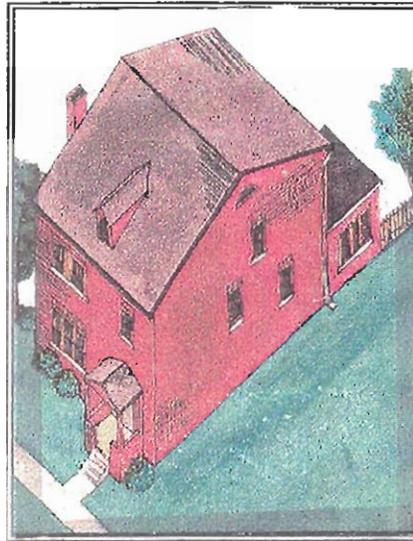


# Section 106 Review Standards



City of St. Louis

Community Development Agency

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## Explanation of the Design Review Process

Once an application for a development project has been received by the Community Development Agency, the project photographs and architectural plans are reviewed by the C.D.A. Design Team, which is comprised of the housing analyst, architect and construction manager assigned to the project. Plans are reviewed to ensure compliance with Minimum Property Standards (MPS); Housing Quality Standards (HQS); the requirements of the Redevelopment Authority and the procedures of Section 106 of the National Historic Preservation Act. A general design review is conducted of both the exterior modifications and the interior floor plan, including amenities. During this process, Design Team members meet with the applicant to discuss any needed changes in the architectural plans, and Team members may perform an on-site visit.

Final project plans are submitted for approval to the Redevelopment Authority, and to the Division of Heritage and Urban Design, which is responsible for ensuring compliance with the requirements of Section 106. Approved plans are stamped and signed by each division, and four copies are returned to the applicant to submit as part of the Building Permit application.

All construction documents, as they relate to the development of the project, are reviewed and entered into the file before the project begins. The team construction manager visits the project from start to finish to inspect the quality of work being performed and to ensure that the project is developed according to the approved plans.

This booklet discusses the requirements of Section 106 of the National Historic Preservation Act of 1966 (revised) that apply to any project funded in whole or in part by the Department of Housing and Urban Development through the St. Louis Community Development Agency. It provides an explanation of the Section 106 process and details the requirements for rehabilitation and demolition. For further information about project review, and for specific design requirements, please refer to the Community Development Agency's publication, *Housing Design Standards*.

**NOTE:  
NO DEMOLITION OR OTHER WORK MAY BEGIN  
ON THE BUILDING BEFORE THE DESIGN TEAM  
HAS COMPLETED ITS REVIEW OF THE PROJECT.**

## Introduction to Section 106 Review

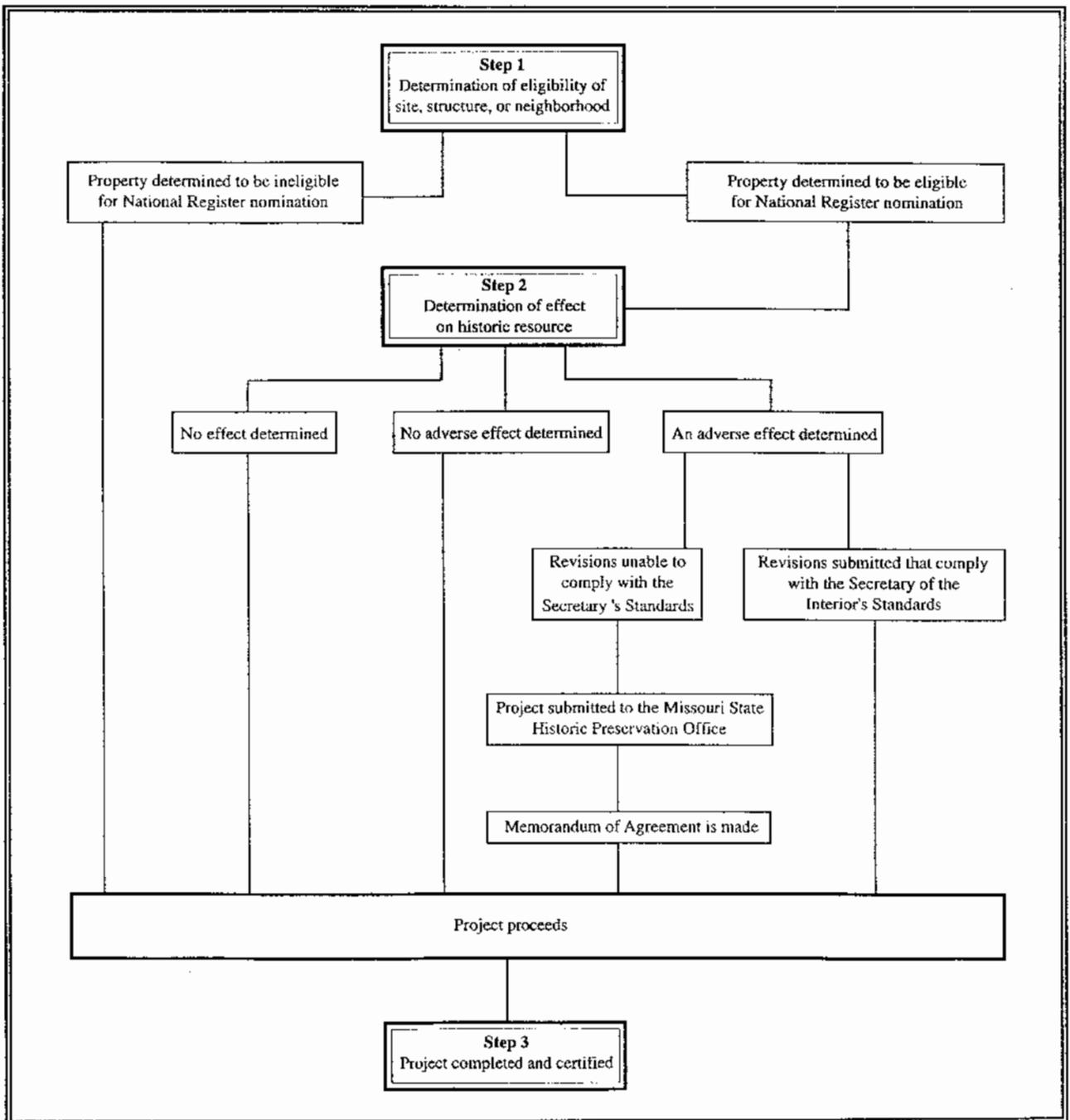
Section 106 of the National Historic Preservation Act of 1966 (revised) requires that all Federal agencies, when they fund a project, take into account the effect that the project may have upon any historic resource. A historic resource is defined as a building, structure, object, site or district that is either listed on the National Register of Historic Places, or is eligible to be so listed. This means that any rehabilitation or new construction project which the Community Development Agency subsidizes with funds from the Department of Housing and Urban Development must be reviewed under the Section 106 procedures that have been established by the Federal Advisory Council on Historic Preservation (the Advisory Council). For the National Historic Preservation Act and the Advisory Council's Regulations, please refer to Appendices I and II.

In an effort to expedite this review, the City of St. Louis and its Division of Heritage and Urban Design have negotiated a Programmatic Agreement with the Advisory Council, the Department of Housing and Urban Development (HUD), and the Missouri State Historic Preservation Office (MO-SHPO), to assign HUD's responsibility for Section 106 review to the City. Projects need only be submitted for State and Federal review when agreement cannot be reached between the City and the applicant, or when demolition is contemplated.



# Section 106 Review Procedures

The following diagram illustrates the Section 106 Review process.



**Note: in these guidelines, the term “historic” will be used as a general term to indicate a building or district which is listed on the National Register of Historic Places, or is eligible to be listed.**

## Step 1. "Determination of Eligibility"

The building and area are assessed for their possible eligibility for the National Register of Historic Places using the National Register Criteria. Both individual buildings and whole neighborhoods may be eligible for the National Register. See Appendix III for the National Register Criteria.

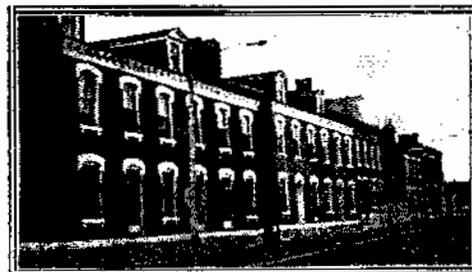
The property is visited by the Community Development Agency staff to determine whether it may qualify for listing on the National Register of Historic Places. Interior and exterior photographs are taken, maps produced, and the surrounding neighborhood surveyed.

*Example:* An "eligible" building may be significant architecturally; a good example of its type; associated with important historic events or persons; or it may be the product of a prominent architect or craftsman.

While a particular building itself may not qualify for the Register individually, it may still be eligible as part of a district that meets the Criteria.



*Example:* A neighborhood which might be eligible would have almost all its structures over 50 years old; have had few demolitions, and be one in which most buildings retained their original or historic appearance. In addition, the buildings in the area would be consistent in materials, scale, site arrangement, etc. and would form an identifiable unit.



*Example:* A neighborhood would be ineligible if many of its original buildings had been demolished; if many new buildings had been constructed; and/or if buildings had major alterations to front facades (the removal of porches, roof changes, artificial siding over brick).



**\* If a property is determined NOT ELIGIBLE, the Section 106 review ends at this point. If it is eligible, the review goes on to Step 2.**

## Step 2. "Determination of Effect"

Next, the potential effect of the project on the historic site, property, or structure must be determined. If the property is determined eligible for the Register, the plans for the project must adhere to the Secretary of the Interior Standards for Rehabilitation. The Heritage and Urban Design staff reviews the plans for compliance with the Standards. For a copy of the Standards, see Appendix IV.

The C.D.A. Design Team meets with the applicant, developer, architect, contractor and others involved in the project, to advise them what will be required, and suggest alternatives. Revised plans are then submitted by the applicant.

Some of the things with which Section 106 is concerned are:

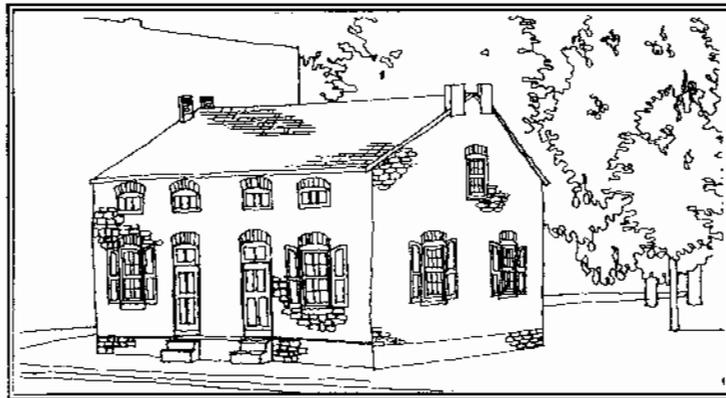
- windows and doors
- cornices and trim
- porches
- repointing
- interior proportions of main rooms
- interior decorative elements

Information about specific Section 106 requirements can be found throughout this document.

**\* When plans are submitted which comply with the Standards, Step 2 of the Section 106 review ends, and the project may proceed.**

### Determining an Adverse Effect

Sometimes it may be impossible for a project to comply with the Standards, or it may involve demolition of a historic building. In such a case, the project must be determined to have an "Adverse Effect" upon the historic resource. Once the Adverse Effect is identified, plans for the project, documentary photographs and structural evaluations must be submitted to the Missouri State Historic Preservation Office in Jefferson City for their review. The MO-SHPO and the City meet to discuss the project and its impact. At this point, the Advisory Council may also choose to participate in the discussion of the project:



During this negotiation, a Memorandum of Agreement specifying a variety of conditions and stipulations may be produced. These stipulations can include: research on the building; recordation (floorplans, photographs, drawings) and a variety of other means to "mitigate" or

reduce the Adverse Effect of the project on the historic building or district. **No work can begin until this mitigation is complete, and all pertinent documents are accepted by the Missouri State Historic Preservation Office.**

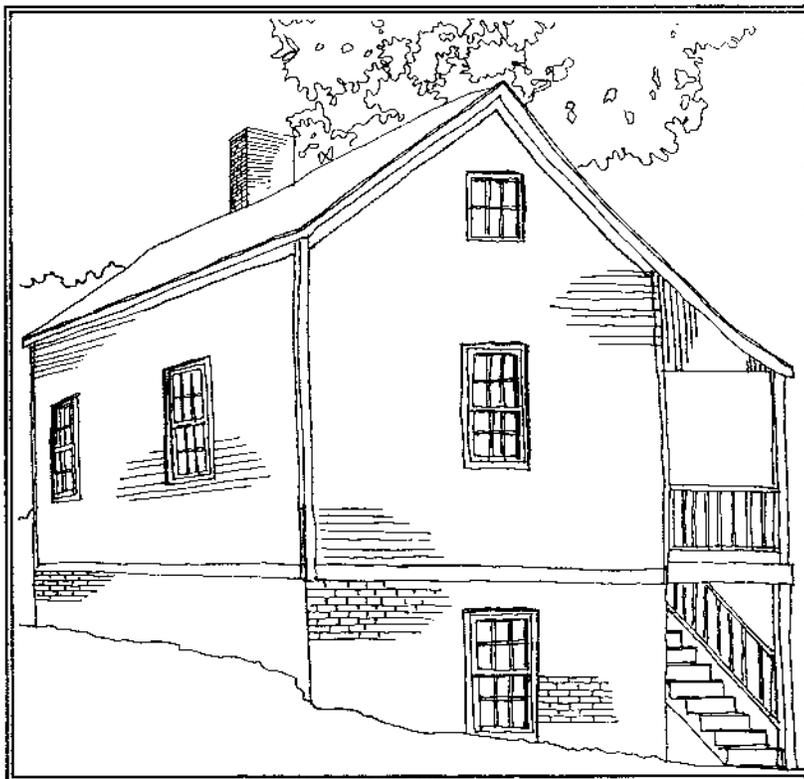
If the Memorandum is not agreed to by all parties, the Advisory Council will make a formal Determination of Adverse Effect, and will issue a letter with its comments to the Secretary of the Department of Housing and Urban Development. **No work may begin on the project until these comments have been received by the Secretary.**

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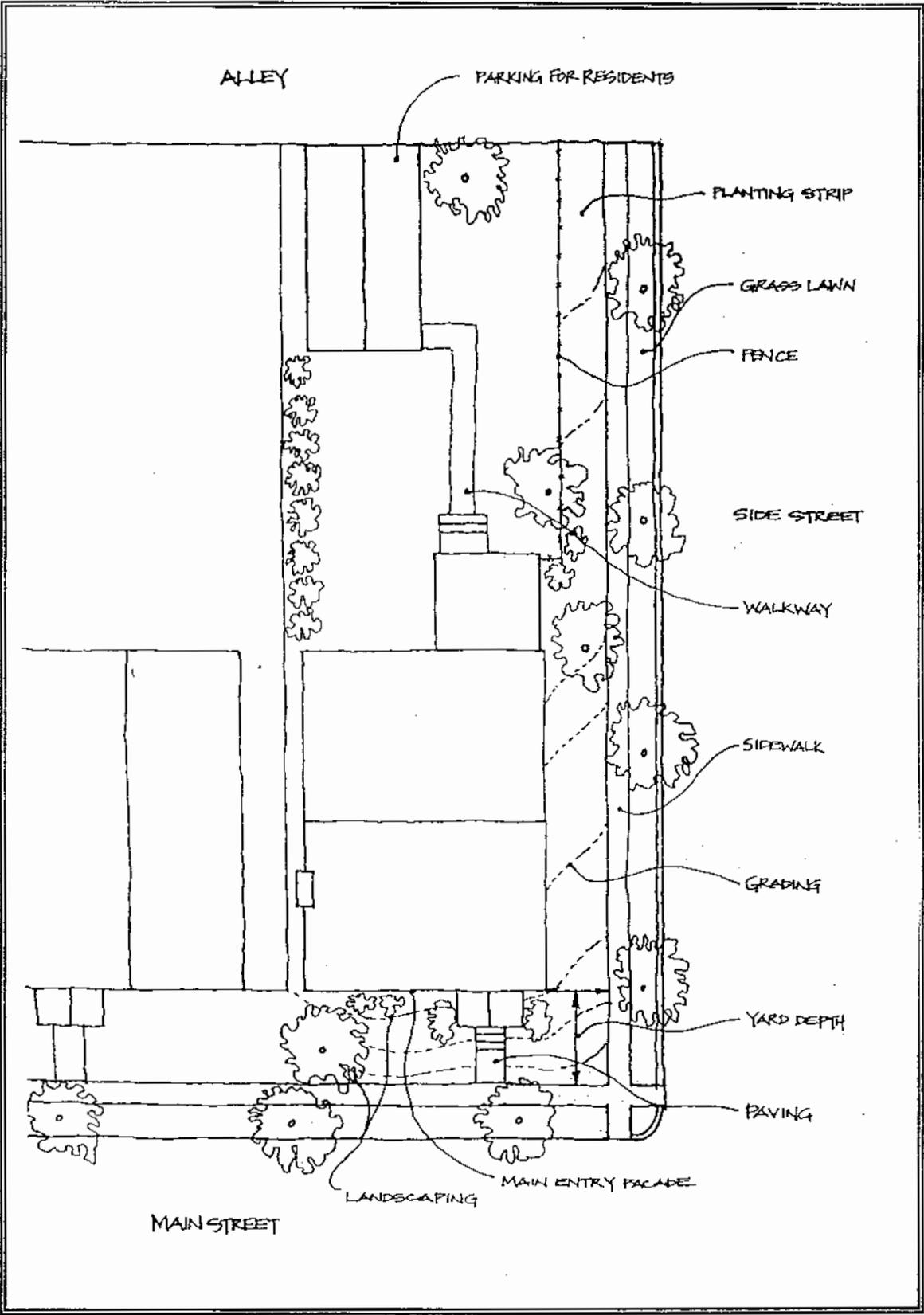
### Step 3. "Certification"

Upon completion, the project is certified. A final visit is made to the property when it is about 90% complete. Photographs are taken to document the work and plans are checked to ensure that the project was completed as agreed. These photographs and the documentation gathered in the other steps of the Section 106 review are maintained in the Heritage and Urban Design office, and are audited yearly by the State Historic Preservation Office and the Department of Housing and Urban Development.

It is important that the approved plans are followed exactly, and that no changes are made without first consulting the Design Team. If at final inspection, the project does not conform to the previously approved plans, it may be necessary—before the project can be certified—to remove or reconstruct the non-conforming work, adding cost and perhaps delaying final closing.



