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PATTERNS IN DETERMINATIONS OF NATIONAL REGISTER ELIGIBILITY, 1987-2006

What is a formal Determination of Eligibility?

Under 36 CFR Part 63.3, the Keeper of the National Register of Historic Places has the delegated authority from the Secretary of the Interior to formally determine properties eligible for inclusion in the National Register. Generally, Federal agencies seek the opinion of the Keeper when disagreement regarding the eligibility of individual or multiple resources arises as part of the Section 106 compliance process. Prior to 1986, the National Register staff also confirmed decisions where federal agencies and State Historic Preservation Officers agreed on the eligibility of a property under National Register criteria and the majority of the more than 9,000 determinations of eligibility (DOE) on record date from this period. Data from 1987 through 2006 provides some historical perspective on the nature and scope of National Register eligibility.

Doesn't the Keeper always determine properties eligible?

In total, the Keeper has made over 1400 formal determinations of eligibility during the period from 1987 to 2006. Over this period, on average, the Keeper determined properties eligible about 63 percent of the time, while determining them not eligible about 37 percent of the time. Interestingly, during the period from 1987 to 1996, the tendency to determine properties eligible was higher, just over 67 percent. During the last ten years, the rate of eligible determinations has fallen to 58 percent.

How Many Determinations are made each Year?

The annual number of determinations ranges from a low of four in 2005 to a high of 417 in 1998. While the overall average is 71 determinations per year, with the 1998 anomaly removed, the 20 year average is about 50 determinations annually. Not surprisingly, the average number of determinations is trending downward. The average for 1987-1996 was 77 determinations per year, while the average for 1997-2006 is 66 determinations.

What happened in 1998?

With over 400 determinations conducted during the year, 1998 is clearly unusual. That year the Federal Highway Administration requested the Keeper's opinion on several hundred properties located in Illinois and West Virginia. The Illinois properties comprised more than 200 bridges identified as part of a statewide survey by the Illinois DOT. In West Virginia 50 properties were determined eligible and more than 140 properties were determined ineligible as a result of Section 106 review associated with the Appalachian Highway Corridor H project.

Which Federal Agencies have most Actively Used the Formal Determination Process?

Bringing more than 1000 determinations to the Keeper, the Federal Highway Administration is far and away the single greatest user of the formal DOE process. No other one agency had more than 100 determinations on record.

What do these Trends Mean for Federal Preservation Officers?

This data contradicts the conventional wisdom among historic preservation professionals that the Keeper of the National Register always determines properties to be eligible for listing. The overall reduction in the number of formal determinations of eligibility being requested each year suggests that Federal preservation programs are working cooperatively with State and Tribal Historic Preservation Offices and other parties to reach consensus regarding the identification of historic properties. It may also be that Federal agencies have chosen not to debate National Register eligibility in borderline cases, as formal determinations may delay project execution. In general, the common practice of reaching consensus determinations of eligibility results in many thousands of historic properties being considered eligible for listing without leading to the production of National Register nominations.

Federal Preservation Officers should investigate how many properties under their control have been formally determined eligible for the National Register. These properties could be easily nominated to the National Register, thus demonstrating progress toward meeting Standard 2 of the Secretary of the Interior's Standards and Guidelines for Federal historic preservation programs.

Formal Determinations of Eligibility by Department, 1987-2006

Department	Determinations	Not Eligible
Transportation	1070	40.2%
Defense	137	54.8%
Interior	84	55.9%
Housing and Urban Development	50	18%
Agriculture	38	18.4%
Energy	5	20%
Veterans	3	33%
Other Agencies	41	7.3%

Formal Determinations of National Register Eligibility, 1987-2006

Year	DOEs	Eligible	Percent Eligible	Not Eligible	Percent Not Eligible
1987	47	42	89.4	5	10.6
1988	67	51	76.1	16	23.9
1989	89	86	96.6	3	3.4
1990	75	44	58.7	31	41.3
1991	138	59	42.8	79	57.2
1992	69	43	62.3	26	37.7
1993	144	51	35.4	93	64.6
1994	83	32	38.6	51	61.4
1995	33	28	84.8	5	15.2
1996	24	22	91.7	2	8.3
1997	67	31	46.3	36	53.7
1998	417	274	65.7	143	34.3
1999	44	23	52.3	21	47.7
2000	15	7	46.7	8	53.3
2001	28	7	25.0	21	75.0
2002	28	14	50.0	14	50.0
2003	8	6	75.0	2	25.0
2004	30	19	63.3	11	36.7
2005	4	3	75.0	1	25.0
2006	18	15	83.3	3	16.7
20 year total	1428	857		571	
20 year average	71.4	42.8	62.9 %	28.5	37.1%

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