



Photographs from CLG communities, Top Row, Left to Right: ABQ Rail Yards, City of Albuquerque; Lincoln, New Mexico; Fort Bayard Historic District, Village of Santa Clara; Middle Row, Left to Right: Morgan Hall, Palace of the Governors, City of Santa Fe; 100 Year Anniversary of the Pancho Villa Raid in Columbus; Bottom Row, Left to Right: Castaneda Hotel, City of Las Vegas; Couse-Sharp Historic Site, Town of Taos; Fuller Lodge, Los Alamos County

STATE OF NEW MEXICO CERTIFIED LOCAL GOVERNMENT PROGRAM MANUAL

New Mexico State Procedures for the CLG Program • 2020



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STATE OF NEW MEXICO
CERTIFIED LOCAL GOVERNMENT PROGRAM MANUAL
Formerly New Mexico State Procedures for the CLG Program
Revised 2020

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INTRODUCTION

This CLG PROGRAM MANUAL, or “Manual,” is designed to support New Mexico communities in developing and maintaining local historic preservation programs in a manner consistent with state and federal laws and regulations. This Manual provides information for communities interested in the Certified Local Government program and includes information about the administration and requirements of the program.

In 1966, Congress passed the National Historic Preservation Act (54 USC 300.101 et seq.) which established preservation as a national priority and created programs that encourage historic preservation at the federal, state, and local levels. The Act established State Historic Preservation Offices in each state. In New Mexico, the program is administered through the Historic Preservation Division, which is the State Historic Preservation Office of New Mexico, and is a division of the Department of Cultural Affairs.

The Historic Preservation Division, or “HPD,” is responsible for the following activities:

- Maintaining a State Historic Preservation Plan.
- Processing nominations for listing cultural resources in the National Register of Historic Places (NRHP) and the State Register of Cultural Properties (SRCP).
- Coordinating the survey and inventory of cultural resources within the state to evaluate them for NRHP eligibility.
- Overseeing the State of New Mexico Official Scenic Markers Program.
- Reviewing and making recommendations on applications for the Federal Historic Preservation Tax Credit program and the State Income Tax Credit program for certified rehabilitation projects.
- Surveying and maintaining an inventory of cultural resources in the New Mexico Cultural Resource Information System (NMCRIS).
- Reviewing federally-funded, licensed, or permitted projects for their potential impact on cultural resources.
- Reviewing state or municipal-funded projects for their effect on cultural resources.
- Administering the Certified Local Government program.
- Providing technical assistance and guidance to individuals and federal, tribal, state, and local government agencies on historic preservation issues.

I. THE CERTIFIED LOCAL GOVERNMENT PROGRAM

a. WHAT IS A CERTIFIED LOCAL GOVERNMENT?

In 1980, Congress enhanced the role of local governments in the nation's historic preservation program through amendments to the National Historic Preservation Act (NHPA). The 1980 amendments created a certification program for local governments willing to make a commitment to historic preservation by meeting federal and state preservation standards.

A Certified Local Government, or CLG, is any general purpose political subdivision of the State of New Mexico – such as a city, county, village, town, or municipality – that has met specific eligibility requirements and has been certified through the Historic Preservation Division and the National Park Service. A CLG demonstrates its commitment to historic preservation by enacting a preservation ordinance and establishing a citizen-led commission to oversee the local preservation program. As a CLG, the community is a partner in preservation with the Historic Preservation Division of New Mexico and the National Park Service.

b. WHY BECOME A CLG?

There are many benefits to communities when participating in the CLG program. These include:

Credibility and Autonomy

- CLGs take the lead in preservation activities by identifying, evaluating, and protecting local cultural resources.
- CLG status establishes a level of credibility for a local historic preservation program by following State and Federal preservation standards.
- CLG status is optional and in no way diminishes the autonomy of the local government.

Exclusive Funding Opportunities

- CLGs may apply annually for matching grants from a fund solely for CLGs. Under this program, the National Park Service requires that at least ten percent (10%) of New Mexico's annual federal allocation from the Historic Preservation Fund be subgranted exclusively to participating CLGs.

Enhanced Roles

- CLGs have a formal role in the National Register of Historic Places nomination process.
- CLGs have a role in the review of federal or state projects.
- CLGs are encouraged to liaise with other departments in the local government, local organizations, and state and federal agencies regarding preservation concerns.

Partnership & Support

- CLGs receive technical services from HPD.
- CLGs participate in state preservation planning.

c. WHO IS ELIGIBLE?

Any local government – such as a city, county, village, town, or municipality – that meets the criteria may apply for certification as a CLG. The local government must have jurisdiction to implement planning and zoning laws within its boundaries.

Counties that become CLGs typically will not have jurisdiction within incorporated areas, unless a municipality and a county have established a formal cooperative agreement. Intergovernmental agreements with municipal jurisdictions can allow the County CLG to designate and protect resources within those areas. Records of these agreements must be included in the certification application.

d. HISTORIC PRESERVATION AT THE LOCAL LEVEL

Since the beginning of the historic preservation movement in the United States, preservation has primarily been driven by local advocates and local governments. New Mexico's CLG program seeks to empower local governments and its citizens to preserve important places. The following guiding principles are important to keep in mind:



HPD Staff giving an informational talk about historic preservation in Mountainair, NM.

- Historic preservation is best understood and addressed at the local level.
- The interests and concerns of local governments can be integrated into the ongoing efforts for identification, evaluation, and nomination processes of HPD.
- Participation in local preservation programming can result in increased awareness within the community about preservation programs.
- Historic preservation is most effective when integrated into local planning and decision-making.
- The public should be made aware of information and resources concerning preservation issues.
- Local governments can develop preservation efforts that benefit from and contribute towards state and federal programs.

e. CERTIFIED LOCAL GOVERNMENTS in NEW MEXICO, AS OF 2020:

Below is a list of the CLGs in New Mexico and a link to the community's website.

City of Albuquerque (1986)

Website: <https://www.cabq.gov/>

Village of Columbus (2004)

Website: http://www.columbusnewmexico.com/columbus_new_mexico_civic_center.htm

City of Deming (1999)

Website: <http://www.cityofdeming.org/>

City of Las Vegas (1986)

Website: <http://www.lasvegasnm.gov/>

Lincoln County (1991)

Website: <https://www.lincolncountynm.gov/>

Los Alamos County (2018)

Website: <https://www.losalamosnm.us/>

Village of Santa Clara (2017)

Website: <http://www.villageofsantaclara.org/>

City of Santa Fe (1986)

Website: <https://www.santafenm.gov/>

Town of Taos (1988)

Website: <https://www.taosgov.com/>

II. HOW TO BECOME A CLG

The New Mexico Administrative Code (NMAC), Title 4 Cultural Resources, Chapter 10 Cultural Properties and Historic Preservation, Part 10 Certified Local Government Program (4 NMAC 10.10) lists the requirements for the Certified Local Government Program in New Mexico. 54 U.S.C. § 3025 and 36 CFR§ 61.6 outlines the federal code for the Certification of Local Governments.

The National Historic Preservation Act (NHPA) outlines five broad standards which must be met by a local government seeking certification. The local government must:

- Enforce appropriate state or local legislation for the designation and protection of historic properties. This is usually accomplished through the enactment of an historic preservation ordinance. See Section II (a), below.
- Establish a qualified historic preservation commission. See Section II (b).
- Continue surveying and inventorying historic properties. See Section II (c).
- Provide for adequate public participation in the local historic preservation program including the process of recommending and commenting on properties for listing in the National Register of Historic Places. See Section II (d) and Section V.
- Satisfactorily perform the responsibilities delegated to it under the Act; including those listed herein in the CLG Program Manual for New Mexico. See Section II (e).

a. MINIMUM REQUIREMENTS FOR LOCAL LEGISLATION

One of the primary qualifications for a local government to become a CLG is establishing an ordinance that governs its historic preservation program. The New Mexico Historic Districts and Landmarks Act (NMSA 3-22, et. Seq., as amended) is the state's enabling legislation stipulating that local governments are empowered with "full and complete powers to preserve, protect and enhance the historic areas and landmarks lying within their respective jurisdictions" and that any county or municipality is empowered to create a "zoning district designating certain areas as historic areas and landmarks" and may "adopt and enforce regulations and restrictions" relating to historical areas and landmarks. The Historic Districts and Landmarks Act permits the regulation of private property for its historic value and quality-of-life benefits to the community.

As a general guideline, the ordinance must contain criteria which will substantially achieve the purpose of preserving, rehabilitating, and protecting buildings and sites of historic and prehistoric significance.

Local governments interested in becoming CLGs must establish an ordinance with the following minimum requirements (also outlined in 4 NMAC 10.10):

- A statement of purpose
- Definitions
- Authorizing statement citing the New Mexico Historic District and Landmark Act of 1965, NMSA 3-22-1, et. Seq., as amended.
- Establishment of the review body and specific membership and duties of the review body. See Section II (b).
- Designation procedures for local landmarks and historic districts.
- Criteria for the designation of local landmarks and historic districts. Standards for designation must be consistent with the Secretary of the Interior's Standards for Identification and Evaluation.
- Provisions for public hearings on designations and public notification.
- Mandatory review of alterations, demolition, new construction, infill and additions to listed landmarks and properties within listed historic districts.
- Specific guidelines to be used by the review body, such as the *Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (SOI Standards)*, and/or Design Guidelines established by the review body.
- Specific timeframes for reviews and for consideration of alternatives.
- Penalties for non-compliance.