# Site

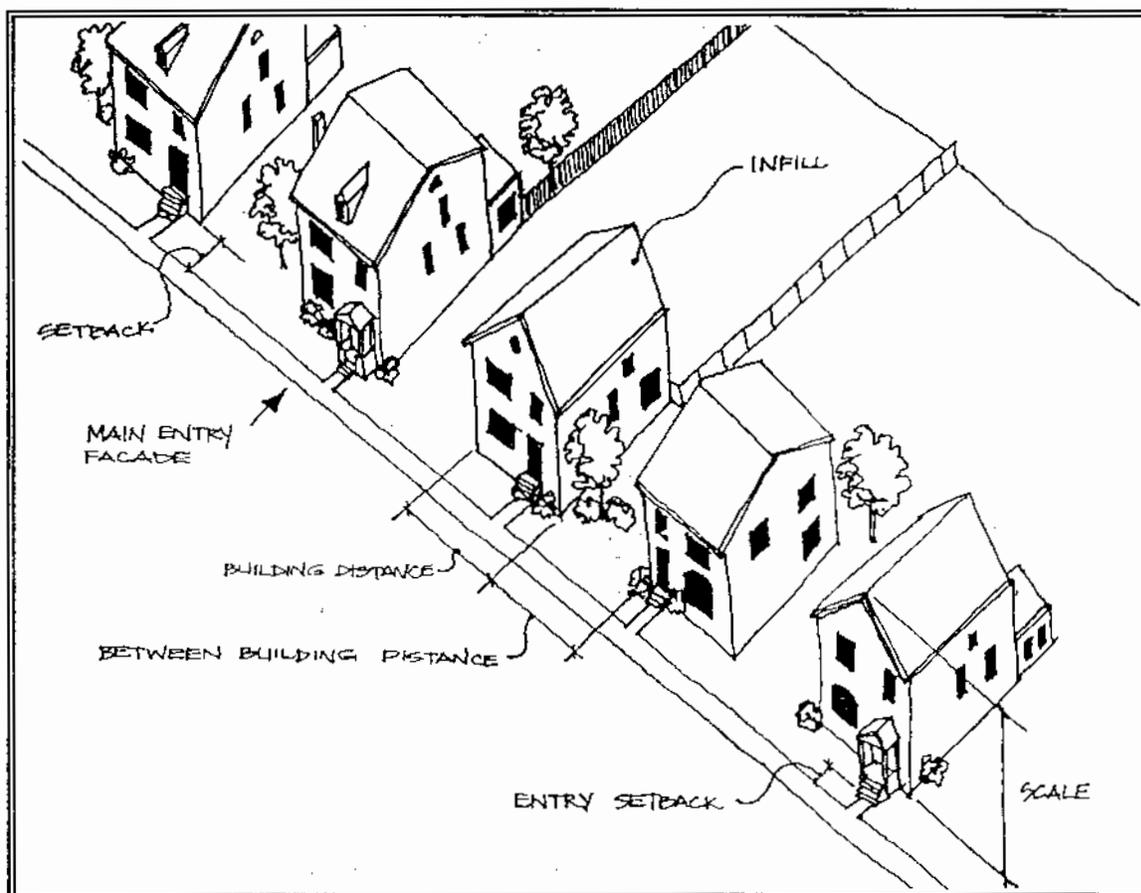


# Site

## Site Planning for Infill Construction

For all new construction in or adjacent to areas which are listed on, or eligible for, the National Register of Historic Places, the siting of new buildings should be consistent with the existing buildings in the area. This is called *alignment* and includes:

- building setback and entry setback
- distance between buildings
- size of sideyards
- building width



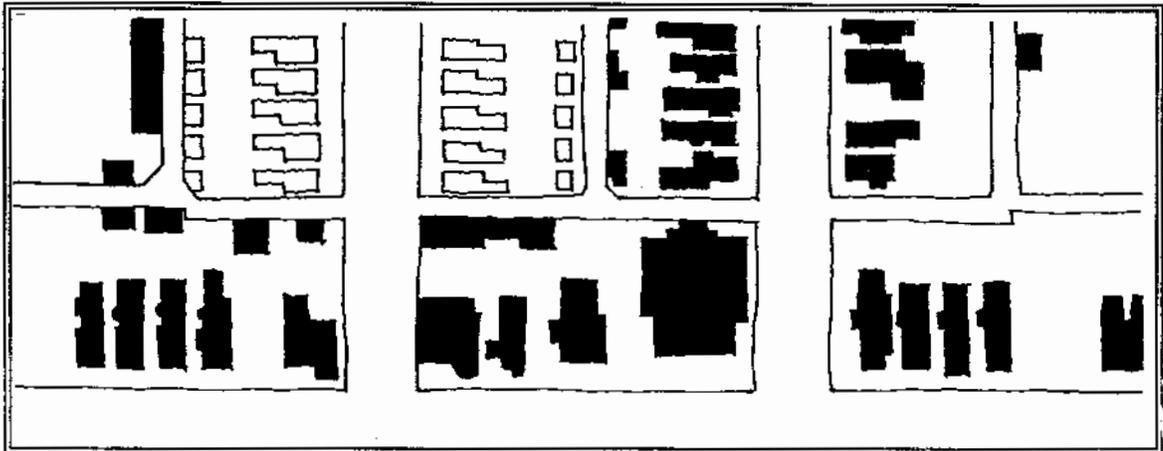
New buildings in historic areas should be compatible with other buildings, and fit easily within the context of the block.

The distance between buildings and widths of individual buildings should be similar or an average of those of the block. Lot sizes should be consistent with the majority of those on the street, and the rhythm, proportion, and massing of new buildings must reflect the patterns established by the existing residences. This is required in both the planning of the site and the design of the front elevation.

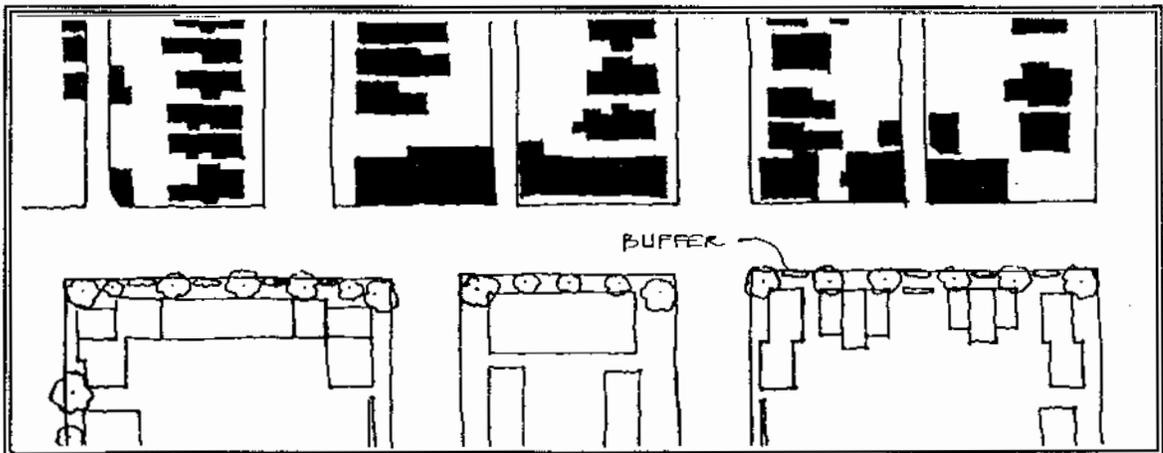
## Site Planning for New Housing Developments

New large scale housing developments generally should not be located in National Register Districts, or in areas eligible for the Register. A better choice would be an area with substantial amounts of vacant land.

If a large-scale housing development must be sited adjacent to a historic area, it should be planned so that its perimeter is compatible with the surrounding architectural fabric. In some cases, the new construction may simply repeat the site planning features of the surrounding neighborhoods, as below:



or it can be physically separated from the surrounding area by an appropriately designed landscaped or walled buffer:



**When planning new projects, special care should be taken to ensure that any nearby historic areas are visually protected.**

## Site Improvements

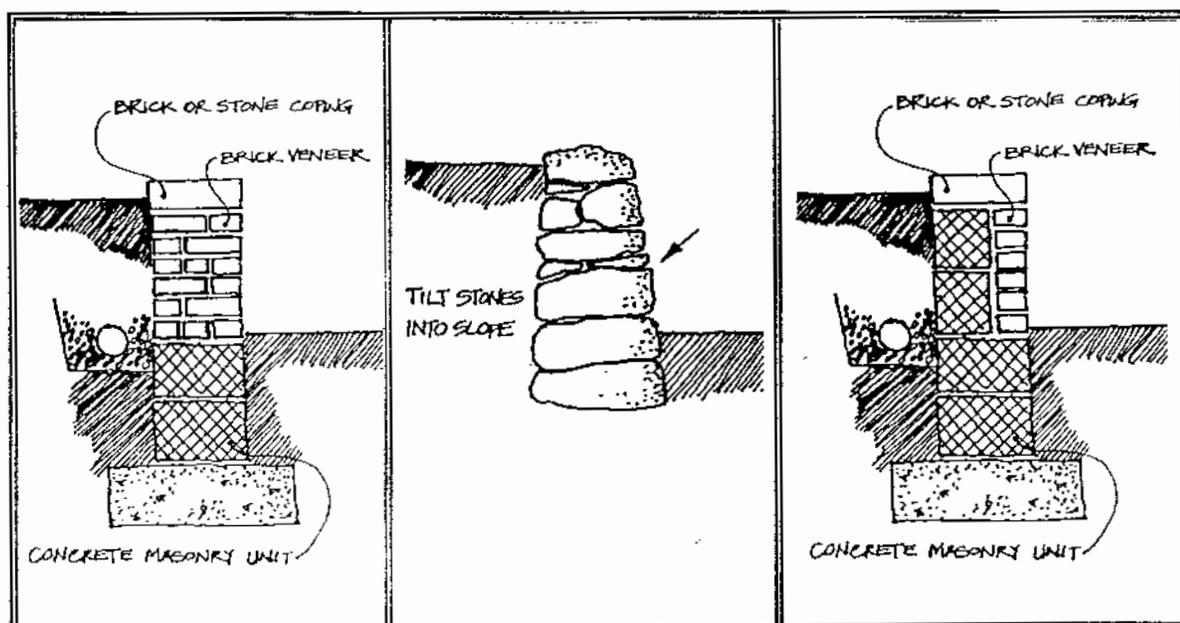
### Grading:

Existing grades on street facades in historic areas (including corner properties) must not be changed. If the original grade has been altered at some previous time, it need not be returned, unless desired by the owner, or unless a retaining wall is being removed.

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### Retaining walls:

New retaining walls should not be constructed on street facades in historic areas. Existing walls in good repair need not be removed, even if they do not comply with the Standards. Historic stone, brick or cast concrete retaining walls, of course, should be retained and repaired wherever possible. If evidence exists of an original retaining wall which has been previously demolished, the wall may be replicated, although this is not a requirement. Such a wall may be recreated as a block wall with masonry veneer.



**Brick Wall**

**Dry Stone Wall**

**Brick Veneer Wall**

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### Parking

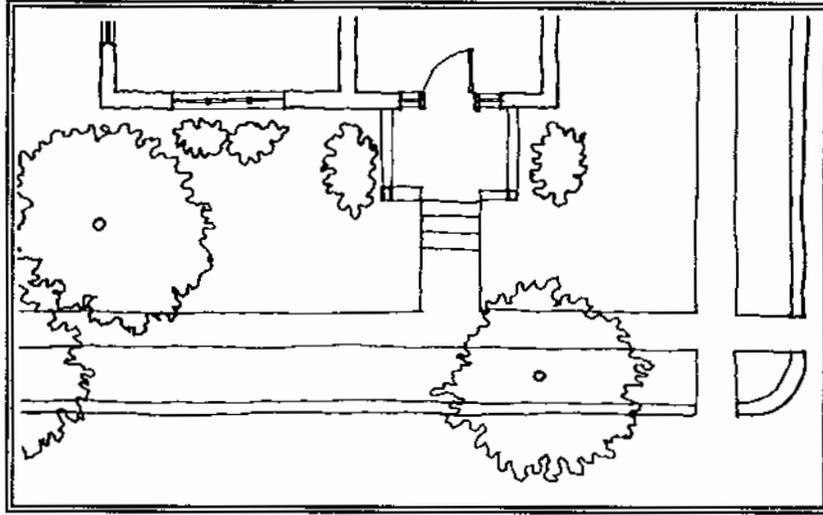
Parking space should be provided at the rear of the property. On corner lots, the parking area should be screened from the street with an ancillary building, a fence or evergreen hedge. Access to parking pad or garage should generally be from the rear of the property except on those sites where the original drive entered from the front or when front-facing garages are a feature of the surrounding neighborhood. New garages should be similar in size, design, and materials to the other garages in the area.

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## Landscaping

Landscaping is generally not affected by Section 106 review. However, it is recommended that existing mature trees be retained and protected from harm throughout the construction period. Care must be taken not to excavate too closely to a tree's trunk, to remove too much soil from around it, or to cover the area beneath the tree canopy with non-porous paving material, which would prevent water from reaching the root system.



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## Fences

New fences are not considered permanent structures, and therefore are generally not affected by Section 106 review. However, historic fences located in eligible areas should be retained and repaired if possible. When fences are required under Section 106 as screening for parking or other uses, they may be of wood, masonry or other appropriate sight-proof material.

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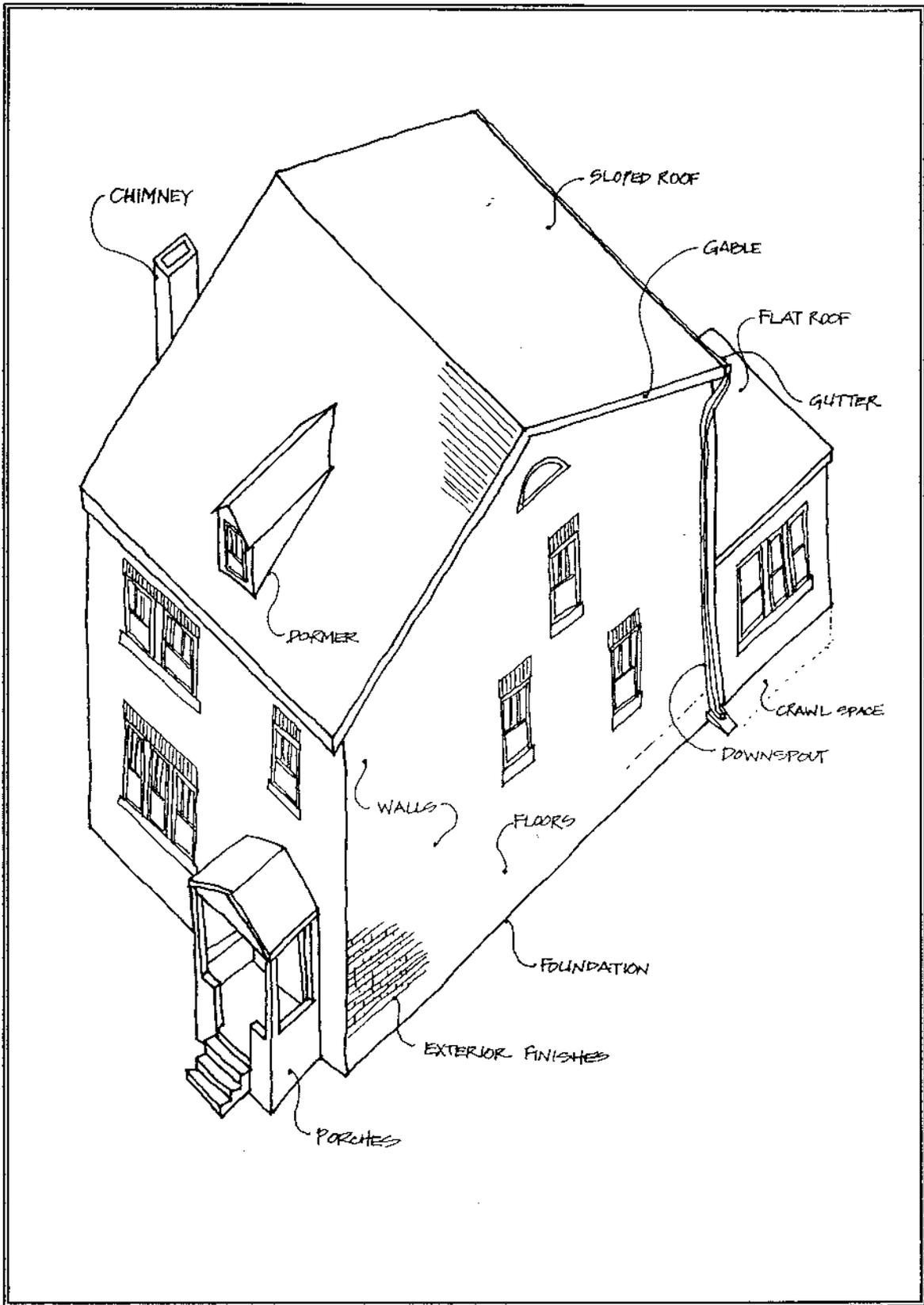
## Accessibility Standards

Provisions for accessibility by the disabled are encouraged on every project. However, providing accessibility to historic houses often requires considerable ingenuity, and some buildings adapt more easily than others. Construction of access ramps, lifts and elevators in areas of the building which will not detract from its historic character are preferable. The design of interior halls, doorways, etc. should be carefully considered to minimize any destructive affect upon the building's architectural details. Note that on buildings determined eligible or listed on the National Register, special waivers to accessibility compliance may be granted.

For more information concerning accessibility requirements, please consult *Housing Design Standards*.



# Building Exterior

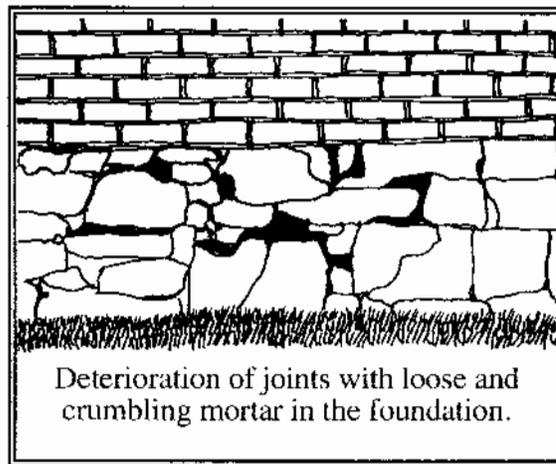


## Foundations

### Repairing Existing Foundations

Repointing of historic stone or brick foundations must match the original mortar in color, texture, composition, and joint profile. Older brick and stone are softer than modern hard-fired brick, so mortar used on historic buildings should be relatively soft. A cement harder than the masonry will not expand and contract at the same rate and may cause masonry to spall and crack.

Existing foundations should never be covered with cement or plaster, and never painted. Water will be trapped inside and the resulting freezing and thawing will accelerate the deterioration of the wall. When possible, existing "parging" or paint should be removed. (The exception would be those houses which originally had plaster front facades to imitate stone veneer.)



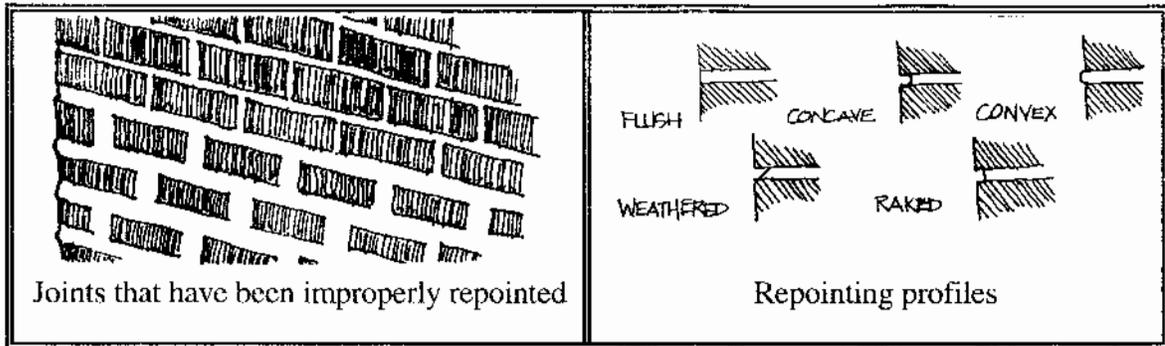
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## Masonry Walls

Masonry is the predominate building material of St. Louis neighborhoods. Historically, it had a relatively low cost, low maintenance, and high resistance to fire. Because of the durability of brick and stone, many neglected buildings remain structurally sound.

A building that has been open to weather for some time may have more severe deterioration that would require substantial rebuilding. Whenever new brick or stone is used to rebuild part of an existing structure, the new materials (brick or stone and mortar) should match the original material as closely as possible, in color, size and composition.

