

the appropriate officials the following data for the areas of the potential environmental impact:

(1) All information in the State Survey Data as outlined in § 61.6(d). Agencies may be requested to avoid or limit publication of such data if in the opinion of the State Historic Preservation Officer such publication might result in damage to historic properties.

(2) Recommendations that there is need for a survey of historic properties unless the State Survey Data indicate that additional survey is not required.

(3) Recommendations to Federal agencies and to communities conducting surveys on methods for conducting comprehensive surveys and on sources of professional expertise.

(4) Results from review of Federal and community surveys and from evaluation of identified historic properties and opinions on the eligibility of historic properties for listing in the National Register:

(c) Where the State Survey Data indicate that additional survey of historic properties is needed in the environmental impact area of an undertaking, the State Historic Preservation Officer may conduct such survey under contract with Federal, State, or local officials, their consultants, or the private sector.

§ 61.9 Waiver.

The Secretary may waive any of the requirements of this Part if in his opinion, expressed in writing to the State Historic Preservation Officer, the State historic preservation program would benefit from such waiver, and the purposes, conditions, and requirements of the National Historic Preservation Act of 1966 would not be compromised.

Dated: September 12, 1977.

Approved:

WILLIAM J. WHALEN,
Director, National
Park Service.

[FR Doc.77-27244 Filed 9-20-77; 8:45 am]

PART 63—DETERMINATIONS OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER OF HISTORIC PLACES

AGENCY: National Park Service, Interior.

ACTION: Interim regulations.

SUMMARY: This rule codifies the process through which Federal agencies request and obtain a determination of a property's eligibility for inclusion in the National Register of Historic Places, to implement Executive Order 11593 and the National Historic Preservation Act of 1966, as amended.

DATES: Effective date: September 21, 1977; Comments by October 21, 1977.

FOR FURTHER INFORMATION CONTACT:

Dr. William J. Murtagh, Keeper of the National Register, Office of Archeology and Historic Preservation, National Park Service, Department of the In-

terior, Washington, D.C. 20240 (202-523-5065).

SUPPLEMENTARY INFORMATION:

On April 27, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 17688) to amend Chapter I of Title 36 of the Code of Federal Regulations by adding a new Part 63 concerning Determination of Eligibility for Inclusion in the National Register of Historic Places by the National Park Service, Department of the Interior. Because several new substantive provisions have been added through the comment process, the following regulations are also published for comment; however, as Federal programs are in need of definitive guidance now, the regulations are to be considered as in force immediately on an interim basis pending final publication.

The Department of the Interior is developing a series of detailed regulations to assist Federal agencies in the implementation of Executive Order 11593 and the National Historic Preservation Act of 1966, as amended.

This rulemaking codifies the process through which Federal agencies request and obtain a determination of a property's eligibility for listing in the National Register of Historic Places.

Under section 2(a) of Executive Order 11593, Federal agencies are required to locate, inventory, and nominate to the Secretary of the Interior, "all sites, buildings, districts, and objects under their jurisdiction or control that appear to qualify for listing in the National Register of Historic Places." Regulations detailing the process by which Federal agencies nominate properties to the National Register are codified in Part 60 of Chapter 1 of Title 36 of the Code of Federal Regulations (41 FR 1590).

Section 2(b) of Executive Order 11593 specifies several steps to be taken during the interim period, prior to the completion of the required inventories. These inventories were to have been completed no later than July 1, 1973; however, many Federal agencies have not as yet completed this responsibility. Section 2(b) of Executive Order 11593 provides that Federal agencies shall exercise caution to assure that any federally owned properties that might qualify for nomination are not inadvertently transferred, sold, demolished, or substantially altered. Toward this end, Federal agencies are required to refer any questionable actions to the Secretary of the Interior for an opinion respecting the property's eligibility for inclusion in the National Register of Historic Places. Section 2(b) requires the Secretary of the Interior to answer questions concerning the eligibility of properties for listing in the National Register of Historic Places. Section 3(f) requires the Secretary to advise Federal agencies in the evaluation and identification of historic properties.

To meet these responsibilities, the National Park Service will provide professional advice concerning the eligibility of properties, both under Federal jurisdiction or control and in the area affected by projects in which Federal agencies are

involved, in the manner provided herein. The responsibility for making determinations of eligibility for the National Register on behalf of the Secretary of the Interior has been delegated to the Chief (formerly Director), Office of Archeology and Historic Preservation, National Park Service, and redelegated to the Keeper of the National Register of Historic Places.

The National Historic Preservation Act of 1966, as amended, states that the head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the National Register. The head of any Federal agency shall afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to such undertaking. The following regulations are consistent with the National Historic Preservation Act of 1966, as amended, and the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800), which also concern, *inter alia*, section 1(3) of Executive Order 11593. They are also consistent with the National Environmental Policy Act of 1969 (NEPA). Under NEPA, it is the continuing responsibility of the Federal Government to use all practical means to improve and coordinate Federal plans, functions, programs, and resources to the end that the Nation may "preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice." As a part of this responsibility and consistent with the regulations of the Advisory Council on Historic Preservation discussed below, these regulations allow the National Park Service to respond to agencies requesting determinations of eligibility so that they may identify historic properties for consideration in the NEPA process.

In our judgment, it is appropriate for agencies to meet their responsibilities under the National Historic Preservation Act, sections 1(3) and 2(b) of Executive Order 11593, and under NEPA by adhering to the Advisory Council's regulations and by following these determinations of eligibility regulations, which explain how and when to obtain determinations of eligibility.

To further assist Federal agencies in meeting their responsibility to consider historic properties under NEPA and in determining what properties should be subject to the determination of eligibility process, the Department of the Interior is publishing as a notice in the FEDERAL REGISTER criteria for the identification of historic properties and guidelines for the level of documentation to

accompany requests for determinations of eligibility. The criteria and guidelines have been developed pursuant to the Secretary of the Interior's responsibilities under section 2(k) of the Historic Sites Act of 1935, section 101(a) of the National Historic Preservation Act of 1966, as amended, and sections 3(b) and 3(f) of Executive Order 11593. The Department of the Interior recommends that agencies use these criteria and guidelines, which provide guidance on historic properties identification studies and the documentation of properties identified in such studies when they are advised by the State Historic Preservation Officer or the Department of the Interior that historic properties which have not yet been adequately identified, documented, and evaluated may exist in the project area.

The determination of eligibility process is also important to agency compliance with the Archeological and Historic Preservation Act of 1974 (Pub. L. 93-291; 16 U.S.C. 491 a-1). It is the opinion of the Department of the Interior that all the historic preservation responsibilities vested in Federal agencies should be exercised in a consistent and integrated manner. Properties containing significant scientific, historic, prehistoric, or archeological data must be listed in or determined eligible for inclusion in the National Register before the Department will participate in recovery under Pub. L. 93-291. The determination of eligibility process provides the mechanism whereby an agency can determine whether data worthy of recovery are threatened by its undertaking. Accordingly, notification of the Secretary of the Interior that an undertaking will result in the loss or destruction of significant data, pursuant to section 3(a) or 3(b) of Pub. L. 93-291, requires that, in cases where the property in question is not already listed in the National Register, the agency first determine, through the process described below, whether the property is eligible for the National Register and therefore contains significant data.