As historic preservation is an important part of a community or county's broader planning and zoning goals, collaboration and coordination between local planning commissions and the preservation commission will be necessary.

LOCAL REGISTERS/LOCAL DESIGNATION

While listing a property in the National Register of Historic Places (NR) and/or the State Register of Cultural Properties (SR) may inform a local preservation program, listing however does not provide protection. Local governments cannot impose design review on an NR/SR-only listed property. For review to occur, local governments must designate properties via the local designation process and criteria in its preservation ordinance.

Establishing a significant and effective local register depends both on the participation of property owners and on clear documentation about what is being designated and why. Local governments interested in protecting properties listed in the NR/SR must do so by designating these properties under their local preservation ordinance.

Differentiating between the different landmark designations can be confusing. However, keep in mind that listing in the NR/SR and listing locally are different processes that require separate thresholds of due process for property owners. The National Park Service will not certify a CLG if the ordinance auto-designates NR/SR-listed properties as local landmarks or conducts design review on only NR/SR-listed properties. The ordinance must include a process for listing locally designated landmarks. NR/SR listing does not have to be a requirement to list locally.

In other words, the CLG must establish a process for designating local landmarks and historic districts as well as identify criteria for local designation. A local historic register with protections in the ordinance is a strong tool to ensure that a community’s historic resources will be preserved.

Local governments can create their own criteria for designation provided that they are consistent with established state and federal statutes regarding historic preservation and zoning.

QUICK VIEW – LANDMARK DESIGNATION TYPES		
Designation Type	Required to be a CLG?	Recommended
Local	Yes. Community must have a process for designation/designation criteria for local landmarks outlined in ordinance.	Local designations are necessary so that the Commission can complete mandatory reviews.
National Register of Historic Places / State Register of Cultural Properties / National Historic Landmark	No. Not required and not legally binding.	Informal monitoring of NR/SR properties. Design review should occur only if property has also been designated by local ordinance. Review under Section 106 with Federal agency-supported work.

Owner Consent

In New Mexico, local commissions may decide if owner consent on individually-listed buildings is required or not. There is no State of New Mexico or federal law requiring owner consent for local landmark designation. The strongest type of preservation ordinance is one where owner consent is not required; HPD recognizes that this decision should be determined at the local level.

For historic districts, HPD recommends that CLGs consider setting a percentage threshold for owner objection (suggested: more than 51% object). Once a historic district is designated, individual owners may not opt out of the district.

Designation Report

HPD recommends that the process for local designation include the completion of a Designation Report. The report will include information about the subject property/properties, historical background, historical use and current use, historic and current photographs, and how the property meets the local criteria for designation. Such a report provides an important legal basis for decision-making and may help regarding any future challenges regarding designation and property rights. While communities locally designate via ordinance the Designation Report provides a more thorough background as to how and why the property is significant.

DESIGN REVIEW BY THE COMMISSION

The Historic District and Landmark Act gives clear and reasonable authority to communities to review improvements and demolitions. In order to meet the stipulations for “protection” under the CLG requirements, mandatory review by the Commission is required at a public meeting. Permit review that is binding, where the decision of the Commission is final (but, appeal-able to the elected body or district court), provides the strongest type of protection for cultural resources. While binding review is recommended by HPD, advisory review is acceptable to become a CLG.

REVIEW STANDARDS

The National Park Service maintains the Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation (SOI Standards). A subset of those Standards pertains to the care of historic properties. These are the Secretary of the Interior’s Standards and Guidelines for the Treatment of Historic Properties. The SOI Standards provide national standards for best practices in historic preservation. The recommended approach of the SOI Standards supports a consistent and transparent decision-making process. While the SOI Standards are not required, they are recommended for CLGs. HPD recommends that CLGs consider adopting the SOI Standards in local ordinances.

QUICK VIEW – LOCAL LEGISLATION		
Aspect of legislation	Required to be a CLG?	Recommended
Review of improvements or demolition of locally-designated resources.	Yes. The community can choose whether review is binding or advisory in ordinance.	Decisions by Commission are binding.
Review of improvements/demolition on NR- and/or SR-listed properties.	No. Not required and not legally binding.	Informal monitoring only. Design review should occur only if property has been designated by local ordinance. CLGs can have a role in review of Federally-assisted projects in their communities under Section 106.
Consent for the designation of local landmarks.	No. Communities can decide if they require owner consent.	No owner consent for designation.

QUICK VIEW – LOCAL LEGISLATION - Continued		
Aspect of legislation	Required to be a CLG?	Recommended
Consent for the designation of historic districts.	No. Communities can decide if they require owner consent.	Consider a percentage of objections to the designation by 51% of the property owners in the subject district.
Adoption of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation.	Yes/No. Communities can decide what type of guidelines to use but the SOI Standards are suggested.	Adoption of the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, as amended. Consider developing community-specific design guidelines.
Allowances for financial hardship.	No.	Yes, with clear documentation requirements to avoid misuse.
Appeals of Commission decisions.	Yes. If design review is binding, this is required. Ordinance must outline process.	Appeals should be made directly to governing body or district court.
Commission decisions in writing.	Yes. Ordinance must outline timeframes/ process.	Commission decisions should always be in writing to the applicant/owner and follow the timeframes in the ordinance.
Designation procedures and criteria for local landmarks and historic districts.	Yes.	Clear process and timeframes for each step within the ordinance.
Completion of a report for local designation.	Yes. Report must indicate how the resource meets existing criteria for designation.	Completion of a “Designation Report” that provides an overview of the subject property/properties, the historical background, and how the property/properties meet local designation criteria, current and historic photographs, etc.
Relationship to National Register?	None	Advisory only, unless federal involvement; due to differences in due process, local governments are discouraged from automatically listing properties into their local register based on NR/SR designation alone.

b. ESTABLISHING AND MAINTAINING A HISTORIC PRESERVATION COMMISSION

One of the most important parts of sustaining a local historic preservation program is establishing and maintaining a historic preservation commission (Commission). The Commission serves as the face of preservation at the local level and performs as the primary implementing body.

A Commission is appointed under local procedures for commissions – by the city council, county commission, and chief elected official. Commission members bring expertise, professional skills, and an enthusiasm for the preservation of cultural resources in support of the local government’s preservation goals. A Commission should be considered at the same level as other quasi-judicial commissions within a local government and meet in similar ways or locations.

Commissions should be able to make recommendations to their overseeing Council or Board about historic preservation policy and to other departments within the local government. Commissions should have the power to recommend places for historic designation and to review improvements on locally-designated cultural resources.

The minimum requirements and duties for local review commissions are outlined in 4 NMAC 10.10 and below.

Minimum Requirements:

- At least five (5) members, all of whom have a demonstrated interest in historic preservation.
- At least two (2) preservation-related professional members (this includes the professions of architecture, historic architecture, architectural history, archaeology, planning, real estate, design, building trades, landscape architecture, law or finance), to the extent that these professionals are available in the community.
- Terms of office should be staggered, starting with a minimum two-year term.
- The Commission should adopt rules of procedure or by-laws that are available and accessible to the public.
- The Commission must hold a minimum of four (4) meetings per year.
- All HPC meetings should be open to the public with proper public notice, and the Commission must maintain minutes of all meetings that are available for public inspection.

Note: If public disclosure could result in a substantial risk of harm, theft, or destruction to the historic or archaeological resource, an exception to the public meeting and public records policy may apply pursuant to federal and state statutes: 54 U.S.C 307103 (Formerly Section 304 of the National Historic Preservation Act of 1966, as amended); 54 U.S.C. 302107 of the Archaeological Resources Protection Act of 1979, as amended); 5 U.S.C. 552 (b) (3) (Section 552 of the Freedom of Information Act of 1966 as amended).

- Applicants are notified of meetings and advised of decisions, in writing.
- An annual report of the commission's activities. See below for more about the annual report.
- Vacancies on the commission are filled within ninety (90) days.
- Each Commission is required to set aside at least one regular meeting a year for informational and educational purposes. HPD staff may attend this meeting.

Minimum Duties:

- Conduct or cause to be conducted a continuing survey of cultural resources in the community. Surveys should be completed according to guidelines established by HPD and SOI Standards.
- Make recommendations for the designation of local landmarks and historic districts to the appropriate local governing body.
- Establish and use written guidelines. The SOI Standards should be used at a minimum. Community-based Design Guidelines are encouraged.
- Act in an advisory role to other officials and departments of the local government regarding the protection of local cultural resources.
- Act as a liaison on behalf of the local government to individuals and organizations concerned with historic preservation.
- Work toward the continuing education of citizens within the CLG's jurisdiction regarding historic preservation issues and concerns.
- Review nominations for listing in the National Register of Historic Places and provide a local role in the review process. (See Section V. on National Register, below).
- Mandatory review of alterations, demolitions, or new construction to locally listed landmarks and properties within locally designated historic districts. Note that Commissions may be advisory and decisions are not binding.
- HPD may, at their discretion and by mutual written agreement with the Certified Local Government, delegate further responsibilities to the CLG and/or the historic preservation commission, excepting the authority to nominate properties directly to the National Register, excepting applications for the federal tax credit program.