Repointing of historic masonry walls must match the original mortar in color, texture, composition and joint profile. Mortar for historic buildings should be relatively soft, and contain no more than 20% Portland cement. This will produce a mortar that is durable, but sufficiently soft to protect historic brick.



**Tie-rods** on masonry walls were often placed during construction and sometimes installed later to correct a structural problem. The system consists of an iron rod with a turn buckle running in the joist space, usually between bearing walls, which is connected to a decorative plate on the outside of the building. Existing tie-rods and plates must not be removed; new rods may be added to help correct a failing structural condition. **Painting of unpainted masonry walls** is not acceptable under the Standards. Those buildings which have been previously painted need not have the paint removed, unless it is in a deteriorated condition. Once removed, however, the walls should be left unpainted.

**Masonry cleaning**—while not a requirement—is recommended, especially if a building has been previously painted. Changing the color of a facade alters the building's original character and obscures the pattern of mortar joints. Cleaning can give the surface of a building new life by removing pollutants, paint and tar, and restoring the natural qualities of the brick or stone. Cleaning should be done:

- by using low pressure water cleaning (not more than 600psi)
- by using gentle detergents and a natural bristle brush
- **never by using a metal bristle brush**
- **never by using abrasive sandblasting.**

In some instances, masonry cleaning with water is not sufficient to remove stubborn paint or stains. Chemical cleaning with a cleaner low in acid may be appropriate in these cases. Care should be taken not to harm the brick.

Occasionally, removal of paint from a building facade may reveal patches of badly-matched brick from prior repairs. If the repair is really unsightly, a masonry **stain** may be applied to that area, to bring its color into conformity with the rest of the building. Those stains are water-permeable, and semi-transparent, so that the appearance of the brick is not obscured.

**Openings:** New openings on historic buildings may not be made on street facades. New openings made elsewhere on the building should be of similar proportions and details (matching lintels, sills, etc.) to the original openings.

Masonry openings on historic buildings should be closed or shortened only on non-visible facades. Closures must be in brick, recessed a minimum 2 inches from the facade plane. Windows to be shortened should have the original sill raised and the area beneath infilled with recessed brick.

**Chimneys:** Chimneys on historic buildings may be capped, but not removed or lowered. Any ornamental chimney hoods should be retained. Cement capping of abandoned chimneys is not acceptable. New chimneys should always be installed on non-visible roof slopes.

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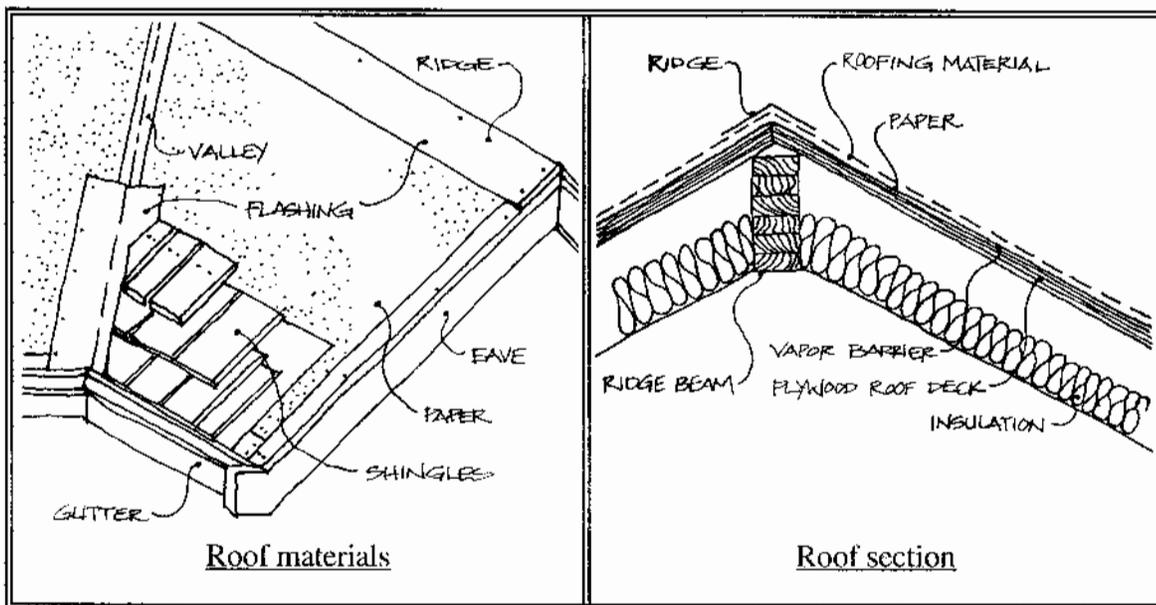
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## Roofs

Every attempt should be made to retain tile or slate roofs. Where this is impossible, replacement should be one of the following:

- new tile or slate shingles that replicate the original (preferred); or
- architectural shingles in a color similar to the original material

**Mansard roofs:** Mansard roofs are a major design element of a house and should be treated with particular care. Since the extent of the roof is small, in most cases replacement with slate shingles which replicate the original is not prohibitive. Shingles should duplicate the shape and color of the original; painted designs are not generally appropriate, unless the original roof was painted.



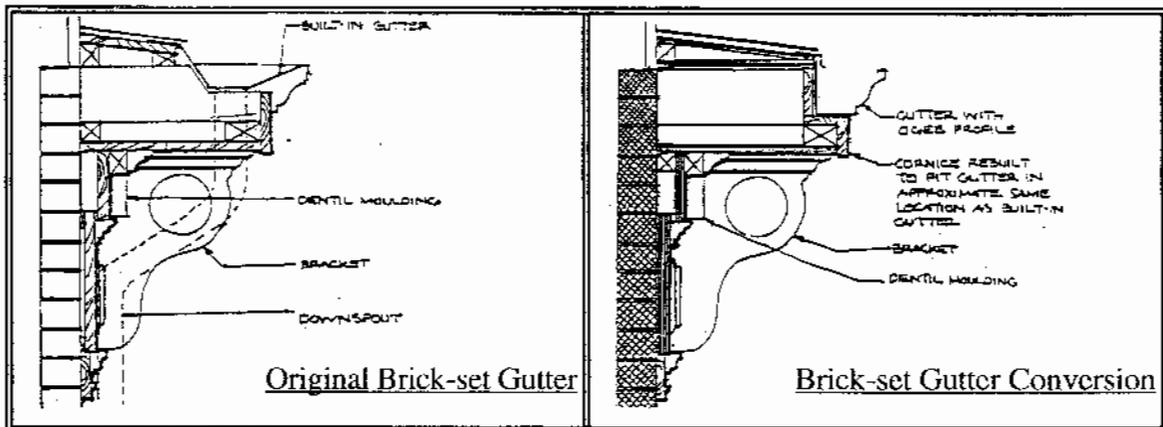
**Roof shapes** of historic buildings should be respected, and not altered by changing their slope or adding dormers or other roof elements. No new firewalls may be constructed that interrupt the roof. New skylights, metal chimneys and vents must be located on non-visible roof slopes.

Dormers original to the building must be retained and repaired, and may not be altered in size. Dormers that have been removed in the past need not be reconstructed unless desired; new dormers may not be added to visible facades unless there is clear evidence of their original presence.

On a **flat roof**, parapet walls should be returned to their original appearance: either brick capping or coping tiles. Cement parging or metal wrapping of parapet walls is not acceptable.

**Gutters and downspouts** must be placed as inconspicuously as possible, and in their original locations, if known. They must be color-clad or painted, and of appropriate dimensions.

Brick inset gutters are often a maintenance problem, and may be altered as shown below, providing that the exterior appearance does not change:



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## Porches

A porch can be the focal point of a building and often was the most decorative feature of the front facade. Time and effort should go into its restoration or rehabilitation.



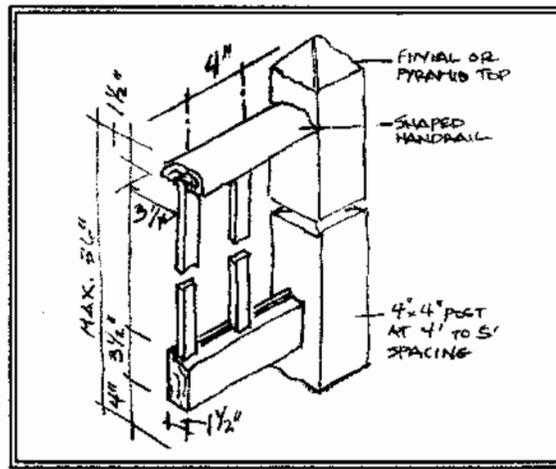
**Front and side wood porches** on historic buildings should have all wood elements painted, and should be skirted with lattice panels (installed diagonally or horizontally) or with vertical tongue and groove boards.

**Details** such as moldings, dentils, brackets, and ornamental friezes must not be removed from historic buildings. On front porches, if a decorative element is deteriorated beyond repair, it should be replicated. Details must never be wrapped or covered with artificial materials. When repairing a wood porch, as many of the original pieces as possible should be reused. This will save money as well as help preserve the original character of the building.

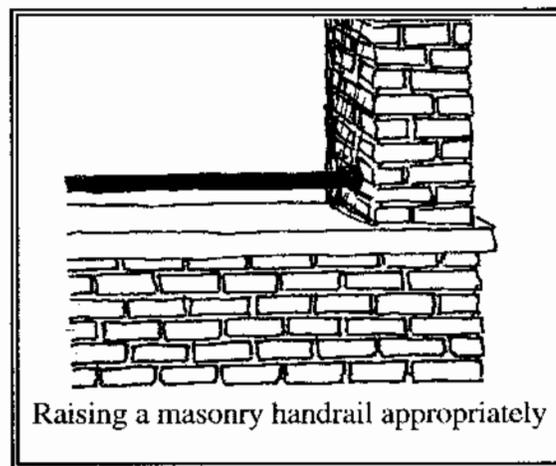
**Replacement columns** should be of wood, in the same dimensions and style as the originals. Aluminum columns are not appropriate, since their design and dimension rarely replicate the appearance of a wood column.

**Handrails** should be retained and repaired if at all possible. If existing pieces cannot be reused, replacements should match the dimensions and style of the originals.

Most often, masonry porches had masonry or wrought-iron handrails; wood porches, wood handrails. Where no evidence of the original handrail design exists, new wrought iron railings should have simple balusters without additional ornamentation; wood handrails should be comprised of milled top and bottom rails, with balusters of 1 X 2's on four inch centers, as shown in the detail below:

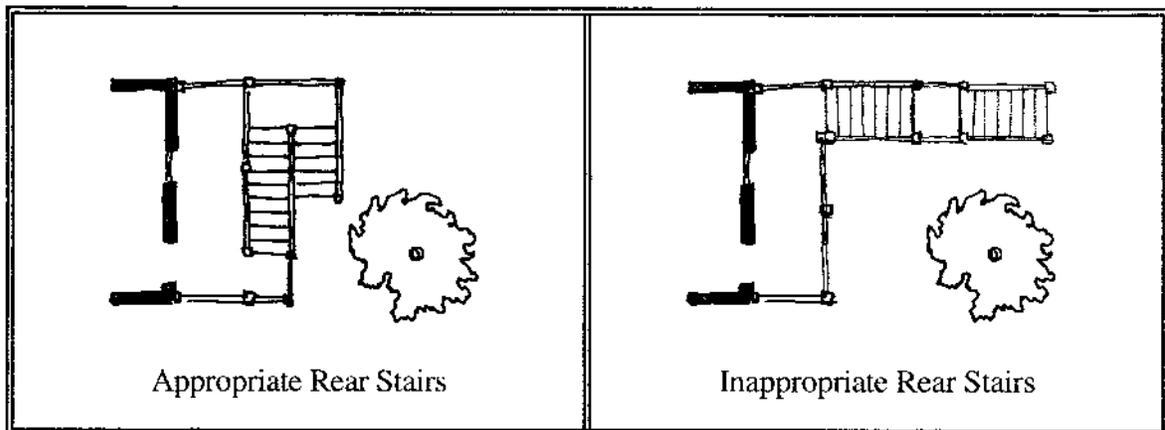


Historic railings are often lower in height than today's building code allows. On single family residences, where the height of the porch above grade is not excessive, a lower height (30" - 32") may be granted by variance. Where this is not possible, a handrail height of a maximum of 36 inches is acceptable. For masonry railings, a simple tube railing painted a dark color may be installed to raise the handrail to the necessary height.



**Rear porches** on historic properties should have approximately the same dimensions as the original and should have a historic (milled) handrail as described above. They need not be painted; however, it is recommended that a stain be applied to protect the wood.

Historic **stairs** usually do not comply with today's building code. New stairs on rear porches should be designed to minimize their size and number of landings, and should generally be constructed parallel to the building's facade.



**Replacement porches:** Although the original porch of a historic house may have been removed, evidence of its original appearance can sometimes be found through:

- paint or flashing lines on the facade showing the profile of posts, location of brackets, the height and profile of handrail
- remnants of the porch foundation, indicating its original size
- facade detailing, which was often reflected in the porch design
- similar buildings in the neighborhood with intact porches

A replacement porch should match the original as closely as possible. Where no evidence exists as to the original detailing, care must be taken in the design of the new structure to relate it as closely as possible to the historic building. It should duplicate the old porch in size and scale, but should be clearly contemporary in its detailing.

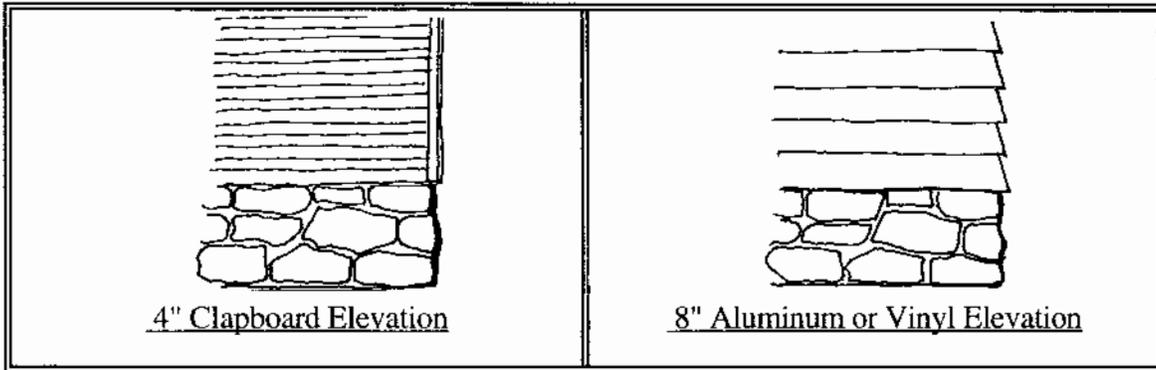
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## Exterior Finishes

**Wood siding** in St. Louis was most commonly clapboard siding, made of smooth, beveled overlapping boards laid horizontally. There are also examples of wood shingles, and board-and-batten, or tongue-and-groove vertical siding.

Original **siding** should be retained whenever possible. Note that vinyl siding may be subject to tearing, cutting and warping, and release a toxic gas from excessive heat. Aluminum siding can be damaged from impact and can not be as easily repaired as wood. Often the original clapboards may be found beneath layers of artificial siding and can be restored easily. Proper paint adhesion can be obtained by scraping, stripping, and using a linseed oil primer and oil-based paint. If there are small cracks in the siding, putty or caulk should be used. When sections or boards are cracked or deteriorating, they can be removed and replaced with new boards of the same proportion and thickness.

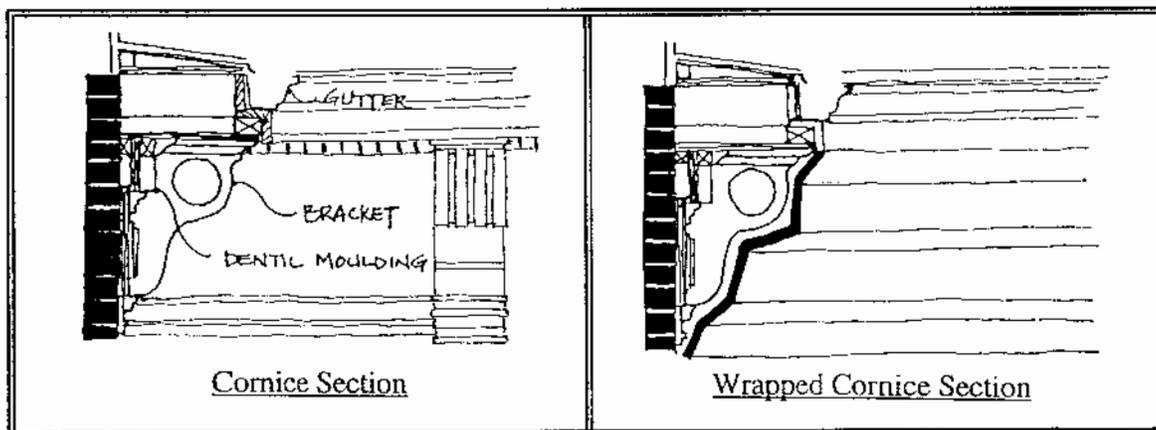
Existing artificial siding, such as asphalt shingles or asbestos shakes, although not appropriate to the building, may be retained as existing; but it is recommended that it be removed and the original siding restored or, if necessary, replaced with appropriate new siding.



**Vinyl and aluminum siding** are acceptable alternatives to the original wood siding, provided that they replicate the width or "exposure" of the original siding, usually no greater than 4 inches. Using siding with a larger exposure changes the scale of the house and the character of the building. New siding should preferably have a matte or non-shiny finish to duplicate a painted surface. Weathered or wood-grain siding is not recommended. When artificial siding is installed, all trim pieces, including corner boards, sill boards and casings, must be retained or replicated.

**Details:** All window parts, lattice, columns, decking, siding, soffit boards, brackets, corner boards, etc. should be retained if possible or replaced with elements of similar size and shape. Wood is preferable as a replacement material, although Fiberglas and other imitation materials are acceptable under the Standards if the original appearance of the detail can be reproduced.

Covering of wood details is not acceptable on historic structures, since it obscures fine detail and may mask structural problems. Note how the appearance of the cornice below will change as a result of aluminum wrapping:



## Energy Efficiency

Energy conservation is a major concern on all projects; however, a significant reduction in energy loss can be achieved with simple measures which do not alter a building's historic character. Weather stripping, caulking, and the addition of insulation in a non-destructive manner are acceptable procedures under Section 106 review, as is the installation of storm windows and doors.

