketch map show features, disturbances, and contributing and non-contributing elements discussed in the nomination?
- Do the photographs illustrate the:
  - environmental setting,
  - major or significant features, and
  - major alterations or disturbance?

EXHIBIT 203

36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES

36 CFR PART 800 -- PROTECTION OF HISTORIC PROPERTIES (incorporating amendments effective August 5, 2004)

Subpart A -- Purposes and Participants

Sec.
800.1 Purposes.
800.2 Participants in the Section 106 process.

Subpart B -- The Section 106 Process

800.3 Initiation of the section 106 process.
800.4 Identification of historic properties.
800.5 Assessment of adverse effects.
800.6 Resolution of adverse effects.
800.7 Failure to resolve adverse effects.
800.8 Coordination with the National Environmental Policy act.
800.9 Council review of Section 106 compliance.
800.10 Special requirements for protecting National Historic Landmarks.
800.11 Documentation standards.
800.12 Emergency situations.
800.13 Post-review discoveries.

Subpart C -- Program Alternatives

800.14 Federal agency program alternatives.
800.15 Tribal, State and Local Program Alternatives. (Reserved)
800.16 Definitions.
Appendix A – Criteria for Council involvement in reviewing individual section 106 cases

Authority: 16 U.S.C. 470s.

Subpart A-Purposes and Participants

§ 800.1 Purposes.

(a) *Purposes of the section 106 process*. Section 106 of the National Historic Preservation Act requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how Federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of Federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

(b) *Relation to other provisions of the act*. Section 106 is related to other provisions of the act designed to further the national policy of historic preservation. References to those provisions are included in this part to identify circumstances where they may affect actions taken to meet section 106 requirements. Such provisions may have their own implementing regulations or guidelines and are not intended to be implemented by the procedures in this part except insofar as they relate to the section 106 process. Guidelines, policies and procedures issued by other agencies, including the Secretary, have been cited in this part for ease of access and are not incorporated by reference.

(c) *Timing*. The agency official must complete the section 106 process "prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license." This does not prohibit agency official from conducting or authorizing nondestructive project planning activities before completing compliance with section 106, provided that such actions do not restrict the subsequent consideration of alternatives to avoid, minimize or mitigate the undertaking's adverse effects on historic properties. The agency official shall ensure that the section 106 process is initiated early in the undertaking's planning, so that a broad range of alternatives may be considered during the planning process for the undertaking.

§ 800.2 Participants in the Section 106 process.

(a) *Agency official*. It is the statutory obligation of the Federal agency to fulfill the requirements of section 106 and to ensure that an agency official with jurisdiction over an undertaking takes legal and financial responsibility for section 106 compliance in accordance with subpart B of this part. The agency official has approval authority for the undertaking and can commit the Federal agency to take appropriate action for a specific undertaking as a result of section 106 compliance. For the purposes of subpart C of this part, the agency official has the authority to commit the Federal agency to any obligation it may assume in the implementation of a program alternative. The agency official may be a State, local, or tribal government official who has been delegated legal responsibility for compliance with section 106 in accordance with Federal law.

(1) *Professional standards*. Section 112(a)(1)(A) of the act requires each Federal agency responsible for the protection of historic resources, including archeological resources, to ensure that all actions taken by employees or contractors of the agency shall meet professional standards under regulations developed by the Secretary.

(2) *Lead Federal agency*. If more than one Federal agency is involved in an undertaking, some or all the agencies may designate a lead Federal agency, which shall identify the appropriate official to serve as the agency official who shall act on their behalf, fulfilling their collective responsibilities under section 106. Those Federal agencies that do not designate a lead Federal agency remain individually responsible for their compliance with this part.

(3) *Use of contractors*. Consistent with applicable conflict of interest laws, the agency official may use the services of applicants, consultants, or designees to prepare information, analyses and recommendations under this part. The agency official remains legally responsible for all required findings and determinations. If a document or study is prepared by a non-Federal party, the agency official is responsible for ensuring that its content meets applicable standards and guidelines.

(4) *Consultation*. The agency official shall involve the consulting parties described in paragraph (c) of this section in findings and determinations made during the section 106 process. The agency official should plan consultations appropriate to the scale of the undertaking and the scope of Federal involvement and coordinated with other requirements of other statutes, as applicable, such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation. The Council encourages the agency official to use to the extent possible existing agency procedures and mechanisms to fulfill the consultation requirements of this part.

(b) *Council*. The Council issues regulations to implement section 106,

provides guidance and advice on the application of the procedures in this part, and generally oversees the operation of the section 106 process. The Council also consults with and comments to agency officials on individual undertakings and programs that affect historic properties.

(1) *Council entry into the section 106 process.* When the Council determines that its involvement is necessary to ensure that the purposes of section 106 and the act are met, the Council may enter the section 106 process. Criteria guiding Council decisions to enter the section 106 process are found in appendix A to this part. The Council will document that the criteria have been met and notify the parties to the section 106 process as required by this part.

(2) *Council assistance.* Participants in the section 106 process may seek advice, guidance and assistance from the Council on the application of this part to specific undertakings, including the resolution of disagreements, whether or not the Council is formally involved in the review of the undertaking. If questions arise regarding the conduct of the section 106 process, participants are encouraged to obtain the Council's advice on completing the process.

(c) *Consulting parties.* The following parties have consultative roles in the section 106 process.

(1) *State historic preservation officer.*

(i) The State historic preservation officer (SHPO) reflects the interests of the State and its citizens in the preservation of their cultural heritage. In accordance with section 101(b)(3) of the act, the SHPO advises and assists Federal agencies in carrying out their section 106 responsibilities and cooperates with such agencies, local governments and organizations and individuals to ensure that historic properties are taking into consideration at all levels of planning and development.

(ii) If an Indian tribe has assumed the functions of the SHPO in the section 106 process for undertakings on tribal lands, the SHPO shall participate as a consulting party if the undertaking takes place on tribal lands but affects historic properties off tribal lands, if requested in accordance with § 800.3(c)(1), or if the Indian tribe agrees to include the SHPO pursuant to § 800.3(f)(3).

(2) *Indian tribes and Native Hawaiian organizations.*

(i) *Consultation on tribal lands.*

(A) *Tribal historic preservation officer.* For a tribe that has assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the tribal historic preservation officer (THPO) appointed or designated in accordance with the act is the official representative for the purposes of section 106. The agency official shall consult with the THPO in lieu of the SHPO regarding undertakings occurring on or affecting historic properties on tribal lands.

(B) *Tribes that have not assumed SHPO functions.* When an Indian tribe has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act, the agency official shall consult with a representative designated by such Indian tribe in addition to the SHPO regarding undertakings occurring on or affecting historic properties on its tribal lands. Such Indian tribes have the same rights of consultation and concurrence that the THPOs are given throughout subpart B of this part, except that such consultations shall be in addition to and on the same basis as consultation with the SHPO.

(ii) *Consultation on historic properties of significance to Indian tribes and Native Hawaiian organizations.* Section 101(d)(6)(B) of the act requires the agency official to consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property. Such Indian tribe or Native Hawaiian organization shall be a consulting party.

(A) The agency official shall ensure that consultation in the section 106 process provides the Indian tribe or Native Hawaiian organization a reasonable opportunity to identify its concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate its views on the undertaking's effects on such properties, and participate in the resolution of adverse effects. It is the responsibility of the agency official to make a reasonable and good faith effort to identify Indian tribes and Native Hawaiian organizations that shall be consulted in the section 106 process. Consultation should commence early in the planning process, in order to identify and discuss relevant preservation issues and resolve concerns about the confidentiality of information on historic properties.

(B) The Federal Government has a unique legal relationship with Indian tribes set forth in the Constitution of the United States, treaties, statutes, and court decisions. Consultation with Indian tribes should be conducted in a sensitive manner respectful of tribal sovereignty. Nothing in this part alters, amends, repeals, interprets or modifies tribal sovereignty, any treaty rights, or other rights of an Indian tribe, or preempts, modifies or limits the exercise of any such rights.

(C) Consultation with an Indian tribe must recognize the government-to-government relationship between the Federal Government and Indian tribes. The agency official shall consult with representatives designated or identified by the tribal government or the governing body of a Native Hawaiian organization. Consultation with Indian tribes and Native Hawaiian organizations should be conducted in a manner sensitive to the concerns and needs of the Indian tribe or Native Hawaiian organization.

(D) When Indian tribes and Native Hawaiian organizations attach religious and cultural significance to historic properties off tribal lands, section 101(d)(6)(B) of the act requires Federal agencies to consult with such Indian tribes and Native Hawaiian organizations in the section 106 process. Federal agencies should be aware that frequently historic properties of religious and cultural significance are located on ancestral, aboriginal, or ceded lands of Indian tribes and Native Hawaiian organizations and should consider that when complying with the procedures in this part.

