

This rule was filed as 4 NMAC 10.4.

**TITLE 4            CULTURAL RESOURCES**  
**CHAPTER 10       CULTURAL PROPERTIES AND HISTORIC PRESERVATION**  
**PART 4            PRESERVATION AND MAINTENANCE OF REGISTERED CULTURAL PROPERTIES**

**4.10.4.1            ISSUING AGENCY:** Cultural Properties Review Committee. Contact State Historic Preservation Division, Office of Cultural Affairs.  
[11-15-97; Recompiled 10/31/01]

**4.10.4.2            SCOPE:** The historic preservation division, the state historic preservation officer, the cultural properties review committee, owners of property listed in the state register of cultural properties.  
[11-15-97; Recompiled 10/31/01]

**4.10.4.3            STATUTORY AUTHORITY:** This regulation is created pursuant to Section 5, Chapter 223, Laws of 1969, as amended, (18-6-5.F NMSA 1978). That section reads as follows: shall issue regulations pertaining to the preservation and maintenance of registered cultural properties in order to maintain the integrity of those properties.  
[3-26-87; Recompiled 10/31/01]

**4.10.4.4            DURATION:** Permanent.  
[11-15-97; Recompiled 10/31/01]

**4.10.4.5            EFFECTIVE DATE:** 3-26-87, unless a later date is cited at the end of a section. Reformatted to NMAC format effective 11-15-97.  
[11-15-97; Recompiled 10/31/01]

**4.10.4.6            OBJECTIVE:** The purpose of Part 4 of Chapter 10 [4.10.4 NMAC] is to provide guidance to the cultural properties review committee and owners of registered cultural properties on the protection, preservation and maintenance of those properties to assure proper cultural or historical integrity.  
[3-26-87; Recompiled 10/31/01]

**4.10.4.7            DEFINITIONS:** As used in this regulation:

- A. "Preservation" means the act or process of applying measures to sustain the existing form, integrity, and material of a building or structure, and the existing form and vegetative cover of a site. It may include protective maintenance or stabilization where necessary in the case of archaeological sites.
- B. "Maintenance" means the act or process of applying measures which are necessary to maintain the historic integrity and structural soundness of a structure, including but not limited to ordinary operating maintenance.
- C. "Integrity" means the quality or characteristics which made the property eligible for listing in the new mexico register of cultural properties.
- D. "Registered cultural property" means a cultural property which has been placed on the state register of cultural properties either individually or as a property listed as significant or contributing within a district.

[3-26-87; Recompiled 10/31/01]

**4.10.4.8            CONSULTATION WITH THE COMMITTEE**

- A. Before any change greater than **ordinary** maintenance is made to a registered cultural property, the owner who is interested in maintaining register status should submit a description of the proposed change to the cultural properties review committee. The submittal should include adequate photographs of existing conditions and drawings of the proposed changes, along with copies of all existing documentation. It is the function and the wish of this committee not merely to approve or disapprove any changes, but to offer guidance and suggest alternatives when appropriate.
- B. Accomplished changes should be thoroughly documented. Before and after photographs of the work, and drawings, if any were used, should be sent to the historic preservation division for review by the cultural properties review committee.

[3-26-87; Recompiled 10/31/01]

**4.10.4.9 GENERAL STANDARDS FOR PRESERVATION, PROTECTION, REHABILITATION OR RESTORATION FOR STRUCTURES**

- A. Weather-related deterioration shall be prevented and measures to preserve the existing material shall be applied.
- B. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical or pictorial evidence.
- C. Missing elements shall be replaced in the exact form in which they appeared at the period of time represented, provided photographic or documented information is available, using like materials and methods or a substitute authorized by the state historic preservation officer.
- D. Structural stability shall be maintained or re-established without essentially changing the existing form.
- E. The surface cleaning of structures shall be undertaken only when necessary, and then only with extreme caution. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken
- F. Every reasonable effort shall be made to provide a use for a property that requires minimal alteration of the building, structure, or site and its environment or, if this is not feasible, to use a property for its originally intended purpose.

[3-26-87; Recompiled 10/31/01]

**4.10.4.10 GENERAL STANDARDS FOR PRESERVATION, PROTECTION REHABILITATION OR RESTORATION FOR ARCHAEOLOGICAL SITES:**

- A. Historic and prehistoric archaeological sites will be avoided by keeping land disturbance or modification outside the site boundary as established in the state register nomination.
- B. Sites shall be reasonably protected from erosion and other natural phenomena.
- C. Sites shall be protected from looting and vandalism by such methods as posting signs, fencing and monitoring.