Federal agencies with broad land management responsibilities or involvements with community or regional planning may need general advice concerning the identification and evaluation of historic properties. These agencies may conduct predictive reconnaissance surveys and other studies that result in documentation of historic property at levels insufficient to permit definitive determinations of eligibility to be made. In addition to the guidance provided in the criteria for the identification of historic properties, published as a notice in the FEDERAL REGISTER, the Secretary of the Interior will respond to requests from Federal agencies and the Advisory Council for professional advice concerning reconnaissance surveys and other kinds of preliminary studies to assist agencies in obtaining the Advisory Council's comments and to provide specific advice on obtaining adequate information on historic properties as part of the planning process.

Under 36 CFR Part 63, determination of eligibility do not constitute listing in the National Register. Accordingly, this process does not include any form of notice to property owners or others, although the Department of the Interior recommends that agencies advise property owners when their property is being evaluated as part of the Federal planning process. Identifying elements of the historic environment is not a Federal action that requires such notices; it should be a routine part of the agency's consideration of historic properties as part of the total environment. Properties determined to be eligible will be published regularly in the FEDERAL REGISTER.

One category of properties determined eligible by the Secretary of the Interior was not covered in the April 27, 1976, notice of proposed rulemaking. In addition to properties determined eligible at the request of Federal agencies under sections 2(b) and 1(3) of Executive Order 11593, as implemented by the regulations of the Advisory Council on Historic Preservation, the Department of the Interior has previously determined the eligibility of properties nominated to the National Register by Federal agencies under section 2(a) of the Executive order prior to returning the nominations of these properties to the agency for technical or professional revision, when such revision is necessary. These determinations of eligibility have been published in the FEDERAL REGISTER along with determinations made under sections 2(b) and 1(3) of the Executive order. These determinations have been made for the convenience of Federal agencies so that they would have an expeditious assessment of the eligibility of properties under their jurisdiction or control and to provide protection under the Advisory Council's regulations (36 CFR Part 800) until the nomination is resubmitted and the property is formally listed in the National Register.

Determinations of eligibility will continue to be made on such properties when sufficient information exists to establish the property's significance and its eligibility for the National Register. Nominated Federal properties already determined eligible under this provision and published as such in the FEDERAL REGISTER will continue to be published as eligible.

The National Register of Historic Places regulations at 36 CFR Part 60, § 60.17, provide that a property nominated by a State or Federal agency will be removed from the National Register if it is found that the regulations for nomination and/or listing were not followed for the property. A provision has been added to the regulations for requesting determinations of eligibility which makes clear that properties removed from the National Register solely for deficiencies in the nomination and/or listing process shall automatically be considered as eligible for inclusion in the National Register without further action and shall be listed as such in the FEDERAL REGISTER.

It has been the experience of the Department of the Interior that occasion-

ally circumstances warrant determinations of eligibility by the Secretary so as to assist in protection of historic resources where no request from a Federal agency has been received. An example is where the Federal planning process may have overlooked a historic resource or the Secretary disagrees with the opinion of an agency on the eligibility of a property for listing in the National Register. In such circumstances, it is the responsibility of the Secretary of the Interior to make determinations of eligibility to affirmatively assist in the preservation of the Nation's historic resources pursuant to the National Historic Preservation Act of 1966, as amended. The Secretary would not, however, exercise such authority when a Federal planning process that will recognize all eligible historic resources is in process. Section 63.4(c) generally describes the procedures for such actions.

This rulemaking is developed under the general authority of the National Register of Historic Places program as it appears at section 2(i) of the Historic Sites Act of 1935, 16 U.S.C. 462(i) (1970 ed.), and section 101(a)(1) of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(a)(1) (1970 ed.) and sections 3(b) and 4(f) of Executive Order 11593. In preparing these regulations and reviewing the National Register program, the intent, requirements and spirit of the National Environmental Policy Act of 1969 (Pub. L. 91-190, 42 U.S.C. 4321-4347) have been carefully considered. As established by the National Historic Preservation Act of 1966 and expanded by Executive Order 11593, these programs have as their purpose the identification, protection, and enhancement of the Nation's historic, architectural, and archeological properties and their consideration in the planning process. It has been administratively determined that this rulemaking is not a major Federal action significantly affecting the quality of the human environment; however, the National Park Service has prepared an environmental assessment which is on file in the Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240. It has been administratively determined that this proposed rulemaking is not "major" within the intent of Executive Order 11821 (39 FR 41501, November 27, 1974) and that an inflationary impact certification is therefore not required.

DISCUSSION OF MAJOR COMMENTS, ACTIONS INVOLVING NON-FEDERALLY OWNED PROPERTY

Several comments were received concerning the applicability of the determination of eligibility regulations to actions involving nonfederally owned property. As previously mentioned, section 1(3) of Executive Order 11593 directs that Federal agencies "in consultation with the Advisory Council on Historic Preservation Institute procedures to assure that Federal plans and programs contribute to the preservation and en-

hancement of nonfederally owned sites, structures, and objects of historical, architectural, or archeological significance." The National Historic Preservation Act of 1966, as amended, directs Federal agencies to take into account the effect of their undertakings on any district, site, building, structure, or object that is eligible for the National Register, as well as those which are already listed. It is the opinion of the Department of the Interior that identification and evaluation of nonfederally owned historic properties are prerequisites in assuring that such properties are considered in the Federal planning process. The determination of eligibility regulations, applied in conjunction with the guidelines for level of documentation to accompany requests for determinations of eligibility (published as a notice in the FEDERAL REGISTER), form a sound basis for the documentation and evaluation of such properties.

INFORMATION REQUIRED

A second area of concern was the amount of information required for the Department of the Interior to make a determination of eligibility on a property. A determination of eligibility is made on the basis of a description, statement of significance, maps, and photographs of a property. Although the guidelines published in the draft regulations as Appendix A provide a general standard for evaluating properties against National Register criteria, a determination can be made on the basis of less information than is recommended in these guidelines in some cases. Appendices A and B have been deleted from 36 CFR Part 63 and instead are now published as guidelines as a notice in the FEDERAL REGISTER. An introductory explanation has been added to the guidelines which emphasizes that, although each category of information is necessary to evaluate properties, many categories require only a very brief statement. In addition, much of the advice concerning documentation applies to a specific classification of properties. For example, for archeological sites, the description (VII) required would contain only the information in VII.B. Federal agencies should also coordinate closely with State Historic Preservation Officers concerning the kinds and depth of information necessary to evaluate properties. The special expedited process in § 63.3 to be applied when the agency and the State Historic Preservation Officer agree a property is eligible has also been revised to allow the State Historic Preservation Officer and the Federal agency more flexibility in determining when the information is sufficient to determine the eligibility of a property for listing in the National Register and to make a sound planning decision.

CLARIFICATION OF ROLES

The comments indicated that the roles of the Federal agency, the State Historic Preservation Officer, and private groups and citizens in the determination of eligibility process needed to be clarified. It

must be emphasized that the Federal agency is responsible for identifying historic properties and considering them in the Federal planning process. The opinion of the State Historic Preservation Officer and his recommendations are advisory. The Federal agency should follow the determination of eligibility regulations in all cases where a potentially eligible property may be involved, even if the State Historic Preservation Officer has no opinion on the property. Only the Secretary of the Interior, or his designee, has the authority to make a definitive determination of a property's eligibility for the National Register.