(E) An Indian tribe or a Native Hawaiian organization may enter into an agreement with an agency official that specifies how they will carry out responsibilities under this part, including concerns over the confidentiality of information. An agreement may cover all aspects of tribal participation in the section 106 process, provided that no modification may be made in the roles of other parties to the section 106 process without their consent. An agreement may grant the Indian tribe or Native Hawaiian organization additional rights to participate or concur in agency decisions in the section 106 process beyond those specified in subpart B of this part. The agency official shall

provide a copy of any such agreement to the Council and the appropriate SHPOs.

(F) An Indian tribe that has not assumed the responsibilities of the SHPO for section 106 on tribal lands under section 101(d)(2) of the act may notify the agency official in writing that it is waiving its rights under § 800.6(c)(1) to execute a memorandum of agreement.

(3) *Representatives of local governments*. A representative of a local government with jurisdiction over the area in which the effects of an undertaking may occur is entitled to participate as a consulting party. Under other provisions of Federal law, the local government may be authorized to act as the agency official for purposes of section 106.

(4) *Applicants for Federal assistance, permits, licenses and other approvals*. An applicant for Federal assistance or for a Federal permit, license or other approval is entitled to participate as a consulting party as defined in this part. The agency official may authorize an applicant or group of applicants to initiate consultation with the SHPO/THPO and others, but remains legally responsible for all findings and determinations charged to the agency official. The agency official shall notify the SHPO/THPO when an applicant or group of applicants is so authorized. A Federal agency may authorize all applicants in a specific program pursuant to this section by providing notice to all SHPO/THPOs. Federal agencies that provide authorizations to applicants remain responsible for their government to government relationships with Indian tribes.

(5) *Additional consulting parties*. Certain individuals and organizations with a demonstrated interest in the undertaking may participate as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties.

(d) *The public*.

(1) *Nature of involvement*. The views of the public are essential to informed Federal decisionmaking in the section 106 process. The agency official shall seek and consider the views of the public in a manner that reflects the nature and complexity of the undertaking and its effects on historic properties, the likely interest of the public in the effects on historic properties, confidentiality concerns of private individuals and businesses, and the relationship of the Federal involvement to the undertaking.

(2) *Providing notice and information*. The agency official must, except where appropriate to protect confidentiality concerns of affected parties, provide the public with information about an undertaking and its effects on historic properties and seek public comment and input. Members of the public may also provide views on their own initiative for the agency official to consider in decisionmaking.

(3) *Use of agency procedures*. The agency official may use the agency's procedures for public involvement under the National Environmental Policy Act or other program requirements in lieu of public involvement requirements in subpart B of this part, if they provide adequate opportunities for public involvement consistent with this subpart.

Subpart B-The section 106 Process

§ 800.3 Initiation of the section 106 process.

(a) *Establish undertaking*. The agency official shall determine whether the proposed Federal action is an undertaking as defined in § 800.16(y) and, if so, whether it is a type of activity that has the potential to cause effects on historic properties.

(1) *No potential to cause effects*. If the undertaking is a type of activity that does not have the potential to cause effects on historic properties, assuming such historic properties were present, the agency official has no further obligations under section 106 or this part.

(2) *Program alternatives*. If the review of the undertaking is governed by a Federal agency program alternative established under § 800.14 or a programmatic agreement in existence before January 11, 2001, the agency official shall follow the program alternative.

(b) *Coordinate with other reviews*. The agency official should coordinate the steps of the section 106 process, as appropriate, with the overall planning schedule for the undertaking and with any reviews required under other authorities such as the National Environmental Policy Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act, the Archeological Resources Protection Act and agency-specific legislation, such as section 4(f) of the Department of Transportation Act. Where consistent with the procedures in this subpart, the agency official may use information developed for other reviews under Federal, State or tribal law to meet the requirements of section 106.

(c) *Identify the appropriate SHPO and/or THPO*. As part of its initial planning, the agency official shall determine the appropriate SHPO or SHPOs to be involved in the section 106 process. The agency official shall also determine whether the undertaking may occur on or affect historic properties on any tribal lands and, if so, whether a THPO has assumed the duties of the SHPO. The agency official shall then initiate consultation with the appropriate officer or officers.

(1) *Tribal assumption of SHPO responsibilities*. Where an Indian tribe has assumed the section 106 responsibilities of the SHPO on tribal lands pursuant to section 101(d)(2) of the act, consultation for undertakings occurring on tribal land or for effects on tribal land is with the THPO for the Indian tribe in lieu of the SHPO. Section 101(d)(2)(D)(iii) of the act authorizes owners of properties on tribal lands which are neither owned by a member of the tribe nor held in trust by the Secretary for the benefit of the tribe to request the SHPO to participate in the section 106 process in addition to the THPO.

(2) *Undertakings involving more than one State*. If more than one State is involved in an undertaking, the involved SHPOs may agree to designate a lead SHPO to act on their behalf in the section 106 process, including taking actions that would conclude the section 106 process under this subpart.

(3) *Conducting consultation*. The agency official should consult with the SHPO/THPO in a manner appropriate to the agency planning process for the undertaking and to the nature of the undertaking and its effects on historic properties.

(4) *Failure of the SHPO/THPO to respond*. If the SHPO/THPO fails to respond within 30 days of receipt of a request for review of a finding or determination, the agency official may either proceed to the next step in the process based on the finding or determination or consult with the Council in lieu of the SHPO/THPO. If the SHPO/THPO re-enters the section 106 process, the agency official shall continue the consultation without being required to reconsider previous findings or determinations.

(d) *Consultation on tribal lands.* Where the Indian tribe has not assumed the responsibilities of the SHPO on tribal lands, consultation with the Indian tribe regarding undertakings occurring on such tribe's lands or effects on such tribal lands shall be in addition to and on the same basis as consultation with the SHPO. If the SHPO has withdrawn from the process, the agency official may complete the section 106 process with the Indian tribe and the Council, as appropriate. An Indian tribe may enter into an agreement with a SHPO or SHPOs specifying the SHPO's participation in the section 106 process for undertakings occurring on or affecting historic properties on tribal lands.

(e) *Plan to involve the public.* In consultation with the SHPO/THPO, the agency official shall plan for involving the public in the section 106 process. The agency official shall identify the appropriate points for seeking public input and for notifying the public of proposed actions, consistent with § 800.2(d).

(f) *Identify other consulting parties.* In consultation with the SHPO/THPO, the agency official shall identify any other parties entitled to be consulting parties and invite them to participate as such in the section 106 process. The agency official may invite others to participate as consulting parties as the section 106 process moves forward.

(1) *Involving local governments and applicants.* The agency official shall invite any local governments or applicants that are entitled to be consulting parties under § 800.2(c).

(2) *Involving Indian tribes and Native Hawaiian organizations.* The agency official shall make a reasonable and good faith effort to identify any Indian tribes or Native Hawaiian organizations that might attach religious and cultural significance to historic properties in the area of potential effects and invite them to be consulting parties. Such Indian tribe or Native Hawaiian organization that requests in writing to be a consulting party shall be one.

(3) *Requests to be consulting parties.* The agency official shall consider all written requests of individuals and organizations to participate as consulting parties and, in consultation with the SHPO/THPO and any Indian tribe upon whose tribal lands an undertaking occurs or affects historic properties, determine which should be consulting parties.

(g) *Expediting consultation.* A consultation by the agency official with the SHPO/THPO and other consulting parties may address multiple steps in §§ 800.3 through 800.6 where the agency official and the SHPO/THPO agree it is appropriate as long as the consulting parties and the public have an adequate opportunity to express their views as provided in § 800.2(d).

§ 800.4 Identification of historic properties.

(a) *Determine scope of identification efforts.* In consultation with the SHPO/THPO, the agency official shall:

(1) Determine and document the area of potential effects, as defined in § 800.16(d);

(2) Review existing information on historic properties within the area of potential effects, including any data concerning possible historic properties not yet identified;

(3) Seek information, as appropriate, from consulting parties, and other individuals and organizations likely to have knowledge of, or concerns with, historic properties in the area, and identify issues relating to the undertaking's potential effects on historic properties; and

(4) Gather information from any Indian tribe or Native Hawaiian organization identified pursuant to § 800.3(f) to assist in identifying properties, including those located off tribal lands, which may be of religious and cultural significance to them and may be eligible for the National Register, recognizing that an Indian tribe or Native Hawaiian organization may be reluctant to divulge specific information regarding the location, nature, and activities associated with such sites. The agency official should address concerns raised about confidentiality pursuant to § 800.11(c).

(b) *Identify historic properties.* Based on the information gathered under paragraph (a) of this section, and in consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to properties within the area of potential effects, the agency official shall take the steps necessary to identify historic properties within the area of potential effects.

(1) *Level of effort.* The agency official shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. The agency official shall take into account past planning, research and studies, the magnitude and nature of the undertaking and the degree of Federal involvement, the nature and extent of potential effects on historic properties, and the likely nature and location of historic properties within the area of potential effects. The Secretary's Standards and Guidelines for Identification provide guidance on this subject. The agency official should also consider other applicable professional, State, tribal and local laws, standards and guidelines. The agency official shall take into account any confidentiality concerns raised by Indian tribes or Native Hawaiian organizations during the identification process.