THINGS TO CONSIDER WHEN ESTABLISHING A PRESERVATION COMMISSION

To become a CLG in New Mexico, a local government’s Commission must have a minimum of five members who have a demonstrated interest in and/or professional expertise in historic preservation. The total number of Commission Members can vary by community. Larger municipalities may benefit from having more Commission members and creating subcommittees to handle the workload of special projects. Smaller and rural communities may benefit by having a smaller Commission for easier recruitment. Larger Commissions may benefit from having at least one full-time historic preservation specialist or officer as staff support. Staff support or a consultant to the Commission is required but, other arrangements can be made if it is not possible to find someone suitable in the community.

The Commission is encouraged to appoint two Commission members who meet professional preservation qualifications standards, see Appendix C. If the local government cannot find volunteers who meet these requirements, the community should provide information as to duration of the search and how long the position was made available. The local government must seek out expertise when needed. See Appendix C for more information about the SOI Professional Qualifications Standards.

QUICK VIEW – HISTORIC PRESERVATION COMMISSIONS		
Aspect of legislation for HPC	Required to be a CLG?	Recommended
Minimum number of meetings per year.	4	A minimum of four meetings for Commissions with advisory review. Monthly meetings for those commissions with binding review.
Minimum number of Commission members.	5	The minimum number of Commission members is five but the total number of Commission members should correlate to the population size of the community.
Commission member training.	Yes. Code references that 1 commission meeting should be set aside for training.	Establish requirements for commission members/plan for annual training. Consider delegating a portion of Commission meetings once a quarter for ongoing training. Consider open meetings act training.
Commission Retreat	No.	An annual commission retreat may be a great opportunity for a Commission-focused training.
Staff training	No.	Annual training for staff.
Liaison to other city departments/ elected officials.	Yes.	The Commission and staff should be included in discussions related to any project that may affect cultural properties.
Outreach to local non-profits and other organizations.	Yes.	Commission members and staff should work with interested parties related to historic preservation.

QUICK VIEW – HISTORIC PRESERVATION COMMISSIONS (CONTINUED)		
Aspect of legislation for HPC	Required to be a CLG?	Recommended
Publication of Agendas.	Yes.	Agendas should be made available to Commission members and the public ahead of the meeting preferably posted in a central location and on the community’s website.
Meeting minutes	Yes.	Minutes should be produced for review and approval by the Commission at its next meeting and be posted on the community’s website.
Staff support	Yes. One full-time staff person. Alternative arrangements are feasible.	One full-time staff person or consider a circuit-rider with an adjacent community for a consultant.

c. SURVEY AND INVENTORY PROGRAM

Maintaining a system for the survey and inventory of cultural resources is one of the cornerstones of any historic preservation program. CLGs must develop or have in place a system for the survey and inventory of cultural resources within their jurisdictions. This system must be coordinated with HPD’s inventory program, consider using state-approved inventory forms and evaluative criteria consistent with the National Register, and be in compliance with the Secretary of the Interior’s Standards for Identification and Evaluation. Communities which have conducted surveys in the past must update their survey data at regular intervals (suggested: every 5-10 years) as new resources become eligible for consideration and properties change over time.

CLGs shall maintain a detailed inventory of the buildings, sites, structures, objects, and districts that it has designated under local law. Surveys provide an elementary foundation to designations, documenting reasons why a building is or is not contributing and how it complies with local designation criteria. Surveys can be used as a reference and support how Commissions make decisions related to designation or review of improvements to properties as well as development in the community.

QUICK VIEW – SURVEY AND INVENTORY		
Aspect	Required to be a CLG?	Recommended
Develop a survey and inventory program.	Yes. A section should be included in the ordinance outlining the survey program.	Establish a program to periodically update existing surveys or complete a re-survey.
Establish survey and inventory that is compatible with survey and inventory guidance published by HPD.	Yes. All survey efforts should match survey forms required by HPD.	All surveys should be coordinated with federal and state methods.

QUICK VIEW – SURVEY AND INVENTORY (CONTINUED)		
Aspect	Required to be a CLG?	Recommended
Maintain a detailed inventory of the historic buildings, sites, structures, objects, and districts within the CLG, including those that have been designated under local law.	Yes. There should be a building by building survey and inventory for each landmark/historic district.	Completion of a survey is essential to supporting local designations.
Survey and inventory materials shall be maintained and accessible to the public.	Yes. The public should be able to access information easily.	Consider making survey and inventory information available on the Community’s website/library, etc.

d. PUBLIC PARTICIPATION

The CLG Program requires that a local government ensure public participation in its historic preservation program. This means that the CLG’s historic preservation activities, including meetings of the Commission, must comply with New Mexico’s Open Meetings Act (10 NMSA 15). The CLG program is meant to engage and educate the public and to encourage participation in the local preservation program. Public participation is an integral feature of any preservation program and CLGs should:

- Encourage public participation in all facets of their preservation programs.
- Follow the provisions of the New Mexico Open Meetings Law (10 NMSA 15) and follow proper parliamentary procedure, such as Robert’s Rules of Order or other adopted rules of procedure.
- Make all Commission decisions in a public forum (except those noted above that reference a private archaeological site).
- Ensure that the Commission provides written notification of its decisions to applicants/property owners.
- Ensure that decisions rendered and actions taken by the Commission are clear, legally defensible, and understandable to the general public. Records of such decisions must be kept on file and available for public inspection.
- Develop educational programs and materials that enhance public awareness of their historic preservation activities or historic preservation in general.
- Ensure that meetings are properly noticed in places where citizens will see them.

- Provide for public involvement in the National Register nomination process as required in the National Historic Preservation Act, § 302504, see Section V.

QUICK VIEW – PUBLIC PARTICIPATION		
Aspect	Required to be a CLG?	Recommended
Agendas and minutes	Yes.	Ensure that one central location is available for posting of meeting and a place on the Community’s website for virtual posting.
Public programming related to historic preservation.	Yes	Consider regular events for the public to attend related to preservation education.
Make decisions that are clear, legally defensible and in writing.	Yes	Ensure that Commission decisions are legally defensible and meet with the Community attorney and consult with HPD.

e. SATISFACTORILY PERFORM THE RESPONSIBILITIES DELEGATED TO IT UNDER THE ACT

Participating local governments must meet the four basic requirements (II.a-II.d), and participate in the National Register nomination process pursuant to Section V. A major review of the CLG's program operation and administration will be performed at least once every four years. Ideally, this evaluation will be conducted in person at the local government, although a



HPD Staff working with a Mesilla community member on a survey of historic properties.

written evaluation process may be substituted (i.e., “CLG Evaluation Questionnaire.”) In addition, periodic monitoring of CLG activities will ensure that performance is consistent and coordinated with the identification, evaluation, and protection priorities of New Mexico's comprehensive historic preservation planning process, and that of federal work program standards regarding HPD accountability. See Section VII for more information about monitoring and decertification.

The HPD may, at his/her discretion, and by mutual written agreement with the CLG, delegate further responsibilities to the CLG and/or the historic preservation commission, excepting the authority to nominate properties directly to the National Register of Historic Places.

III. PROCESS FOR CERTIFICATION

Applications for CLG status must be made in writing by the local government, specifically the local government's chief elected official and include the following materials: a letter from the chief elected official that the local government has fulfilled all of the requirements, a copy of the preservation ordinance, a list and map of all areas designated as historic districts or landmarks (locally and on the SR/NR), resumes for each of the Commission members, how the local government will make provisions for staff support to the Commission, the application checklist, a draft Certification Agreement and a description of other delegated responsibilities. The application checklist, the request for Certified Local Government status and the Certification Agreement may be found in the Appendices.

PROCESS FOR CERTIFICATION AS A CLG	
Step 1	Review the requirements outlined herein and in NMAC 4.10.10 for local legislation, commission, public participation, and survey and inventory to confirm that all requirements have been met.
Step 2	The chief elected official of the governing body shall request the certification in writing. The request shall include: <ul style="list-style-type: none">• Letter from chief elected official stating that the local government has fulfilled all of the requirements.• A copy of the local historic preservation ordinance.• A list and accompanying map of all areas designated as historic districts or landmarks.• Resumes for each of the members of the Historic Preservation Commission.• Provisions for staff/consultant to the Commission.• Application checklist.• Request for Certified Local Government Status.• Certification Agreement.• Description of other delegated responsibilities.
Step 3	HPD has sixty days (60) to respond to the written request.
Step 4	If HPD finds that the local government fulfills the requirements for certification, HPD forwards the application to the National Park Service.
Step 5	The National Park Service has 15 working days from receipt to take exception to the application.
Step 6	HPD shall respond to the local government informing them of the National Park Service's response.
Step 7	Once the Certification Agreement has been signed by both parties, the Agreement and application materials are sent to the National Park Service.