WHAT CONSTITUTES A QUESTION?

Several comments expressed concern regarding the provision defining who may raise a question about whether a property meets National Register criteria. The information on which Federal agencies make planning decisions should be as accurate as possible if these decisions are to be in the public interest. To this end, the Department of the Interior urges Federal agencies to consider information on potentially eligible properties from private groups and citizens as well as from the State Historic Preservation Officer.

Comments were received that the Department of the Interior should advise a Federal agency that a question exists concerning the eligibility of a property involved in its projects or plans and that a determination of eligibility request would therefore be appropriate only on the basis of documentation concerning the property. To answer this concern, a sentence has been added to § 63.2(c) which states that the Department of the Interior may receive documentation and make onsite inspections on properties on which there may be a question.

One department objected to referring questions to the Secretary of the Interior when the agency and the State Historic Preservation Officer agreed a property was not eligible for the National Register. This department has urged the Secretary to make unilateral determinations of eligibility in cases where the Secretary disagrees with an opinion on the eligibility of a property for listing in the National Register rather than writing the agency and urging that the agency request a determination of eligibility.

Accordingly, the regulations have been modified to state that the Secretary of the Interior may reverse findings on eligibility made by the Federal agency and the State Historic Preservation Officer based upon an investigation by the Keeper of the National Register and an onsite inspection of the property in question. In such cases, the Secretary, through the Keeper of the National Register, will make a determination of eligibility on the property in question in accord with § 63.4(c), a new section describing this process.

The Department of the Interior will also continue to provide general advice concerning the identification of historic properties and bring to the attention of Federal agencies any information re-

ceived from the public regarding potential properties in the area affected by a Federal project.

IDENTIFICATION LATE IN THE PLANNING PROCESS

One Federal agency expressed a related concern about situations where potentially eligible properties are identified late in the planning process and suggested that the Department of the Interior define a specific point in project planning after which a question on the eligibility of a property for the National Register cannot be raised. We believe that application of these procedures by Federal agencies early in the planning process will help to avoid problems. The Department of the Interior acknowledges that project planning which did not include adequate identification and evaluation of historic properties may present difficulties; however, the Department of the Interior does not have the responsibility and does not believe it appropriate under the National Historic Preservation Act to define a cutoff time in the Federal planning process after which historic properties should not be identified and considered. It is also the position of the Department that identification of historic properties must be based on professional evaluations of significance rather than on project planning considerations. The Department believes that even in cases where an agency's options in dealing with properties discovered late in the planning process may be limited, it is important for agencies to have full information about the value of historic properties.

TIME PERIODS

A significant number of agencies objected to § 63.2(d) (now (e)) allowing the Chief of the Office of Archeology and Historic Preservation (now the Keeper of the National Register of Historic Places) "a reasonable period of time" to respond to an agency's request for a determination of eligibility, and recommended that a specific time frame be provided. Consequently, § 63.2(e) has been revised to allow the Keeper 45 days in which to respond to a "documented request." If the documentation is inadequate, the agency will be advised of the additional information necessary for the Keeper to evaluate the property and the Keeper will respond within 45 days of receipt of the additional information requested on the property. Similarly, concern was expressed that the two weeks from receipt of a letter from the Keeper requesting the opinion of the State Historic Preservation Officer was insufficient for the State Historic Preservation Officer's response. Recognizing the workload of most State Historic Preservation Officers and the uncertainties of mail delivery, the Department of the Interior has extended this two week period in § 63.2(e) to three weeks from the State Historic Preservation Officer's receipt of a letter from the Keeper of the National Register.

SPECIAL PROCEDURES

Most of the comments on § 63.3 "Special Procedures to be Applied When the

Agency and the State Historic Preservation Officer Agree a Property is Eligible" said that this process was too complicated. Comments recommended that Federal agencies should be able to complete compliance with the Advisory Council's regulations (36 CFR Part 800) immediately in cases where both an agency and the State Historic Preservation Officer agree a property is eligible and sufficient information is available about the property to make a planning decision through the Advisory Council regulations. Several agencies also commented that direct mail notification of the Secretary's determinations under this section should be provided as well as publication in the FEDERAL REGISTER.

As a result of these comments, the Department of the Interior has further streamlined the procedure outlined in § 63.3 by requiring only that either the Federal agency or the State Historic Preservation Officer forward to the Keeper of the National Register a letter signed by the agency stating that the agency and the State Historic Preservation Officer agree that the property is eligible for the National Register and a statement signed by the State Historic Preservation Officer that in his opinion the property is eligible for the National Register. Either the letter from the agency or the statement of the State Historic Preservation Officer must contain a substantive discussion describing the property, its specific boundaries, and its significance under the National Register criteria and a statement concerning why the property is eligible for listing in the National Register. These determinations will be reviewed by the Department. Full documentation on properties that the agency and the State Historic Preservation Officer agree are eligible and which are determined eligible in accord with the provisions of § 63.3 will not be forwarded to the Keeper for review but will be kept on record by the agency and the State Historic Preservation Officer. The National Register will publish such positive determinations in the FEDERAL REGISTER and will also send a written acknowledgment upon receipt of this positive determination letter and statement to both the agency and the State Historic Preservation Officer. The agency may proceed immediately to complete compliance with the Advisory Council's regulations after agreeing with the State Historic Preservation Officer that the property is eligible and sending its statement and the State Historic Preservation Officer's opinion to the Keeper. The Department of the Interior would like to emphasize that this expedited procedure puts additional responsibility on the Federal agency to assure that sufficient information is known about a property to make sound planning decisions through the Advisory Council's regulations.

STATUS OF PROPERTIES IN THE DETERMINED ELIGIBLE CATEGORY

Several comments suggested that the "determined eligible" status needs to have an automatic expiration date if the property is not formally nominated.

Maintenance of two separate lists of "determined eligible" and "listed" properties was considered by some to be confusing. Because it is impossible to estimate how long a Federal project affecting a property will take or exactly when it is decided what will happen to a property, the Department of the Interior rejected the concept of an automatic expiration date for eligible properties. Furthermore, such properties remain eligible for the National Register until they lose those qualities which originally qualified them for the National Register.

To answer the concerns raised in these comments, the Department of the Interior has added a new § 63.6 which provides for the annual review of properties determined eligible by the Keeper of the National Register. The Advisory Council on Historic Preservation has advised the Department of the Interior that, wherever possible, its memorandums of agreement will provide for the formal nomination of properties determined eligible within a specific time period. Under the new § 63.6 the Keeper of the National Register will obtain from the Advisory Council on Historic Preservation information on decisions made concerning the property in accord with a memorandum of agreement under the Advisory Council's "Procedures for the Protection of Historic and Cultural Properties."

If there is no memorandum of agreement, or if no provision has been made in the memorandum of agreement for nomination of the property and provided the property retains the characteristics which made it eligible for the National Register, the Keeper of the National Register will request the agency or the State Historic Preservation Officer as appropriate, to nominate the property to the National Register within six months of receipt of such request.

Accordingly, notice of a proposed Part 63 of Chapter I of Title 36 of the Code of Federal Regulations is hereby given and interested persons may submit written comments on or before October 21, 1977. However, as Federal agencies are in current need of definitive guidance on determinations of eligibility, the following regulations are considered to be adopted immediately as interim regulations pending final publication.