(2) *Phased identification and evaluation.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process to conduct identification and evaluation efforts. The agency official may also defer final identification and evaluation of historic properties if it is specifically provided for in a memorandum of agreement executed pursuant to § 800.6, a programmatic agreement executed pursuant to § 800.14 (b), or the documents used by an agency official to comply with the National Environmental Policy Act pursuant to § 800.8. The process should establish the likely presence of historic properties within the area of potential effects for each alternative or inaccessible area through background research, consultation and an appropriate level of field investigation, taking into account the number of alternatives under consideration, the magnitude of the undertaking and its likely effects, and the views of the SHPO/THPO and any other consulting parties. As specific aspects or locations of an alternative are refined or access is gained, the agency official shall proceed with the identification and evaluation of historic properties in accordance with paragraphs (b)(1) and (c) of this section.

(c) *Evaluate historic significance.*

(1) *Apply National Register criteria.* In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified properties and guided by the Secretary's Standards and Guidelines for Evaluation, the agency official shall

apply the National Register criteria (36 CFR part 63) to properties identified within the area of potential effects that have not been previously evaluated for National Register eligibility. The passage of time, changing perceptions of significance, or incomplete prior evaluations may require the agency official to reevaluate properties previously determined eligible or ineligible. The agency official shall acknowledge that Indian tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.

(2) *Determine whether a property is eligible.* If the agency official determines any of the National Register criteria are met and the SHPO/THPO agrees, the property shall be considered eligible for the National Register for section 106 purposes. If the agency official determines the criteria are not met and the SHPO/THPO agrees, the property shall be considered not eligible. If the agency official and the SHPO/THPO do not agree, or if the Council or the Secretary so request, the agency official shall obtain a determination of eligibility from the Secretary pursuant to 36 CFR part 63. If an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to a property off tribal lands does not agree, it may ask the Council to request the agency official to obtain a determination of eligibility.

(d) *Results of identification and evaluation.*

(1) *No historic properties affected.* If the agency official finds that either there are no historic properties present or there are historic properties present but the undertaking will have no effect upon them as defined in § 800.16(i), the agency official shall provide documentation of this finding, as set forth in § 800.11(d), to the SHPO/THPO. The agency official shall notify all consulting parties, including Indian tribes and Native Hawaiian organizations, and make the documentation available for public inspection prior to approving the undertaking.

(i) If the SHPO/THPO, or the Council if it has entered the section 106 process, does not object within 30 days of receipt of an adequately documented finding, the agency official's responsibilities under section 106 are fulfilled.

(ii) If the SHPO/THPO objects within 30 days of receipt of an adequately documented finding, the agency official shall either consult with the objecting party to resolve the disagreement, or forward the finding and supporting documentation to the Council and request that the Council review the finding pursuant to paragraphs (d)(1)(iv)(A) through (d)(1)(iv)(C) of this section. When an agency official forwards such requests for review to the Council, the agency official shall concurrently notify all consulting parties that such a request has been made and make the request documentation available to the public.

(iii) During the SHPO/THPO 30 day review period, the Council may object to the finding and provide its opinion regarding the finding to the agency official and, if the Council determines the issue warrants it, the head of the agency. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The agency shall then proceed according to paragraphs (d)(1)(iv)(B) and (d)(1)(iv)(C) of this section.

(iv)(A) Upon receipt of the request under paragraph (d)(1)(ii) of this section, the Council will have 30 days in which to review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the finding. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. If the Council does not respond within 30 days of receipt of the request, the agency official's responsibilities under section 106 are fulfilled.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion before the agency reaches a final decision on the finding.

(C) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall then prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial agency finding of no historic properties affected, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(D) The Council shall retain a record of agency responses to Council opinions on their findings of no historic properties affected. The Council shall make this information available to the public.

(2) *Historic properties affected.* If the agency official finds that there are historic properties which may be affected by the undertaking, the agency official shall notify all consulting parties, including Indian tribes or Native Hawaiian organizations, invite their views on the effects and assess adverse effects, if any, in accordance with § 800.5.

§ 800.5 Assessment of adverse effects.

(a) *Apply criteria of adverse effect.* In consultation with the SHPO/THPO and any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to identified historic properties, the agency official shall apply the criteria of adverse effect to historic properties within the area of potential effects. The agency official shall consider any views concerning such effects which have been provided by consulting parties and the public.

(1) *Criteria of adverse effect.* An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

(2) *Examples of adverse effects.* Adverse effects on historic properties include, but are not limited to:

(i) Physical destruction of or damage to all or part of the property;

(ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation and provision of handicapped access, that is not consistent with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines;

(iii) Removal of the property from its historic location;

(iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;

(v) Introduction of visual, atmospheric or audible elements that diminish the integrity of the property's significant historic features;

(vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and

(vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

(3) *Phased application of criteria.* Where alternatives under consideration consist of corridors or large land areas, or where access to properties is restricted, the agency official may use a phased process in applying the criteria of adverse effect consistent with phased identification and evaluation efforts conducted pursuant to § 800.4(b)(2).

(b) *Finding of no adverse effect.* The agency official, in consultation with the SHPO/THPO, may propose a finding of no adverse effect when the undertaking's effects do not meet the criteria of paragraph (a)(1) of this section or the undertaking is modified or conditions are imposed, such as the subsequent review of plans for rehabilitation by the SHPO/THPO to ensure consistency with the Secretary's Standards for the Treatment of Historic Properties (36 CFR part 68) and applicable guidelines, to avoid adverse effects.

(c) *Consulting party review.* If the agency official proposes a finding of no adverse effect, the agency official shall notify all consulting parties of the finding and provide them with the documentation specified in § 800.11(e). The SHPO/THPO shall have 30 days from receipt to review the finding.

(1) *Agreement with, or no objection to, finding.* Unless the Council is reviewing the finding pursuant to paragraph (c)(3) of this section, the agency official may proceed after the close of the 30 day review period if the SHPO/THPO has agreed with the finding or has not provided a response, and no consulting party has objected. The agency official shall then carry out the undertaking in accordance with paragraph (d)(1) of this section.

(2) *Disagreement with finding.*

(i) If within the 30 day review period the SHPO/THPO or any consulting party notifies the agency official in writing that it disagrees with the finding and specifies the reasons for the disagreement in the notification, the agency official shall either consult with the party to resolve the disagreement, or request the Council to review the finding pursuant to paragraphs (c)(3)(i) and (c)(3)(ii) of this section. The agency official shall include with such request the documentation specified in § 800.11(e). The agency official shall also concurrently notify all consulting parties that such a submission has been made and make the submission documentation available to the public.

(ii) If within the 30 day review period the Council provides the agency official and, if the Council determines the issue warrants it, the head of the agency, with a written opinion objecting to the finding, the agency shall then proceed according to paragraph (c)(3)(ii) of this section. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part.

(iii) The agency official should seek the concurrence of any Indian tribe or Native Hawaiian organization that has made known to the agency official that it attaches religious and cultural significance to a historic property subject to the finding. If such Indian tribe or Native Hawaiian organization disagrees with the finding, it may within the 30 day review period specify the reasons for disagreeing with the finding and request the Council to review and object to the finding pursuant to paragraph (c)(2)(ii) of this section.

(3) *Council review of findings.*

(i) When a finding is submitted to the Council pursuant to paragraph (c)(2)(i) of this section, the Council shall review the finding and provide the agency official and, if the Council determines the issue warrants it, the head of the agency with its opinion as to whether the adverse effect criteria have been correctly applied. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The Council will provide its opinion within 15 days of receiving the documented finding from the agency official. The Council at its discretion may extend that time period for 15 days, in which case it shall notify the agency of such extension prior to the end of the initial 15 day period. If the Council does not respond within the applicable time period, the agency official's responsibilities under section 106 are fulfilled.

(ii)(A) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the finding.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council, the SHPO/THPO, and the consulting parties. The head of the agency may delegate his or her duties under this paragraph to the agency's senior policy official. If the agency official's initial finding will be revised, the agency official shall proceed in accordance with the revised finding. If the final decision of the agency is to affirm the initial finding of no adverse effect, once the summary of the decision has been sent to the Council, the SHPO/THPO, and the consulting parties, the agency official's responsibilities under section 106 are fulfilled.

(C) The Council shall retain a record of agency responses to Council opinions on their findings of no adverse effects. The Council shall make this information available to the public.

(d) *Results of assessment.*

(1) *No adverse effect.* The agency official shall maintain a record of the finding and provide information on the finding to the public on request, consistent with the confidentiality provisions of § 800.11(c). Implementation of the undertaking in accordance with the finding as documented fulfills the agency official's responsibilities under section 106 and this part. If the agency official will not conduct the undertaking as proposed in the finding, the agency official shall reopen consultation under paragraph (a) of this section.

(2) *Adverse effect*. If an adverse effect is found, the agency official shall consult further to resolve the adverse effect pursuant to § 800.6.

§ 800.6 Resolution of adverse effects.