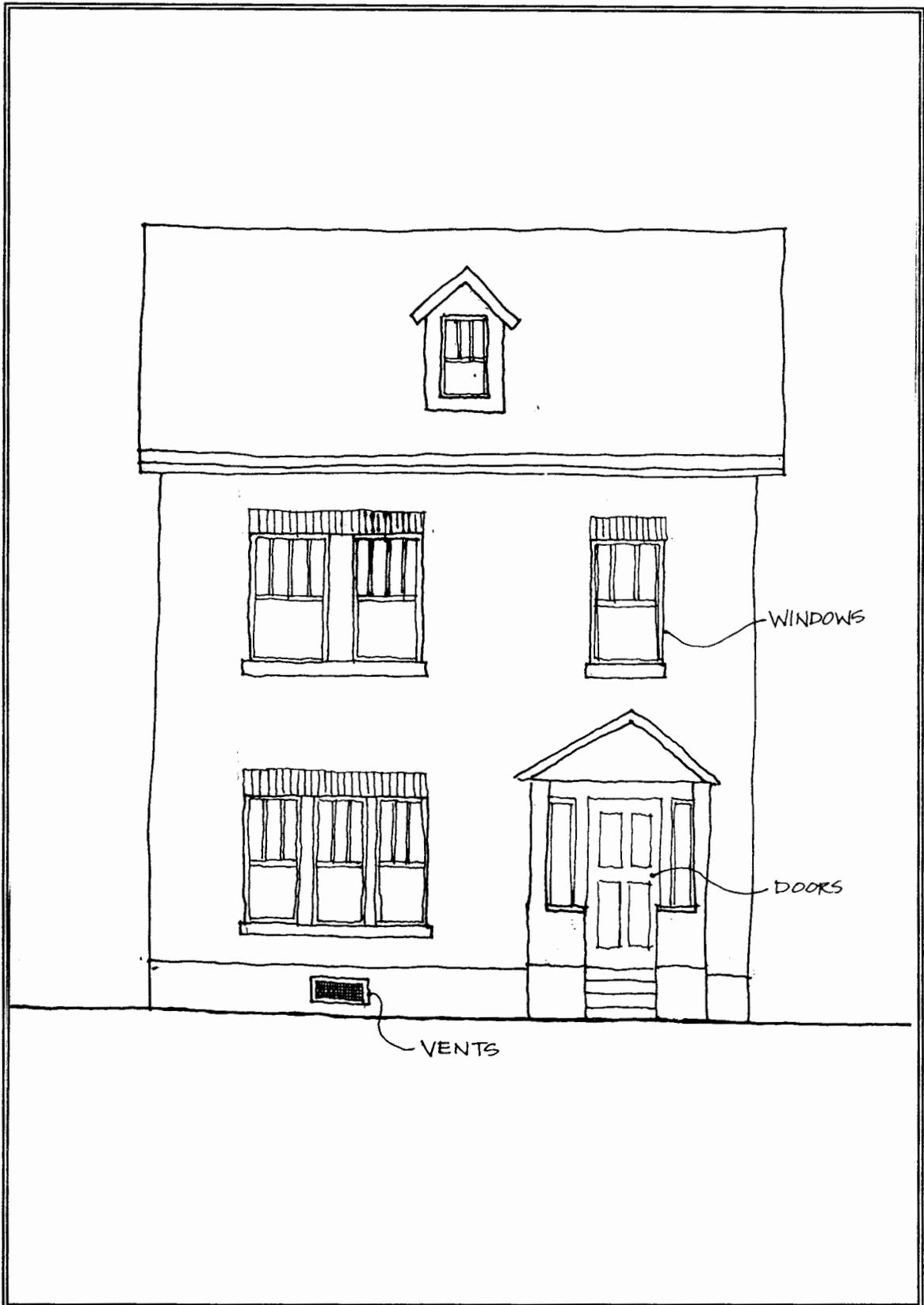
**Storm windows** on historic buildings may be installed on the interior or exterior of the building. Exterior storms should be made of color-clad material, and should have approximately the same glass area as the windows they cover, and be installed between the existing blind stops, without covering the brickmold. Meeting rails of both storm and window should be at the same height. When covering a round-headed window, the storm should also have a round head.

Storm doors on visible facades should preferably be full-light (full glass) or three-quarter-light in order to avoid obscuring the original door. Storm doors with ornamental or security grills are not acceptable.

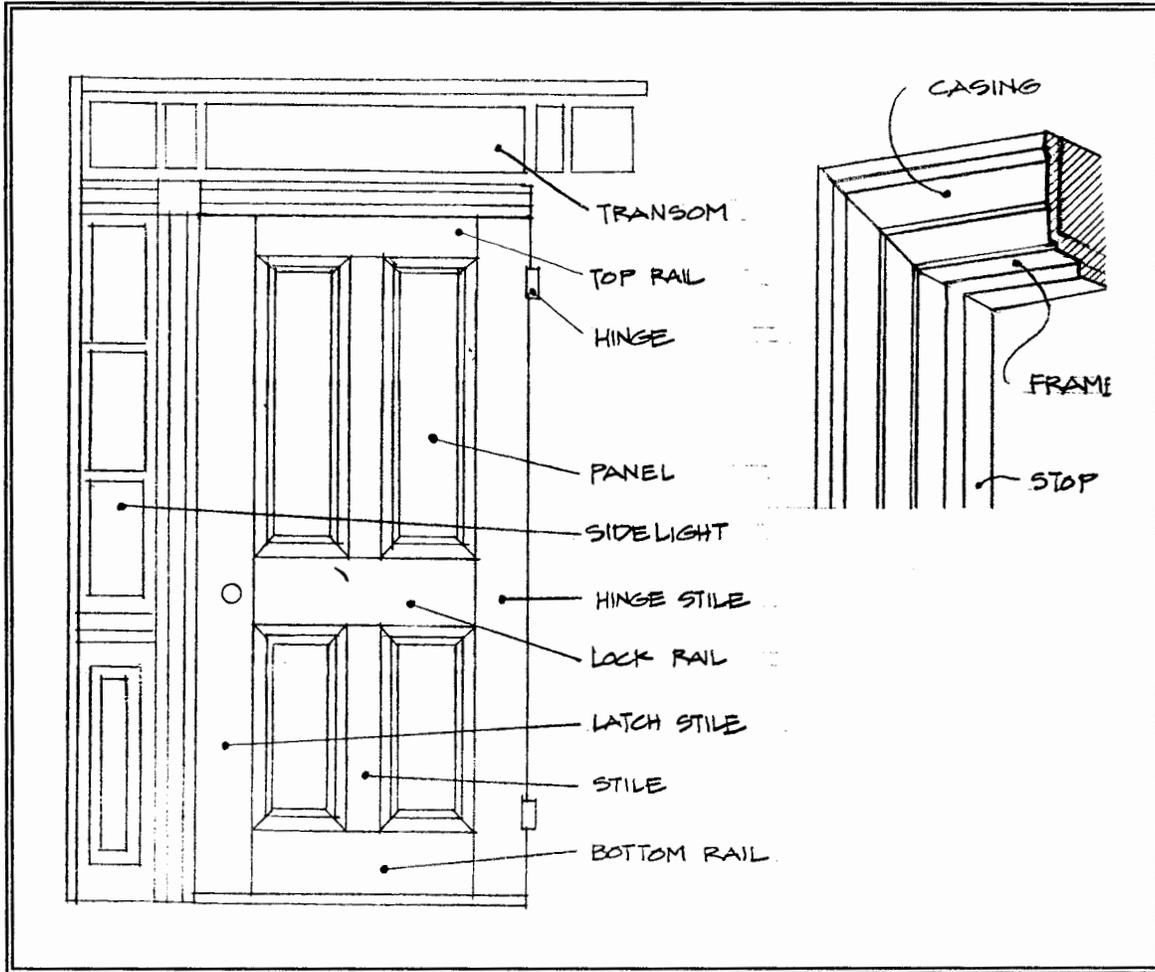
For further information concerning specific requirements for energy conservation and efficiency, please consult *Housing Design Standards*.



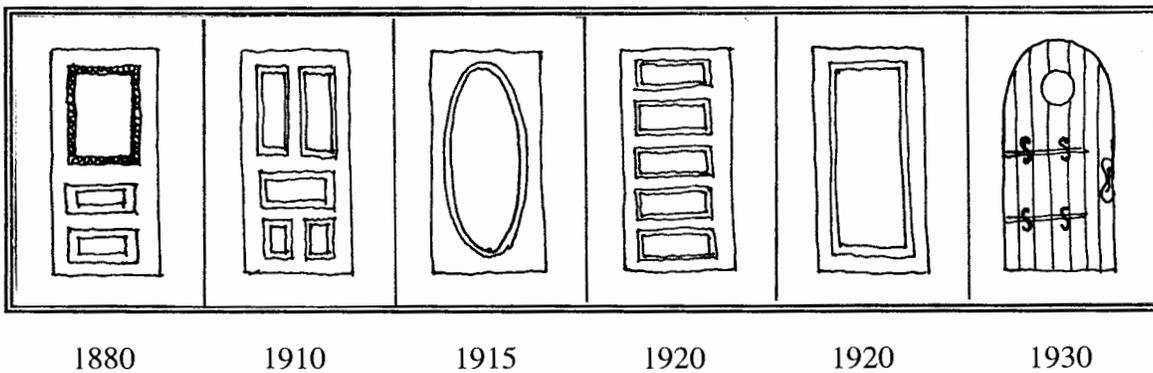
# Openings



## Doors



Because the door is such a critical visual element of a building's elevation, replacement **doors** on historic buildings must replicate the originals. If the original door design is not known, a door from a similar building in the neighborhood may be taken as an example. Wood replacement doors are preferred, but metal doors are acceptable, providing their design duplicates the original door's appearance. Different door styles were popular at various times:



1880

1910

1915

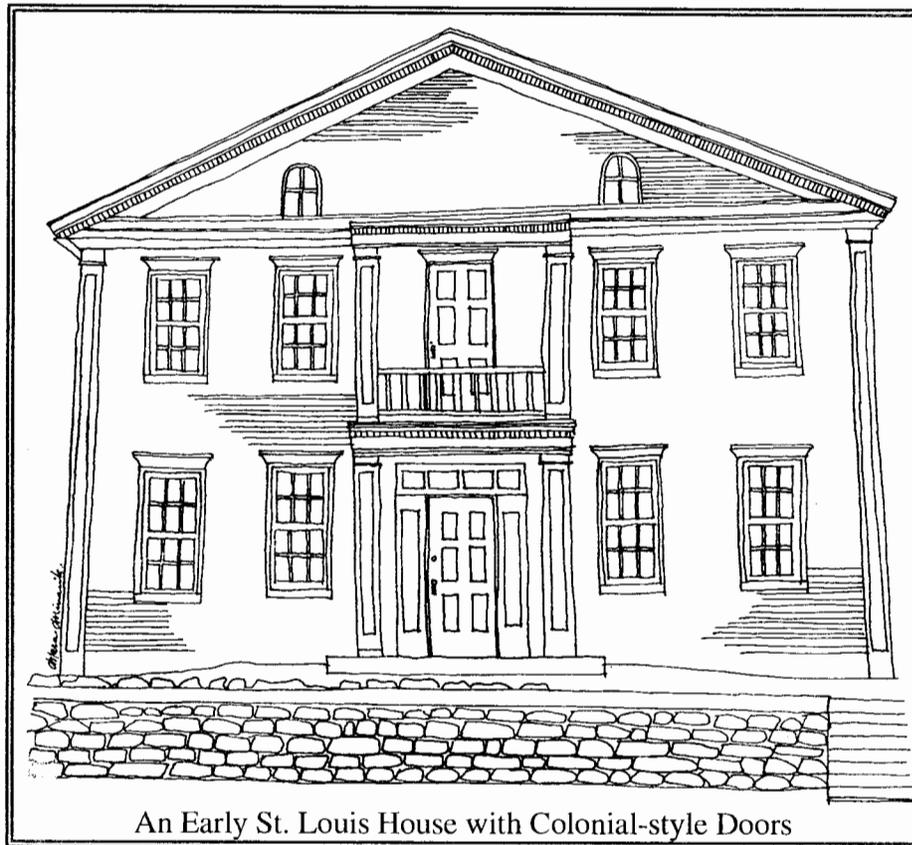
1920

1920

1930

Note that six-panel doors are not appropriate for most St. Louis buildings, on openings visible from the street. The six-panel door is a Colonial door style, and appears only on original

buildings pre-dating 1840, and occasionally on later "Colonial Revival" buildings constructed in the 1920's and 30's.



**Transoms** must be retained, but may be fixed in place. All door surrounds and trim on front and side facades must be retained or replicated.

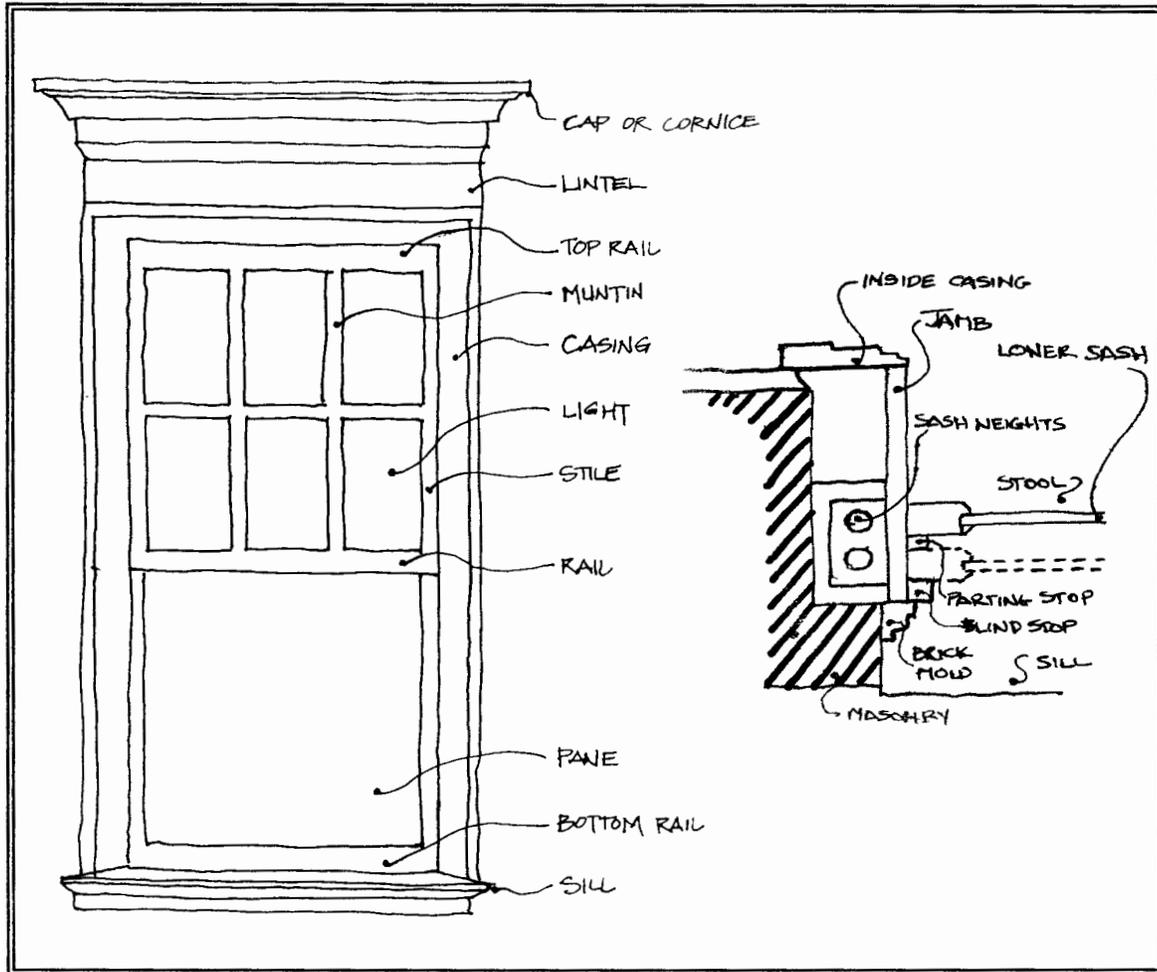
If **security** is a concern, Lexan—or similar security material—may be substituted for the door's original glazing.

**Abandoned doors:** on buildings where one or more entrances are to be abandoned, the following procedures should be followed:

- **Front and visible facades:** Doors should be fixed in place, if required, never removed or replaced by a window;
- **Rear and non-visible facades:** On masonry buildings, entrances to be abandoned may be permanently closed by brick infill, recessed a minimum of 2 inches from the facade plane. Frame buildings may have such openings closed with a permanent panel.

Door openings altered to windows are acceptable on rear and non-visible facades, but the area beneath the new sill should be infilled with recessed brick, as above.

## Windows

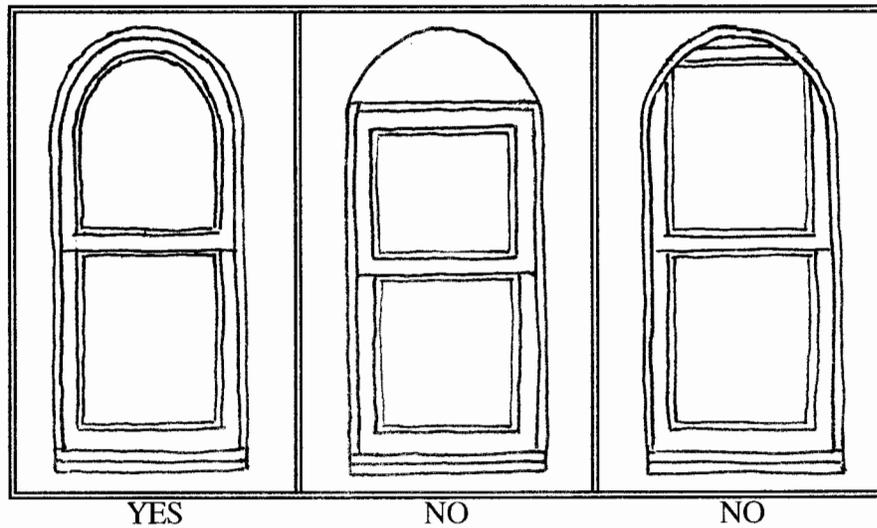
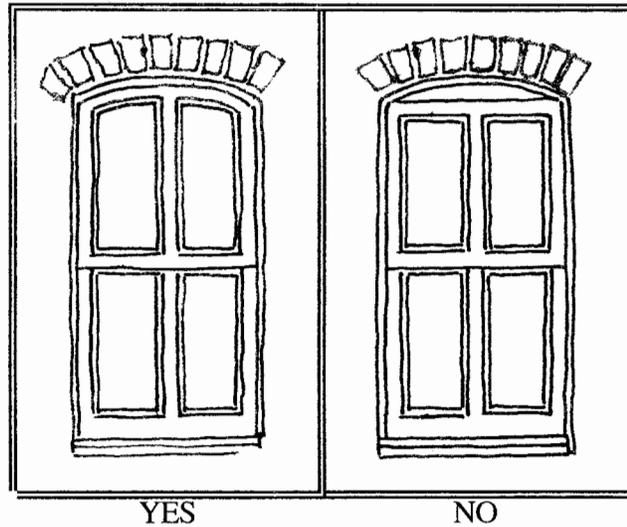


Windows are perhaps the most important element to be considered in retaining a building's historic character. It is always preferable to retain existing windows if at all possible by:

- reglazing
- renewing dried putty
- reworking sash weights or adding new sliding tracks
- remilling deteriorated sash members
- installing new window sash kits in existing frames.

Spend some time assessing whether your windows really require full replacement. A properly repaired historic window with a good storm sash will provide excellent energy efficiency, equal to that of most double-pane thermal windows.