The primary authors of these regulations are Carol Shull, Historian, and Jan Thorman, Architectural Historian, National Register of Historic Places, Telephone 202-523-5483.

Sec.

- 63.1 Purpose and authorities.
- 63.2 Determination of eligibility process.
- 63.3 Procedures to be applied when the agency and the State Historic Preservation Officer agree a property is eligible.
- 63.4 Other properties on which determinations of eligibility may be made by the Secretary of the Interior.
- 63.5 FEDERAL REGISTER publication of properties determined eligible.
- 63.6 Review and nomination of properties determined eligible.

AUTHORITY: Sec. 2(k), Historic Sites Act of 1935, 16 U.S.C. 462(K) (1970ed), Sec.

101(a)(1), National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(a)(1) (1970 ed), Secs. 3(b) and 4(f), E.O. 11593.

§ 63.1 Purpose and authorities.

(a) These regulations have been developed to assist Federal agencies in identifying and evaluating the eligibility of properties for inclusion in the National Register. The regulations explain how to request determinations of eligibility under section 2(b) of Executive Order 11593 and the regulations of the Advisory Council on Historic Preservation (36 CFR Part 800) for implementation of sections 1(3) and 2(b) of Executive Order 11593 and the National Historic Preservation Act of 1966, as amended. Federal agencies request determinations of eligibility in considering historic properties on lands under their jurisdiction or control or on lands to be affected by proposed actions.

§ 63.2 Determination of eligibility process.

The Department of the Interior will respond within 45 days of receipt of a documented request for a determination of eligibility from a Federal agency when it is submitted in accordance with the following regulations and is accompanied by documentation that clearly portrays the nature and significance of the property.

(a) The agency shall consult the State Historic Preservation Officer as the first step in identifying historic properties for information concerning:

- (1) Properties listed in the National Register.
- (2) Properties in the process of nomination to the National Register.
- (3) Properties determined eligible by the Secretary of the Interior for listing in the National Register.
- (4) Any other available information that would assist in identifying properties in the area affected by the proposed action.

(b) If the State Historic Preservation Officer has inadequate information to document the presence or absence of historic properties in the project area, the Federal agency should refer to the Department of the Interior's criteria for the identification of historic properties and the guidelines for level of documentation to accompany requests for determinations of eligibility for inclusion in the National Register published as a notice in the FEDERAL REGISTER.

(c) The agency shall, in consultation with the State Historic Preservation Officer, apply the National Register Criteria for Evaluation contained in 36 CFR 60.6 to all potentially eligible properties that may be affected by the proposed action. If a property appears to meet the Criteria and the State Historic Preservation Officer agrees, the agency should follow the procedures in § 63.3. If there is a question whether the Criteria are met, the agency shall complete the procedures in § 63.3(d). A question on whether a property meets the Criteria exists when the agency and the State Historic Preservation Officer disagree or when the agency determines that a question exists.

The Department of the Interior will provide general and specific advice concerning the identification of historic properties and will bring to the attention of a Federal agency any information received from the public regarding potential historic properties in the area affected by its plans or projects.

(d) The agency shall submit a letter of request for a determination of eligibility with a description, statement of significance, photographs, and a map, or a statement in accord with § 63.3 below, if applicable, directly to the Keeper of the National Register, National Park Service, Department of the Interior, Washington, D.C. 20240. If available, the opinion of the State Historic Preservation Officer on the eligibility of the property should also be forwarded with the request.

(e) The Keeper, National Register, will respond in writing to the agency's request within 45 days of receipt of a documented request submitted in accord with § 63.2(d) of these procedures. If the opinion of the State Historic Preservation Officer is not included with the request, the Keeper of the National Register will provide to the State Historic Preservation Officer a copy of the request and will ask for his opinion on the property. If the Keeper does not receive the State Historic Preservation Officer's response within three weeks of the State Historic Preservation Officer's receipt of a letter from the Keeper requesting an opinion, the Keeper will proceed with the determination and will inform the agency that the State Historic Preservation Officer did not give an opinion. If the Keeper of the National Register determines that documentation submitted with the request is not sufficient to make a professional evaluation of the significance of the property, he will advise the agency in writing of the additional information needed. The Keeper of the National Register will respond to the agency's request within 45 days of receipt of documentation on the property requested by the Keeper.

§ 63.3 Procedures to be applied when the Agency and the State Historic Preservation Officer agree a property is eligible.

If during the consultation described in § 63.2(c), both the agency and the State Historic Preservation Officer agree that a property meets the Criteria, the Federal agency or the State Historic Preservation Officer shall forward to the Keeper of the National Register (a) a letter signed by the agency stating that the agency and the State Historic Preservation Officer agree that the property is eligible for inclusion in the National Register, and (b) a statement signed by the State Historic Preservation Officer

that in his opinion the property is eligible for the National Register. Either the letter or the statement must contain substantive information on the property, including a description, specific boundaries, its significance under National Register Criteria, and an explanation of why the property is eligible for listing in the National Register. The Keeper of the National Register shall give written notice of his determination to both the agency and the State Historic Preservation Officer within 10 working days of receipt. If the property has not been accurately identified and evaluated, the Keeper will inform the agency and the State Historic Preservation Officer within 10 working days and will recommend that the agency follow the process set forth at § 63.2. Notwithstanding such recommendation, the Federal agency or the Keeper of the National Register may consider the property eligible for the purpose of obtaining the Advisory Council on Historic Preservation's comments. Documentation concerning properties determined eligible for the National Register shall be kept on file by the agency and the State Historic Preservation Officer.

§ 63.4 Other properties on which determinations of eligibility may be made by the Secretary of the Interior.

(a) The Keeper of the National Register will make determinations of eligibility on properties nominated by Federal agencies under section 2(a) of Executive Order 11593 prior to returning the nominations for such properties to the agency for technical or professional revision or because of procedural requirements. Such determinations of eligibility will be made only if sufficient information exists to establish the significance of the property and its eligibility for the National Register.

(b) Any property or district removed from the National Register for procedural deficiencies in the nomination and/or listing process shall automatically be considered eligible for inclusion in the National Register without further action and will be published as such in the FEDERAL REGISTER.

(c) If necessary to assist in the protection of historic resources, the Keeper, upon consultation with the appropriate State Historic Preservation Officer and concerned Federal agency, if any, may determine properties to be eligible for listing in the National Register under the Criteria established by 36 CFR Part 60 and shall publish such determinations in the FEDERAL REGISTER. Such determinations may be made without a specific request from the Federal agency or, in effect, may reverse findings on eligibility made by a Federal agency and State Historic Preservation Officer. Such deter-

minations will be made after an investigation and an onsite inspection of the property in question.

§ 63.5 Federal Register publication of properties determined eligible.

In addition to written notice to the Federal agency and the State Historic Preservation Officer, public notice of properties determined eligible for the National Register will be published in the FEDERAL REGISTER at regular intervals and in a cumulative annual edition usually issued in February. Determinations in accord with § 63.3 will be identified with an asterisk.

§ 63.6 Review and nomination of properties determined eligible.