(a) *Continue consultation*. The agency official shall consult with the SHPO/THPO and other consulting parties, including Indian tribes and Native Hawaiian organizations, to develop and evaluate alternatives or modifications to the undertaking that could avoid, minimize or mitigate adverse effects on historic properties.

(1) *Notify the Council and determine Council participation*. The agency official shall notify the Council of the adverse effect finding by providing the documentation specified in § 800.11(e).

(i) The notice shall invite the Council to participate in the consultation when:

(A) The agency official wants the Council to participate;

(B) The undertaking has an adverse effect upon a National Historic Landmark; or

(C) A programmatic agreement under § 800.14(b) will be prepared;

(ii) The SHPO/THPO, an Indian tribe or Native Hawaiian organization, or any other consulting party may at any time independently request the Council to participate in the consultation.

(iii) The Council shall advise the agency official and all consulting parties whether it will participate within 15 days of receipt of notice or other request. Prior to entering the process, the Council shall provide written notice to the agency official and the consulting parties that its decision to participate meets the criteria set forth in appendix A to this part. The Council shall also advise the head of the agency of its decision to enter the process. Consultation with Council participation is conducted in accordance with paragraph (b)(2) of this section.

(iv) If the Council does not join the consultation, the agency official shall proceed with consultation in accordance with paragraph (b)(1) of this section.

(2) *Involve consulting parties*. In addition to the consulting parties identified under § 800.3(f), the agency official, the SHPO/THPO and the Council, if participating, may agree to invite other individuals or organizations to become consulting parties. The agency official shall invite any individual or organization that will assume a specific role or responsibility in a memorandum of agreement to participate as a consulting party.

(3) *Provide documentation*. The agency official shall provide to all consulting parties the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c), and such other documentation as may be developed during the consultation to resolve adverse effects.

(4) *Involve the public*. The agency official shall make information available to the public, including the documentation specified in § 800.11(e), subject to the confidentiality provisions of § 800.11(c). The agency official shall provide an opportunity for members of the public to express their views on resolving adverse effects of the undertaking. The agency official should use appropriate mechanisms, taking into account the magnitude of the undertaking and the nature of its effects upon historic properties, the likely effects on historic properties, and the relationship of the Federal involvement to the undertaking to ensure that the public's views are considered in the consultation. The agency official should also consider the extent of notice and information concerning historic preservation issues afforded the public at earlier steps in the section 106 process to determine the appropriate level of public involvement when resolving adverse effects so that the standards of § 800.2(d) are met.

(5) *Restrictions on disclosure of information*. Section 304 of the act and other authorities may limit the disclosure of information under paragraphs (a)(3) and (a)(4) of this section. If an Indian tribe or Native Hawaiian organization objects to the disclosure of information or if the agency official believes that there are other reasons to withhold information, the agency official shall comply with § 800.11(c) regarding the disclosure of such information.

(b) *Resolve adverse effects.*

(1) *Resolution without the Council.*

(i) The agency official shall consult with the SHPO/THPO and other consulting parties to seek ways to avoid, minimize or mitigate the adverse effects.

(ii) The agency official may use standard treatments established by the Council under § 800.14(d) as a basis for a memorandum of agreement.

(iii) If the Council decides to join the consultation, the agency official shall follow paragraph (b)(2) of this section.

(iv) If the agency official and the SHPO/THPO agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement. The agency official must submit a copy of the executed memorandum of agreement, along with the documentation specified in § 800.11(f), to the Council prior to approving the undertaking in order to meet the requirements of section 106 and this subpart.

(v) If the agency official, and the SHPO/THPO fail to agree on the terms of a memorandum of agreement, the agency official shall request the Council to join the consultation and provide the Council with the documentation set forth in § 800.11(g). If the Council decides to join the consultation, the agency official shall proceed in accordance with paragraph (b)(2) of this section. If the Council decides not to join the consultation, the Council will notify the agency and proceed to comment in accordance with § 800.7(c).

(2) *Resolution with Council participation*. If the Council decides to participate in the consultation, the agency official shall consult with the SHPO/THPO, the Council, and other consulting parties, including Indian tribes and Native Hawaiian organizations under § 800.2(c)(3), to seek ways to avoid, minimize or mitigate the adverse effects. If the agency official, the SHPO/THPO, and the Council agree on how the adverse effects will be resolved, they shall execute a memorandum of agreement.

(c) *Memorandum of agreement.* A memorandum of agreement executed and implemented pursuant to this section evidences the agency official's compliance with section 106 and this part and shall govern the undertaking and all of its parts. The agency official shall ensure that the undertaking is carried out in accordance with the memorandum of agreement.

(1) *Signatories*. The signatories have sole authority to execute, amend or terminate the agreement in accordance with this subpart.

(i) The agency official and the SHPO/THPO are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(1) of this section.

(ii) The agency official, the SHPO/THPO, and the Council are the signatories to a memorandum of agreement executed pursuant to paragraph (b)(2) of this section.

(iii) The agency official and the Council are signatories to a

memorandum of agreement executed pursuant to § 800.7(a)(2).

(2) *Invited signatories.*

(i) The agency official may invite additional parties to be signatories to a memorandum of agreement. Any such party that signs the memorandum of agreement shall have the same rights with regard to seeking amendment or termination of the memorandum of agreement as other signatories.

(ii) The agency official may invite an Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to historic properties located off tribal lands to be a signatory to a memorandum of agreement concerning such properties.

(iii) The agency official should invite any party that assumes a responsibility under a memorandum of agreement to be a signatory.

(iv) The refusal of any party invited to become a signatory to a memorandum of agreement pursuant to paragraph (c)(2) of this section does not invalidate the memorandum of agreement.

(3) *Concurrence by others.* The agency official may invite all consulting parties to concur in the memorandum of agreement. The signatories may agree to invite others to concur. The refusal of any party invited to concur in the memorandum of agreement does not invalidate the memorandum of agreement.

(4) *Reports on implementation.* Where the signatories agree it is appropriate, a memorandum of agreement shall include a provision for monitoring and reporting on its implementation.

(5) *Duration.* A memorandum of agreement shall include provisions for termination and for reconsideration of terms if the undertaking has not been implemented within a specified time.

(6) *Discoveries.* Where the signatories agree it is appropriate, a memorandum of agreement shall include provisions to deal with the subsequent discovery or identification of additional historic properties affected by the undertaking.

(7) *Amendments.* The signatories to a memorandum of agreement may amend it. If the Council was not a signatory to the original agreement and the signatories execute an amended agreement, the agency official shall file it with the Council.

(8) *Termination.* If any signatory determines that the terms of a memorandum of agreement cannot be or are not being carried out, the signatories shall consult to seek amendment of the agreement. If the agreement is not amended, any signatory may terminate it. The agency official shall either execute a memorandum of agreement with signatories under paragraph (c)(1) of this section or request the comments of the Council under § 800.7(a).

(9) *Copies.* The agency official shall provide each consulting party with a copy of any memorandum of agreement executed pursuant to this subpart.

§ 800.7 Failure to resolve adverse effects.

(a) *Termination of consultation.* After consulting to resolve adverse effects pursuant to § 800.6(b)(2), the agency official, the SHPO/THPO, or the Council may determine that further consultation will not be productive and terminate consultation. Any party that terminates consultation shall notify the other consulting parties and provide them the reasons for terminating in writing.

(1) If the agency official terminates consultation, the head of the agency or an Assistant Secretary or other officer with major department-wide or agency-wide responsibilities shall request that the Council comment pursuant to paragraph (c) of this section and shall notify all consulting parties of the request.

(2) If the SHPO terminates consultation, the agency official and the Council may execute a memorandum of agreement without the SHPO's involvement.

(3) If a THPO terminates consultation regarding an undertaking occurring on or affecting historic properties on its tribal lands, the Council shall comment pursuant to paragraph (c) of this section.

(4) If the Council terminates consultation, the Council shall notify the agency official, the agency's Federal preservation officer and all consulting parties of the termination and comment under paragraph (c) of this section. The Council may consult with the agency's Federal preservation officer prior to terminating consultation to seek to resolve issues concerning the undertaking and its effects on historic properties.

(b) *Comments without termination.* The Council may determine that it is appropriate to provide additional advisory comments upon an undertaking for which a memorandum of agreement will be executed. The Council shall provide them to the agency official when it executes the memorandum of agreement.

(c) *Comments by the Council.*

(1) *Preparation.* The Council shall provide an opportunity for the agency official, all consulting parties, and the public to provide their views within the time frame for developing its comments. Upon request of the Council, the agency official shall provide additional existing information concerning the undertaking and assist the Council in arranging an onsite inspection and an opportunity for public participation.

(2) *Timing.* The Council shall transmit its comments within 45 days of receipt of a request under paragraph (a)(1) or (a)(3) of this section or § 800.8(c)(3), or termination by the Council under § 800.6(b)(1)(v) or paragraph (a)(4) of this section, unless otherwise agreed to by the agency official.