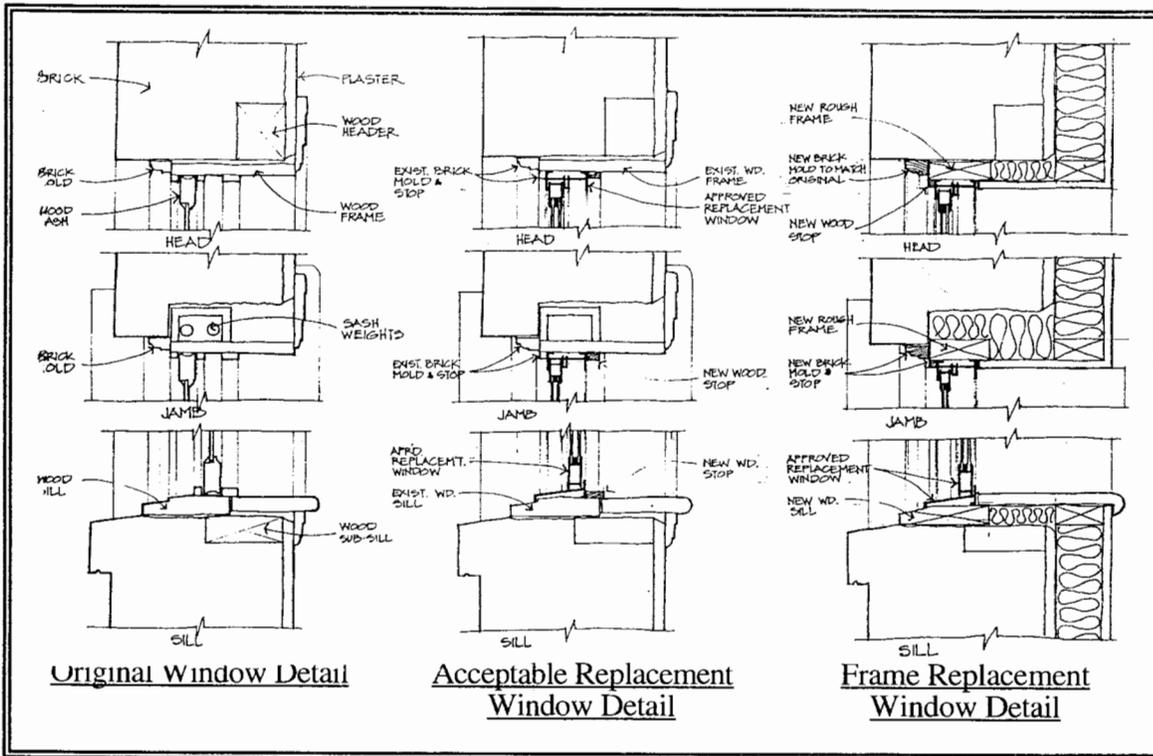
Be aware that for some windows—those of very large size or with square heads and round glazing for example—it will be difficult to find replacement sash that can replicate the original appearance and will comply with the Standards:



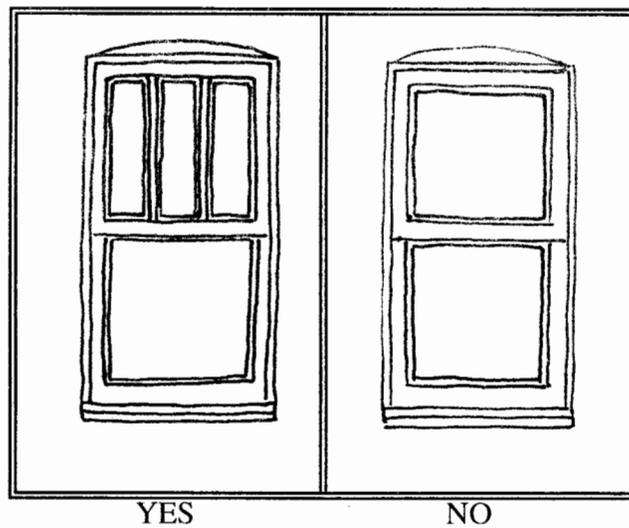
If windows on visible facades must be replaced, they should be, in order of preference:

- single-pane wood windows that replicate the originals
- thermal wood windows that replicate the original window sizes and style
- approved historic replacement windows fabricated to replicate the appearance of the original window.

**\* Be aware that not every replacement window will comply with the Standards, even if it is the same size as the original window; the proportions of the replacement must duplicate those of a historic wood window:**



Those windows with decorative grilles, or "muntins", must also be replicated on visible facades:



Replacement windows must have true-divided lights (individual glass panes supported by the muntins) on single glazed sash; or have muntins of appropriate dimensions applied to the EXTERIOR of the window. Muntins which snap-in from the inside or are placed between the glass are not acceptable, since the muntin pattern will be obscured by the outside pane.

On non-visible facades, other windows are acceptable, providing that they fully fill the original masonry opening. The muntin pattern of these windows, if any, need not be

duplicated unless desired. Arched windows on these facades may be altered to rectangular windows by the insertion of a wood "eyebrow".

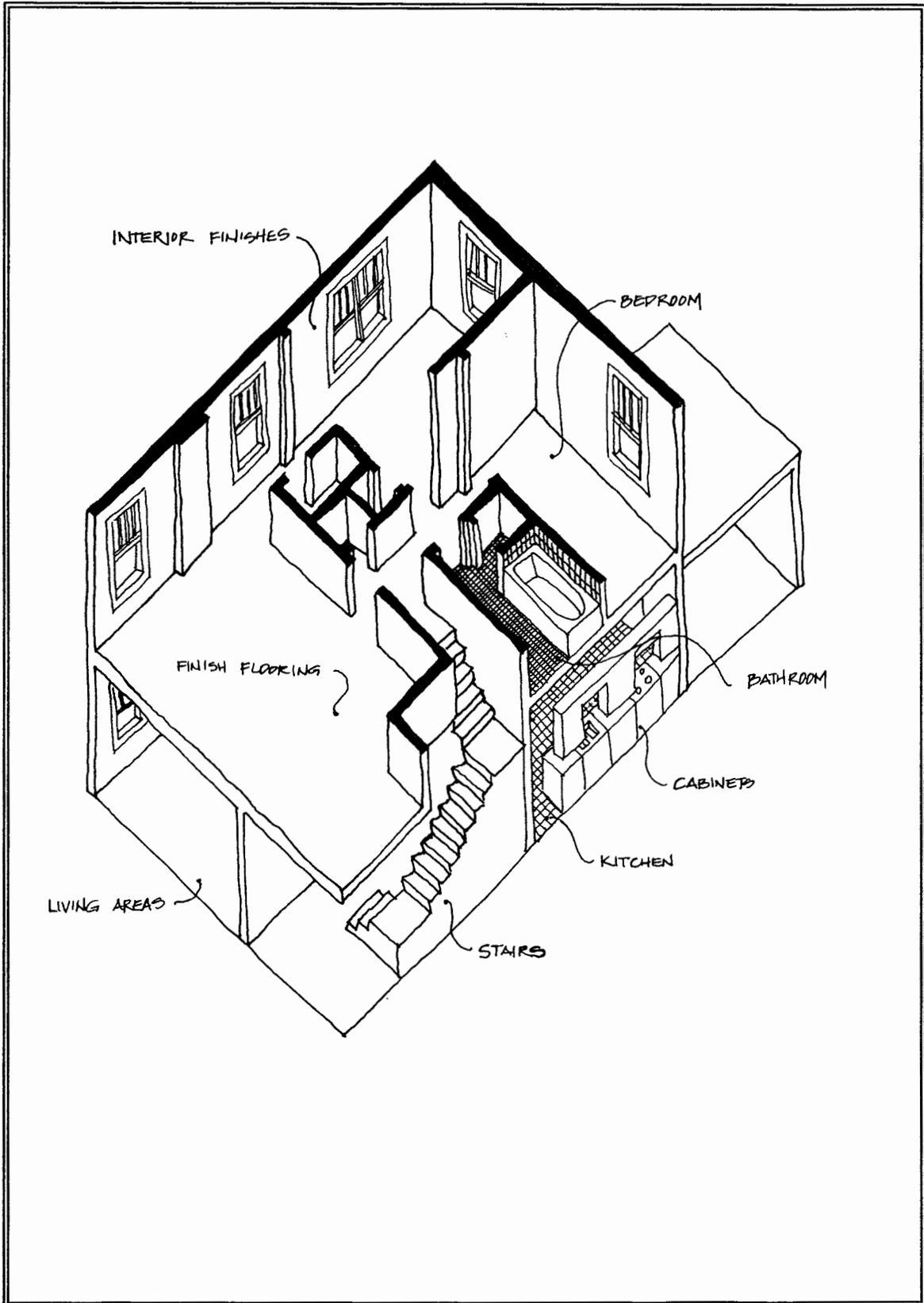
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## **Vents**

To the extent possible, vents should be located in their original location on historic structures. If additional vents are needed, they should be placed to the rear or side of a building where they will not detract from its appearance. Venting for furnaces, dryers, plumbing stacks etc. should use existing vertical shafts whenever possible; in any case, vents should not be installed on facades or roof slopes where they will be visible from the street.

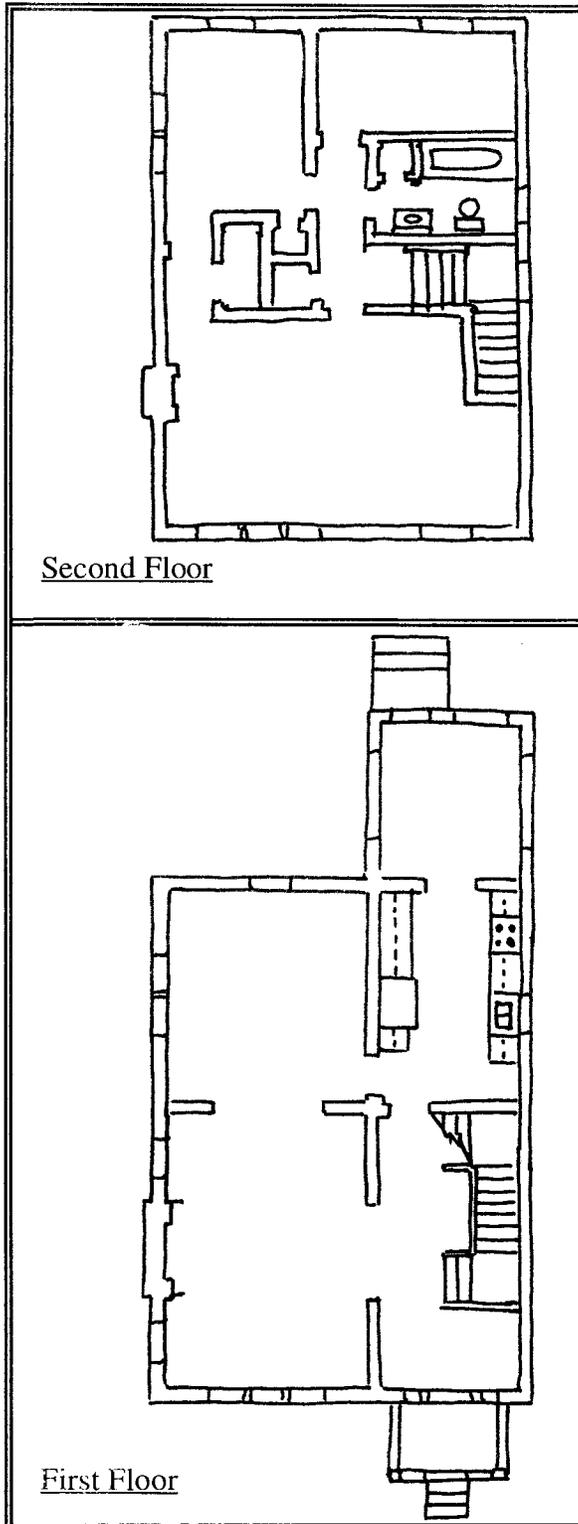


# Building Interior



## Residential Planning

When rehabilitating historic buildings, a balance should be created between the historic appearance of the building's interior and contemporary living requirements and tastes. Although compliance with the Secretary of the Interior Standards may require a bit of advance planning and perhaps some modification of your first intentions, it will generally result in a more attractive and valuable unit.



### **NOTE:**

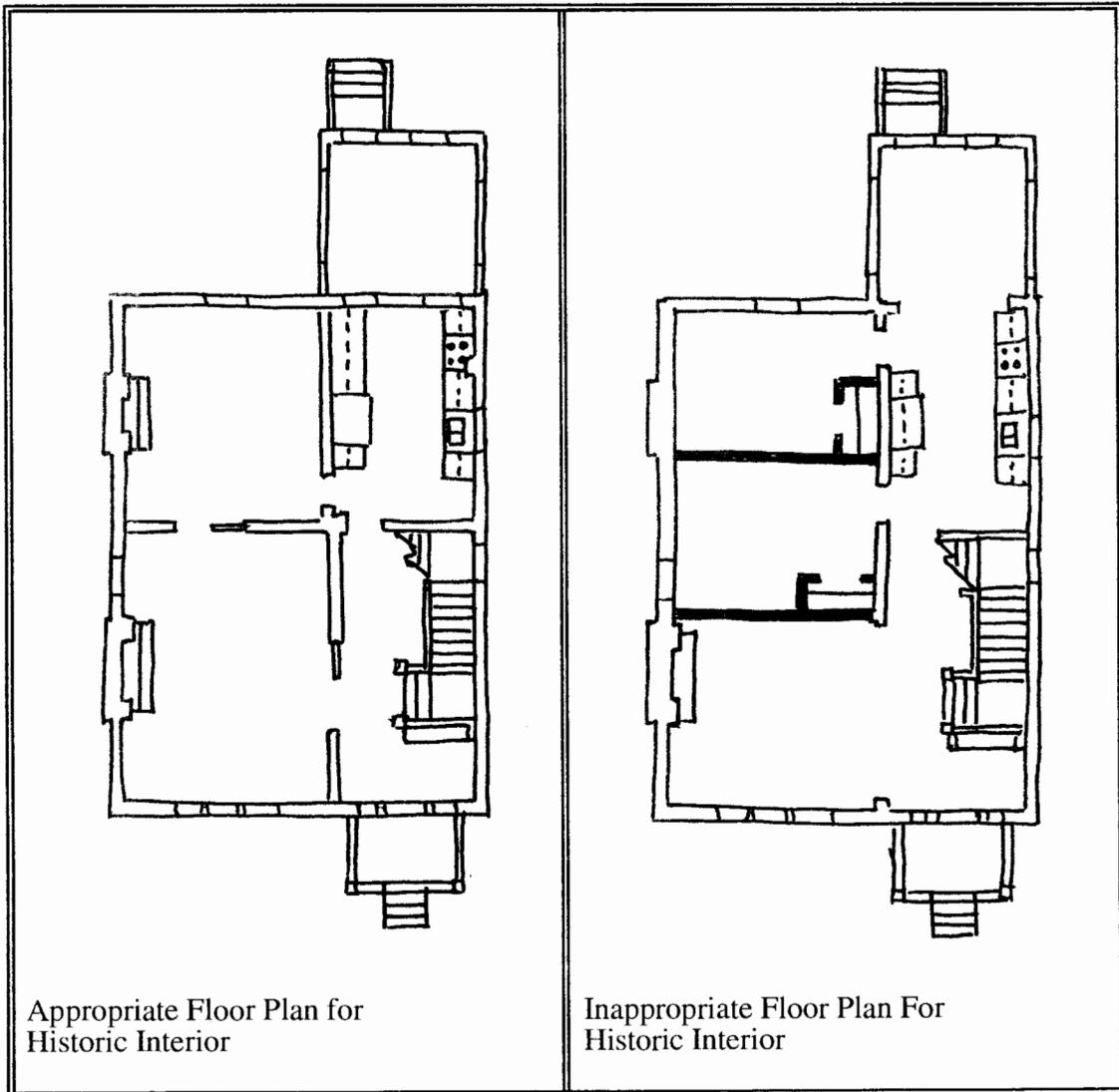
**NO DEMOLITION OR ANY  
OTHER WORK MAY BEGIN  
ON THE BUILDING BEFORE  
THE DESIGN TEAM'S REVIEW**

The Secretary's Standards require that main interior spaces, sometimes referred to as "public" spaces, be maintained in their original proportions whenever possible. Public spaces are where the resident received guests; the proportions and size of private areas, such as kitchens and bedrooms, may be altered, unless they are of unusually significant architectural value. Public spaces include:

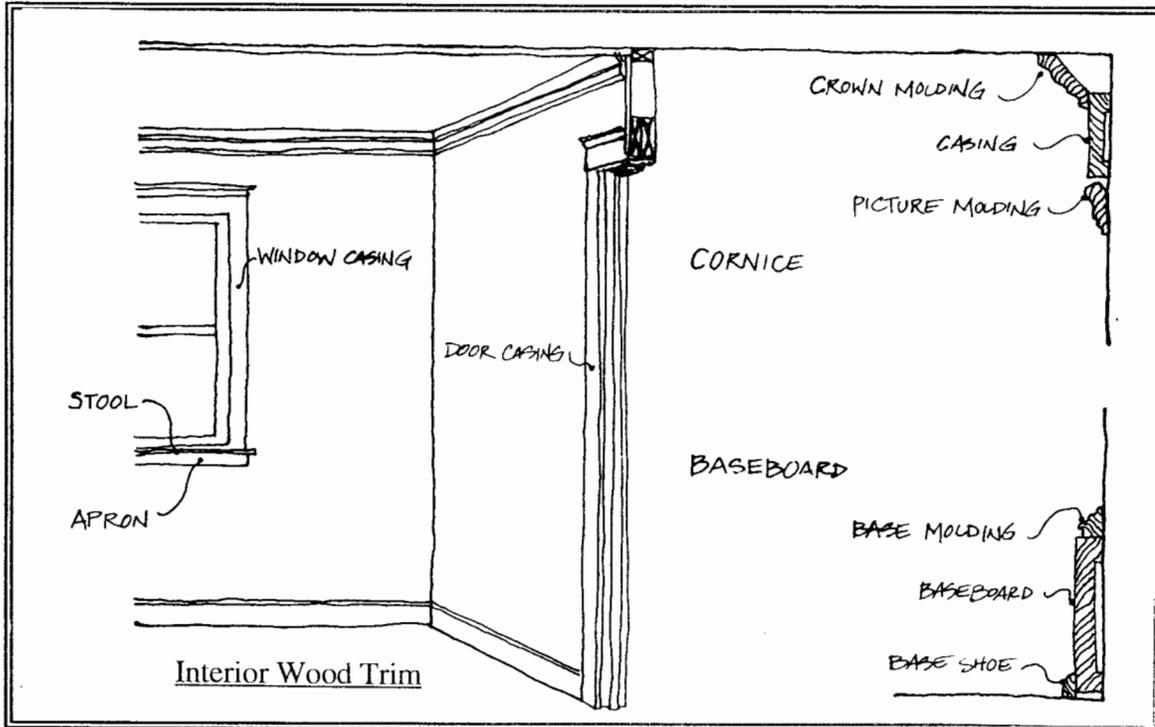
- living room or parlor
- second (or rear) parlor, if existing
- dining room
- entry hall or vestibule
- main stair and stairhall on main floor.

On single-family houses, public spaces are confined to the main floor; on multi-family units, they are the reception areas (front stair, hall, parlors, etc.) of each individual unit.

Note that in the floor plan on the right below, the major interior spaces have been altered in size to add two additional bedrooms on the first floor. Not only does this fail to comply with the Secretary's Standards, but may not comply with guidelines in *Housing Design Standards*, for minimum square footage.



## Interior Details

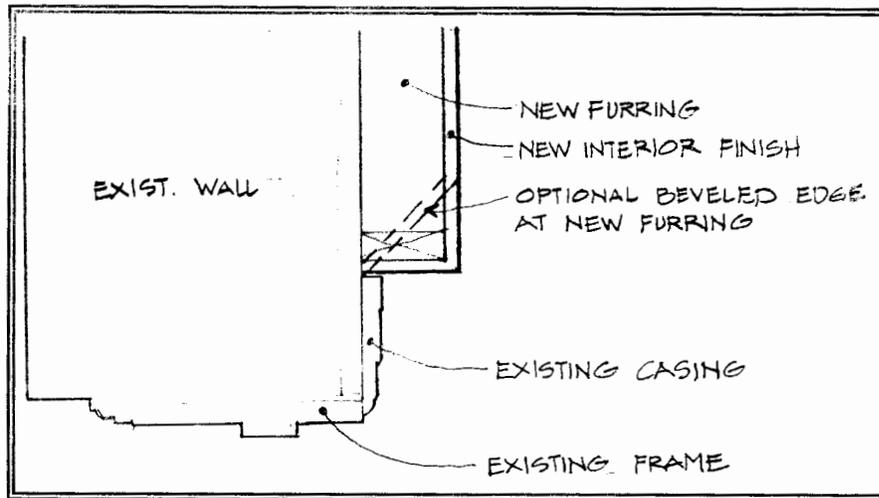


Existing interior architectural elements in all public spaces should be retained if possible. Interior elements may include:

- mantels
- pocket doors
- interior doors
- bookcases/shelves
- ornamental columns or posts
- door and window casings
- baseboards
- stair handrails
- paneling
- wainscoting
- chair and dish rails
- tin ceilings
- ceiling medallions and crown moldings.