[3-26-87; Recompiled 10/31/01]

**4.10.4.11 GENERAL STANDARDS FOR MODIFICATION, ADAPTATION OR ALTERATION FOR STRUCTURES:**

- A. Prior to and during the undertaking of any alteration, the areas to be affected will be recorded in all phases by photography and written description.
- B. The distinguishing original qualities or character of a building, structure, or site and its environment will not be destroyed. The removal or alteration of any historic material or distinctive architectural feature will be avoided when possible. Any historic feature that is removed will be recorded and, if possible, stored for future study or reuse.
- C. All buildings, structures, and sites shall be recognized as products of their own time. Alterations which have no historical basis and which seek to create a false sense of the historical development of a structure are discouraged.
- D. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right. Such significance must be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site must be treated with sensitivity.
- F. Contemporary alterations or additions may be permissible if they do not destroy significant historical, architectural or cultural material. They shall be compatible in size, scale, color and material; or in rare cases may sympathetically contrast with the older work. It is desirable that contemporary additions and alterations express their own time and not copy the details nor style of the historic property.
- G. Whenever possible, alterations or additions will be accomplished so that if removed in the future, the integrity of the original structure is essentially unchanged.

H. Changes necessary to conform with local codes will be incorporated, if required by a building inspector. The Uniform Building Code, adopted by the state of New Mexico, provides for variances from code standards for historic structures. Such changes shall be made in a manner which alters the existing appearance of the structure as little as possible and otherwise conforms to standards of the cultural properties review committee. [3-26-87; Recompiled 10/31/01]

**4.10.4.12 GENERAL STANDARDS FOR MODIFICATION, ADAPTATION OR ALTERATION FOR ARCHAEOLOGICAL SITES:**

- A. Alteration of archaeological sites will be limited to areas of existing disturbance and to areas devoid of cultural manifestations, so as to have the least possible physical and visual effect.
- B. Mitigation of adverse effect on disturbed sites will require documentation, analysis and dissemination of results to standards established by the cultural properties review committee.
- C. When archaeological techniques are used in the stabilization of a prehistoric or historic site or to obtain information on such sites, these techniques and the treatment of recovered materials shall be in conformance with professional archaeological practices. [3-26-87; Recompiled 10/31/01]

**4.10.4.13 GENERAL STANDARDS FOR NEW CONSTRUCTION OR DEMOLITION FOR STRUCTURES:**

- A. Completely new construction for which neither documentation nor precedent exists must be expressive of its own time. Such building, whether it be a discreet expansion of a historic building or a separate but closely related structure, shall be harmonious with the existing building, but shall avoid literal reproduction of specific architectural details.
- B. The new building must be so located that the integrity and clarity of the historic site is not compromised. The functional demands of automobile and pedestrian circulation, the visibility required for control and protection of the site, the preservation of natural terrain and vegetation, must be solved in such a way that the values of the site are not diminished.
- C. Total reconstruction or relocation will not be attempted except when, in the view of the cultural properties review committee, such undesirable procedures are the only means of preserving some of the values of extremely rare sites. [3-26-87; Recompiled 10/31/01]

**4.10.4.14 GENERAL STANDARDS FOR NEW CONSTRUCTION OR DEMOLITION FOR ARCHAEOLOGICAL SITES**

- A. New construction affecting archaeological sites will be limited to areas of existing disturbance and to areas devoid of cultural manifestations, so as to have the least possible physical and visual effect.
- B. Mitigation of adverse effect on disturbed sites will require documentation, analysis and dissemination of results to standards established by the cultural properties review committee.
- C. When archaeological techniques are used in the stabilization of a prehistoric or historic site or to obtain information on such sites, recovered material will be handled in conformance with professional archaeological practices. [3-26-87; Recompiled 10/31/01]

**4.10.4.15 REMOVAL OF PROPERTIES FROM THE REGISTER:** Registered cultural properties shall be removed from the state register when in the opinion of the cultural properties review committee the properties have been altered to such an extent that their integrity has been lost and the values for which they were placed on the register no longer exist. [3-26-87; Recompiled 10/31/01]

**HISTORY OF 4.10.4 NMAC**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the state records center & archives under:

CPRC Rule 72-3 Regulations Pertaining to the Preservation and Maintenance of Registered Cultural Properties and Objects of Antiquity or General Scientific Interest, filed 11-6-72, amended 9-13-73;

this rule was superseded by CPRC Rule 77-1 Regulations Pertaining to the Preservation and Maintenance of Registered Cultural Properties and Objects of Antiquity or General Scientific Interest, filed 4-25-77;  
this rule was superseded by CPRC Rule 81-R3 Regulations Pertaining to the Preservation and Maintenance of Registered Cultural Properties in Order to Maintain the Integrity of those Properties, filed 11-20-81;  
this rule was superseded by CPRC Rule 87-3 Regulations Pertaining to the Preservation and Maintenance of Registered Cultural Properties in Order to Maintain the Integrity of those Properties, filed 3-26-87.

**History of Repealed Material:** [RESERVED]