(3) *Transmittal.* The Council shall provide its comments to the head of the agency requesting comment with copies to the agency official, the agency's Federal preservation officer, all consulting parties, and others as appropriate.

(4) *Response to Council comment.* The head of the agency shall take into account the Council's comments in reaching a final decision on the undertaking. Section 110(l) of the act directs that the head of the agency shall document this decision and may not delegate his or her responsibilities pursuant to section 106. Documenting the agency head's decision shall include:

(i) Preparing a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's comments and providing it to the Council prior to approval of the undertaking;

(ii) Providing a copy of the summary to all consulting parties; and

(iii) Notifying the public and making the record available for public inspection.

§ 800.8 Coordination With the National Environmental Policy Act.

(a) *General principles.*

(1) *Early coordination.* Federal agencies are encouraged to coordinate compliance with section 106 and the procedures in this part with any steps taken to meet the requirements of the National Environmental Policy Act (NEPA). Agencies should consider their section 106 responsibilities as early as possible in the NEPA process, and plan

their public participation, analysis, and review in such a way that they can meet the purposes and requirements of both statutes in a timely and efficient manner. The determination of whether an undertaking is a "major Federal action significantly affecting the quality of the human environment," and therefore requires preparation of an environmental impact statement (EIS) under NEPA, should include consideration of the undertaking's likely effects on historic properties. A finding of adverse effect on a historic property does not necessarily require an EIS under NEPA.

(2) *Consulting party roles.* SHPO/THPOs, Indian tribes and Native Hawaiian organizations, other consulting parties, and organizations and individuals who may be concerned with the possible effects of an agency action on historic properties should be prepared to consult with agencies early in the NEPA process, when the purpose of and need for the proposed action as well as the widest possible range of alternatives are under consideration.

(3) *Inclusion of historic preservation issues.* Agency officials should ensure that preparation of an environmental assessment (EA) and finding of no significant impact (FONSI) or an EIS and record of decision (ROD) includes appropriate scoping, identification of historic properties, assessment of effects upon them, and consultation leading to resolution of any adverse effects.

(b) A*ctions categorically excluded under NEPA.* If a project, activity or program is categorically excluded from NEPA review under an agency's NEPA procedures, the agency official shall determine if it still qualifies as an undertaking requiring review under section 106 pursuant to § 800.3(a). If so, the agency official shall proceed with section 106 review in accordance with the procedures in this subpart.

(c) *Use of the NEPA process for section 106 purposes.* An agency official may use the process and documentation required for the preparation of an EA/FONSI or an EIS/ROD to comply with section 106 in lieu of the procedures set forth in §§ 800.3 through 800.6 if the agency official has notified in advance the SHPO/THPO and the Council that it intends to do so and the following standards are met.

(1) *Standards for developing environmental documents to comply with Section 106.* During preparation of the EA or draft EIS (DEIS) the agency official shall:

(i) Identify consulting parties either pursuant to § 800.3(f) or through the NEPA scoping process with results consistent with § 800.3(f);

(ii) Identify historic properties and assess the effects of the undertaking on such properties in a manner consistent with the standards and criteria of §§ 800.4 through 800.5, provided that the scope and timing of these steps may be phased to reflect the agency official's consideration of project alternatives in the NEPA process and the effort is commensurate with the assessment of other environmental factors;

(iii) Consult regarding the effects of the undertaking on historic properties with the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, other consulting parties, and the Council, where appropriate, during NEPA scoping, environmental analysis, and the preparation of NEPA documents;

(iv) Involve the public in accordance with the agency's published NEPA procedures; and

(v) Develop in consultation with identified consulting parties alternatives and proposed measures that might avoid, minimize or mitigate any adverse effects of the undertaking on historic properties and describe them in the EA or DEIS.

(2) *Review of environmental documents.*

(i) The agency official shall submit the EA, DEIS or EIS to the SHPO/THPO, Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to affected historic properties, and other consulting parties prior to or when making the document available for public comment. If the document being prepared is a DEIS or EIS, the agency official shall also submit it to the Council.

(ii) Prior to or within the time allowed for public comment on the document, a SHPO/THPO, an Indian tribe or Native Hawaiian organization, another consulting party or the Council may object to the agency official that preparation of the EA, DEIS or EIS has not met the standards set forth in paragraph (c)(1) of this section or that the substantive resolution of the effects on historic properties proposed in an EA, DEIS or EIS is inadequate. If the agency official receives such an objection, the agency official shall refer the matter to the Council.

(3) *Resolution of objections.* Within 30 days of the agency official's referral of an objection under paragraph (c)(2)(ii) of this section, the Council shall review the objection and notify the agency as to its opinion on the objection.

(i) If the Council agrees with the objection:

(A) The Council shall provide the agency official and, if the Council determines the issue warrants it, the head of the agency with the Council's opinion regarding the objection. A Council decision to provide its opinion to the head of an agency shall be guided by the criteria in appendix A to this part. The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall take into account the Council's opinion in reaching a final decision on the issue of the objection.

(B) The person to whom the Council addresses its opinion (the agency official or the head of the agency) shall prepare a summary of the decision that contains the rationale for the decision and evidence of consideration of the Council's opinion, and provide it to the Council. The head of the agency may delegate his or her duties under this paragraph to the agency's senior Policy Official. If the agency official's initial decision regarding the matter that is the subject of the objection will be revised, the agency official shall proceed in accordance with the revised decision. If the final decision of the agency is to affirm the initial agency decision, once the summary of the final decision has been sent to the Council, the agency official shall continue its compliance with this section.

(ii) If the Council disagrees with the objection, the Council shall so notify the agency official, in which case the agency official shall continue its compliance with this section.

(iii) If the Council fails to respond to the objection within the 30 day period, the agency official shall continue its compliance with this section.

(4) *Approval of the undertaking.* If the agency official has found, during the preparation of an EA or EIS that the effects of an undertaking on historic properties are adverse, the agency official shall develop measures in the EA, DEIS, or EIS to avoid, minimize, or mitigate such effects in accordance with paragraph (c)(1)(v) of this section. The agency official's responsibilities under section 106 and the procedures in this

subpart shall then be satisfied when either:

(i) a binding commitment to such proposed measures is incorporated in

(A) the ROD, if such measures were proposed in a DEIS or EIS; or

(B) an MOA drafted in compliance with § 800.6(c); or

(ii) the Council has commented under § 800.7 and received the agency's response to such comments.

(5) *Modification of the undertaking*. If the undertaking is modified after approval of the FONSI or the ROD in a manner that changes the undertaking or alters its effects on historic properties, or if the agency official fails to ensure that the measures to avoid, minimize or mitigate adverse effects (as specified in either the FONSI or the ROD, or in the binding commitment adopted pursuant to paragraph (c)(4) of this section) are carried out, the agency official shall notify the Council and all consulting parties that supplemental environmental documents will be prepared in compliance with NEPA or that the procedures in §§ 800.3 through 800.6 will be followed as necessary.

§ 800.9 Council review of section 106 compliance.

(a) *Assessment of agency official compliance for individual undertakings*. The Council may provide to the agency official its advisory opinion regarding the substance of any finding, determination or decision or regarding the adequacy of the agency official's compliance with the procedures under this part. The Council may provide such advice at any time at the request of any individual, agency or organization or on its own initiative. The agency official shall consider the views of the Council in reaching a decision on the matter in question.

(b) *Agency foreclosure of the Council's opportunity to comment*. Where an agency official has failed to complete the requirements of section 106 in accordance with the procedures in this part prior to the approval of an undertaking, the Council's opportunity to comment may be foreclosed. The Council may review a case to determine whether a foreclosure has occurred. The Council shall notify the agency official and the agency's Federal preservation officer and allow 30 days for the agency official to provide information as to whether foreclosure has occurred. If the Council determines foreclosure has occurred, the Council shall transmit the determination to the agency official and the head of the agency. The Council shall also make the determination available to the public and any parties known to be interested in the undertaking and its effects upon historic properties.

(c) *Intentional adverse effects by applicants.*

(1) *Agency responsibility*. Section 110(k) of the act prohibits a Federal agency from granting a loan, loan guarantee, permit, license or other assistance to an applicant who, with intent to avoid the requirements of section 106, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, has allowed such significant adverse effect to occur, unless the agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. Guidance issued by the Secretary pursuant to section 110 of the act governs its implementation.

(2) *Consultation with the Council*. When an agency official determines, based on the actions of an applicant, that section 110(k) is applicable and that circumstances may justify granting the assistance, the agency official shall notify the Council and provide documentation specifying the circumstances under which the adverse effects to the historic property occurred and the degree of damage to the integrity of the property. This documentation shall include any views obtained from the applicant, SHPO/THPO, an Indian tribe if the undertaking occurs on or affects historic properties on tribal lands, and other parties known to be interested in the undertaking.

(i) Within thirty days of receiving the agency official's notification, unless otherwise agreed to by the agency official, the Council shall provide the agency official with its opinion as to whether circumstances justify granting assistance to the applicant and any possible mitigation of the adverse effects.