The Keeper of the National Register will conduct an annual review of the condition of properties determined eligible for the National Register. The Keeper of the National Register will obtain from the Advisory Council on Historic Preservation information on decisions made concerning eligible properties in accord with memorandum of agreement under the Council's "Procedures for the Protection of Historic and Cultural Properties" (36 CFR Part 800). If there is no memorandum of agreement or if no provision has been made in a memorandum of agreement for nomination of an eligible property and if the property retains the characteristics that made it eligible for the National Register, the Keeper of the National Register will take the following steps:

(a) For a property owned by a Federal agency, or under the jurisdiction or control of the agency to the extent that the agency substantially exercises the attributes of ownership, the Keeper of the National Register will request the Federal agency to nominate the property to the National Register within six months.

(b) If the property is not under Federal jurisdiction or control, the Keeper of the National Register will request that the State Historic Preservation Office nominate the property to the National Register within six months.

(c) If the Keeper of the National Register determines that a property has lost the characteristics that made it eligible for the National Register, he will inform the State Historic Preservation Officer and the Federal agency and remove the property from the list of eligible properties.

Dated: September 8, 1977.

Approved:

WILLIAM J. WHELAN,
Director, National Park Service.

[FR Doc.77-27245 Filed 9-20-77; 8:45 am]

DEPARTMENT OF THE INTERIOR
National Park Service
NATIONAL REGISTER OF HISTORIC
PLACES

Publication Guidelines for Level of Documentation to Accompany Requests for Determinations of Eligibility for Inclusion in National Register

AGENCY: National Park Service, Interior.

ACTION: Guidelines for Level of Documentation.

SUMMARY: These guidelines provide information on the level of documentation to accompany requests for determinations of eligibility for inclusion in the National Register of Historic Places.

EFFECTIVE: Immediately.

ADDRESS: For further information contact Dr. William J. Murtagh, Keeper of the National Register, Office of Archeology and Historic Preservation, National Park Service, Department of the Interior, Washington, D.C. 20240 (202-523-5065).

SUPPLEMENTARY INFORMATION: These guidelines are being published contemporaneously with the interim rulemaking for 36 CFR Part 63—National Register of Historic Places, Determinations of Eligibility for Inclusion in the National Register. These guidelines were issued initially as Appendices A and B of the proposed 36 CFR Part 63, which was published in the FEDERAL REGISTER for comment on April 27, 1976. Comments were received on the draft regulations and those comments are discussed in the introduction to the final rulemaking for 36 CFR Part 63.

Comments received on the guidelines concerned the amount of information required for the Department of the Interior to make a determination of eligibility on a property. A determination of eligibility is made on the basis of a description, statement of significance, maps, and photographs of a property. Although these guidelines provide a general standard for evaluating properties against National Register criteria, a determination can be made on the basis of less information than is recommended in these guidelines in some cases. An introductory explanation has been added to the guidelines which emphasizes that, although each category of information is necessary to evaluate properties, many categories require only a very brief statement. In addition, much of the advice concerning documentation applies to a specific classification of properties. For example, for archeological sites, the description (VII) required would contain only the information in VII.B. Federal agencies should also coordinate closely with State Historic Preservation Officers concerning the kinds and depth of information necessary to evaluate properties.

Comments on Appendices A and B have been considered and incorporated as appropriate. The Department of the Interior has determined that these guidelines

should be published in the FEDERAL REGISTER to assist Federal agencies in identifying and documenting historic properties as part of their responsibilities under the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470 (a) (1) (1970 ed.), Executive Order 11953; the Environmental Policy Act of 1969 (Pub. L. 91-291; 16 U.S.C. 491 a-1). The Department of the Interior recommends that Federal agencies use these guidelines in documenting historic properties and in requesting determinations of eligibility as part of their project or program planning responsibilities. Because the Department has determined that they are guidelines, and not regulations, they will appear in the FEDERAL REGISTER but not in the Code of Federal Regulations.

These guidelines are developed under the general authority of the National Register of Historic Places program as it appears at section 2(k) of the Historic Sites Act of 1935, 16 U.S.C. 464(k) (1970 ed.), and section 101(a) (1) of the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470(a) (1) (1970 ed.) and sections 3(b) and 3(f) of Executive Order 11593.

GUIDELINES FOR LEVEL OF DOCUMENTATION TO ACCOMPANY REQUESTS FOR DETERMINATIONS OF ELIGIBILITY FOR INCLUSION IN THE NATIONAL REGISTER

These regulations provide standards to which Federal agencies may refer in the preparation of the basic documentation (description, statement of significance, maps and photographs, and the opinion of the State Historic Preservation Officer) necessary to evaluate the eligibility for the National Register of districts, sites, buildings, structures, and objects. Where possible this documentation should be prepared by professionals in the fields of history, architectural history, architecture, and archeology. Although in some cases a determination of eligibility can be made on less information, the Department of the Interior recommends these guidelines as a general standard for the amount and kinds of documentation necessary to evaluate properties against the National Register criteria. The categories of information here are those required for nomination of properties to the National Register. Documentation submitted with determination of eligibility requests may be recorded on National Register nomination forms, although such forms are not required. If the information on the property has been compiled through a survey, the agency should submit the survey report as part of the documentation. Information included in the survey report or in other material need not be recorded in the format suggested in these guidelines. As long as the basic categories of information are provided, the agency may use any format for submitting this documentation which it finds convenient. Each category should be provided:

- I. Request for determination.
- II. Property name.
- III. Location.
- IV. Classification: district, site, building, structure, or object.
- V. Ownership.
- VI. Representation in Existing Surveys.
- VII. Description.
- VIII. Significance.
- IX. Bibliography.
- X. Geographical Data, Maps, and Acreage.
- XI. Photographs.

XII. Individual(s) compiling documentation.

XIII. Opinion of the State Historic Preservation Officer.

Many of these categories require only a very brief statement. Special attention should be given to VII. Description and VIII. Significance. Much of the guidance under VII and VIII applies to a specific classification of resource. Not all this information is required for each classification (building, site, district, structure, object).

I. REQUEST FOR DETERMINATION OF ELIGIBILITY

The name and address of the agency and the agency official making the request should appear in the letter of request or as part of the documentation. Communities requesting determinations of eligibility in accord with the "Environmental Review Procedures for Community Development Block Grant Program" (24 CFR 58) should certify that the request is made as part of planning for a community development block grant project.

II. PROPERTY NAME

- A. *Historic Name.* 1. Original owner or builder.
2. Significant persons or events associated with the property.
3. Innovative or unusual characteristics of the property.
4. Accepted professional, scientific, technical, or traditional names.
- B. *Common Name.* This is the name by which the property is known locally.
- C. *Archeological Site Name.* Archeological sites are generally named for the project, a nearby geographic feature, an aspect of cultural significance, the owner of the property, etc. For an archeological site with no name, use the numbering system in use in the State. The State site number should also be appended to the designation of a named site for cross-reference purposes.

III. LOCATION

Include the number and the name of the street or road on which the property is located. If the road has a number rather than a name, indicate whether it is a Federal, State, or country road. If a property does not have a specific address, give the names of the nearest roads. For rural properties and others without specific street addresses, precise location may be specified by indicating the side of the road (North, South, East, or West) and exact distance from nearest intersection (North, South, East, or West). If a property is rural and in the vicinity of a town or city, this should be indicated. In the case of a historic district or similarly complicated property, inclusive street address numbers for all the properties within the district should be given.

IV. CLASSIFICATION

A. *Categories.* Classify the property in the appropriate category if possible. If it is unclear what category is appropriate, this should be indicated. Agencies may, for example, request assistance in determining whether properties should be considered individually or together as a district.