If the architectural features are deteriorated or damaged, or if removal is made necessary by wall furring, it should be carefully removed and reinstalled. If reinstallation is impossible, the trim must be replicated.

If exterior walls must be furred out to provide additional insulation, the following detail for maintaining interior window trim is acceptable:

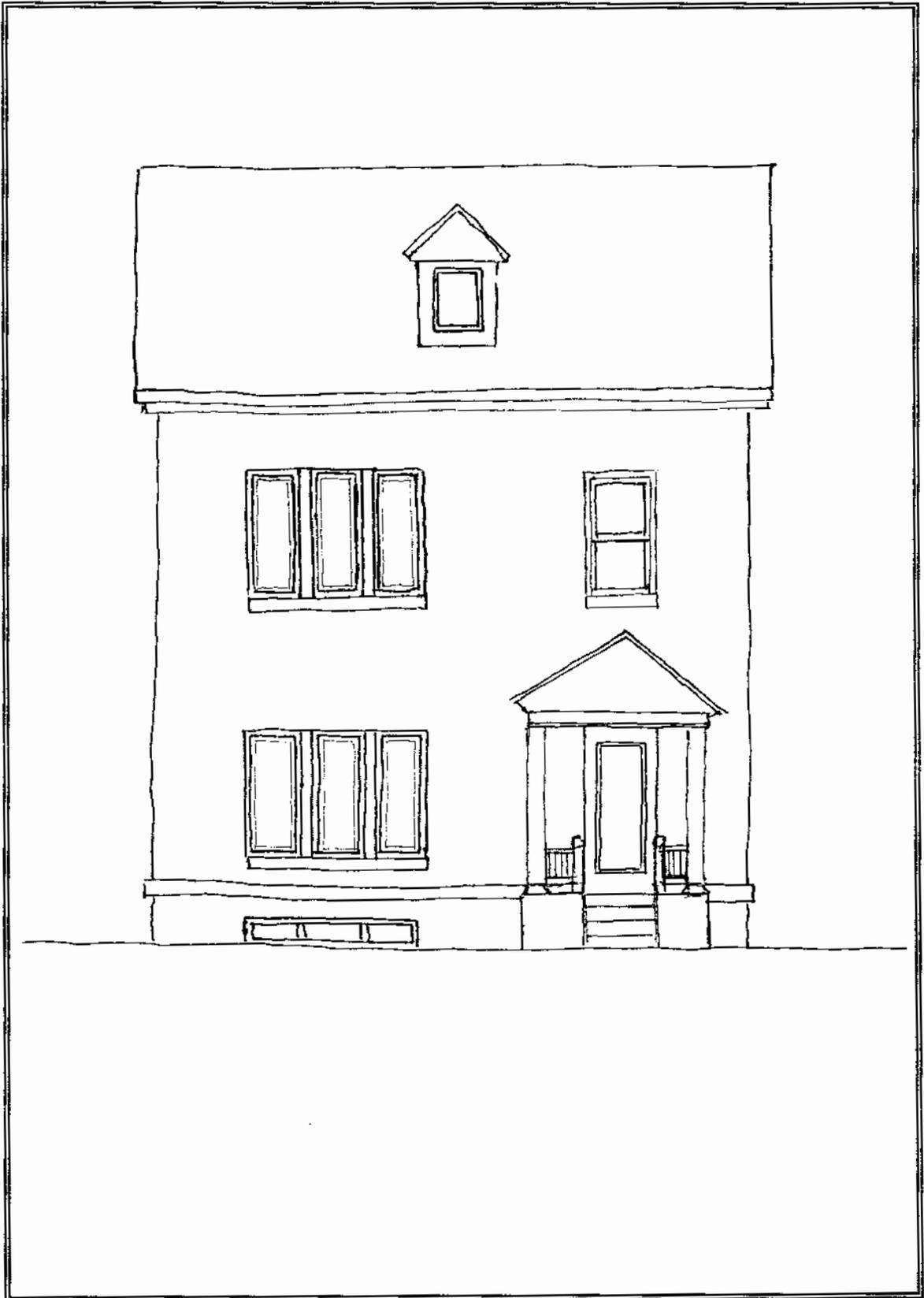


### Flooring

Existing wood or ceramic flooring in public spaces should be repaired and refinished if necessary. Individual veneer or boards can be replaced if necessary; water stains can be removed by bleaching with oxalic acid and then sanded. (Be especially careful in refinishing parquet or other delicate veneer flooring. Often the veneer is very thin, and over-sanding can easily destroy it.) Where the floor is sufficiently damaged to make refinishing infeasible, it should never be removed or destroyed; but the installation of carpeting is acceptable.



# New Construction



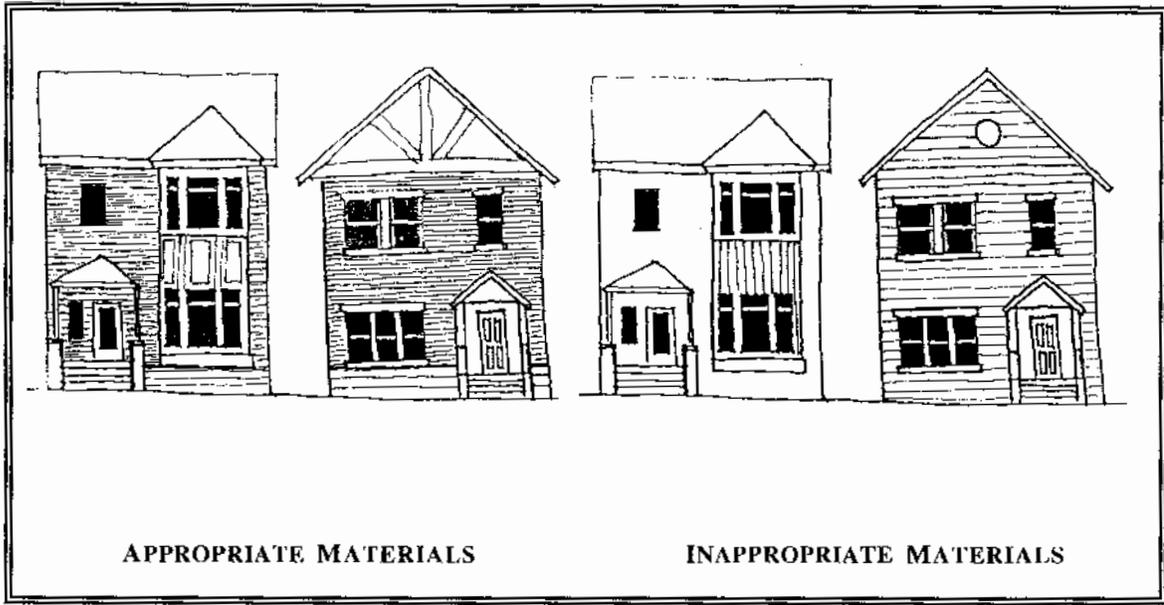
## New Construction

Infill construction in historic areas must be carefully designed to be compatible with the historic buildings surrounding it. The design of the new building should be similar in height, materials, and number and size of openings.

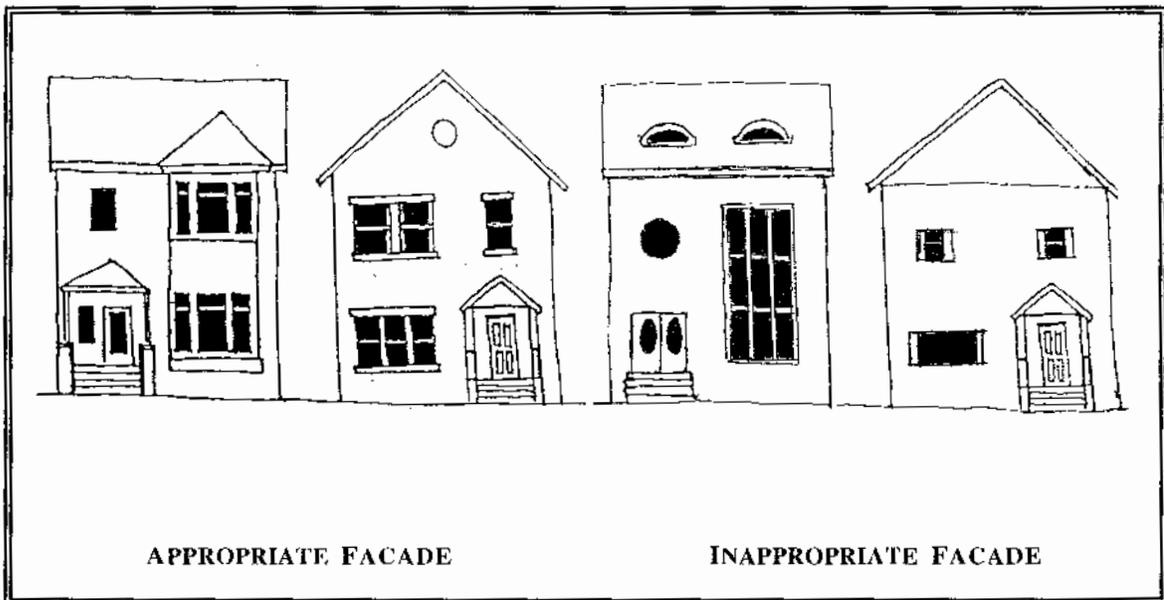
The **height** of new structures should be within 15% of the height of existing residences and interior floor lines should appear to be at levels similar to adjacent buildings (typically 2 or 2-1/2 stories in height with the first floor raised approximately 3' above grade). Buildings on concrete slabs are generally not appropriate in historic areas, where buildings were traditionally placed on raised masonry foundations. The facade should also be of similar horizontal proportion, vertical proportion and size to the original residences in the area.



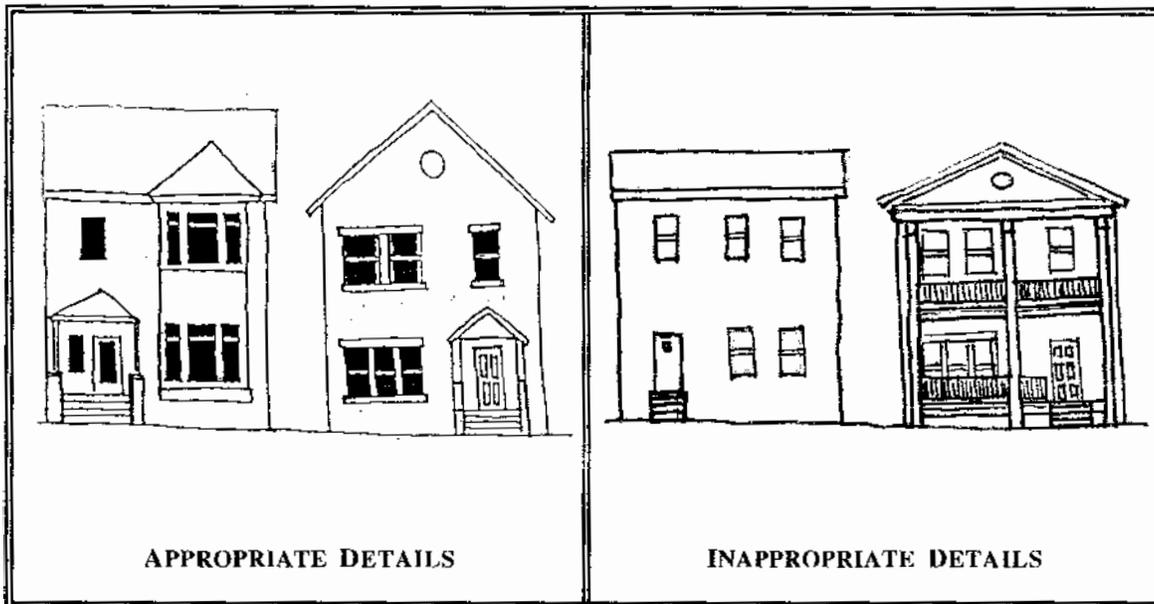
**Materials:** most St. Louis neighborhoods are predominantly brick. Unless there are many frame buildings in the area, new construction should have brick or brick veneer on visible facades. Foundations on these facades should be covered with stone or rough-faced concrete block to replicate the appearance of a limestone foundation.



Windows, doors or other openings should occupy approximately the same amount of the **front facade** as the majority of buildings in the neighborhood.



**Details:** Details of new designs should be similar to those of adjacent buildings. For example, if high-pitched roofs with dormers and entry porches were major elements of buildings in the neighborhood, a new infill building should have these elements also.



**Design:** The preferred infill in a historic neighborhood is one which complies with the foregoing stipulations, but is designed to present a contemporary appearance, so that the building upon completion is easily identifiable as a new building, sympathetic to its surroundings. Historic replica design, where the new building duplicates original buildings down to the last detail, is also acceptable.

## Conclusion

This booklet illustrates general guidelines for compliance with the regulations of Section 106 of the National Historic Preservation Act. We hope that it will be of assistance to you while designing your project. The Section 106 review, when addressed early in the planning stages of a development, can succeed in producing quality residential projects, that respect our City's important historic resources.

Every condition and circumstance, of course, could not be addressed in this short publication. Each building is a unique resource and must be considered individually, based upon its architectural design, its condition, and its surroundings. The Community Development Agency staff is available to discuss any questions you might have about the eligibility of a particular building or neighborhood, and to help in the design of your rehabilitation.



## **Appendices**



## **Appendix I**

Excerpt from  
the *National Historic Preservation Act of 1966*  
*as amended through 1992* (16 USC § 470)  
Title 1, Section 106



Please note that this is an excerpt only from *the National Historic Preservation Act as amended through 1992* (16 U.S.C. § 470). For additional information about Federal government legislation for historic preservation, please consult a complete copy of the Act.

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## NATIONAL HISTORIC PRESERVATION ACT<sup>1</sup> as amended through 1992 (16 U.S.C. § 470)

**AN ACT to Establish a Program for the Preservation of Additional Historic Properties throughout the Nation, and for Other Purposes, Approved October 15, 1966 (Public Law 89-665; 80 Stat. 915; 16 U.S.C. 470) as amended by Public Law 91-243, Public Law 93-54, Public Law 94-422, Public Law 94-458, Public Law 96-199, Public Law 96-244, Public Law 96-515, Public Law 98-483, Public Law 99-514, Public Law 100-127, and Public Law 102-575).**

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### TITLE I

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#### Section 106 (16 U.S.C. 470f)

*Advisory Council on Historic Preservation, comment on Federal undertakings*

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 such Federal agency shall afford the Advisory Council on Historic Preservation established under Title II of this Act a reasonable opportunity to comment with regard to such undertaking.

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## **Appendix II**

Advisory Council's Regulations  
36 CFR 800



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**Advisory Council Regulations**  
**36 CFR PART 800:**  
**PROTECTION OF HISTORIC PROPERTIES**

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**SUBPART A--BACKGROUND AND POLICY**

**§800.1 Authorities, purposes, and participants.**

*What §106 requires of Federal agencies*

**(a) Authorities.** Section 106 of the National Historic Preservation Act requires a Federal agency head with jurisdiction over a Federal, federally assisted, or federally licensed undertaking to take into account the effects of the agency's undertaking on properties included in or eligible for the National Register of Historic Places and, prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking. Section 110(f) of the Act requires that Federal agency heads, 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 and, prior to approval of such undertaking, afford the Council a reasonable opportunity to comment. These regulations define the process used by a Federal agency to meet these responsibilities, commonly called the Section 106 process.

*What §110(f) requires of Federal agencies*

*Accommodation of historic preservation concerns and needs of Federal undertakings*

**(b) Purposes of the Section 106 process.** The Council seeks through the Section 106 process to accommodate historic preservation concerns with the needs of Federal undertakings. It is designed to identify potential conflicts between the two and to help resolve such conflicts in the public interest. The Council encourages this accommodation through consultation among the Agency Official, the State Historic Preservation Officer, and other interested persons during the early stages of planning. The Council regards the consultation process as an effective means for reconciling the interests of the consulting parties.

*Early integration of §106 into project planning*

Integration of the Section 106 process into the normal administrative process used by agencies for project planning ensures early, systematic consideration of historic preservation issues. To this end, the Council encourages agencies to examine their administrative processes to see that they provide adequately for the efficient identification and consideration of historic properties, that they provide for participation by the State Historic Preservation Officer and others interested in historic preservation, that they provide for timely requests for Council comment, and that they promote cost-effective implementation of the Section 106 process. When impediments are found to exist in the agency's administrative process, the agency is encouraged to consult with the Council to develop special Section 106 procedures suited to the agency's needs.

*§106 participants***(c) Participants in the Section 106 process.***Consulting parties*

(1) Consulting parties. Consulting parties are the primary participants in the Section 106 process whose responsibilities are defined by these regulations. Consulting parties may include:

(i) Agency Official. The Agency Official with jurisdiction over an undertaking has legal responsibility for complying with Section 106. It is the responsibility of the Agency Official to identify and evaluate affected historic properties, assess an undertaking's effect upon them, and afford the Council its comment opportunity. The Agency Official may use the services of grantees, applicants, consultants, or designees to prepare the necessary information and analyses, but remains responsible for Section 106 compliance. The Agency Official should involve applicants for Federal assistance or approval in the Section 106 process as appropriate in the manner set forth below.

*SHPO's general responsibilities*

(ii) State Historic Preservation Officer. The State Historic Preservation Officer coordinates State participation in the implementation of the National Historic Preservation Act and is a key participant in the Section 106 process. The role of the State Historic Preservation Officer is to consult with and assist the Agency Official when identifying historic properties, assessing effects upon them, and considering alternatives to avoid or reduce those effects. The State Historic Preservation Officer reflects the interests of the State and its citizens in the preservation of their cultural heritage and helps the Agency Official identify those persons interested in an undertaking and its effects upon historic properties. When the State Historic Preservation Officer declines to participate or does not respond within 30 days to a written request for participation, the Agency Official shall consult with the Council, without the State Historic Preservation Officer, to complete the Section 106 process. The State Historic Preservation Officer may assume primary responsibility for reviewing Federal undertakings in the State by agreement with the Council as prescribed in §800.7 of these regulations.

*Council's general responsibilities*

(iii) Council. The Council is responsible for commenting to the Agency Official on an undertaking that affects historic properties. The official authorized to carry out the Council's responsibilities under each provision of the regulations is set forth in a separate, internal delegation of authority.

*Interested persons' participation*

(2) Interested persons. Interested persons are those organizations and individuals that are concerned with the effects of an undertaking on historic properties. Certain provisions in these regulations require that particular interested persons be invited to become consulting parties under certain circumstances. In addition, whenever the Agency Official, the State Historic Preservation Officer, and the Council, if participating, agree that active participation of an interested person will advance the objectives of Section 106, they may invite that person to become a consulting party. Interested persons may include:

*Local governments' participation*

(i) Local governments. Local governments are encouraged to take an active role in the Section 106 process when undertakings affect historic properties within their jurisdiction. When a local government has legal responsibility for Section 106 compliance under programs such as the Community Development Block Grant Program, participation as a consulting party is required. When no such legal responsibility exists, the extent of local government participation is at the discretion of local government officials. If the State Historic Preservation Officer, the appropriate local government, and the Council agree, a local government whose historic preservation program has been certified pursuant to Section 101(c)(1) of the Act may assume any of the duties that are given to the State Historic Preservation Officer by these regulations or that originate from agreements concluded under these regulations.