(ii) The agency official shall consider the Council's opinion in making a decision on whether to grant assistance to the applicant, and shall notify the Council, the SHPO/THPO, and other parties known to be interested in the undertaking prior to granting the assistance.

(3) *Compliance with Section 106*. If an agency official, after consulting with the Council, determines to grant the assistance, the agency official shall comply with §§ 800.3 through 800.6 to take into account the effects of the undertaking on any historic properties.

(d) *Evaluation of Section 106 operations*. The Council may evaluate the operation of the section 106 process by periodic reviews of how participants have fulfilled their legal responsibilities and how effectively the outcomes reached advance the purposes of the act.

(1) *Information from participants*. Section 203 of the act authorizes the Council to obtain information from Federal agencies necessary to conduct evaluation of the section 106 process. The agency official shall make documentation of agency policies, operating procedures and actions taken to comply with section 106 available to the Council upon request. The Council may request available information and documentation from other participants in the section 106 process.

(2) Improving the operation of section 106. Based upon any evaluation of the section 106 process, the Council may make recommendations to participants, the heads of Federal agencies, and the Secretary of actions to improve the efficiency and effectiveness of the process. Where the Council determines that an agency official or a SHPO/THPO has failed to properly carry out the responsibilities assigned under the process in this part, the Council may participate in individual case reviews conducted under such process in addition to the SHPO/THPO for such period that it determines is necessary to improve performance or correct deficiencies. If the Council finds a pattern of failure by a Federal agency in carrying out its responsibilities under section 106, the Council may review the policies and programs of the agency related to historic preservation pursuant to section 202(a)(6) of the act and recommend methods to improve the effectiveness, coordination, and consistency of those policies and programs with section 106.

§ 800.10 Special requirements for protecting National Historic Landmarks.

(a) *Statutory requirement.* Section 110(f) of the act requires that the agency official, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected by an undertaking. When

commenting on such undertakings, the Council shall use the process set forth in §§ 800.6 through 800.7 and give special consideration to protecting National Historic Landmarks as specified in this section.

(b) *Resolution of adverse effects.* The agency official shall request the Council to participate in any consultation to resolve adverse effects on National Historic Landmarks conducted under § 800.6.

(c) *Involvement of the Secretary.* The agency official shall notify the Secretary of any consultation involving a National Historic Landmark and invite the Secretary to participate in the consultation where there may be an adverse effect. The Council may request a report from the Secretary under section 213 of the act to assist in the consultation.

(d) *Report of outcome.* When the Council participates in consultation under this section, it shall report the outcome of the section 106 process, providing its written comments or any memoranda of agreement to which it is a signatory, to the Secretary and the head of the agency responsible for the undertaking.

§ 800.11 Documentation standards.

(a) *Adequacy of documentation.* The agency official shall ensure that a determination, finding, or agreement under the procedures in this subpart is supported by sufficient documentation to enable any reviewing parties to understand its basis. The agency official shall provide such documentation to the extent permitted by law and within available funds. When an agency official is conducting phased identification or evaluation under this subpart, the documentation standards regarding description of historic properties may be applied flexibly. If the Council, or the SHPO/THPO when the Council is not involved, determines the applicable documentation standards are not met, the Council or the SHPO/THPO, as appropriate, shall notify the agency official and specify the information needed to meet the standard. At the request of the agency official or any of the consulting parties, the Council shall review any disputes over whether documentation standards are met and provide its views to the agency official and the consulting parties.

(b) *Format.* The agency official may use documentation prepared to comply with other laws to fulfill the requirements of the procedures in this subpart, if that documentation meets the standards of this section.

(c) *Confidentiality.*

(1) *Authority to withhold information.* Section 304 of the act provides that the head of a Federal agency or other public official receiving grant assistance pursuant to the act, after consultation with the Secretary, shall withhold from public disclosure information about the location, character, or ownership of a historic property when disclosure may cause a significant invasion of privacy; risk harm to the historic property; or impede the use of a traditional religious site by practitioners. When the head of a Federal agency or other public official has determined that information should be withheld from the public pursuant to these criteria, the Secretary, in consultation with such Federal agency head or official, shall determine who may have access to the information for the purposes of carrying out the act.

(2) *Consultation with the Council.* When the information in question has been developed in the course of an agency's compliance with this part, the Secretary shall consult with the Council in reaching determinations on the withholding and release of information. The Federal agency shall provide the Council with available information, including views of the SHPO/THPO, Indian tribes and Native Hawaiian organizations, related to the confidentiality concern. The Council shall advise the Secretary and the Federal agency within 30 days of receipt of adequate documentation.

(3) *Other authorities affecting confidentiality.* Other Federal laws and program requirements may limit public access to information concerning an undertaking and its effects on historic properties. Where applicable, those authorities shall govern public access to information developed in the section 106 process and may authorize the agency official to protect the privacy of non-governmental applicants.

(d) Finding of no historic properties affected. Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;

(2) A description of the steps taken to identify historic properties, including, as appropriate, efforts to seek information pursuant to § 800.4(b); and

(3) The basis for determining that no historic properties are present or affected.

(e) *Finding of no adverse effect or adverse effect.* Documentation shall include:

(1) A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, and drawings, as necessary;

(2) A description of the steps taken to identify historic properties;

(3) A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;

(4) A description of the undertaking's effects on historic properties;

(5) An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and

(6) Copies or summaries of any views provided by consulting parties and the public.

(f) *Memorandum of agreement.* When a memorandum of agreement is filed with the Council, the documentation shall include, any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1), an evaluation of any measures considered to avoid or minimize the undertaking's adverse effects and a summary of the views of consulting parties and the public.

(g) *Requests for comment without a memorandum of agreement.* Documentation shall include:

(1) A description and evaluation of any alternatives or mitigation measures that the agency official proposes to resolve the undertaking's adverse effects;

(2) A description of any reasonable alternatives or mitigation measures that were considered but not chosen, and the reasons for their rejection;

(3) Copies or summaries of any views submitted to the agency official concerning the adverse effects of the undertaking on historic properties and alternatives to reduce or avoid those effects; and

(4) Any substantive revisions or additions to the documentation provided the Council pursuant to § 800.6(a)(1).

§ 800.12 Emergency situations.

(a) *Agency procedures.* The agency official, in consultation with the appropriate SHPOs/THPOs, affected Indian tribes and Native Hawaiian organizations, and the Council, is encouraged to develop procedures for taking historic properties into account during operations which respond to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or which respond to other immediate threats to life or property. If approved by the Council, the procedures shall govern the agency's historic preservation responsibilities during any disaster or emergency in lieu of §§ 800.3 through 800.6.

(b) *Alternatives to agency procedures.* In the event an agency official proposes an emergency undertaking as an essential and immediate response to a disaster or emergency declared by the President, a tribal government, or the Governor of a State or another immediate threat to life or property, and the agency has not developed procedures pursuant to paragraph (a) of this section, the agency official may comply with section 106 by:

(1) Following a programmatic agreement developed pursuant to § 800.14(b) that contains specific provisions for dealing with historic properties in emergency situations; or

(2) Notifying the Council, the appropriate SHPO/THPO and any Indian tribe or Native Hawaiian organization that may attach religious and cultural significance to historic properties likely to be affected prior to the undertaking and affording them an opportunity to comment within seven days of notification. If the agency official determines that circumstances do not permit seven days for comment, the agency official shall notify the Council, the SHPO/THPO and the Indian tribe or Native Hawaiian organization and invite any comments within the time available.

(c) *Local governments responsible for section 106 compliance.* When a local government official serves as the agency official for section 106 compliance, paragraphs (a) and (b) of this section also apply to an imminent threat to public health or safety as a result of a natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or SHPO/THPO objects to the proposed action within seven days, the agency official shall comply with §§ 800.3 through 800.6.

(d) *Applicability.* This section applies only to undertakings that will be implemented within 30 days after the disaster or emergency has been formally declared by the appropriate authority. An agency may request an extension of the period of applicability from the Council prior to the expiration of the 30 days. Immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of section 106 and this part.

§ 800.13 Post-review discoveries.

(a) *Planning for subsequent discoveries.*

(1) *Using a programmatic agreement.* An agency official may develop a programmatic agreement pursuant to § 800.14(b) to govern the actions to be taken when historic properties are discovered during the implementation of an undertaking.

(2) *Using agreement documents.* When the agency official's identification efforts in accordance with § 800.4 indicate that historic properties are likely to be discovered during implementation of an undertaking and no programmatic agreement has been developed pursuant to paragraph (a)(1) of this section, the agency official shall include in any finding of no adverse effect or memorandum of agreement a process to resolve any adverse effects upon such properties. Actions in conformance with the process satisfy the agency official's responsibilities under section 106 and this part.