1. A "district" is a geographically definable area, urban or rural, possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects which are united by past events or aesthetically by plan or physical development. A district may also be comprised of individual elements which are separated geographically but are linked by associations or history.

2. 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 loca-

tion itself maintains historical or archeological value regardless of the value of any existing structures.

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

4. A "structure" is a work made up of interdependent and interrelated parts in a definite pattern or organization. Constructed by man, it is often an engineering project large in scale.

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

B. Some properties may be most properly classified within two or more of the categories given above.

V. OWNERSHIP

Give the name of the owner of the property. Indicate "multiple ownership" for districts.

VI. REPRESENTATION IN EXISTING SURVEYS

Identify local, State, or Federal historic resource surveys that include or refer to the property in question. Include name of survey, date, and person or organization that conducted the survey. Federal surveys other than the National Register include, but are not limited to, the Historic American Buildings Survey, the Historic American Engineering Record, and the National Survey of Historic Sites and Buildings (National Historic Landmarks Program).

VII. DESCRIPTION

Description of the physical appearance and condition of a property is important in making an accurate assessment of its significance. To be useful, the description of the property should use appropriate professional terminology and should be concise, factual, detailed, and well organized.

A. *Buildings, structures, or objects* should be described in detail. Marcus Whiffen's "American Architecture Since 1780: A Guide to the Styles" (The MIT Press, Cambridge, 1969) provides a standard guide to American architectural styles and should be consulted when questions of terminology arise. If local terms or styles are used, they should be accompanied by a description or explanation. Unique details or unusual features should be pointed out and should be visible in the accompanying photographs. The description of a building should include the following kinds of information where applicable:

1. Kind of structure (dwelling, church, commercial, etc.).
2. Building placement (detached, row, etc.).
3. General characteristics:
 - a. Overall shape or plan (rectangle, ell, etc.).
 - b. Number of stories.
 - c. Number of vertical divisions or bays.
 - d. Construction materials (brick, frame, stone, etc.) and wall finish (type of bond, coursing, shingle, etc.).
 - e. Roof shape (gable, hip, shed, etc.).
 4. Specific Features—location, number, and appearance of: (a) Porches (verandas, stoops, attached sheds, etc.), (b) windows; (c) doors; (d) chimneys; (e) dormers.
 5. Important decorative elements.
 6. Significant interior features.
 7. Number, type, and location of outbuildings, as well as dates, if known.
 8. Other manmade elements (roadways, contemporary structures, landscaping included within the area).
 9. Information on moved properties: (a) Date of move; (b) descriptions of original

and present locations; (c) explanation of the effect of the move on the historic integrity of the property.

10. Known alterations or changes to the property over time and dates if available. A restoration is considered an alteration even if an attempt has been made to restore the property to its original form. In cases involving numerous alterations it would be helpful to include a floor plan with the submission.

11. Guidance in compiling information on industrial or engineering structures may be obtained by consulting the Historic American Engineering Record, National Park Service, Department of the Interior, Washington, D.C. 20240.

B. *Archeological site* descriptions should include the following information:

1. Site type (e.g., midden, rockshelter, flake scatter, historic factory, etc.).
 2. A description of the site including its immediate environment, using standard archeological terminology. If local terms are used, they should be defined. The following data should be included:
 - a. Boundaries of the site and methods by which these boundaries have been defined.
 - b. The immediately surrounding environment, both as it probably was when the site was in use and as it is today.
 - c. Any disrupting influences (urban development, roads, agriculture) at work on or immediately around the site.
 - d. Descriptions (or summaries) of known data on internal characteristics: stratigraphy, artifact classes and their distribution, structural remains, etc.
 - e. Extent and nature of any excavation, testing, surface collecting, etc.
 - f. Descriptions of any standing or ruined structures or buildings that might be of architectural or historic importance.
 3. A list of pertinent previous investigations at the site, if any, indicating dates, institutions, or organizations responsible, and bibliographic references.
 4. Quality and intensity of survey that resulted in recording the site; any limitations this may impose on the data available for purposes of evaluation.
- C. *Historic site descriptions* should include discussion of the present condition of the site and its environment. The integrity of the site—the degree to which the setting is a visual reminder of the events and activities that took place there—is very important and should be thoroughly discussed in the submission.

D. *District—1. Architectural and historic district* descriptions should include the following kinds of information, as appropriate:

- a. General description of the natural and manmade elements of the district: structures, buildings, sites, objects, prominent geographical features, density of development.
- b. General description of types, styles, or periods of architecture represented in the district: scale, proportions, materials, color, decoration, workmanship, design quality.
- c. General physical relationships of buildings to each other and to the environment: facade lines, street plans, squares, open spaces structural density, plantings, important natural features; changes in the relationships over time. Some of this information may be provided on a sketch map.
- d. General description of the district during the period(s) when it achieved significance.
- e. Building types found in district: commercial, residential, etc.; present and original uses of buildings and land.
- f. General condition of buildings: restoration or rehabilitation activities, alterations.
- g. Approximate number of buildings in district or a good indication of size of district.
- h. Intrusions: include ratio and size of intrusions compared to the number of buildings within the district.

1. Qualities that made the district distinct from its surroundings.

J. A list of significant pivotal buildings within the district, with short descriptions where appropriate.

K. Precise verbal boundary description: streets, property lines, inclusive street addresses, geographical features, etc., which separate the district from its surroundings.

1. If the district also has qualities of an archeological nature, the information indicated under 4 below should be provided.

2. *Industrial district* descriptions, in addition to the information listed should include:

- a. General description of the industrial activities and processes taking place within the district, important natural and geographical features, power sources;
- b. General description of original machinery still in use; and/or
- c. General description of linear systems within district (canals, railroads, roads) and their terminal points with approximate length and width of area to be encompassed in district.

3. *Rural district* descriptions, in addition to the information listed above, should include:

- a. General description of geography and topographical features (valleys, vistas, etc.) that convey a sense of cohesiveness; and/or
- b. General description of the outbuildings and other examples of vernacular rural architecture within district boundaries.

4. *Archeological district* descriptions should include:

- a. General description of the natural and manmade elements of the district: structures, buildings, sites, objects, prominent geographical features, density of development.
- b. A statement of the date, level, and kind of archeological survey that has been done in the district.
- c. A list of archeological properties within the district, including their locations. Data on individual sites, as required by section VII. B, should be appended.
- d. A statement of the cultural, historic or other relationships among the sites within the district that make the district a cohesive unit for investigation.
- e. A summary of the nature and level of damage the sites within the district have received or are receiving.
- f. A statement of the extent to which the intersite relationships that give the district its cohesion remain intact.

VIII. SIGNIFICANCE

A. *Summary statement of significance.* A statement of significance identifies qualities of the property that may make it eligible for listing in the National Register. A concise opening paragraph summarizing the possible importance of the property being considered should be followed by a more detailed account of the events, personalities, prehistoric or historic occupations, or activities associated with the property. This concise history of the property should be directed to a whole property, rather than some functional segment. Thus, it is inappropriate to discuss a mound and not an associated village, burial area, etc., or to submit a house and not the associated outbuildings, etc.