IV. HISTORIC PRESERVATION OFFICER/CONSULTANT

In order to carry out the duties delegated to it, the Certified Local Government should employ or have regular access by contract or letter of agreement to the equivalent of one professional who works full-time as an expert in archaeology, history, architectural history, historic architecture, historic preservation, planning, or a closely related field.

The Historic Preservation Division will consider proposals for alternative arrangements for local governments who submit evidence that they have not been able to obtain such expertise due to a lack of financial resources or available professionals. Such alternatives must ensure that adequate expertise exists to allow the CLG to undertake its responsibilities. Some New Mexico CLGs may find it difficult to obtain expertise especially in rural areas.

CLGs may contract with a qualified individual or local non-profit historic preservation agency for staff services, or a group of CLGs in a region could partner in a contract for the delivery of the required professional staff services.

It is recommended that consultants be approved by HPD to ensure that personnel have the necessary skills to carry out the specific responsibilities of the CLG. Staff requirements will vary according to the types of programs which the CLG undertakes and the duties delegated to it. Annual funds transferred to CLGs may be used toward retaining a preservation consultant or paying for a portion of staff salary, as long the outcome includes measurable results. See Appendix C for Historic Preservation Professional Qualifications.

The Historic Preservation Officer/Consultant plays an essential role in executing a local preservation program. This staff person is often the first contact that community members have in navigating the preservation review process. Staff can act as liaison to other departments or non-profit preservation organizations in the community and can execute the Commission's goals and objectives.



J.A. Mahoney Building in Deming, NM. Built in 1885.

V. NATIONAL REGISTER OF HISTORIC PLACES – CLG ROLE & PARTICIPATION

The Certified Local Government establishes a partnership between the local government and the State Historic Preservation Office/HPD and the National Park Service. Both HPD and the CLG have responsibilities under the National Historic Preservation Act when a nomination for listing in the National Register moves forward in their jurisdiction.

Because both the NR/SR listings can impact eligibility related to the state or federal tax credit programs, informal monitoring of NR/SR-listed properties by CLGs is encouraged. Commissions can make recommendations to HPD regarding a property or district’s removal from the NR/SR that has been altered because of demolition or loss of historic integrity or lead the way for survey efforts to update existing NR/SR nominations.

The Historic Preservation Division and the CLG will work together to provide opportunity for public participation in nominating properties to the National Register. Any reports submitted by the CLG to HPD shall include assurances of public input. The CLG shall retain a list of all persons contacted during the evaluation period and note comments which it received. If a public hearing was held, the CLG should include a list of those attending.

In accordance with the National Historic Preservation Amendments Act of 1980, the CLG shall submit a report to the Historic Preservation Division regarding the eligibility of each property or district proposed for nomination to the national register within its jurisdiction. This report shall include the recommendation of the local preservation commission and the chief elected official. The report may be as simple as an affirmation that the property is eligible, or as lengthy as a researched report stating why the property should or should not be nominated. The report should concentrate on the property’s eligibility under the national register criteria (see glossary). If it is felt that the property is not eligible, reasons must be given based on national register criteria.

CLG ROLE IN NATIONAL REGISTER NOMINATION PROCESS	
Step 1	The Historic Preservation Division will forward a copy of a completed draft national register nomination to the CLG for any properties within that jurisdiction that are nominated for listing. Information shall be sent to the CLG within 30 days of receipt unless the CLG itself has initiated the nomination.
Step 2	Within 60 days of receipt of the nomination, the CLG shall inform the Historic Preservation Division and the property owner(s) as to its opinion regarding the eligibility of the property. If the local review commission and the chief elected official do not agree, both opinions shall be forwarded. Local governments’ participation in this process is so that local information can be included about the proposed resource/resources for listing
Step 3	If both the commission and the chief elected official, or their designated representative, recommend that a property is not eligible, the Historic Preservation Division will so inform the property owner(s) and the cultural properties review committee, and the property will not be nominated unless an appeal is filed with the HPD under the regulations established for the appeals process, outlined in the National Historic Preservation Amendments Act of 1980.

CLG ROLE IN NATIONAL REGISTER NOMINATION PROCESS *continued*

Step 4	If either or both the commission and the chief elected official or their designated representative, agree that the property is eligible, the nomination will be scheduled for review by the cultural properties review committee. The opinion or opinions of the commission and the chief elected official, or their designated representative, will be presented to the committee for their consideration.
Step 5	The Cultural Properties Review Committee (CPRC), after considering all opinions, shall make its recommendation to the state historic preservation officer. The HPD shall then forward the nomination with his or her recommendation to the National Park Service, in the case of the property's being eligible, or return it to the CLG and the owner(s) in the case that it is not eligible. Either the commission or the chief elected official, or their designated representative, may appeal the final HPD decision under the aforementioned appeals procedure to the CPRC.

Failure to submit reports on the eligibility of properties nominated within the jurisdiction of the CLG after the Historic Preservation Division has informed the CLG of a pending nomination will be considered during the annual performance evaluation.

CLGs may participate in the review and approval of National Register nominations whether or not they elect to apply for grants from the Historic Preservation Fund/Certified Local Government grant.

Local governments may be certified and participate in review and approval of national register nominations whether or not they elect to apply for grants from the historic preservation fund.

National Register		
Aspect	Required to be a CLG?	Recommendation
HPD will forward nomination to CLG with request to complete a report.	Yes. Submit report to HPD.	Complete a report for NRHP nominations in the community. Completion of these reports will be taken into account in the evaluation period.
CLGs are required to review NR nominations within their jurisdiction.	Yes. Complete a report.	Provide further comments. Review the NRHP nomination at a Commission meeting.

VI. STATE AND FEDERAL COMPLIANCE REVIEW – CLG PARTICIPATION

As a CLG, a Community has the opportunity to participate in local review of federal and state projects.

a. Federal Compliance Review – Section 106 of the National Historic Preservation Act

Section 106 of the National Historic Preservation Act ensures that when there is a federal undertaking that historic properties are taken into consideration. Commissions should be informed by federal agencies when a federal action is to be undertaken within their jurisdiction and be given the opportunity to respond concerning the potential effect on historic properties (those listed in or eligible for listing in the National Register of Historic Places). The Commission should be notified by their government officials about federal undertakings within their jurisdiction. See 54 U.S.C. 306108.

b. State Compliance Review – New Mexico Prehistoric and Historic Sites Preservation Act

The New Mexico Prehistoric and Historic Sites Preservation Act ensures that when there is state funding, state agency involvement, or funding from a political subdivision of the state involved in a project that historic properties are considered in planning. Consultation may involve local communities consulting with HPD and include the Commission. See New Mexico Statutes Annotated § 18-8-1 – 18-8-8.

c. New Mexico Cultural Properties Act

The New Mexico Cultural Properties Act establishes the Historic Preservation Division (State Historic Preservation Office of New Mexico) and the Cultural Properties Review Committee. It



HPD Staff presenting to UNM Students on the legal milestones in historic preservation

provides for the protection of archaeological sites and unmarked human burials by qualified institutions and establishes civil and criminal penalties for looting of archaeological sites and disturbance of unmarked burials. The act further requires that state agencies provide the HPD with an opportunity to participate in planning for activities that will affect properties that are listed on the State Register of Cultural

Properties. See New Mexico Statutes Annotated § 18-6-1 -18-6-17.

VII. MAINTAINING CLG STATUS – MONITORING AND REPORTING

The Historic Preservation Division will conduct periodic review and monitoring of CLGs to assure that each government is fulfilling its obligations, including responsibilities delegated to the CLG under the National Historic Preservation Act, as amended. The CLG procedures shall also be in conformance with federal and/or State standards, including standards for statewide comprehensive historic preservation planning and other appropriate planning processes.

Provided that the CLG continues to meet the requirements outlined in federal and state statutes and clarified in this Manual, the CLG will retain its status. CLG certification agreements between the local government and HPD may be terminated by the local government, in writing, at any time and for any reason. HPD may also recommend to the National Park Service the revocation of a local government's CLG status if the local government persistently fails to meet the requirements of the CLG program.

Annual Report

HPD requires an annual report be sent at the end of every state fiscal year (June 30). The report shall document ongoing activities of the CLG and ensures that each CLG is meeting its obligations under the CLG Certification Agreement. The annual report shall include, at a minimum, the number of cases reviewed, new designations made, progress on survey activities, revised resumes for all commission members, and meeting attendance records. The annual report shall be submitted no later than sixty days after the end of the fiscal year of the local government.

Commission Education

It is recommended that each CLG host at least one educational training session a year. This session may be held at one of the regularly scheduled commission meetings or may include more extensive training. See the Section X. "Building a Strong Preservation Network" for further suggestions.

Monitoring

HPD will monitor the performance and evaluate each CLG at least once every four years. The review may include:

- Review of CLG activities including annual reports submitted by the CLG, minutes of Commission meetings, records of grant administration, and other documents.
- HPD may send staff representatives to meet with Commission staff and/or to Commission meetings.