(b) Discoveries without prior planning. If historic properties are discovered or unanticipated effects on historic properties found after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section, the agency official shall make reasonable efforts to avoid, minimize or mitigate adverse effects to such properties and:

(1) If the agency official has not approved the undertaking or if construction on an approved undertaking has not commenced, consult to resolve adverse effects pursuant to § 800.6; or

(2) If the agency official, the SHPO/THPO and any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property agree that such property is of value solely for its scientific, prehistoric, historic or archeological data, the agency official may comply with the Archeological and Historic Preservation Act instead of the procedures in this part and provide the Council, the SHPO/THPO, and the Indian tribe or Native Hawaiian organization with a report on the actions within a reasonable time after they are completed; or

(3) If the agency official has approved the undertaking and construction has commenced, determine actions that the agency official can take to resolve adverse effects, and notify the SHPO/THPO, any Indian tribe or Native Hawaiian organization that might attach religious and cultural significance to the affected property, and the Council within 48 hours of the discovery. The notification shall describe the agency official's assessment of National Register eligibility of the property and proposed actions to resolve the adverse effects. The SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council shall respond within 48 hours of the notification. The agency official shall take into account their recommendations regarding National Register eligibility and proposed actions, and then carry out appropriate actions. The agency official shall provide the SHPO/THPO, the Indian tribe or Native Hawaiian organization and the Council a report of the actions when they are completed.

(c) *Eligibility of properties.* The agency official, in consultation with the SHPO/THPO, may assume a newly-discovered property to be eligible for the National Register for purposes of section 106. The agency official shall specify the National Register criteria used to assume the property's eligibility so that information can be used in the resolution of adverse effects.

(d) *Discoveries on tribal lands.* If historic properties are discovered on tribal lands, or there are unanticipated effects on historic properties found on tribal lands, after the agency official has completed the section 106 process without establishing a process under paragraph (a) of this section and construction has commenced, the agency official shall comply with applicable tribal regulations and procedures and obtain the concurrence of the Indian tribe on the proposed action.

Subpart C-Program Alternatives

§ 800.14 Federal agency program alternatives.

(a) *Alternate procedures.* An agency official may develop procedures to implement section 106 and substitute them for all or part of subpart B of this part if they are consistent with the Council's regulations pursuant to section 110(a)(2)(E) of the act.

(1) *Development of procedures.* The agency official shall consult with the Council, the National Conference of State Historic Preservation Officers or individual SHPO/THPOs, as appropriate, and Indian tribes and Native Hawaiian organizations, as specified in paragraph (f) of this section, in the development of alternate procedures, publish notice of the availability of proposed alternate procedures in the Federal Register and take other appropriate steps to seek public input during the development of alternate procedures.

(2) *Council review.* The agency official shall submit the proposed alternate procedures to the Council for a 60-day review period. If the Council finds the procedures to be consistent with this part, it shall notify the agency official and the agency official may adopt them as final alternate procedures.

(3) *Notice.* The agency official shall notify the parties with which it has consulted and publish notice of final alternate procedures in the Federal Register.

(4) *Legal effect.* Alternate procedures adopted pursuant to this subpart substitute for the Council's regulations for the purposes of the agency's compliance with section 106, except that where an Indian tribe has entered into an agreement with the Council to substitute tribal historic preservation regulations for the Council's regulations under section 101(d)(5) of the act, the agency shall follow those regulations in lieu of the agency's procedures regarding undertakings on tribal lands. Prior to the Council entering into such agreements, the Council will provide Federal agencies notice and opportunity to comment on the proposed substitute tribal regulations.

(b) *Programmatic agreements.* The Council and the agency official may negotiate a programmatic agreement to govern the implementation of a particular program or the resolution of adverse effects from certain complex project situations or multiple undertakings.

(1) *Use of programmatic agreements.* A programmatic agreement may be used:

(i) When effects on historic properties are similar and repetitive or are multi-State or regional in scope;

(ii) When effects on historic properties cannot be fully determined prior to approval of an undertaking;

(iii) When nonfederal parties are delegated major decisionmaking responsibilities;

(iv) Where routine management activities are undertaken at Federal installations, facilities, or other land-management units; or

(v) Where other circumstances warrant a departure from the normal section 106 process.

(2) *Developing programmatic agreements for agency programs.*

(i) The consultation shall involve, as appropriate, SHPO/THPOs, the National Conference of State Historic Preservation Officers (NCSHPO), Indian tribes and Native Hawaiian organizations, other Federal agencies, and members of the public. If the programmatic agreement has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the agency official shall also follow paragraph (f) of this section.

(ii) *Public Participation.* The agency official shall arrange for public participation appropriate to the subject matter and the scope of the program and in accordance with subpart A of this part. The agency official shall consider the nature of the program and its likely effects on historic properties and take steps to involve the individuals, organizations and entities likely to be interested.

(iii) *Effect.* The programmatic agreement shall take effect when executed by the Council, the agency official and the appropriate SHPOs/THPOs when the programmatic agreement concerns a specific region or the president of NCSHPO when NCSHPO has participated in the consultation. A programmatic agreement shall take effect on tribal lands only when the THPO, Indian tribe or a designated representative of the tribe is a signatory to the agreement. Compliance with the procedures established by an approved programmatic agreement satisfies the agency's section 106 responsibilities for all individual undertakings of the program covered by the agreement until it expires or is terminated by the agency, the president of NCSHPO when a signatory, or the Council. Termination by an individual SHPO/THPO shall only terminate the application of a regional programmatic agreement within the jurisdiction of the SHPO/THPO. If a THPO assumes the responsibilities of a SHPO pursuant to section 101(d)(2) of the act and the SHPO is signatory to programmatic agreement, the THPO assumes the role of a signatory, including the right to terminate a regional programmatic agreement on lands under the jurisdiction of the tribe.

(iv) *Notice.* The agency official shall notify the parties with which it has consulted that a programmatic agreement has been executed under paragraph (b) of this section, provide appropriate public notice before it takes effect, and make any internal agency procedures implementing the agreement readily available to the Council, SHPO/THPOs, and the public.

(v) If the Council determines that the terms of a programmatic agreement are not being carried out, or if such an agreement is terminated, the agency official shall comply with subpart B of this part with regard to individual undertakings of the program covered by the agreement.

(3) *Developing programmatic agreements for complex or multiple undertakings.* Consultation to develop a programmatic agreement for dealing with the potential adverse effects of complex projects or multiple undertakings shall follow § 800.6. If consultation pertains to an activity involving multiple undertakings and the parties fail to reach agreement, then the agency official shall comply with the provisions of subpart B of this part for each individual undertaking.

(4) *Prototype programmatic agreements.* The Council may designate an agreement document as a prototype programmatic agreement that may be used for the same type of program or undertaking in more than one case or area. When an agency official uses such a prototype programmatic agreement, the agency official may develop and execute the agreement with the appropriate SHPO/THPO and the agreement shall become final without need for Council participation in consultation or Council signature.

(c) *Exempted categories.*

(1) *Criteria for establishing.* The Council or an agency official may propose a program or category of undertakings that may be exempted

from review under the provisions of subpart B of this part, if the program or category meets the following criteria:

(i) The actions within the program or category would otherwise qualify as "undertakings" as defined in § 800.16;

(ii) The potential effects of the undertakings within the program or category upon historic properties are foreseeable and likely to be minimal or not adverse; and

(iii) Exemption of the program or category is consistent with the purposes of the act.

(2) *Public participation*. The proponent of the exemption shall arrange for public participation appropriate to the subject matter and the scope of the exemption and in accordance with the standards in subpart A of this part. The proponent of the exemption shall consider the nature of the exemption and its likely effects on historic properties and take steps to involve individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs*. The proponent of the exemption shall notify and consider the views of the SHPOs/THPOs on the exemption.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the exempted program or category of undertakings has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council review of proposed exemptions*. The Council shall review an exemption proposal that is supported by documentation describing the program or category for which the exemption is sought, demonstrating that the criteria of paragraph (c)(1) of this section have been met, describing the methods used to seek the views of the public, and summarizing any views submitted by the SHPO/THPOs, the public, and any others consulted. Unless it requests further information, the Council shall approve or reject the proposed exemption within 30 days of receipt, and thereafter notify the relevant agency official and SHPO/THPOs of the decision. The decision shall be based on the consistency of the exemption with the purposes of the act, taking into consideration the magnitude of the exempted undertaking or program and the likelihood of impairment of historic properties in accordance with section 214 of the act.

(6) *Legal consequences*. Any undertaking that falls within an approved exempted program or category shall require no further review pursuant to subpart B of this part, unless the agency official or the Council determines that there are circumstances under which the normally excluded undertaking should be reviewed under subpart B of this part.

(7) *Termination*. The Council may terminate an exemption at the request of the agency official or when the Council determines that the exemption no longer meets the criteria of paragraph (c)(1) of this section. The Council shall notify the agency official 30 days before termination becomes effective.

(8) *Notice*. The proponent of the exemption shall publish notice of any approved exemption in the Federal Register.

(d) *Standard treatments*.

(1) *Establishment*. The Council, on its own initiative or at the request of another party, may establish standard methods for the treatment of a category of historic properties, a category of undertakings, or a category of effects on historic properties to assist Federal agencies in satisfying the requirements of subpart B of this part. The Council shall publish notice of standard treatments in the Federal Register.