A statement of significance should attempt to relate the property to a broad historical, architectural, archeological, or cultural context: local, regional, State, or national. For example, if a community has a number of neighborhoods with the same or similar qualities as the one being evaluated, this information should be included in the documentation. Any quoted material which appears in this section or the description should be footnoted. Quotations taken out of context must faithfully represent the meaning of the original source. Supplemental information, such as newspaper articles,

Letters from professional historians, architects, architectural historians, or archeologists, etc., may also be submitted as appropriate. The statement of significance for properties that are less than 50 years old; moved; reconstructed; cemeteries and grave sites; birthplaces; primarily commemorative in nature; or owned or used by religious institutions should address the specific exceptions set forth in the National Register criteria.

B. Period(s) and Area(s) of significance. Identify the area(s) and period(s) with which the property's significance is associated. This may mean date of construction, major alterations, or association with an individual, event, or culture, etc. For some archeological properties, assignment to a very general time period or periods may be sufficient.

The following areas of significance are listed on National Register forms. Agencies may find it helpful to consider these areas in identifying and evaluating properties:

Archeology-Prehistoric: The scientific study of life and culture of indigenous peoples before the advent of written records.

Archeology-Historic: the scientific study of life and culture in the New World after the advent of written records.

Agriculture: farming, livestock raising, and horticulture.

Architecture: the style and construction of buildings and structures.

Art: concerning creative works and their principles; fine arts and crafts. Do not include architecture, sculpture, music, or literature here; specific categories are established for these areas.

Commerce: production and exchange of goods and the social contracts thereby encouraged.

Communications: art or science of transmitting information.

Community Planning: the design of communities from predetermined principles.

Conservation: official maintenance or supervision of natural or manmade resources.

Economics: the science that deals with the production, distribution, and consumption of wealth.

Education: formal schooling or the methods and theories of teaching or learning.

Engineering: the applied science concerned with utilizing products and sources of power for supplying human needs in the form of structures, machines, etc.

Exploration/Settlement: the investigation of regions previously unknown; the establishment of a new colony or community.

Industry: enterprises producing goods and services.

Invention: something originated by experiment or ingenuity. (Properties connected with the inventors themselves would be classified here.)

Landscape Architecture: the art or practice of planning or changing land and water elements for the enhancement of the physical environment.

Literature: the production of writings, especially those of an imaginative nature.

Military: concerning the armed forces and individual soldiers.

Music: the art of combining vocal or instrumental sounds or tones.

Philosophy: system of principles for the conduct of life; the theory or analysis of the principles underlying thought or knowledge and the nature of the universe.

Politics/Government: an established system of political administration by which a nation, State, district, etc., is governed and the processes which determine how it is to be conducted.

Religion: systems and expressions of belief in a suprahuman power that have made a contribution to the patterns of culture.

Science: a systematic study of nature.

Sculpture: the art of forming material into three-dimensional representation.

Social/Humanitarian: concerning human beings living together in a group or the promotion of the welfare of humanity.

Theater: the dramatic arts and the places where they are enacted.

Transportation: concerning the work or business or means of conveying passengers or materials.

C. Additional facts to be included on specific categories of properties, as appropriate:

1. **Buildings, structures, or objects.** a. The architect or builder, if known.

b. Historically significant events and/or patterns of activity.

c. Data concerning individuals significantly associated with the property.

d. Consideration of any possible archeological significance present.

2. **Sites.** a. A statement of the kinds of information known or thought likely to be present in the property; types of data that might be recovered if the property were thoroughly investigated by archeologists, art historians, architectural historians, or other appropriate scholars. Some categories of information will be directly observable; others can be inferred based on knowledge of similar properties that have been extensively investigated. Reasons for believing that given categories of information are present and have been preserved in the property should be given.

b. A statement of the relationships between the information believed to be present in the property and topics that might be studied there; i.e., what kinds of research could be done using the information known or thought to be present in the property.

3. **Architectural and historic districts.** a. Concise statement of why the district may be significant.

b. Origins and historical development of the district; inclusive dates, architects, builders, designers, planners; relationships of district to historic development of the area.

c. General analysis of architectural styles or periods. If possible, relate the architecture in the district to the architectural resources of the area.

d. Significant people or events associated with the district as a whole or with individual elements within the district.

e. Preservation and/or restoration activities in the district (if considered to contribute to the significance for which the district is submitted).

f. Effect of intrusions on the integrity of the district.

g. Explanation of how district boundaries were chosen. Considerations may include the presence of a natural barrier or edge, such as a highway or new development, change in character of the area, or decline in concentration of significant properties to the point where the integrity of the district has been lost. (You may wish to refer to qualities discussed under VII. D. 1. k.). If the area on which the determination request is made appears to be only part of a larger district, this should be noted with an explanation (for example, the project may affect only part of the district). If possible the relationship of this part of the district to the whole should be discussed.

h. Consideration of any possible archeological significance present in the district.

4. **Archeological districts.** a. A summary statement concerning the significance of individual properties within the district. (Data on individual properties meeting the standards set forth in VIII. C. 2).

b. A concise statement of the characteristics that give the district cohesion as a unit for study; what categories of data might be derived from study of the district that would

not be derived from the study of individual properties within it?

c. A concise statement explaining the scientific and/or interpretive yield or potential of the district in terms of the cultural and natural contexts or interrelationships described in VII. D. 4. d.

d. Consideration of any possible architectural or historic significance present in the district, above and beyond its value for information purposes.

e. An explanation of how district boundaries were chosen should be included. Considerations may include presence of a natural geographic barrier, such as a river or drainage divide; a project boundary if this delineates a group of resources which conform to the definition of a district given above; manmade features such as a highway or other structure; or decline in settlement density.

D. Federal agencies should attempt to answer the following questions when seeking to determine whether a property meets National Register criteria.

1. **Building, structure, object.** a. If a building or structure is submitted for its architectural qualities, does it retain enough of its significant design, aspect, or feeling to be recognizable? If not, could the important elements of design or appearance be restored? (This does not mean that buildings which have additions or alterations are not eligible, as they may reflect later significant styles and design).

b. If a building or structure is submitted for historical associations, does the existing building have an identifiable relationship to the history described? Does it retain sufficient integrity to convey the feeling of the historical period when it achieved significance?

c. If a building or structure is significant because of its association with an individual, how long did that individual live there, or how long was he associated with the building, and during what period of his life? Are there other properties in the vicinity which also have strong associations with the individual? If so, the significance of the property in question should be compared to the significance of these other properties.

d. If a building, structure, or object is submitted for its archeological associations, does it contain attributes that are amenable to study in order to extract important information about history or prehistory? For example, has it been rebuilt or added to in ways that reveal changing concepts of style or beauty? Does it contain tools, equipment, furniture, trash or other materials whose distributions could be studied to learn about the social organization of its occupants, their relations with other people and groups, their daily lives, etc.?

e. Does the building, structure, or object have an unusually important association with its location?

f. If the building or structure is no longer at its original location, are the reasons for the move fully explained? How does the new location affect the historical and architectural integrity of the building or structure?

g. What was the building or structure used for during the period it achieved historical significance?