Evaluation

HPD will use the following criteria when evaluating a CLG's performance and provide comments and recommendations for future growth:

1. Review of the existing ordinance and how it complies with program requirements.
2. Commission membership.

3. Number and frequency of Commission meetings.
4. Quality of local historic resource survey/inventory.
5. Number of review requests, CLG performance in reviews and number of local designations.
6. Consistency of Commission decisions related to the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.
7. Number of National Register nominations commented on by the CLG and timeliness of comments.
8. Compliance with the CLG agreement, State CLG Procedures, and federal requirements.
9. Delegated responsibilities carried out according to program requirements.
10. Timely completion of Annual Report.
11. CLG Grant program applications and completion.
12. Submittal of minutes of Commission meetings to HPD.
13. Attendance of Commission members at meetings and other educational events.
14. Educational activities or programs conducted or sponsored.

Decertification

If the CLG is found to be deficient in fulfilling its responsibilities, HPD shall document the assessment and recommend, in writing, specific steps to bring performance to an acceptable level, within a set timeline. Persistent failure to meet CLG requirements may result in HPD recommending to the National Park Service that the CLG be decertified or be considered for "Inactive Status." Evaluations shall be completed by HPD and shall be forwarded to the Chief Elected Official of the CLG. Illegal activity that is unresolved at the city level or collusion where HPD has weighed in and provided direction to the CLG and the CLG refuses to participate may be grounds for decertification.

Review of NR- and SR-Designated Properties or Auto-Designation of NR and SR Listed Properties

CLG communities should be completing mandatory review of properties that are designated by the Community. Commission review of properties listed only in the National Register and/or the State Register is grounds for decertification or Inactive Status. Auto-designation into the local register of properties listed in the NR and/or SR is also not acceptable and grounds for decertification. In late 2020 when this Manual was revised, HPD recognized that several existing CLG communities have provisions in their ordinance for the review of NR/SR-designated properties and/or auto-designation of NR/SR-listed properties into the local register. HPD will provide four years (until 2025) for these communities to bring their ordinance into compliance through the designation of NR/SR-listed properties locally but, will not certify new communities as CLGs that utilize these practices.

Inactive Status

HPD recognizes that not all CLGs have the capacity to maintain a CLG program at all times and may need to request that their status be changed to “Inactive.” CLGs shall request this in writing. HPD can also reclassify dormant CLGs as “Inactive” by contacting the Community in writing. Communities that are inactive are unable to apply for CLG Grant funds until HPD receives a letter from the Community requesting reactivation as a CLG. The letter should provide information as to how the CLG is meeting all CLG program requirements.

HPD recommends that the CLG complete an annual report/provide notification via letter to maintain an inactive status. Inactive status may be granted for reasons of financial challenges and other community challenges. Inactive status may only be granted for a period of up to five years. If a community does not re-activate their CLG program, HPD may decertify the community.

Code of Conduct

CLGs will maintain a written Standard of Conduct code that shall govern the performance of their officers, employees, or agents engaged in the award and administration of contracts supported by HPF funds. No employee, officer, or agent of the CLG shall participate in the selection or in the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved.

Such a conflict would arise when any of the following has a financial or other interest in the firm selected for an award:

- The employee, officer, or agent;
- Any member of his or her immediate family;
- His or her partner; or
- An organization that employs, or is about to employ, any of the above.

The CLG, officers, employees, or agents shall neither solicit, nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to subagreements.

To the extent permitted by State or local law, such standards of conduct shall provide for penalties, sanctions, or other disciplinary actions for violations of such standards by the CLG officers, employees, or agents, or by contractors or their agents.

This manual does not relieve the CLG of any responsibilities under its contracts. The CLG is responsible, in accordance with good administrative practice and sound business and legal judgment, for the settlement of all contractual and administration issues arising out of procurements entered into support of a grant. These include but are not limited to: source evaluation, protests, disputes, and claims. Violations of law are to be referred to the local, State, or federal authority having proper jurisdiction. The CLG shall use their own procurement procedures or the state’s that reflect applicable State and local laws and regulations, provided that procurements for federal assistance programs conform to the standards set forth herein and applicable federal law.

VIII. CLG GRANTS

Each year, the State of New Mexico's Historic Preservation Division receives funding from the National Park Service to be used for preservation activities. The Historic Preservation Fund (HPF) is supported by off-shore oil leases, not tax dollars. A minimum ten percent (10%) of the state's annual apportionment from the HPF is designated for CLGs as grants. Grant funding may require a match, an amount which is at the discretion of the State Historic Preservation Officer and will be specified in the annual CLG Grant Announcement.

CLG grants are awarded annually on a competitive basis. Contact HPD staff for dates or visit the HPD website to find out when the next cycle of grants opens. The use of federal funds (and match, if included as part of the project) is governed by all current guidelines and regulations imposed by the federal government. Any state-directed specific uses of funds must be for activities eligible for HPF assistance.

A CLG that receives HPF/CLG grant assistance is considered a subgrantee of the state and will be required to sign a grant agreement or contract. The agreement/contract will specify how the funds are to be managed and used. The CLG may be required to file interim and final reports as well as other grant reporting documents spelled out in the grant agreement/contract.

HPD is responsible through its annual financial audit for the proper accounting of HPF funds in accordance with OMB Circular A-128, "Audit Requirements." CLG receiving funds must: 1) maintain an adequate financial management system as specified in OMB circular A-102, 2) adhere to all requirements of the National Register Program Manual, and 3) adhere to any requirements as mandated by Congress regarding the use of such funds.

Allocation Procedures for Review and Selection

HPD will use the following guidelines in determining the allocation of CLG grant funds:

1. All funds will be awarded on a competitive basis. Because a local government is given a grant one year does not mean a grant will be available the following year.
2. All local governments that have been certified as CLGs are eligible to apply for funds but will not automatically receive funds. CLGs that are currently on "Inactive Status" are not eligible to apply for funds.
3. Funds will be distributed among the maximum number of eligible participants.
4. Every reasonable effort will be made for an equitable distribution of funds between rural and urban areas. HPD will ensure that no CLG is awarded a disproportionate share of funds.
5. The amount awarded to any one grantee must be sufficient to produce a specific impact and deliverable.

Funding will be based, in accordance with the preceding guidelines, on project value, degree of local impact to preservation planning, and the amount of funding requested. HPD will make available to the public, upon request, the rationale for the applicants selected and the amounts awarded.

Eligible Activities

In general, eligible activities will include any project which furthers the goals of identification, evaluation, nomination, and protection of the community's cultural resources. This would include historic property survey, nomination of properties to the National Register of Historic Places, public preservation and educational programs, research, local legislation, community preservation plans, management plans for specific historic properties, brick and mortar projects, etc. The eligibility of projects for annual funding will be determined by directives from Congress and the National Park Service to the Historic Preservation Division, those outlined in the current State of New Mexico Historic Preservation Plan, and will be at the discretion of the State Historic Preservation Officer.

Match

Grants made from the Historic Preservation Fund cannot be used as matching share for other federal grants, unless statutes allow for it (i.e., some Department of Housing and Urban Development/Community Development Block Grant funds can be used as match). When match is required other federal funds may not be used as match. Match can be in-kind or cash or a mixture of both. The match amount will be established in the Grant Announcement and will be at the discretion of the State Historic Preservation Officer.

Brick and Mortar Projects

Any HPF-funded grant for brick and mortar projects (rehabilitation or restoration) will require a preservation easement or covenant for a certain number of years corresponding to the amount of the grant. If grant funding is \$10,000 or less a five-year minimum preservation agreement is required. If grant funding is \$10,001-\$25,000 a five-year minimum covenant, recorded with the property deed, is required. If grant funding is \$25,001-50,000 a 10-year minimum covenant is required and between \$50,001-100,000 a 15-year minimum covenant is required. If funding is \$100,001+ a 20-year minimum covenant is required.

The Application Process

Any New Mexico Certified Local Government wishing to apply for New Mexico CLG Grant funds must submit a completed application packet to the Historic Preservation Division. An Announcement will be distributed each year by HPD via email and will be posted on the HPD website. The Announcement will identify any specific priority funding areas identified by HPD for that year and will specify a required match, if any.

The Announcement and application materials will be available on the HPD website or by email or mail at a CLG's request. An entire application must be complete and received by the deadline for a project to be considered for funding.

Final Products/Deliverables

Federal regulations require that all CLG grant projects result in a tangible product. Applications should identify a specific deliverable that is a result of the grant project. Typical products include, but are not limited to, survey reports and forms, a nomination for listing in the National Register of Historic Places, a preservation plan, etc. In some cases the product may be an activity or a lecture or workshop.

Grant Administration/Grant Closeout and Reimbursement

All CLG grants are reimbursable which means that the CLG completes the work, pays for the work, and then provides documentation of the completed work and payments and supporting documents to HPD for payment. Grants will have periodic milestones where CLGs are required to report on project progress. At the end of the grant project, CLGs will be required to complete several reporting documents detailing information about the grant. Final payment will only occur after the CLG has completed all grant reporting and HPD confirms that the project complies with the Secretary of the Interior's Standards. Only items listed in the approved Grant Agreement will be approved for payment.