(2) *Public participation*. The Council shall arrange for public participation appropriate to the subject matter and the scope of the standard treatment and consistent with subpart A of this part. The Council shall consider the nature of the standard treatment and its likely effects on historic properties and the individuals, organizations and entities likely to be interested. Where an agency official has proposed a standard treatment, the Council may request the agency official to arrange for public involvement.

(3) *Consultation with SHPOs/THPOs*. The Council shall notify and consider the views of SHPOs/THPOs on the proposed standard treatment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the proposed standard treatment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Termination*. The Council may terminate a standard treatment by publication of a notice in the Federal Register 30 days before the termination takes effect.

(e) *Program comments*. An agency official may request the Council to comment on a category of undertakings in lieu of conducting individual reviews under §§ 800.4 through 800.6. The Council may provide program comments at its own initiative.

(1) *Agency request*. The agency official shall identify the category of undertakings, specify the likely effects on historic properties, specify the steps the agency official will take to ensure that the effects are taken into account, identify the time period for which the comment is requested and summarize any views submitted by the public.

(2) *Public participation*. The agency official shall arrange for public participation appropriate to the subject matter and the scope of the category and in accordance with the standards in subpart A of this part. The agency official shall consider the nature of the undertakings and their likely effects on historic properties and the individuals, organizations and entities likely to be interested.

(3) *Consultation with SHPOs/THPOs*. The Council shall notify and consider the views of SHPOs/THPOs on the proposed program comment.

(4) *Consultation with Indian tribes and Native Hawaiian organizations*. If the program comment has the potential to affect historic properties on tribal lands or historic properties of religious and cultural significance to an Indian tribe or Native Hawaiian organization, the Council shall follow the requirements for the agency official set forth in paragraph (f) of this section.

(5) *Council action*. Unless the Council requests additional documentation, notifies the agency official that it will decline to comment, or obtains the consent of the agency official to extend the period for providing comment, the Council shall comment to the agency official within 45 days of the request.

(i) If the Council comments, the agency official shall take into account the comments of the Council in carrying out the undertakings within the category and publish notice in the Federal Register of the Council's comments and steps the agency will take to ensure that effects to historic properties are taken into account.

(ii) If the Council declines to comment, the agency official shall continue to comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(6) *Withdrawal of comment.* If the Council determines that the consideration of historic properties is not being carried out in a manner consistent with the program comment, the Council may withdraw the comment and the agency official shall comply with the requirements of §§ 800.3 through 800.6 for the individual undertakings.

(f) *Consultation with Indian tribes and Native Hawaiian organizations when developing program alternatives.* Whenever an agency official proposes a program alternative pursuant to paragraphs (a) through (e) of this section, the agency official shall ensure that development of the program alternative includes appropriate government-to-government consultation with affected Indian tribes and consultation with affected Native Hawaiian organizations.

(1) *Identifying affected Indian tribes and Native Hawaiian organizations.* If any undertaking covered by a proposed program alternative has the potential to affect historic properties on tribal lands, the agency official shall identify and consult with the Indian tribes having jurisdiction over such lands. If a proposed program alternative has the potential to affect historic properties of religious and cultural significance to an Indian tribe or a Native Hawaiian organization which are located off tribal lands, the agency official shall identify those Indian tribes and Native Hawaiian organizations that might attach religious and cultural significance to such properties and consult with them. When a proposed program alternative has nationwide applicability, the agency official shall identify an appropriate government to government consultation with Indian tribes and consult with Native Hawaiian organizations in accordance with existing Executive orders, Presidential memoranda and applicable provisions of law.

(2) *Results of consultation.* The agency official shall provide summaries of the views, along with copies of any written comments, provided by affected Indian tribes and Native Hawaiian organizations to the Council as part of the documentation for the proposed program alternative. The agency official and the Council shall take those views into account in reaching a final decision on the proposed program alternative.

§ 800.15 Tribal, State, and local program alternatives. (Reserved)

§ 800.16 Definitions.

(a) *Act* means the National Historic Preservation Act of 1966, as amended, 16 U.S.C.470-470w-6.

(b) *Agency* means agency as defined in 5 U.S.C. 551.

(c) *Approval of the expenditure of funds* means any final agency decision authorizing or permitting the expenditure of Federal funds or financial assistance on an undertaking, including any agency decision that may be subject to an administrative appeal.

(d) *Area of potential effects* means the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

(e) *Comment* means the findings and recommendations of the Council formally provided in writing to the head of a Federal agency under section 106.

(f) *Consultation* means the process of seeking, discussing, and considering the views of other participants, and, where feasible, seeking agreement with them regarding matters arising in the section 106 process. The Secretary's "Standards and Guidelines for Federal Agency Preservation Programs pursuant to the National Historic Preservation Act" provide further guidance on consultation.

(g) *Council* means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.

(h) *Day* or *days* means calendar days.

(i) *Effect* means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

(j) *Foreclosure* means an action taken by an agency official that effectively precludes the Council from providing comments which the agency official can meaningfully consider prior to the approval of the undertaking.

(k) *Head of the agency* means the chief official of the Federal agency responsible for all aspects of the agency's actions. If a State, local or tribal government has assumed or has been delegated responsibility for section 106 compliance, the head of that unit of government shall be considered the head of the agency.

(l)(1) *Historic property* means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.

(2) The term *eligible for inclusion in the National Register* includes both properties formally determined as such in accordance with regulations of the Secretary of the Interior and all other properties that meet the National Register criteria.

(m) *Indian tribe* means an Indian tribe, band, nation, or other organized group or community, including a native village, regional corporation or village corporation, as those terms are defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

(n) *Local government* means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.

(o) *Memorandum of agreement* means the document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

(p) *National Historic Landmark* means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

(q) *National Register* means the National Register of Historic Places maintained by the Secretary of the Interior.

(r) *National Register criteria* means the criteria established by the Secretary of the Interior for use in evaluating the eligibility of properties for the National Register (36 CFR part 60).

(s)(1) *Native Hawaiian organization* means any organization which serves and represents the interests of Native Hawaiians; has as a primary and stated purpose the provision of services to Native Hawaiians; and has demonstrated expertise in aspects of

historic preservation that are significant to Native Hawaiians.

(2) *Native Hawaiian* means any individual who is a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

(t) *Programmatic agreement* means a document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with § 800.14(b).

(u) *Secretary* means the Secretary of the Interior acting through the Director of the National Park Service except where otherwise specified.

(v) *State Historic Preservation Officer (SHPO)* means the official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the State historic preservation officer.

(w) *Tribal Historic Preservation Officer (THPO)* means the tribal official appointed by the tribe's chief governing authority or designated by a tribal ordinance or preservation program who has assumed the responsibilities of the SHPO for purposes of section 106 compliance on tribal lands in accordance with section 101(d)(2) of the act.

(x) *Tribal lands* means all lands within the exterior boundaries of any Indian reservation and all dependent Indian communities.

(y) *Undertaking* means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.

(z) *Senior policy official* means the senior policy level official designated by the head of the agency pursuant to section 3(e) of Executive Order 13287.

Appendix A to Part 800 -- Criteria for Council Involvement in Reviewing Individual section 106 Cases

(a) *Introduction*. This appendix sets forth the criteria that will be used by the Council to determine whether to enter an individual section 106 review that it normally would not be involved in.

(b) *General policy*. The Council may choose to exercise its authorities under the section 106 regulations to participate in an individual project pursuant to the following criteria. However, the Council will not always elect to participate even though one or more of the criteria may be met.

(c) *Specific criteria*. The Council is likely to enter the section 106 process at the steps specified in the regulations in this part when an undertaking:

(1) *Has substantial impacts on important historic properties*. This may include adverse effects on properties that possess a national level of significance or on properties that are of unusual or noteworthy importance or are a rare property type; or adverse effects to large numbers of historic properties, such as impacts to multiple properties within a historic district.

(2) *Presents important questions of policy or interpretation*. This may include questions about how the Council's regulations are being applied or interpreted, including possible foreclosure or anticipatory demolition situations; situations where the outcome will set a precedent affecting Council policies or program goals; or the development of programmatic agreements that alter the way the section 106 process is applied to a group or type of undertakings.

(3) *Has the potential for presenting procedural problems*. This may include cases with substantial public controversy that is related to historic preservation issues; with disputes among or about consulting parties which the Council's involvement could help resolve; that are involved or likely to be involved in litigation on the basis of section 106; or carried out by a Federal agency, in a State or locality, or on tribal lands where the Council has previously identified problems with section 106 compliance pursuant to § 800.9(d)(2).

(4) *Presents issues of concern to Indian tribes or Native Hawaiian organizations*. This may include cases where there have been concerns raised about the identification of, evaluation of or assessment of effects on historic properties to which an Indian tribe or Native Hawaiian organization attaches religious and cultural significance; where an Indian tribe or Native Hawaiian organization has requested Council involvement to assist in the resolution of adverse effects; or where there are questions relating to policy, interpretation or precedent under section 106 or its relation to other authorities, such as the Native American Graves Protection and Repatriation Act.