*Federal applicants' participation*

(ii) Applicants for Federal assistance, permits, and licenses. When the undertaking subject to review under Section 106 is proposed by an applicant for Federal assistance or for a Federal permit or license, the applicant may choose to participate in the Section 106 process in the manner prescribed in these regulations.

*Indian tribes' participation*

(iii) Indian tribes. The Agency Official, the State Historic Preservation Officer, and the Council should be sensitive to the special concerns of Indian tribes in historic preservation issues, which often extend beyond Indian lands to other historic properties. When an undertaking will affect Indian lands, the Agency Official shall invite the governing body of the responsible tribe to be a consulting party and to concur in any agreement. When an Indian tribe has established formal procedures relating to historic preservation, the Agency Official, State Historic Preservation Officer, and Council shall, to the extent feasible, carry out responsibilities under these regulations consistent with such procedures. An Indian tribe may participate in activities under these regulations in lieu of the State Historic Preservation Officer with respect to undertakings affecting its lands, provided the Indian tribe so requests, the State Historic Preservation Officer concurs, and the Council finds that the Indian tribe's procedures meet the purposes of these regulations. When an undertaking may affect properties of historic value to an Indian tribe on non-Indian lands, the consulting parties shall afford such tribe the opportunity to participate as interested persons. Traditional cultural leaders and other Native Americans are considered to be interested persons with respect to undertakings that may affect historic properties of significance to such persons.

*Public participation*

(iv) The public. The Council values the views of the public on historic preservation questions and encourages maximum public participation in the Section 106 process. The Agency Official, in the manner described below, and the State Historic Preservation Officer should seek and consider the views of the public when taking steps to identify historic properties, evaluate effects, and develop alternatives. Public participation in the Section 106 process may be fully coordinated with, and satisfied by, public participation programs carried out by Agency Officials under the authority of the National Environmental Policy Act and other pertinent statutes. Notice to the public under these statutes should adequately inform the public of preservation issues in order to elicit public views on

such issues that can then be considered and resolved, when possible, in decisionmaking. Members of the public with interests in an undertaking and its effects on historic properties should be given reasonable opportunity to have an active role in the Section 106 process.

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### §800.2 Definitions.

- "Act"* (a) **"Act"** means the National Historic Preservation Act of 1966, as amended, 16 U.S.C. §§470-470w-6.
- "Agency Official"* (b) **"Agency Official"** means the Federal agency head or a designee with authority over a specific undertaking, including any State or local government official who has been delegated legal responsibility for compliance with Section 106 and Section 110(f) in accordance with law.
- "Area of potential effects"* (c) **"Area of potential effects"** means the geographic area or areas within which an undertaking may cause changes in the character or use of historic properties, if any such properties exist.
- "Council"* (d) **"Council"** means the Advisory Council on Historic Preservation or a Council member or employee designated to act for the Council.
- "Historic property"* (e) **"Historic property"** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. This term includes, for the purposes of these regulations, artifacts, records, and remains that are related to and located within such properties. The term "eligible for inclusion in the National Register" includes both properties formally determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria.
- "Indian lands"* (f) **"Indian lands"** means all lands under the jurisdiction or control of an Indian tribe.
- "Indian tribe"* (g) **"Indian tribe"** means the governing body of any Indian tribe, band, nation, or other group that is recognized as an Indian tribe by the Secretary of the Interior and for which the United States holds land in trust or restricted status for that entity or its members. Such term also includes any Native village corporation, regional corporation, and Native Group established pursuant to the Alaska Native Claims Settlement Act, 43 U.S.C. §1701, *et seq.*
- "Interested person"* (h) **"Interested person"** means those organizations and individuals that are concerned with the effects of an undertaking on historic properties.
- "Local government"* (i) **"Local government"** means a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State.
- "National Historic Landmark"* (j) **"National Historic Landmark"** means a historic property that the Secretary of the Interior has designated a National Historic Landmark.

<i>"National Register"</i>	(k) <b>"National Register"</b> means the National Register of Historic Places maintained by the Secretary of the Interior.
<i>"National Register Criteria"</i>	(l) <b>"National Register Criteria"</b> 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).
<i>"Secretary"</i>	(m) <b>"Secretary"</b> means the Secretary of the Interior.
<i>"State Historic Preservation Officer"</i>	(n) <b>"State Historic Preservation Officer"</b> 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.
<i>"Undertaking"</i>	(o) <b>"Undertaking"</b> means any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106.

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## SUBPART B--THE SECTION 106 PROCESS

### §800.3 General.

*Scope of the regulations;  
alternative methods of meeting  
§106 requirements*

(a) **Scope.** The procedure in this subpart guides Agency Officials, State Historic Preservation Officers, and the Council in the conduct of the Section 106 process. Alternative methods of meeting Section 106 obligations are found in §800.7, governing review of undertakings in States that have entered into agreements with the Council for Section 106 purposes, and §800.13, governing Programmatic Agreements with Federal agencies that pertain to specific programs or activities. Under each of these methods, the Council encourages Federal agencies to reach agreement on developing alternatives or measures to avoid or reduce effects on historic properties that meet both the needs of the undertaking and preservation concerns.

*Procedural flexibility*

(b) **Flexible application.** The Council recognizes that the procedures for the Agency Official set forth in these regulations may be implemented by the Agency Official in a flexible manner reflecting differing program requirements, as long as the purposes of Section 106 of the Act and these regulations are met.

*Timing of the §106 process;  
allowance for nondestructive  
planning before the §106 process  
is completed*

(c) **Timing.** Section 106 requires the Agency Official to 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 or permit. The Council does not interpret this language to bar an Agency Official from expending funds on or authorizing nondestructive planning activities preparatory to an undertaking before complying with Section 106, or to prohibit phased compliance at different stages in planning. The Agency Official should ensure that the Section 106 process is initiated

early in the planning stages of the undertaking, when the widest feasible range of alternatives is open for consideration. The Agency Official should establish a schedule for completing the Section 106 process that is consistent with the planning and approval schedule for the undertaking.

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#### **§800.4 Identifying historic properties.**

*Steps of the §106 process;  
Agency's determination of what  
information will be needed to  
complete the §106 process*

**(a) Assessing information needs.**

(1) Following a determination by the Agency Official that a proposed project, activity, or program constitutes an undertaking and after establishing the undertaking's area of potential effects, the Agency Official shall:

(i) Review existing information on historic properties potentially affected by the undertaking, including any data concerning the likelihood that unidentified historic properties exist in the area of potential effects;

(ii) Request the views of the State Historic Preservation Officer on further actions to identify historic properties that may be affected; and

(iii) Seek information in accordance with agency planning processes from local governments, Indian tribes, public and private organizations, and other parties likely to have knowledge of or concerns with historic properties in the area.

(2) Based on this assessment, the Agency Official should determine any need for further actions, such as field surveys and predictive modeling, to identify historic properties.

*Agency's location of historic  
properties in the project area*

**(b) Locating historic properties.** In consultation with the State Historic Preservation Officer, the Agency Official shall make a reasonable and good faith effort to identify historic properties that may be affected by the undertaking and gather sufficient information to evaluate the eligibility of these properties for the National Register. Efforts to identify historic properties should follow the Secretary's "Standards and Guidelines for Archeology and Historic Preservation" (48 FR 44716) and agency programs to meet the requirements of section 110(a)(2) of the Act.

*Agency's evaluation of whether  
properties found are "historic"*

**(c) Evaluating historical significance.**

(1) In consultation with the State Historic Preservation Officer and following the Secretary's Standards and Guidelines for Evaluation, the Agency Official shall apply the National Register Criteria to properties that may be affected by the undertaking and that have not been previously evaluated for National Register eligibility. The passage of time or changing perceptions of significance may justify reevaluation of properties that were previously determined to be eligible or ineligible.

*Agency/SHPO agreement about  
National Register eligibility of  
properties found*

(2) If the Agency Official and the State Historic Preservation Officer agree that a property is eligible under the criteria, the property shall be considered eligible for the National Register for Section 106 purposes.

(3) If the Agency Official and the State Historic Preservation Officer agree that the criteria are not met, the property shall be considered not eligible for the National Register for Section 106 purposes.

*Disagreement about National Register eligibility of properties found*

(4) If the Agency Official and the State Historic Preservation Officer do not agree, or if the Council or the Secretary so request, the Agency Official shall obtain a determination from the Secretary of the Interior pursuant to the applicable National Park Service regulations.

(5) If the State Historic Preservation Officer does not provide views, then the State Historic Preservation Officer is presumed to agree with the Agency Official's determination for the purpose of this subsection.

*Agency's actions if no historic properties are found*

(d) **When no historic properties are found.** If the Agency Official determines in accordance with §800.4 (a)-(c) that there are no historic properties that may be affected by the undertaking, the Agency Official shall provide documentation of this finding to the State Historic Preservation Officer. The Agency Official should notify interested persons and parties known to be interested in the undertaking and its possible effects on historic properties and make the documentation available to the public. In these circumstances, the Agency Official is not required to take further steps in the Section 106 process.

*Agency's actions if historic properties are found*

(e) **When historic properties are found.** If there are historic properties that the undertaking may affect, the Agency official shall assess the effects in accordance with §800.5.

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### §800.5 Assessing effects.

*Agency's use of Criteria of Effect*

(a) **Applying the Criteria of Effect.** In consultation with the State Historic Preservation Officer, the Agency Official shall apply the Criteria of Effect (§800.9(a)) to historic properties that may be affected, giving consideration to the views, if any, of interested persons.

*Agency's actions if no effect is found*

(b) **When no effect is found.** If the Agency Official finds the undertaking will have no effect on historic properties, the Agency Official shall notify the State Historic Preservation Officer and interested persons who have made their concerns known to the Agency Official and document the findings, which shall be available for public inspection. Unless the State Historic Preservation Officer objects within 15 days of receiving such notice, the Agency Official is not required to take any further steps in the Section 106 process. If the State Historic Preservation Officer files a timely objection, then the procedures described in §800.5(c) are followed.

*Agency's use of Criteria of Adverse Effect*

(c) **When an effect is found.** If an effect on historic properties is found, the Agency Official, in consultation with the State Historic Preservation Officer, shall apply the Criteria of Adverse Effect (§800.9(b)) to determine whether the effect of the undertaking should be considered adverse.

*Agency's actions if effects are not adverse*

**(d) When the effect is not considered adverse.**

(1) If the Agency Official finds the effect is not adverse, the Agency Official shall:

(i) Obtain the State Historic Preservation Officer's concurrence with the finding and notify and submit to the Council summary documentation, which shall be available for public inspection; or

(ii) Submit the finding with necessary documentation (§800.8(a)) to the Council for a 30-day review period and notify the State Historic Preservation Officer.

(2) If the Council does not object to the finding of the Agency Official within 30 days of receipt of notice, or if the Council objects but proposes changes that the Agency Official accepts, the Agency Official is not required to take any further steps in the Section 106 process other than to comply with any agreement with the State Historic Preservation Officer or Council concerning the undertaking. If the Council objects and the Agency Official does not agree with changes proposed by the Council, then the effect shall be considered as adverse.

*Agency's actions if effects are adverse*

**(e) When the effect is adverse.** If an adverse effect on historic properties is found, the Agency Official shall notify the Council and shall consult with the State Historic Preservation Officer to seek ways to avoid or reduce the effects on historic properties. Either the Agency Official or the State Historic Preservation Officer may request the Council to participate. The Council may participate in the consultation without such a request.

*Consultation to avoid or reduce adverse effects; Council participation is optional*

*Invitation to interested persons to join in consultation*

(1) Involving interested persons. Interested persons shall be invited to participate as consulting parties as follows when they so request:

(i) The head of a local government when the undertaking may affect historic properties within the local government's jurisdiction;

(ii) The representative of an Indian tribe in accordance with §800.1(c)(2)(iii);

(iii) Applicants for or holders of grants, permits, or licenses, and owners of affected lands; and

(iv) Other interested persons when jointly determined appropriate by the Agency Official, the State Historic Preservation Officer, and the Council, if participating.

*Documentation needed for consultation*

(2) Documentation. The Agency Official shall provide each of the consulting parties with the documentation set forth in §800.8(b) and such other documentation as may be developed in the course of consultation.

*Public notification about consultation*

(3) Informing the public. The Agency Official shall provide an adequate opportunity for members of the public to receive information and

express their views. The Agency Official is encouraged to use existing agency public involvement procedures to provide this opportunity. The Agency Official, State Historic Preservation Officer, or the Council may meet with interested members of the public or conduct a public information meeting for this purpose.

*Memorandum of Agreement (MOA) reached through consultation; MOA signatories*

(4) Agreement. If the Agency Official and the State Historic Preservation Officer agree upon how the effects will be taken into account, they shall execute a Memorandum of Agreement. When the Council participates in the consultation, it shall execute the Memorandum of Agreement along with the Agency Official and the State Historic Preservation Officer. When the Council has not participated in consultation, the Memorandum of Agreement shall be submitted to the Council for comment in accordance with §800.6(a). As appropriate, the Agency Official, the State Historic Preservation Officer, and the Council, if participating, may agree to invite other consulting parties to concur in the agreement.

*Amendments to MOAs*

(5) Amendments. The Agency Official, the State Historic Preservation Officer, and the Council, if it was a signatory to the original agreement, may subsequently agree to an amendment to the Memorandum of Agreement. When the Council is not a party to the Memorandum of Agreement, or the Agency Official and the State Historic Preservation Officer cannot agree on changes to the Memorandum of Agreement, the proposed changes shall be submitted to the Council for comment in accordance with §800.6.

*Ending consultation*

(6) Ending consultation. The Council encourages Agency Officials and State Historic Preservation Officers to utilize the consultation process to the fullest extent practicable. After initiating consultation to seek ways to reduce or avoid effects on historic properties, State Historic Preservation Officer, the Agency Official, or the Council, at its discretion, may state that further consultation will not be productive and thereby terminate the consultation process. The Agency Official shall then request the Council's comments in accordance with §800.6(b) and notify all other consulting parties of its requests.

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**§800.6 Affording the Council an opportunity to comment.**

*Council review of an MOA*

**(a) Review of a Memorandum of Agreement.**

*Documentation for MOA review*

(1) When an Agency Official submits a Memorandum of Agreement accompanied by the documentation specified in §800.8 (b) and (c), the Council shall have 30 days from receipt to review it. Before this review period ends, the Council shall:

(i) Accept the Memorandum of Agreement, which concludes the Section 106 process, and informs all consulting parties; or

(ii) Advise the Agency Official of changes to the Memorandum of Agreement that would make it acceptable; subsequent agreement by the

Agency Official, the State Historic Preservation Officer, and the Council concludes the Section 106 process; or

(iii) Decide to comment on the undertaking, in which case the Council shall provide its comments within 60 days of receiving the Agency Official's submission, unless the Agency Official agrees otherwise.

(2) If the Agency Official, the State Historic Preservation Officer, and the Council do not reach agreement in accordance with §800.6(a)(1)(ii), the Agency Official shall notify the Council, which shall provide its comments within 30 days of receipt of notice.

*Council comment, absent an MOA*

**(b) Comment when there is no agreement.**

*Documentation for Council comment, absent an MOA*

(1) When no Memorandum of Agreement is submitted, the Agency Official shall request Council comment and provide the documentation specified in §800.8(d). When requested by the Agency Official, the Council shall provide its comments within 60 days of receipt of the Agency Official's request and the specified documentation.

*Additional information, onsite inspection, public meeting, absent an MOA*

(2) The Agency Official shall make a good faith effort to provide reasonably available additional information concerning the undertaking and shall assist the Council in arranging an onsite inspection and public meeting when requested by the Council.

*How the Council provides comments, absent an MOA*

(3) The Council shall provide its comments to the head of the agency requesting comment. Copies shall be provided to the State Historic Preservation Officer, interested persons, and others as appropriate.

*Agency's response to Council comment*

**(c) Response to Council comment.**

*Failure to carry out terms of an MOA*

(1) When a Memorandum of Agreement becomes final in accordance with §800.6(a)(1)(i) or (ii), the Agency Official shall carry out the undertaking in accordance with the terms of the agreement. This evidences fulfillment of the agency's Section 106 responsibilities. Failure to carry out the terms of a Memorandum of Agreement requires the Agency Official to resubmit the undertaking to the Council for comment in accordance with §800.6.

*Agency's consideration of Council comment*

(2) When the Council has commented pursuant to §800.6(b), the Agency Official shall consider the Council's comments in reaching a final decision on the proposed undertaking. The Agency Official shall report the decision to the Council, and if possible, should do so prior to initiating the undertaking.

*Agency actions that preempt reasonable opportunity for Council comment*

**(d) Foreclosure of the Council's opportunity to comment.**

(1) The Council may advise an Agency Official that it considers the agency has not provided the Council a reasonable opportunity to comment. The decision to so advise the Agency Official will be reached by a

majority vote of the Council or by a majority vote of a panel consisting of three or more Council members with the concurrence of the Chairman.

(2) The Agency Official will be given notice and a reasonable opportunity to respond prior to a proposed Council determination that the agency has foreclosed the Council's opportunity to comment.

*Public objection to agency determinations about whether historic properties or effects are present*

**(e) Public requests to the Council.**

(1) When requested by any person, the Council shall consider an Agency Official's finding under §§800.4(b), 800.4(c), 800.4(d), or 800.5(b), and, within 30 days of receipt of the request, advise the Agency Official, the State Historic Preservation Officer, and the person making the request of its views of the Agency Official's finding.

(2) In light of the Council views, the Agency Official should reconsider the finding. However, an inquiry to the Council will not suspend action on an undertaking.

(3) When the finding concerns the eligibility of a property for the National Register, the Council shall refer the matter to the Secretary.

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**§800.7 Agreements with States for Section 106 reviews.**

*Substitute review processes developed by States for §106 review*

**(a) Establishment of State agreements.**

(1) Any State Historic Preservation Officer may enter into an agreement with the Council to substitute a State review process for the procedures set forth in these regulations, provided that:

(i) The State historic preservation program has been approved by the Secretary pursuant to Section 101(b)(1) of the Act; and

(ii) The Council, after analysis of the State's review process and consideration of the views of Federal and State agencies, local governments, Indian tribes, and the public, determines that the State review process is at least as effective as, and no more burdensome than, the procedures set forth in these regulations in meeting the requirements of Section 106.

*Council review of a proposed substitute State review process*

(2) The Council, in analyzing a State's review process pursuant to §800.7(a)(1)(ii), shall:

(i) Review relevant State laws, Executive Orders, internal directives, standards, and guidelines;

(ii) Review the organization of the State's review process;

(iii) Solicit and consider the comments of Federal and State agencies, local governments, Indian tribes, and the public;

(iv) Review the results of program reviews carried out by the Secretary; and

(v) Review the record of State participation in the Section 106 process.

(3) The Council will enter into an agreement with a State under this section only upon determining, at minimum, that the State has a demonstrated record of performance in the Section 106 process and the capability to administer a comparable process at the State level.

*SHPO/Council consultation about a proposed substitute State review process*

(4) A State agreement shall be developed through consultation between the State Historic Preservation Officer and the Council and concurred in by the Secretary before submission to the Council for approval. The Council may invite affected Federal and State agencies, local governments, Indian tribes, and other interested persons to participate in this consultation. The agreement shall:

(i) Specify the historic preservation review process employed in the State, showing that this process is at least as effective as, and no more burdensome than, that set forth in these regulations;

(ii) Establish special provisions for participation of local governments or Indian tribes in the review of undertakings falling within their jurisdiction, when appropriate;

(iii) Establish procedures for public participation in the State review process;

(iv) Provide for Council review of actions taken under its terms, and for appeal of such actions to the Council; and

(v) Be certified by the Secretary as consistent with the Secretary's Standards and Guidelines for Archeology and Historic Preservation.