2. **Site.** a. How does the site relate to the significant event, occupation, or activity that took place there?

b. How have alterations (destruction of original buildings, change in land use, changes in foliage or topography) affected the integrity of the site? (The site of a treaty signing which took place in a deep woods is probably not eligible if the area is now a suburban development).

c. If the site has been submitted for its archeological significance, has the site contributed or does it have a potential for contributing important information regarding

human ecology, culture history, or culture process? What is the potential information yield of the site, and how does this information potential relate to theories, problems, and research questions that could be or have been addressed in the region or elsewhere? Evidence supporting these evaluations of significance should be provided, including references to specific scholarly investigations.

d. Does an excavated site retain interpretive value or did the information yielded make a fundamental contribution to knowledge of American cultures, such that the act of investigation constituted a historic event? Sites already completely excavated are eligible only if the answers to these questions are positive.

3. *District* (in addition to the questions on individual buildings, structures, and objects). a. How does the district convey a sense of historic and architectural cohesiveness (through design, setting, materials, workmanship, association, etc.) Is this sense expressed in the statement of significance?

b. How do architectural styles or elements within the district contribute to the feeling of time and place?

c. How have significant individuals or events contributed to the development of the district?

d. How has the district affected the historical development of the overall community, region, or State?

e. What effect do intrusions have on the integrity of the district?

f. How were district boundaries chosen? (Considerations may include boundaries at specific time in history; the presence of a visual barrier or edge, such as a river, highway or new development; change in character of the area; or decline in concentration of significant properties to the point where the integrity of the district has been lost.)

g. Are the qualities that distinguish the district from its surroundings identified and described?

h. If the district has been submitted for its research value, do the sites or individual resources have cohesion as a unit for study or do they have an identifiable geographical relationship? Questions on individual sites under VIII. D. 2 above should also be answered for districts.

1. How does the district compare to other similar areas in the State, region, or locality?

4. *Industrial districts* (in addition to the questions above). a. How do the industrial functions or processes relate to the broader industrial or technological developments of the county, region, State, or the Nation?

b. How important are the entrepreneurs, engineers, designers, and planners who contributed to the development of the district?

5. *Rural* (in addition to the questions above). a. How are the elements of the rural district linked historically, architecturally, by function, or by common ethnic or social background?

IX. BIBLIOGRAPHY

The bibliography should contain a list of sources from which information on the property was compiled. General reference works on architecture, archeology, etc., should not be included unless they provide specific information which is of assistance in evaluating the property. Use standard bibliographical style, listing author, full title, date and location of publication, and publisher. For an article, list the magazine or journal from which it was taken, volume number and date; for unpublished manuscripts, indicate where copies are available. Interviews should be listed here with the date or interview.

X. GEOGRAPHICAL DATA, MAPS, AND ACREAGE

A map clearly locating the property within a city or broader context must accompany each request. A 7.5 or 15 minute series United

States Geological Survey map, State highway map, or other suitable map will be acceptable. Latitude and longitude coordinates or UTM (Universal Transverse Mercator) reference points are useful in identifying the geographical location of properties. Photocopies of maps are acceptable provided they are clear and properly referenced. If the property is a district, a detailed sketch map should be included. The sketch map need not be precise in scale, but it should indicate:

A. All buildings, structures, or sites in the district.

B. Extent of district boundaries, carefully drawn.

C. Street and place names, including inclusive street numbers.

D. Highway numbers.

E. Architectural styles or periods, if appropriate.

F. Pivotal structures and important spaces (parks, squares, etc.).

G. Present type of district (mixed, residential, commercial, public, etc.).

H. Intrusions or other elements not contributing to the significance of the district.

I. North arrow (magnetic or true), if not printed on map.

J. Approximate scale.

K. Land use in rural district—woods, fields, swamps, etc.

L. Significant aspects of the natural environment, if appropriate. Sketch maps should also be provided for large archeological sites, indicating significant cultural features and intrusions. Maps of archeological districts should clearly indicate the areas within the district boundaries which have actually been surveyed. If portions of the districts have been inspected using different techniques or at different levels of intensity, this should be indicated on maps.

Acreage. The acreage of the property in question should also be given.

XI. PHOTOGRAPHS

Along with written documentation and maps, photographs form the basis of the Secretary of the Interior's determination of a property's eligibility for inclusion in the National Register. For this reason, photographs submitted should give an honest visual representation of the property and should illustrate those qualities discussed in the description and statement of significance. Photographs should be contemporary with the request for a determination of eligibility and should be identified in detail, giving the name and location of the property, view or detail shown, and direction of photo. Historical photographs may also be useful but are not required. Black and white glossy photographs are preferred since these are required for National Register nominations, but other photo formats are also acceptable. Xeroxed copies of photographs rarely provide sufficient detail to accurately portray a property and should therefore be avoided. The number of photographs required for a determination varies according to the complexity of the property:

A. *Individual buildings, structures, or objects.* Include only as many photographs as are necessary to depict the property clearly. One of the photographs should show the environment or context in which the property is located. Additions, alterations, intrusions, and dependencies should appear in the photographs. If the significance for which the property is submitted includes interiors or particular details, representative views should be included.

B. *Archaeological Sites.* Photographs should document the condition of the property and, if relevant to the evaluation of significance, show artifacts that have been recovered and features present in the site. Drawings may be substituted for photographs of artifacts or other features where relevant and if it is not

possible to take photographs. Site submissions must include at least one photograph, however, showing the physical environment and configuration of the site.

C. *Districts.* Districts should be represented visually in selected street, landscape, or aerial views. Include as many photographs as necessary to visually relate the essence of and the variety included in the district. Views of individual structures may not be necessary as streetscapes often reveal the architectural qualities of a district better than photographs of individual buildings. Pivotal structures, however, and elements which help define the quality of the district should be clearly shown. Streetscape views should include as many building types, styles, and uses as necessary to relate the variety of the district. Photographs of important topographical or spatial elements should be included, as well as representative types of intrusions in their settings. It is useful to indicate on the sketch map the location and direction of view of photographs. Views of archeological districts should show significant natural and/or cultural aspects of the environment and typical sites, structures, buildings, and objects.

XII. INDIVIDUAL(S) COMPILING DOCUMENTATION

Names and qualifications of persons directly involved in compiling information on the property should be submitted, as this information may be of assistance in the evaluation process. Addresses and phone numbers are also useful so that these individuals may be consulted if questions arise concerning the documentation.

XIII. OPINION OF THE STATE HISTORIC PRESERVATION OFFICER

A statement of the opinion of the State Historic Preservation Officer concerning the eligibility of a property for inclusion in the National Register should be included with the request, where possible. The following sample form letter may be a convenient format for submitting this opinion.

Sample form letter for:

Statement of the opinion of the State Historic Preservation Officer concerning the eligibility of a property for inclusion in the National Register.

I understand that the _____ is _____ agency

requesting the opinion of the State Historic Preservation Officer concerning the eligibility of _____ for inclusion in the National Register.

_____ property(ies) National Register and that my opinion may be submitted to the Secretary of the Interior with a formal request for a determination of eligibility on this property. This statement confirms that I have been consulted as part of the determination of eligibility process.

—(1) In my opinion, the property is eligible for inclusion in the National Register. Below is a justification for this opinion.

—(2) In my opinion, the property is not eligible for inclusion in the National Register. Below is a justification for this opinion.

—(3) I have no opinion and prefer to defer to the opinion of the Secretary of the Interior.

Justification and comments:

Signed: _____
State Historic Preservation Officer

Date _____

Approved: June 10, 1977.

ERNEST ALLEN CONNALLY,
Acting Director,
National Park Service.

[FR Doc.77-27246 Filed 9-20-77;8:45 am]