CLGs must retain financial records, supporting documents, statistical records, and all other records pertinent to the grant for a period of five (5) years or until an acceptable audit has been performed and resolved. The five-year retention period begins from the date of the submission of the final reports.

Reallocation of Funds

When any of the funds set aside for grants to CLGs becomes available for reallocation as a result of decertification or grant termination, the following policies will guide HPD in its reallocation decisions:

- CLGs that did not receive the full amount requested for specific projects and have the ability to provide the local match will receive top priority.
- Use of funds by HPD that will benefit all New Mexico CLGs and preservation commissions (e.g. training sessions, educational materials).
- Emergency projects.

If 10% is Not Completely Utilized

In the event that certified communities making application for funding do not demonstrate, in the opinion of the State, a need for the entire 10 percent, the State will use the balance of the total to assist communities who are attempting to become certified, or for other allowable expenditures. Note that funding up to the 10% threshold must be passed through a CLG.

No Certified Communities in New Mexico

In the event that no local governments are certified, the State will use the total amount of the allocated 10 percent of funds to assist local governments to become certified.



HPD Staff consulting on the Rawlins Building in Las Vegas, NM. The City of Las Vegas was the recipient of a CLG grant to complete a feasibility study of the Rawlins Building.

Project Cancellation

Approved grants to CLGs may be cancelled for one or more of the following reasons:

1. Request for cancellation from the grantee.
2. Grantee fails to meet required reporting deadlines.
3. Grantee fails to initiate project within four (4) months of the execution of the grant agreement/contract.
4. Project work does not meet the conditions or standards in the grant agreement/contract.
5. Procurement violations.

Consultants

HPD will work with CLGs to review and select consultants used in CLG projects. Consultants must be listed in the SHPO Directory or meet the Secretary of the Interior's Professional Qualifications for one of the disciplines.

See Appendix C for further description of the disciplines.

The SHPO Directory may be found on the Historic Preservation Division website at:

<http://www.nmhistoricpreservation.org/documents.html>

IX. PRESERVATION PLANNING

There are several different types of preservation planning documents that can be helpful to local preservation programs. HPD recommends that every CLG complete a community-wide preservation plan and periodic updates to identify strategic preservation planning for the community.

Historic Preservation Plan (City or County-wide)

An Historic Preservation Plan for a community is a comprehensive plan for all preservation activities in the community. This type of plan requires extensive public outreach to capture the values of preservation within a community and to create goals and objectives for the local preservation program. A preservation plan should be consistent with the State Historic Preservation Office's Preservation Plan (revised every 5 or 10 years). A preservation plan is best completed by someone trained in preservation planning. Some communities may opt to hire a consultant skilled in planning to complete the necessary outreach to community members.

Comprehensive Plan / Master Plan, Section on Historic Preservation

Most communities are required to complete a comprehensive plan or master plan which outlines land use and zoning plans. For some communities, the resources are not there to complete a stand-alone City-wide preservation plan. Some communities are just getting started related to preservation thus, focusing a chapter or a section of the Comprehensive Plan on historic preservation may be suitable. Most communities hire a consultant to complete this type of planning effort. One thing to keep in mind is that planners skilled in comp plans and master plans may not have the expertise needed to best articulate goals and objectives for historic preservation. Planning and Zoning powers at the state level may be found in Title 3 Municipalities, Article 19: Planning and Platting; Article 20: Subdivisions, Planning & Platting; and Article 21: Zoning Regulations, of the New Mexico Statutes Annotated.

Strategic Plan

A strategic plan is a plan that focuses on specific goals and objectives for the community's preservation program. These can include annual assessments and thresholds to measure progress.

Resource-Specific Treatment Plans

Historic Preservation Plans or Historic Structure Reports, condition assessments, or treatment plans, are designed to develop a strategy for a cultural resource's management and treatment. This type of document is best completed by a team of professionals which may include an architect, an historian, a structural engineer, and/or a landscape architect.

X. BUILDING A STRONG PRESERVATION NETWORK

Sustaining a successful local Commission depends on two main pillars of best practices: education and outreach. Maintaining a well-informed, well-connected, and motivated Commission is the key to ensuring that a local preservation program grows effectively, and that it maintains its relevancy to the community.

Commission Education

Training is a critical element for the success of any local commission, especially for historic preservation. It is imperative that local governments provide Commission members with adequate training on the local preservation ordinance, other related ordinances, rules, and procedures. Before taking action, Commission members must ensure that their decisions or comments on record are consistent with the existing laws and procedures of their local government.

Education for Commission members and its key partners (city council, county commission, planning commission, local non-profits, business organizations, etc.) is critical to making sure that a preservation program has support from the community. Active programming for the public, training opportunities for City/County staff/elected officials and networking within the local government ensures that a preservation program is connected to other local processes and maintaining community interest in preserving cultural resources.

CLGs are required to set aside a minimum of one Commission meeting per year for training purposes. HPD staff is available to direct or assist in training efforts.

Preservation-related training may include the following:

- Attending FORUM, the biennial conference of the National Alliance for Preservation Commissions (NAPC) or State-wide preservation meetings.
- Hosting/Attending a Commission Assistance and Mentoring Project (CAMP) session provided by NAPC consultants or other preservation education specialists.
- Attending a preservation training provided by a local, regional, or state-wide non-profit organization such as the New Mexico Heritage Preservation Alliance or neighboring states like Colorado Preservation, Inc.'s or Arizona SHPO's annual conference.
- Attending Main Street America's annual conference.
- Attending the regular Commission meeting of another CLG (in New Mexico or another state) to see how other Commissions complete review.

Staff Education

While preservation planners do not currently have a professional certification process to maintain, like planners who may be required to maintain their American Institute of Certified Planners (AICP) registration, the continuing education of staff is critical to the success of local preservation programs. HPD recommends that Staff/Consultants make efforts to attend conferences or attend other local events that are preservation-related.

Other Ways to Keep Informed

Memberships to national preservation organizations, like the National Trust for Historic Preservation and the National Alliance of Preservation Commissions offer list-serv membership where staff and Commission members can participate and keep informed of current preservation issues. In addition, Main Street America provides resources to its members. Questions regarding a certain type of building material or type of rehabilitation project can be asked in the listserv and the preservation community may be able to provide support and direction.

APPENDIX A: GLOSSARY

Announcement – The annual notice from the Historic Preservation Division regarding grant opportunities for Certified Local Governments.

Certified Local Government (CLG) - A local government whose local historic preservation program has been certified by HPD and the National Park Service. It is the local government, and not the Commission, that is certified. 36 CFR 61, and becomes a partner in the federal preservation program.

Certification Agreement - The document signed by the chief elected official and the State Historic Preservation Officer that specifies the responsibilities agreed to as a condition of being a Certified Local Government.

CLG Jurisdiction - The legal and geographic boundaries of the local government. Because city and county jurisdictions are separate, city and county certified local governments must be established separately also. However, city and county certified local governments may cooperate and share purposes, sub-grant agreements, reporting forms, preservation Commissioners, and a local Historic Preservation Officer.

Chief Elected Official - The elected head of a local government. This official, according to federal statute, is the CLG program's official contact. This official must sign all programmatic sub-grant agreements and other documents. If the local government grants signatory authority to another, such as an administrative manager, both should sign sub-grant agreements and both should be kept informed of project changes.

Commission - A historic preservation commission, board, council, or similar collegial body that is established by local legislation, composed of professionals and persons appointed as specified in the local legislation that perform the duties and responsibilities outlined in the legislation. May also be called a Landmarks Board, Landmarks Commission, or Design Review Committee.

Commission members - Duly appointed persons who demonstrate special interest, experience, or knowledge in history, architecture, or preservation-related disciplines. Commissioners are responsible to HPD only as representatives of the local government.

Commission professionals - Professionals in the disciplines of architecture, history, architectural history, planning, prehistoric and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture, or related disciplines.

Comprehensive Historic Preservation Plan – The part of the planning process that conforms to the Secretary's Standards for Preservation Planning. The comprehensive plan entails organizing a logical sequence of preservation information pertaining to identification, evaluation, registration, and treatment of historic properties, and setting priorities for accomplishing preservation activities.

Consulting Party - An individual or entity providing professional advice, expertise, demonstrated interest, or legal or economic relationship to a matter. Under the provisions of 36 CFR 800, federal agencies are required to seek and consider the views of state agencies, other federal agencies, Tribal Historic Preservation Offices, local and certified local governments, local preservation groups, other interested parties, and the public in their consultation regarding information needs and possible effects to historic properties.

Contributing Property – A classification assigned, as a result of a comprehensive survey, to a site or another parcel of real estate and its associated buildings, structures, objects, and other improvements within a designated Historic District. The classification signifies that a site or parcel and its associated improvements support the overall character, feeling, and significance of a district although the site or parcel and its associated improvements may not have individual architectural or historical significance as a single property but, due to its location within or proximity to a streetscape or neighborhood, reflects the significance of the district on the whole.