(5) Upon concluding a State agreement, the Council shall publish notice of its execution in the Federal Register and make copies of the State agreement available to all Federal agencies.

*Agency's use of substitute State review processes*

**(b) Review of undertakings when a State agreement is in effect.**

(1) When a State agreement under §800.7(a) is in effect, an Agency Official may elect to comply with the State review process in lieu of compliance with these regulations.

(2) At any time during review of an undertaking under a State agreement, an Agency Official may terminate such review and comply instead with §§800.4 through 800.6 of these regulations.

(3) At any time during review of an undertaking under a State agreement, the Council may participate. Participants are encouraged to draw upon the Council's expertise as appropriate.

*Monitoring or terminating  
substitute State review processes*

**(c) Monitoring and termination of State agreements.**

(1) The Council shall monitor activities carried out under State agreements, in coordination with the Secretary of the Interior's approval of State programs under Section 101(b)(1) of the Act. The Council may request that the Secretary monitor such activities on its behalf.

(2) The Council may terminate a State agreement after consultation with the State Historic Preservation Officer and the Secretary.

(3) A State agreement may be terminated by the State Historic Preservation Officer.

(4) When a State agreement is terminated pursuant to §800.7(c) (2) and (3), such termination shall have no effect on undertakings for which review under the agreement was complete or in progress at the time the termination occurred.

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**§800.8 Documentation requirements.**

*Documentation for finding of no  
adverse effect*

**(a) Finding of no adverse effect.** The purpose of this documentation is to provide sufficient information to explain how the Agency Official reached the finding of no adverse effect. The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps, and drawings, as necessary;

(2) A description of historic properties that may be affected by the undertaking;

(3) A description of the efforts used to identify historic properties;

(4) A statement of how and why the criteria of adverse effect were found inapplicable; and

(5) The views of the State Historic Preservation Officer, affected local governments, Indian tribes, Federal agencies, and the public, if any were provided, as well as a description of the means employed to solicit those views.

*Documentation required for  
consultation*

**(b) Finding of adverse effect.** The required documentation is as follows:

(1) A description of the undertaking, including photographs, maps, and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, using materials already compiled during the evaluation of significance, as appropriate; and

(4) A description of the undertaking's effects on historic properties.

*Documentation required for submitting a signed MOA for Council review*

**(c) Memorandum of Agreement.** When a memorandum is submitted for review in accordance with §800.6(a)(1), the documentation, in addition to that specified in §800.8(b), shall also include a description and evaluation of any proposed mitigation measures or alternatives that were considered to deal with the undertaking's effects and a summary of the views of the State Historic Preservation Officer and any interested persons.

*Documentation required for requesting written Council comment, absent an MOA*

**(d) Requests for comment when there is no agreement.** The purpose of this documentation is to provide the Council with sufficient information to make an independent review of the undertaking's effects on historic properties as the basis for informed and meaningful comments to the Agency Official. The required documentation is as follows:

(1) A description of the undertaking, with photographs, maps, and drawings, as necessary;

(2) A description of the efforts to identify historic properties;

(3) A description of the affected historic properties, with information on the significant characteristics of each property;

(4) A description of the effects of the undertaking on historic properties and the basis for the determinations;

(5) A description and evaluation of any alternatives or mitigation measures that the Agency Official proposes for dealing with the undertaking's effects;

(6) A description of any alternatives or mitigation measures that were considered but not chosen and the reasons for their rejection;

(7) Documentation of consultation with the State Historic Preservation Officer regarding the identification and evaluation of historic properties, assessment of effect, and any consideration of alternatives or mitigation measures;

(8) A description of the Agency Official's efforts to obtain and consider the views of affected local governments, Indian tribes, and other interested persons;

(9) The planning and approval schedule for the undertaking; and

(10) Copies or summaries of any written views submitted to the Agency Official concerning the effects of the undertaking on historic properties and alternatives to reduce or avoid those effects.

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**§800.9 Criteria of effect and adverse effect.***Criteria of Effect*

(a) An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register. For the purpose of determining effect, alteration to features of a property's location, setting, or use may be relevant depending on a property's significant characteristics and should be considered.

*Criteria of Adverse Effect*

(b) An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to:

- (1) Physical destruction, damage, or alteration of all or part of the property;
- (2) Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register;
- (3) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;
- (4) Neglect of a property resulting in its deterioration or destruction; and
- (5) Transfer, lease, or sale of the property.

*Exceptions to the Criteria of Adverse Effect*

(c) Effects of an undertaking that would otherwise be found to be adverse may be considered as being not adverse for the purpose of these regulations:

- (1) When the historic property is of value only for its potential contribution to archeological, historical, or architectural research, and when such value can be substantially preserved through the conduct of appropriate research, and such research is conducted in accordance with applicable professional standards and guidelines;
- (2) When the undertaking is limited to the rehabilitation of buildings and structures and is conducted in a manner that preserves the historical and architectural value of affected historic property through conformance with the Secretary's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings"; or
- (3) When the undertaking is limited to the transfer, lease, or sale of a historic property, and adequate restrictions or conditions are included to ensure preservation of the property's significant historic features.

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**SUBPART C—SPECIAL PROVISIONS**
**Special agency requirements for National Historic Landmarks**
**§800.10 Protecting National Historic Landmarks.**

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 §§800.4 through 800.6 and give special consideration to protecting National Historic Landmarks as follows:

(a) Any consultation conducted under §800.5(e) shall include the Council;

(b) The Council may request the Secretary under Section 213 of the Act to provide a report to the Council detailing the significance of the property, describing the effects of the undertaking on the property, and recommending measures to avoid, minimize, or mitigate adverse effects; and

(c) The Council shall report its comments, including Memoranda of Agreement, to the President, the Congress, the Secretary, and the head of the agency responsible for the undertaking.

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**§800.11 Properties discovered during implementation of an undertaking.**
*Prior agency planning for discoveries*
**(a) Planning for discoveries.**

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, the Agency Official is encouraged to develop a plan for the treatment of such properties if discovered and include this plan in any documentation prepared to comply with §800.5.

**(b) Federal agency responsibilities.**

(1) When an Agency Official has completed the Section 106 process and prepared a plan in accordance with §800.11(a), the Agency Official shall satisfy the requirements of Section 106 concerning properties discovered during implementation of an undertaking by following the plan.

(2) When an Agency Official has completed the Section 106 process without preparing a plan in accordance with §800.11(a) and finds after beginning to carry out the undertaking that the undertaking will affect a previously unidentified property that may be eligible for inclusion in the National Register, or affect a known historic property in an unanticipated manner, the Agency Official shall afford the Council an opportunity to comment by choosing one of the following courses of action:

(i) Comply with §800.6;

*Agency responsibilities absent a plan for discoveries*

(ii) Develop and implement actions that take into account the effects of the undertaking on the property to the extent feasible and the comments from the State Historic Preservation Officer and the Council pursuant to §800.11(c); or

(iii) If the property is principally of archeological value and subject to the requirements of the Archeological and Historic Preservation Act, 16 U.S.C. §§469(a)-(c), comply with that Act and implementing regulations instead of these regulations.

(3) Section 106 and these regulations do not require the Agency Official to stop work on the undertaking. However, depending on the nature of the property and the undertaking's apparent effects on it, the Agency Official should make reasonable efforts to avoid or minimize harm to the property until the requirements of this section are met.

*Council comments when historic properties are discovered after a project has begun*

**(c) Council comments.**

(1) When comments are requested pursuant to §800.11(b)(2)(i), the Council will provide its comments in a time consistent with the Agency Official's schedule, regardless of longer time periods allowed by these regulations for Council review.

(2) When an Agency Official elects to comply with §800.11(b)(2)(ii), the Agency Official shall notify the State Historic Preservation Officer and the Council at the earliest possible time, describe the actions proposed to take effects into account, and request the Council's comments. The Council shall provide interim comments to the Agency Official within 48 hours of the request and final comments to the Agency Official within 30 days of the request.

(3) When an Agency Official complies with §800.11(b)(2)(iii), the Agency Official shall provide the State Historic Preservation Officer an opportunity to comment on the work undertaken and provide the Council with a report on the work after it is undertaken.

*Agency actions to determine National Register eligibility of newly discovered properties*

**(d) Other considerations.**

(1) When a newly discovered property has not previously been included in or determined eligible for the National Register, the Agency Official may assume the property to be eligible for purposes of Section 106.

*Discovery of properties on Indian lands*

(2) When a discovery occurs and compliance with this section is necessary on lands under the jurisdiction of an Indian tribe, the Agency Official shall consult with the Indian tribe during implementation of this section's requirements.

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### §800.12 Emergency undertakings.

*Waiver of §106 requirements during disasters or declared emergencies*

(a) When a Federal agency head proposes an emergency action and elects to waive historic preservation responsibilities in accordance with 36 CFR Part 78.3, the Agency Official may comply with the requirements of 36 CFR Part 78 in lieu of these regulations. An Agency Official should develop plans for taking historic properties into account during emergency operations. At the request of the Agency Official, the Council will assist in the development of such plans.

(b) When an Agency Official proposes an emergency undertaking as an essential and immediate response to a disaster declared by the President or the appropriate Governor, and §800.12(a) does not apply, the Agency Official may satisfy Section 106 by notifying the Council and the appropriate State Historic Preservation Officer of the emergency undertaking and affording them an opportunity to comment within seven days if the Agency Official considers that circumstances permit.

(c) For the purposes of activities assisted under Title I of the Housing and Community Development Act of 1974, as amended, §800.12(b) also applies to an imminent threat to public health or safety as a result of natural disaster or emergency declared by a local government's chief executive officer or legislative body, provided that if the Council or the State Historic Preservation Officer objects, the Agency Official shall comply with §§800.4 through 800.6.

*30-day time frame for §106 waiver in disaster situations*

(d) This section does not apply to undertakings that will not be implemented within 30 days after the disaster or emergency. Such undertakings shall be reviewed in accordance with §§800.4 through 800.6.

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### §800.13 Programmatic Agreements.

*Agency's use of Programmatic Agreements*

Examples of projects or programs suitable for Programmatic Agreements

(a) **Application.** An Agency Official may elect to fulfill an agency's Section 106 responsibilities for a particular program, a large or complex project, or a class of undertakings that would otherwise require numerous individual requests for comments through a Programmatic Agreement. Programmatic Agreements are appropriate for programs or projects:

(1) When effects on historic properties are similar and repetitive or are multi-State or national in scope;

(2) When effects on historic properties cannot be fully determined prior to approval;

(3) When non-Federal parties are delegated major decisionmaking responsibilities;

(4) That involve development of regional or land-management plans;  
or

(5) That involve routine management activities at Federal installations.

*Agency/Council consultation to reach a Programmatic Agreement*

**(b) Consultation process.** The Council and the Agency Official shall consult to develop a Programmatic Agreement. When a particular State is affected, the appropriate State Historic Preservation Officer shall be a consulting party. When the agreement involves issues national in scope, the President of the National Conference of State Historic Preservation Officers or a designated representative shall be invited to be a consulting party by the Council. The Council and the Agency Official may agree to invite other Federal agencies or others to be consulting parties or to participate, as appropriate.

*Public involvement in Programmatic Agreement consultation*

**(c) Public involvement.** The Council, with the assistance of the Agency Official, shall arrange for public notice and involvement appropriate to the subject matter and the scope of the program. Views from affected units of State and local government, Indian tribes, industries, and organizations will be invited.

*Signatories of a Programmatic Agreement*

**(d) Execution of the Programmatic Agreement.** After consideration of any comments received and reaching final agreement, the Council and the Agency Official shall execute the agreement. Other consulting parties may sign the Programmatic Agreement as appropriate.

*Effect of a Programmatic Agreement*

**(e) Effect of the Programmatic Agreement.** An approved Programmatic Agreement satisfies the Agency's Section 106 responsibilities for all individual undertakings carried out in accordance with the agreement until it expires or is terminated.

*Public notification of a Programmatic Agreement*

**(f) Notice.** The Council shall publish notice of an approved Programmatic Agreement in the Federal Register and make copies readily available to the public.

*Failure to carry out terms of a Programmatic Agreement*

**(g) Failure to carry out a Programmatic Agreement.** If the terms of a Programmatic Agreement are not carried out or if such an agreement is terminated, the Agency Official shall comply with §§800.4 through 800.6 with regard to individual undertakings covered by the agreement.

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#### §800.14 Coordination with other authorities.

To the extent feasible, Agency Officials, State Historic Preservation Officers, and the Council should encourage coordination of implementation of these regulations with the steps taken to satisfy other historic preservation and environmental authorities by:

*Coordination with NEPA environmental studies*

**(a) Integrating compliance with these regulations with the processes of environmental review carried out pursuant to the National Environmental Policy Act, and coordinating any studies needed to comply with these regulations with studies of related natural and social aspects;**

*Multipurpose determinations and agreements*

**(b) Designing determinations and agreements** to satisfy the terms not only of Section 106 and these regulations, but also of the requirements of such other historic preservation authorities as the Archeological and Historic Preservation Act, the Archeological Resources Protection Act, Section 110 of the National Historic Preservation Act, and Section 4(f) of the Department of Transportation Act, as applicable, so that a single document can be used for the purposes of all such authorities;

*Multipurpose studies and surveys*

**(c) Designing and executing studies, surveys, and other information-gathering activities** for planning and undertaking so that the resulting information and data is adequate to meet the requirements of all applicable Federal historic preservation authorities; and

*Coordinated public involvement*

**(d) Using established agency public involvement processes** to elicit the views of the concerned public with regard to an undertaking and its effects on historic properties.

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### **§800.15 Counterpart regulations.**

*Agency's use of counterpart regulations to substitute for 36 CFR Part 800*

In consultation with the Council, agencies may develop counterpart regulations to carry out the Section 106 process. When concurred in by the Council, such counterpart regulations shall stand in place of these regulations for the purposes of the agency's compliance with Section 106.

## **Appendix III**

Excerpt from  
National Register Bulletin 15:  
*How to apply the National Register Criteria for Evaluation*



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## Excerpt from National Register Bulletin 15

### HOW TO APPLY THE

## NATIONAL REGISTER CRITERIA FOR EVALUATION

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**Note:** The material immediately following is excerpted from Part VI, pages 11-24 of National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, published by the National Park Service.

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### VI. How to identify the type of significance of a property

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#### 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.

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### National Register Criteria for Evaluation<sup>4</sup>

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.

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#### 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.

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#### 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.*)

**Note:** See National Register Bulletin 15, pages 7-10.

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

<sup>4</sup> For a complete listing of the Criteria for Evaluation, refer to Part II of this bulletin.

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.

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**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.

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**Applying Criterion A: Event**

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**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 above for a list of specific examples.

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**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.

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**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.

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**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.<sup>5</sup>

5 For more information, refer to National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties*.

*Eligible*

*A hilltop associated in oral historical accounts with 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.*

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**Criterion B: Person**

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

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**Understanding Criterion B: Person<sup>6</sup>**

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 VII: How to Apply the Criteria Considerations*.)

Note: See National Register Bulletin 15, pages 25-43.

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.

6 For further information on properties eligible under Criterion B, refer to National Register Bulletin 32: *Guidelines for Evaluating and Documenting Properties Associated with Significant Persons*.

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### 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.

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## Applying Criterion B: Person

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### 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 judgment 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.

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### 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 survive. 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.)

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### 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 are 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 has lived in a house and collectively has 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.*

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#### 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.*)

Note: See National Register Bulletin 15, pages 32-33 and 41-43.

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#### 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.

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#### 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.<sup>7</sup>

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### 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.

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#### Understanding Criterion C: Design/construction

This criterion applies to properties significant for their physical design or construction, including such elements as architecture, landscape architec-

<sup>7</sup> For more information, refer to National Register Bulletin 38: *Guidelines for Evaluating and Documenting Traditional Cultural Properties.*

ture, 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.

Note: See National Register Bulletin 15, page 2.

Note: See National Register Bulletin 15, pages 4-6.

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#### 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.

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### Applying Criterion C: Design/construction

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#### Distinctive characteristics of type, periods, and methods 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.*

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**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 1880's 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 remodeling, was the work of a local master (see Works of a master below), 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.*

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#### **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.

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#### **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.*

Note: See National Register Bulletin 15, pages 5-6.

**A significant and distinguishable entity whose components may lack individual distinction.** This portion of Criterion C refers to districts. For detailed information on districts turn to pages 5-6.

*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.*

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## 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.

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### 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.

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### Applying Criterion D: Information potential

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#### 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 configuration 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.

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#### 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 that 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.*

**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 palaeontological (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.

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### 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.*

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### 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 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.*

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**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.*

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### 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, below, 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.*

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### 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.

Note: See National Register Bulletin 15, page 41 for referenced text on *Criteria Consideration G.*

*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*

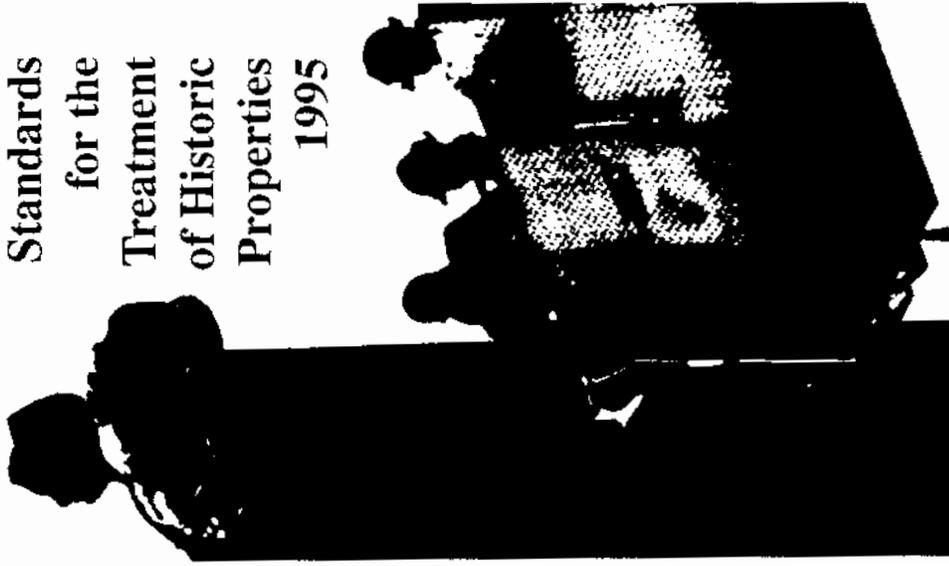
*A totally excavated site that at one time yielded important information but that no longer can convey either its historic/prehistoric utilization or significant modern investigation is not eligible.*

## **Appendix IV**

Secretary of the Interior Standards for Rehabilitation  
(from *The Secretary of the Interior's Standards  
for the Treatment of Historic Properties, 1995.*)



# The Secretary of the Interior's Standards for the Treatment of Historic Properties 1995



## REHABILITATION

*is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.*

### STANDARDS FOR REHABILITATION

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials.

### REHABILITATION AS A TREATMENT.

*When repair and replacement of deteriorated features are necessary, when alterations or additions to the property are planned for a new or continued use, and when its depiction at a particular period of time is not appropriate, Rehabilitation may be considered as a treatment. Prior to undertaking work, a documentation plan for Rehabilitation should be developed.*

Replacement of missing features will be substantiated by documentary and physical evidence.

7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible.

Treatments that cause damage to historic materials will not be used.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.

9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property.

The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.

10. New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.