Cultural Heritage - Pertaining to the sum total of traditions, body of knowledge, etc., inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

Cultural Properties Review Committee (CPRC) – The CPRC is created by the Cultural Properties Act and serves as the professional policy-making/advisory board for historic preservation in New Mexico. The CPRC reviews nominations for listing in the State Register of Cultural Properties, reviews and recommends nominations for listing in the National Register of Historic Places to the Keeper of the National Register, reviews and approves applications for the State Income Tax Credit Program, among other duties.

Cultural Resources – See Historical Resource.

Demolition – Any act or process which requires a permit for the purpose of removing or destroying, in whole or in part, any improvement or site.

Designation - the identification and registration of properties for protection that meet criteria established by the National Register, state, or the locality for significant historic and prehistoric resources within the jurisdiction of a local government. Designation must be consistent with the Secretary of the Interior’s Standards for Identification and Registration.

Designation Report - A report that includes information on a subject property or group of properties for an historic district. Information includes historic use and current use, historic photographs and current photographs, map, legal description, historical information, architect, etc.

Design Guidelines – A standardized set of principles that provides general instruction for the appropriate preservation and/or adaptation of the historic and/or architectural character of a structure, object, site, or area.

Development – Any building, structure, work of art, parking facility, fence, gate, wall, or other object, including utilities or site grading, constituting a physical addition/change to real property, or any part of such addition.

Development Plans – Plans for any building, structure, work of art, parking facility, fence, gate, wall, or other object, including utilities or site grading, constituting a physical addition/change to real property, or any part of such addition.

Evaluation - The process whereby the significance and integrity of a resource is judged using established criteria to determine its eligibility for listing as a historic resource.

Finding of Fact – The conclusions found to be true as determined by the Commission from an examination of the underlying evidence and testimony of a case under consideration in accordance with established review criteria.

Grant Agreement – The contract/agreement between two or more parties outlining the stipulations of the expenditure of grant funding, usually funding from the Historic Preservation Fund.

Historic Context - An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of “historic context” is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.

Historic Landmark – Any building, structure, object, improvement, or site of particular historic or aesthetic significance to the city, the state, or the nation. Landmarks include sites, buildings or structures where cultural, political, spiritual, economic, educational, social or artistic history of the community, state or nation is reflected or exemplified or which are identified with historic personages or with important events in local, state or national history, or which embody the distinguishing characteristics of an architectural specimen, inherently valuable for representation of a period, style or method of construction, or a notable work of construction, or a notable work of a master designer or architect whose individual genius influenced a particular period of time or aesthetic movement.

Historic District - Any area established by ordinance or nomination which includes or encompasses such historic sites, landmarks, buildings, signs, appurtenances, structures, or objects as may be determined as appropriate for historic preservation. Such designated district or districts need not be a single enclosed area, nor do the areas or sites have to be contiguous to constitute a district.

Historic Preservation - Includes identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, research, interpretation, conservation, and education and training regarding these activities or any combination.

Historic Preservation Commission – See Commission.

Historic Preservation Division - The State Historic Preservation Office of New Mexico is the Historic Preservation Division or “HPD”, a Division of the State of New Mexico’s Department of Cultural Affairs.

Historic Preservation Fund (HPF) - Monies appropriated to fund matching grants-in-aid program to State and Tribal Historic Preservation Offices for carrying out the purposes of the National Historic Preservation Act, as amended (16 USC 470 et seq.). By law, a minimum ten percent (10%) of each state's allocation must be subgranted to the certified local government program.

Historic Property - Any prehistoric or historic district, site, landscape, building, structure, object, or traditional cultural property included in, or eligible for, inclusion in the National Register, including artifacts, records, and material remains related to such a property or resource.

Historical Resource - A broad term for any object, building, structure, site, area, place, which meets the criteria for historical or archaeological significance established by the National Park Service, the State of New Mexico, or a local government. National Register and State of New Mexico Cultural Property criteria are similar, but not identical.

Improvement – Any building, structure, work of art, parking facility, fence, gate, wall, or other object constituting a physical addition to real property, or any part of such addition.

Integrity - The authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's significant historic or prehistoric period. Integrity is based on seven aspects of originality: location, design, setting, materials, workmanship, feeling, and association.

Inventory - The list of resources evaluated resources evaluated through either an historical resources survey or other review process. See also, Survey.

In Writing – in the form of a letter or electronic mail document.

Local Government - Any general purpose political subdivision of the state, such as an incorporated city, town, village, or county.

Local Historic Preservation Officer (HPO)- The local Historic Preservation Officer (HPO) coordinates local historic preservation programs, helps in the development of local surveys, projects and historic preservation planning documents, advises and provides assistance to the local historic preservation Commission, government agencies and the public, and ensures to the extent practicable, that the duties and responsibilities delegated by local ordinance are carried out.

Local Ordinance - An ordinance, resolution, or other legal instrument to meet the requirements of the certified local government program.

Local Register - A list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance.

Main Street America – Main Street is an organization focused on preservation-based economic development and community revitalization across the United States. In New Mexico, New Mexico MainStreet is the state's chapter.

National Alliance of Preservation Commissions (NAPC) - NAPC is the national organization focused on the support of historic preservation commissions and provides a forum for commissions to discuss mutual problems. NAPC hosts a bi-annual conference called "FORUM".

National Historic Preservation Act - A federal law that established the certified local government program, National Register of Historic Places, and a process requiring federal agencies to consider the effects of their undertakings on National Register properties, and it encourages preservation on state and private lands, National Historic Preservation Act, as amended (16 USC 470 et seq.).

National Register of Historic Places – The National Register or "NR" is the official list of the nation's historic places worthy of preservation. The list consists of districts, sites, buildings, structures, and objects significant in American history, architecture, landscape, archeology, engineering, or culture, and is maintained by the Keeper of the National Register at the National Park Service in the Department of the Interior. 36 CFR 60.

National Register criteria - The established criteria for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

Criterion A. The property is associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B. The property is associated with the lives of persons significant in our past.

Criterion C. The property embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

Criterion D. The property has yielded, or is likely to yield, information important in prehistory or history.

National Trust for Historic Preservation - The nationwide private, nonprofit organization chartered by legislation approved by Congress on October 26, 1949, with the responsibility of encouraging public participation in preservation.

New Mexico Cultural Resource Information System (NMCRIS) – NMCRIS is an online computer database designed to support historic preservation, cultural resource management, and academic research in New Mexico. NMCRIS integrates geographic, management, and research-related data pertaining to four major classes of cultural resource information: cultural resource investigations, archaeological sites, historic properties, and State and National Register properties. NMCRIS supports cultural resource management and research by serving as the primary statewide information resource for accessing cultural resource investigation reports and records on individual cultural resources.

New Mexico MainStreet – NMMS is a state-wide program based in the New Mexico Economic Development Department that helps local organizations create an economically-viable business environment while preserving cultural and historic resources.

Nomination - A form accompanied by maps and photographs that adequately documents an individual property or district and is technically and professionally correct and sufficient. To nominate is to propose that a district, site, building, structure, or object be listed in the National Register of Historic Places or, where a private owner or majority of owners object to listing, that property be determined eligible by the Keeper of the National Register.

Non-Contributing Property - A building, structure, object, improvement, or site within a Historic District that does not possess individual architectural, historic, or structural significance or integrity. Non-contributing properties may be further classified as non-contributing due to age at the time of classification; noncontributing due to reversible conditions (which, if modified, may permit the reclassification of a property to contributing or significant); or non-contributing due to a lack of any significance or integrity as herein defined.

Owner Consent – The act or result of reaching consensus and agreement, through reason and deliberation, by the Owner(s) of real estate when historic designation is proposed at the suggestion of another party.

Places – Important places, sites, districts, buildings, objects, and structures worthy of preservation.

Protection - The application of measures designed to affect the physical condition of a property by defending or guarding it from deterioration, loss, or attack or to cover or shield the property from danger or injury. Also, protection means a local review process under state or local law for any proposed demolition of, changes to, or other action that may affect historic properties listed in an established local register.

Public participation - The active involvement of a wide range of public, private, and professional organizations and individuals. In Nevada, public participation is mandated under NRS 241.

Registered historic district - Any significant historic district that is listed in, and meets the criteria for, the National Register of Historic Places or an established local register.

Review and compliance - The federally mandated state review of an undertaking's effect on historic properties, as specified under Section 106 of the National Historic Preservation Act, as amended (16 USC 470 et seq.). If agreed upon by HPD and the certified local government, this responsibility may be delegated in part or whole to the certified local government.

SHPO - State Historic Preservation Office or the State Historic Preservation Officer. "SHPO" is the acronym for the State Historic Preservation Office or Officer. The SHPO in New Mexico is the Historic Preservation Division, or "HPD" which includes the State Historic Preservation Officer as the its Director.

Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation (SOI Standards) - Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation which provide technical information and guidance about historic preservation activities and methods. The subjects include: Preservation Planning, Identification, Evaluation, Registration, Historic Research and Documentation, Architectural and Engineering Documentation, Archeological

Documentation, Treatment of Historic Properties (Restoration, Rehabilitation, Stabilization, and Reconstruction), Professional Qualifications, and Preservation Terminology.

Subgrant - A pass-through award of financial assistance from the federal government, under the National Historic Preservation Act, as amended (16 USC 470 et seq.) through SHPO/HPD to a certified local government to carry out specific objectives for a specified period of time consistent with the terms of a sub-grant agreement.

State of New Mexico, Official Scenic Markers Program – A program begun in 1935 to promote tourism with its history. Markers explain land formations, public archaeological sites, important buildings, historic travel routes, places, and events. They mark locations of geologic, cultural, economic, political, scientific, and artistic significance to New Mexico, the Southwest, and the nation.

State Historic Preservation Office – The State Historic Preservation Office or “SHPO” is the designated office in each state that is the partner to the federal historic preservation program. In New Mexico, the SHPO is the Historic Preservation Division housed in the State of New Mexico Department of Cultural Affairs.

State Procedures for the CLG Program – This CLG Program Manual was first called “State Procedures for the CLG Program” in its last iteration dated 1986. This is the official document that outlines the Certified Local Government program.

State Register of Cultural Properties – Authorized in 1969, the State Register or “SR” is the official list of historic properties worthy of designation in New Mexico. HPD administers the State Register and all listings are approved by the Cultural Properties Review Committee.

Structure – Anything constructed or erected, the use of which requires, directly or indirectly, a permanent location on or in the ground, including without limitation buildings, garages, fences, gazebos, signs, billboards, antennas, satellite sending or receiving dishes, swimming pools, walks, walls, steps, sidewalks, and works of art.

Sub-grant agreement - The written contractual agreement and any subsequently approved amendments between HPD and a CLG (sub-grantee) in which the terms and conditions governing the grant award are stated and agreed to by both parties, and that documents the obligations of the funds.

Survey - The systematic process for identifying and/or evaluating the historical significance of resources within a defined geographic area or thematic context. Information gathered in the course of a survey becomes a part of the historic resources inventory for that area. See also, Inventory.

Tax Credits, Federal Historic - A provision of federal Tax Reform Act of 1986 which, under certain conditions, allows money invested in rehabilitation of historic income-producing properties to be deducted from income taxes owed, providing the work is done in accordance with the Secretary of the Interior’s Standards and Guidelines for Rehabilitation. This program is administered by HPD and the National Park Service.

Tax Credits, State Historic - The State Income Tax Credit for the Preservation of Cultural Properties was established in 1984 and, under certain conditions, allows money invested in the rehabilitation of listed state register properties to be deducted from income taxes owed, providing the work is done in accordance with the Secretary of the Interior's Standards and Guidelines for Rehabilitation. This program is administered by HPD and Cultural Properties Review Committee.

Undertaking - A project, activity, or program funded in whole, or in part, under the direct or indirect jurisdiction of a federal agency including those carried out by or on behalf of the agency (carried out with federal financial assistance, or requiring a federal permit, license, or approval).

APPENDIX B: CLG CERTIFICATION FORMS

Samples of the following forms are available on the next pages:

- CLG Certification Checklist
- CLG Certification Agreement
- CLG Request for CLG Status

- 3. Providing for adequate public participation in the historic preservation program.
- 4. Reviewing National Register nominations through a qualified local commission.

B. Additional responsibilities.

- 1. Required of all CLGs
 - a. Maintain adequate financial management systems.
 - b. Adhere to all requirements of the Historic Preservation Fund Grants Manual.
 - c. Adhere to any requirements mandated by Congress regarding use of federal historic preservation funds.
 - d. Adhere to requirements outlined in the State of New Mexico Local Government Participation Procedures issued by the State Historic Preservation Office.
- 2. Requirements specific to this CLG (if any stipulated).

(6) The CLG contact person, including title/position, mailing address, and telephone number:

Contact person name
Title
Mailing Address
City, New Mexico
Telephone

(7) The Certification Agreement has been signed by SHPO and Chief Elected Local Official.

(8) Any other information relevant to this application:

LOCAL COMMUNITY NAME:

Name & Title:

Signature:

Date:

STATE REVIEWER:

Name & Title:

Signature:

Date:

On City/Town/Village/County Letterhead

REQUEST FOR CERTIFIED LOCAL GOVERNMENT STATUS

DATE:

TO: State Historic Preservation Officer
Historic Preservation Division
Bataan Memorial Building
407 Galisteo Street, Suite 236
Santa Fe, New Mexico 87501

FROM: _____
Chief elected official

(Village, Town, City, or County of)

In accordance with the National Historic Preservation Act of 1966, as amended, and the New Mexico Historic District and Landmark Act (3-22-1 NMSA, 1978) and the New Mexico Certified Local Government Regulation, 4.10.10 NMAC, I hereby request Certified Local Government status for _____...
(applicant government)

Enclosed are:

1. Name, address, and phone number of local CLG contact person.
2. A current copy of the local historic district or landmarks ordinance.
3. A listing of designated historic properties and districts protected by the historic district ordinance, including location maps and level of recognition (local, State, or National Register status).
4. A list of the members of the Historic Preservation/Design Review Commission and resumes indicating their qualifications (either experience in preservation field or demonstrated interest in historic preservation).
5. Resume of staff or consultants to the Historic Preservation Commission, and a discussion of the duties of staff or consultant.
6. A copy of the local preservation plan, if extant, or a concise statement describing the status of the applicant's survey, nomination, and design review process.

On City/Town/Village/County Letterhead

7. Certification Agreement, signed by chief elected official.

I understand that, if certified, (Village, Town, City or County of) will be eligible to apply annually for Certified Local Government matching grants for approved local historic preservation projects.

I also affirm that (Village, Town, City or County of) will support preservation efforts, and conduct the preservation program in compliance with all applicable rules and regulations.

Signed, Chief elected official

(Village, Town, City, or County of)

Date

Enclosures

Certification Agreement MODEL



Michelle Lujan Grisham,
Governor

STATE OF NEW MEXICO
**DEPARTMENT OF CULTURAL AFFAIRS
HISTORIC PRESERVATION DIVISION**

BATAAN MEMORIAL BUILDING
407 GALISTEO STREET, SUITE 236
SANTA FE, NEW MEXICO 87501
PHONE (505) 827-6320 FAX (505) 827-6338

LOCAL GOVERNMENT CERTIFICATION AGREEMENT

Pursuant to the provisions of the National Historic Preservation Act, as amended, to applicable federal regulations (36 CFR 61), and to 4.10.10 NMAC Certified Local Government Program, the City/Town/County of NAME HERE agrees to:

- (1) Enforce appropriate legislation for the designation and protection of historic properties [specify legislation or cross reference requirements from State procedures].
- (2) Maintain an adequate and qualified historic preservation review commission composed of professional and lay members [list or cross reference specific requirements from State procedures].
- (3) Maintain a system for the survey and inventory of historic properties [list or cross reference specific requirements from State procedures].
- (4) Provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register [list or cross reference specific requirements from State procedures].
- (5) Adhere to all Federal requirements for the Certified Local Government Program.
- (6) Adhere to requirements outlined in the State of New Mexico regulation titled 4.10.10 NMAC, issued by the State Historic Preservation Office.

Upon its designation as a Certified Local Government, the City/Town/County of NAME HERE shall be eligible for all rights and privileges of a Certified Local Government (CLG) specified in the Act, Federal procedures, and procedures of the State of New Mexico. These rights include eligibility to apply for available CLG grant funds in competition only with other certified local governments.

STATE:

LOCAL GOVERNMENT

SHPO or Designee

Chief Elected Local Official

Date

Date

APPENDIX C: Historic Preservation Professional Qualifications

Commission Members

At least two members on the Commission must meet the Secretary of the Interior's Professional Qualifications Standards (SOIPQS) in any preservation-related field, to the extent that these professionals are available in the community. If a local government cannot find a volunteer who meets those requirements, they must demonstrate to HPD that they attempted to fill that position with someone who meets the SOIPQS and how long they left the announcement open before moving on to a non-SOI qualified applicant/candidate.

Staff/Consultant

In order to carry out the duties delegated to it, the local government must employ or have regular access by contract or letter of agreement to the equivalent of one professional who works full-time as an expert in archaeology, history, architectural history, historic architecture, historic preservation, or a closely related field. HPD will consider proposals for alternative arrangements for local governments who submit evidence that they have not been able to obtain such expertise due to a lack of financial resources or available professionals. Such alternatives must insure that adequate expertise exists to allow the CLG to undertake its responsibilities.

It is recommended that consultants be approved by the Historic Preservation Division to ensure that personnel have the necessary skills to carry out the specific responsibilities of that CLG.

The U.S. Department of the Interior currently recognizes the following five areas of expertise with subsequent definitions of the qualifications necessary to meet the SOIPQS.

History

The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor's degree in history or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

Archaeology

The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field plus:

- At least one year of full-time professional experience or equivalent specialized training in archeological research, administration or management;
- At least four months of supervised field and analytic experience in general North American archeology, and
- Demonstrated ability to carry research to completion.
- In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period. A professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

Architectural History

The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

- At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
- Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

Architecture

The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.

Historic Architecture

The minimum professional qualifications in historic architecture are a professional degree in architecture or a State license to practice architecture, plus one of the following:

- At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or
- At least one year of full-time professional experience on historic preservation projects.
- Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.